

# State of Wisconsin



Reprinted to  
delete NOTES

1995 Senate Bill 639

Date of enactment: **April 4, 1996**  
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## 1995 WISCONSIN ACT 201

**AN ACT** to repeal 59.01 (title), 59.07 (52) (intro.), 59.07 (143) (intro.), 59.07 (151) (title), 59.34 (5), 59.395 (intro.) and (1), 59.456 (title), 59.53 (2), 59.57 (1) (a) 1. and 2., 59.57 (6a) (a) and (b), 59.69 (1) (title), 59.69 (2) (title) and 59.69 (3) (title); to renumber 59.07 (153) (title), 59.145 (2) (a), (b) and (d), 59.145 (2) (c), 59.15 (title), 59.23 (7), 59.23 (9), 59.23 (10), 59.39 (intro.), 59.39 (7) and (8), 59.39 (9m), 59.39 (10), 59.51 (intro.), 59.517, 59.517 (4) (a), 59.57 (intro.), 59.57 (1m), 59.69 (title), 59.87 (6) (title), 59.878, 59.90 (title) and 59.997 (title); to renumber and amend 59.01 (1), 59.025, 59.026, 59.03, 59.031, 59.033, 59.034, 59.035, 59.04, 59.05, 59.06, 59.065, 59.067, 59.07 (intro.), 59.07 (1), 59.07 (1m), 59.07 (2), 59.07 (3), 59.07 (3m), 59.07 (5), 59.07 (6), 59.07 (7), 59.07 (8), 59.07 (11), 59.07 (12), 59.07 (13), 59.07 (14), 59.07 (15), 59.07 (16), 59.07 (16m), 59.07 (17), 59.07 (18) (title) and (a) to (c), 59.07 (18) (d), 59.07 (18m), 59.07 (18r), 59.07 (19), 59.07 (19m), 59.07 (20), 59.07 (23), 59.07 (24), 59.07 (25), 59.07 (26), 59.07 (27), 59.07 (28), 59.07 (29), 59.07 (30), 59.07 (31), 59.07 (32), 59.07 (33), 59.07 (34) (title), 59.07 (34), 59.07 (34g), 59.07 (34m), 59.07 (35), 59.07 (37), 59.07 (38), 59.07 (39), 59.07 (41), 59.07 (42), 59.07 (42m), 59.07 (43), 59.07 (44), 59.07 (46), 59.07 (47), 59.07 (49), 59.07 (50), 59.07 (51), 59.07 (52) (title), 59.07 (52) (a) and (b), 59.07 (54), 59.07 (55), 59.07 (56), 59.07 (57), 59.07 (58), 59.07 (59), 59.07 (61), 59.07 (62), 59.07 (63), 59.07 (64), 59.07 (64e), 59.07 (64m), 59.07 (65) (intro.), (a) and (b), 59.07 (65) (c), 59.07 (67), 59.07 (68), 59.07 (69), 59.07 (71), 59.07 (73), 59.07 (74), 59.07 (75), 59.07 (76), 59.07 (77), 59.07 (80), 59.07 (84), 59.07 (86), 59.07 (87), 59.07 (89), 59.07 (90), 59.07 (91), 59.07 (92), 59.07 (93), 59.07 (94), 59.07 (95), 59.07 (96), 59.07 (96m), 59.07 (97), 59.07 (98), 59.07 (99), 59.07 (100), 59.07 (101), 59.07 (102), 59.07 (105), 59.07 (107), 59.07 (109), 59.07 (111), 59.07 (120), 59.07 (133), 59.07 (134), 59.07 (135), 59.07 (136), 59.07 (137), 59.07 (137m), 59.07 (139), 59.07 (140), 59.07 (141), 59.07 (143) (title), 59.07 (143) (a) and (b), 59.07 (144), 59.07 (145), 59.07 (146), 59.07 (147), 59.07 (149), 59.07 (150), 59.07 (151), 59.07 (152), 59.07 (154), 59.07 (155), 59.071, 59.073, 59.075, 59.08, 59.083, 59.09, 59.10, 59.11, 59.12, 59.125, 59.13, 59.14, 59.145 (title), (1) and (2) (intro.), 59.145 (3), 59.145 (4), 59.15 (1) and (2) (title) and (a), 59.15 (2) (c), 59.15 (2) (d) and (e), (3), (3a) and (4), 59.16, 59.17 (intro.) and (1) to (10), 59.17 (12) to (20) and (25), 59.175, 59.18, 59.19, 59.20 (intro.), (1) to (4), (4m), (5), (5m) and (6) to (8), 59.20 (8m), (8n), (8r) and (9) to (15), 59.201, 59.203, 59.21, 59.225, 59.23 (intro.) and (1) to (6), 59.23 (8), 59.23 (11), 59.24, 59.245, 59.25, 59.26, 59.27, 59.28, 59.29, 59.30, 59.31, 59.32, 59.34 (intro.), (1) to (4) and (6), 59.345, 59.346, 59.35, 59.351, 59.352, 59.353, 59.36, 59.365, 59.37, 59.375, 59.38, 59.39 (1) and (2), 59.39 (3) and (4), 59.39 (9), 59.395 (2) to (5), (5m) and (6) to (8), 59.396, 59.40, 59.42, 59.455 (title), 59.455, 59.456 (intro.), (1) to (3) and (5), 59.457, 59.458, 59.50, 59.51 (1), 59.51 (1m) to (10), 59.51 (11), 59.51 (12) to (13), 59.51 (14), (14m) and (14s), 59.51 (15), 59.51 (16), 59.51 (17) to (21), 59.512, 59.513, 59.514, 59.515, 59.516, 59.52, 59.53 (title) and (1) (a) and (b), 59.54, 59.55, 59.56, 59.57 (1) (a) 3. and (c), 59.57 (4) and (5), 59.57 (6), 59.57 (6a) (c), (7), (9), (10), (10m) and (12), 59.57 (12a) (a), 59.57 (12a) (b), 59.575, 59.58, 59.59, 59.60, 59.61, 59.62, 59.63, 59.635 (title), (1) to (5), (5m), (6) to (8), (10) and (11), 59.64, 59.65, 59.66, 59.67, 59.68, 59.685, 59.69 (1) (intro.), (a), (b) and (c), 59.69 (2), 59.69 (3), 59.70, 59.71, 59.715

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(intro.) and (1) to (10), 59.715 (12) and (14), 59.715 (15) to (19) and (21) to (23), 59.716 (intro.) and (1) to (3), 59.717 (intro.), (1), (2) and (4), 59.72, 59.73, 59.74, 59.75, 59.76, 59.77 (title), (1) to (4) and (6) to (8), 59.78, 59.79, 59.80, 59.81, 59.83, 59.84, 59.85, 59.861, 59.863 (title) and (1) (intro.), (a) to (i), (im) and (j) to (L), 59.863 (2) and (3), 59.864, 59.865, 59.866, 59.87 (title) and (1) to (5), 59.87 (6) (intro.) and (a) to (e), 59.87 (6) (em), 59.87 (6) (f), 59.87 (7) and (8), 59.871, 59.873, 59.874, 59.875, 59.876, 59.877, 59.879, 59.88, 59.89, 59.90 (1) (a), 59.90 (1) (b) and (1m) to (3), 59.903, 59.94, 59.965, 59.966, 59.967 (title), (1), (2) and (3) (intro.), 59.967 (3) (a), 59.967 (3) (b), 59.967 (4), 59.967 (5) (a) and (c), 59.967 (6) to (12), 59.968 (intro.) and (1) to (7), 59.968 (7m), (8) and (9), 59.969, 59.97, 59.971, 59.972, 59.974, 59.99, 59.997 (1) to (6), 59.997 (7) and 59.997 (8) to (11) and (13) to (17); **to consolidate, renumber and amend** 59.07 (153) (a) and (b); **to amend** 5.15 (1) (c), 5.15 (2) (d), 5.58 (2) (a), 5.60 (1) (intro.), 13.485 (1), 14.58 (21), 16.30 (2) (a), 16.967 (3) (e), 16.967 (5), 16.967 (7) (a) (intro.), 19.21 (5) (b), 19.21 (5) (c), 19.21 (5) (d) 1., 20.370 (3) (ma), 20.395 (1) (gq), 20.445 (3) (p), 20.505 (4) (ie), 20.505 (4) (im), 20.512 (1) (i), 20.585 (1) (km), 20.865 (1) (a), 20.865 (1) (g), 20.865 (1) (q), 20.910, 23.49, 23.85, 25.40 (1) (ig), 25.40 (1) (im), 27.03 (2), 27.05 (6), 27.06, 28.11 (3) (a), 29.9965 (1) (f), 29.9967 (1) (d), 29.997 (1) (d), 29.998 (1) (d), 30.12 (4) (a), 30.202 (3), 30.204 (5), 30.44 (8) (a), 30.44 (8) (c) (intro.), 30.44 (9) (a), 30.44 (9) (c) (intro.), 30.44 (9) (f), 30.44 (11) (intro.), 31.06 (4), 32.02 (1), 33.46 (1) (c), 33.46 (2) (c), 33.475, 36.11 (1) (d), 38.14 (12), 41.41 (8), 43.17 (4), 43.58 (4), 45.15, 45.21, 45.43 (1) (b), 45.43 (7) (b), 46.03 (7) (bm), 46.03 (22) (c), 46.03 (22) (e), 46.21 (1m) (a), 46.21 (1m) (am), 46.21 (7), 46.215 (1) (q), 46.22 (1) (b) 1. i., 46.22 (3m) (a), 46.23 (3) (b) 1. a., 46.23 (6m) (intro.), 46.25 (7), 46.255 (1), 46.255 (6), 46.28 (1) (e) 6., 46.56 (2), 46.973 (2m) (a) 7., 48.299 (6), 48.33 (4) (b), 48.355 (2) (b) 4., 49.71 (2), 49.96, 51.20 (18) (c), 51.42 (3) (ar) 1., 51.42 (3) (ar) 14., 51.42 (6m) (intro.), 51.437 (4m) (f), 51.437 (4m) (m), 51.437 (4r) (a) 3., 51.437 (10m) (intro.), 59.001 (2m) and (3), 59.02, 59.33, 60.10 (2) (h), 60.10 (3) (d), 60.23 (5), 60.23 (20), 60.23 (30), 60.23 (31), 60.305 (3) (b), 60.61 (2) (intro.), 60.61 (3) (intro.) and (a), 60.62 (2), 60.627 (2) (b), 60.65 (5), 61.351 (1) (a), 62.231 (1) (a), 63.01 (2), 63.02 (2), 63.03 (2) (y), 66.012 (7) (b), 66.014 (10), 66.019 (2) (b), 66.021 (7) (a), 66.023 (3) (e), 66.023 (4) (a) 4., 66.023 (4) (c), 66.024 (5m), 66.025, 66.032 (1) (g), 66.035, 66.038 (3) (a) 1., 66.058 (2) (c), 66.058 (3) (d), 66.12 (3) (c), 66.192 (1) (a), 66.192 (1) (b), 66.24 (8), 66.30 (1) (a), 66.305 (1), 66.31 (1), 66.31 (2), 66.433 (4), 66.46 (14), 66.508 (14), 66.521 (11) (a), 66.949 (3), 67.025, 69.03 (15), 69.07 (3), 69.15 (3) (b) 3., 70.11 (2), 70.11 (26), 70.32 (1g), 70.32 (2) (c) 4., 71.52 (6), 71.54 (2) (a) (intro.), 71.59 (1) (d) 2., 75.35 (2) (d), 75.69 (2), 77.02 (3), 77.16 (3), 77.91 (5), 80.39 (6), 80.64, 83.01 (1) (b), 83.01 (1) (c), 83.01 (3), 84.09 (3) (d), 84.09 (4), 84.09 (7), 84.31 (9), 85.06 (1) (b), 85.08 (2) (i), 85.08 (4m) (b) 1., 85.14 (2), 85.20 (3) (b) 4., 87.30 (2), 88.17 (2h) (a), 91.51, 91.59 (2), 91.73 (1), 91.73 (3), 91.73 (4), 91.75 (2) (c), 91.75 (9) (a) 2., 92.06 (1) (b) 1., 92.07 (5), 92.07 (15), 95.50 (1), 95.50 (3), 95.50 (4), 101.123 (1) (bg), 102.85 (4) (d), 106.21 (1) (g), 106.215 (1) (fm), 110.07 (2m), 110.07 (4), 114.135 (intro.), 115.86 (5) (c), 115.86 (9) (c), 116.03 (13m), 118.162 (1) (intro.), 120.12 (19), 132.04 (3), 133.03 (4), 134.17 (4), 144.25 (4) (g) 5., 144.25 (8m), 144.26 (2) (e), 144.26 (2) (f), 144.26 (2m) (intro.), 144.26 (8), 144.266 (3) (a) 3., 144.44 (7) (f) 3., 144.445 (3) (d), 144.46, 144.9407 (3) (a), 144.992 (4), 145.20 (3) (c), 159.01 (9), 159.09 (1) (d), 161.41 (5) (b), 162.07 (1) (intro.), 162.07 (2), 162.07 (3), 162.07 (4), 162.07 (5), 165.25 (8m), 165.85 (2) (bg), 165.87 (2) (b), 165.90 (1), 165.92 (2) (a), 165.92 (4), 166.03 (4) (b), 166.03 (4) (c), 166.04, 166.20 (1) (b), 166.20 (2) (f), 167.31 (5) (d), 175.20 (1), 181.67 (1) (c), 185.42 (2), 185.42 (5), 185.82 (1) (c), 194.05 (1), 228.01, 234.49 (1) (i), 234.49 (2) (a) 4., 236.02 (3), 251.06 (4) (b), 252.073 (3), 301.37 (1), 302.30, 302.36 (1), 302.45 (3), 302.46 (1) (b), 302.46 (1) (c), 343.10 (6), 346.655 (2) (a), 349.02 (2) (b) 4., 350.115 (1) (d), 448.03 (3) (f) 1., 448.03 (3) (g) 1., 560.60 (6), 601.41 (1), 612.81, 632.895 (10) (a), 632.897 (10) (am) 2., 703.365 (2) (d), 706.05 (1), 706.057 (7), 753.016 (2), 753.30 (1), 753.34 (7), 756.24, 758.19 (5) (a) 1., 766.56 (2) (a), 766.58 (11), 766.59 (2) (c), 766.59 (4), 767.045 (1) (c) (intro.), 767.075 (2) (a), 767.075 (2) (b), 767.08 (3), 767.085 (1) (g), 767.085 (5), 767.15 (1), 767.25 (4m) (d) 2., 767.262 (4) (b), 767.27 (2m), 767.27 (3) (b), 767.293 (1), 767.32 (1) (a), 767.45 (6) (a), 767.45 (6) (b), 767.45 (6) (c), 767.51 (3m) (d) 2., 767.52 (3), 767.53 (2), 779.97 (4) (c) 2., 786.36, 809.105 (3) (b), 809.11 (2), 812.30 (9), 814.29 (1) (d) 1., 814.61 (12) (b) (intro.), 814.634 (2), 814.635 (2), 851.73 (1) (d), 889.04, 893.73 (1) (a), 893.82 (2) (d) 2., 895.46 (1) (e), 895.483 (3), 946.87 (3), 973.045 (2), 973.046 (2), 973.055 (2) (a), 978.05 (6) (a), 978.06 (6) and 979.11; and **to create** subchapter I (title) of chapter 59 [precedes 59.001], 59.001 (2r) and (3m), subchapter II (title) of chapter 59 [precedes 59.01], 59.03 (title), subchapter III (title) of chapter 59 [precedes 59.10], subchapter IV (title) of chapter 59 [precedes 59.17], 59.20 (title), 59.23 (title), 59.25 (title), 59.29 (title), 59.32 (title), 59.34 (title), 59.38 (title), 59.38 (title), 59.40 (title), 59.42 (title), 59.43 (title), 59.43 (12) (title), 59.45 (title), subchapter V (title) of chapter 59 [precedes 59.51], 59.51 (title), 59.52 (title), 59.52 (4) (title), 59.52 (6) (intro.), 59.52 (11) (intro.), 59.52 (12) (intro.), 59.52 (16) (intro.), 59.53 (title), 59.53 (11) (intro.), 59.535 (title), 59.54 (title), 59.55 (title), 59.56 (title), 59.56 (10) (intro.), 59.56 (12) (intro.), 59.57 (title), 59.58 (title), 59.58 (1) (intro.), subchapter VI (title) of chapter 59 [precedes 59.60], 59.61 (title), 59.64 (title), 59.66 (title), subchapter VII (title) of chapter 59 [precedes 59.69], 59.73 (title), 59.74 (title), subchapter VIII (title) of chapter 59 [precedes 59.79] and 59.79 (intro.) of the statutes; **relating to:** the renumbering, reorganization and nonsubstantive correction of chapter 59 of the statutes.

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

**SECTION 1.** 5.15 (1) (c) of the statutes is amended to read:

5.15 (1) (c) The wards established by municipal governing bodies under this section on the basis of the published results of each federal decennial census of population shall govern the adjustment of supervisory districts under s. ~~59.03~~ 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under article IV, section 3, of the constitution on the basis of the most recent decennial census of population.

**SECTION 2.** 5.15 (2) (d) of the statutes is amended to read:

5.15 (2) (d) Every municipality shall make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located under s. ~~59.03~~ 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards in such a manner that will permit the creation of county supervisory districts in accordance with the population requirements for the plan specified in s. ~~59.03~~ 59.10 (2) (a) or (3) (b) 1.

**SECTION 3.** 5.58 (2) (a) of the statutes is amended to read:

5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under s. ~~59.031~~ 59.17 and county supervisor. In counties having a population of 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names of candidates for state superintendent, justice, court of appeals judge and circuit court judge shall be determined by the board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county executive and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled "Official Ballot for State Superintendent of Public Instruction, Judicial, County Executive and County Supervisor Primary".

**SECTION 4.** 5.60 (1) (intro.) of the statutes is amended to read:

5.60 (1) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY SUPERVISORS. (intro.) There shall be one separate ballot for state superintendent, judicial officers, county executive and county supervisor. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58 (2) and ~~59.03~~ 59.10 (3). Arrangement of the names of candidates for county executive and

county supervisor shall be determined by the county clerk or the executive director of the county board of election commissioners in the manner prescribed in par. (b).

**SECTION 5.** 13.485 (1) of the statutes is amended to read:

13.485 (1) The parking facility that is enumerated for construction in the 1985-87 authorized state building program and that is located in Milwaukee county on Lake Michigan may be the subject of an agreement under sub. (4) and s. ~~59.07 (143)~~ 59.79 (7) and may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

**SECTION 6.** 14.58 (21) of the statutes is amended to read:

14.58 (21) CREDIT CARD USE CHARGES. From moneys received under ss. ~~59.20 (8) and (8m)~~ 59.25 (3) (j) and (k) and 85.14 (1) (b), pay the charges under ss. 23.49 and 85.14 (1) (b) and (2) from the appropriation under s. 20.585 (1) (km).

**SECTION 7.** 16.30 (2) (a) of the statutes is amended to read:

16.30 (2) (a) A housing authority organized under s. ~~59.075~~ 59.53 (22), 61.73, 66.395 or 66.40 or ch. 234.

**SECTION 8.** 16.967 (3) (e) of the statutes is amended to read:

16.967 (3) (e) Review for approval a countywide plan for land records modernization prepared under s. ~~59.88~~ 59.72 (3) (b).

**SECTION 9.** 16.967 (5) of the statutes is amended to read:

16.967 (5) FEES. All fees received under s. ~~59.88~~ 59.72 (5) (a) shall be credited to the appropriation under s. 20.505 (4) (im).

**SECTION 10.** 16.967 (7) (a) (intro.) of the statutes is amended to read:

16.967 (7) (a) (intro.) A county board that has established a county land information office under s. ~~59.88~~ 59.72 (3) may apply to the board on behalf of any local governmental unit, as defined in s. ~~59.88~~ 59.72 (1) (c), located wholly or partially within the county for a grant for any of the following projects:

**SECTION 11.** 19.21 (5) (b) of the statutes is amended to read:

19.21 (5) (b) Any county having a population of less than 500,000 may provide by ordinance for the destruction of obsolete public records, subject to ss. ~~59.716 and 59.717~~ s. 59.52 (4) (b) and (c), except for court records governed by SCR chapter 72.

**SECTION 12.** 19.21 (5) (c) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

19.21 (5) (c) The period of time any public record shall be kept before destruction shall be determined by ordinance except that in all counties the specific period of time expressed within s. 7.23 or ~~59.715~~ 59.52 (4) (a) or any other law requiring a specific retention period shall apply. The period of time prescribed in the ordi-

nance for the destruction of all records not governed by s. 7.23 or ~~59.715~~ 59.52 (4) (a) or any other law prescribing a specific retention period may not be less than 7 years, unless a shorter period is fixed by the public records board under s. 16.61 (3) (e).

**SECTION 13.** 19.21 (5) (d) 1. of the statutes is amended to read:

19.21 (5) (d) 1. Except as provided in subd. 2., prior to any destruction of records under this subsection, except those specified within s. ~~59.715~~ 59.52 (4) (a), at least 60 days' notice of such destruction shall be given in writing, to the historical society, which may preserve any records it determines to be of historical interest. Notice is not required for any records for which destruction has previously been approved by the historical society or in which the society has indicated that it has no interest for historical purposes. Records which have a confidential character while in the possession of the original custodian shall retain such confidential character after transfer to the historical society unless the director of the historical society, with the concurrence of the original custodian, determines that such records shall be made accessible to the public under such proper and reasonable rules as the historical society promulgates.

**SECTION 14.** 20.370 (3) (ma) of the statutes is amended to read:

20.370 (3) (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for regulatory and enforcement operations under chs. 30, 31, 144, 147, 159 and 162 and ss. 44.47, ~~59.971, 59.974~~ 59.692, 59.693, 61.351, 61.354, 62.231, 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred for actions taken under s. 166.04; for review of environmental impact requirements under ss. 1.11 and 23.40; and for enforcement of the treaty-based, off-reservation rights to fish, hunt and gather held by members of federally recognized American Indian tribes or bands.

**SECTION 15.** 20.395 (1) (gq) of the statutes is amended to read:

20.395 (1) (gq) *Expressway policing aids, state funds.* The amounts in the schedule to reimburse any county policing expressways under s. ~~59.965~~ 59.83 (10) (b).

**SECTION 16.** 20.445 (3) (p) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under subch. III of ch. 49, the costs of the child and spousal support and establishment of paternity program under s. 46.25 and the cost of child care and related transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. 46.25 (7) and ~~59.07 (97)~~ 59.53 (5) shall be in ac-

cordance with the formula established by the department of health and family services under s. 46.25 (7).

**SECTION 17.** 20.505 (4) (ie) of the statutes is amended to read:

20.505 (4) (ie) *Land information board; general program operations.* From the moneys received by the land information board under s. ~~59.88~~ 59.72 (5) (a), the amounts in the schedule for general program operations of the board under s. 16.967.

**SECTION 18.** 20.505 (4) (im) of the statutes is amended to read:

20.505 (4) (im) *Land information board; aids to counties.* From the moneys received by the land information board under s. ~~59.88~~ 59.72 (5) (a), all moneys not appropriated under par. (ie) for the purpose of providing aids to counties for land information projects under s. 16.967 (7).

**SECTION 19.** 20.512 (1) (i) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the schedule for the purpose of funding personnel testing services to nonstate governmental units under s. 230.05 (8), including services provided under ss. 49.33 (5) and ~~59.24~~ 59.26 (8) (a). All moneys received from the sale of these services shall be credited to this appropriation.

**SECTION 20.** 20.585 (1) (km) of the statutes is amended to read:

20.585 (1) (km) *Credit card use charges.* All moneys received under ss. ~~59.20 (8) and (8m)~~ 59.25 (3) (j) and (k) and 85.14 (1) (b), to pay charges under ss. 23.49 and 85.14 (1) (b) and (2).

**SECTION 21.** 20.865 (1) (a) of the statutes is amended to read:

20.865 (1) (a) *Judgments and legal expenses.* A sum sufficient to pay for legal expenses under ss. ~~59.34~~ 59.32 (3) and 776.43, for costs under ss. 227.485 and 814.245 and for the costs of judgments, orders and settlements of actions, appeals and complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements under ss. 21.13, 165.25 (6), 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par. (fm). Release of moneys under this paragraph pursuant to any settlement agreement, whether or not incorporated into an order, is subject to approval of the attorney general.

**SECTION 22.** 20.865 (1) (g) of the statutes is amended to read:

20.865 (1) (g) *Judgments and legal expenses; program revenues.* From the appropriate program revenue and program revenue-service accounts, a sum sufficient to pay for legal expenses under ss. ~~59.34~~ 59.32 (3) and 776.43, for costs under ss. 227.485 and 814.245 and for the cost of judgments, orders and settlements of actions, appeals and complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards,

orders and settlements under ss. 21.13, 165.25 (6), 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par. (fm). Release of moneys under this paragraph pursuant to any settlement agreement, whether or not incorporated into an order, is subject to approval of the attorney general.

**SECTION 23.** 20.865 (1) (q) of the statutes is amended to read:

20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the appropriate segregated funds, a sum sufficient to pay for legal expenses under ss. ~~59.31~~ 59.32 (3) and 776.43, for costs under ss. 227.485 and 814.245 and for the cost of judgments, orders and settlements of actions, appeals and complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements under ss. 21.13, 165.25 (6), 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par. (fm). Release of moneys under this paragraph pursuant to any settlement agreement, whether or not incorporated into an order, is subject to approval of the attorney general.

**SECTION 24.** 20.910 of the statutes is amended to read:

**20.910 State percentage; notice of default.** If the department of administration does not receive from the clerk of the circuit court the statement relative to the state percentage of fees and other payments required by s. ~~59.395 (5)~~ 59.40 (2) (m) together with a receipt for the sum required by law to be paid on the actions so entered during the preceding month, on or before the first day of the next succeeding month, it shall immediately notify the judge of the circuit court of the county of the failure to transmit the statement or receipt or both; and the judge shall thereupon notify the clerk to show cause why he or she should not be removed from office in the manner provided by law.

**SECTION 25.** 23.49 of the statutes is amended to read:

**23.49 Credit card use charges.** The department shall certify to the state treasurer the amount of charges associated with the use of credit cards that is assessed to the department on deposits accepted under s. 23.66 (1m) by conservation wardens, and the state treasurer shall pay the charges from moneys received under s. ~~59.20 (8)~~ and ~~(8m)~~ 59.25 (3) (j) and (k) that are reserved for payment of the charges under s. 14.58 (21).

**SECTION 26.** 23.85 of the statutes is amended to read:

**23.85 Statement to county board; payment to state.** Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, jail assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments money received during the previous year. The

county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, penalty assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, penalty assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments to the county treasurer, who shall pay the proceeds to the state treasurer as provided in s. ~~59.20~~ 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.46.

**SECTION 27.** 25.40 (1) (ig) of the statutes is amended to read:

25.40 (1) (ig) All moneys forwarded by county treasurers from forfeitures, fines and penalties under ch. 348 and from forfeitures for the violation of traffic regulations in conformity with ch. 348, as provided in s. ~~59.20 (8m)~~ and ~~(8n)~~ 59.25 (3) (k) and (L).

**SECTION 28.** 25.40 (1) (im) of the statutes is amended to read:

25.40 (1) (im) All moneys forwarded by county treasurers from fees under s. 343.10 (6), as provided in ss. ~~59.20 (8r)~~ 59.25 (3) (m) and 343.10 (6), and all moneys forwarded by municipal treasurers from fees under s. 343.10 (6), as provided in s. 343.10 (6), and all moneys forwarded by the department from fees under s. 343.10 (6).

**SECTION 29.** 27.03 (2) of the statutes is amended to read:

27.03 (2) In any county with a county executive or a county administrator, the county executive or county administrator shall appoint and supervise a general manager of the park system. The appointment shall be subject to confirmation by the county board unless the county board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. In any county with a population of 500,000 or more, the general manager of the park system shall be in the unclassified civil service and is subject to confirmation by the county board unless the county board, by ordinance, elects to waive confirmation.

**SECTION 30.** 27.05 (6) of the statutes is amended to read:

27.05 (6) Let, lease or grant the use of such part or portion of the park lands now owned or hereafter acquired as to it shall seem reasonably necessary, convenient or proper to agricultural and other societies of similar nature for agricultural and industrial fairs and

exhibitions and such other purposes as tend to promote the public welfare. All fences and buildings constructed and other improvements made on such lands by societies using the same shall be constructed and made according to plans submitted to, and approved by the county park commission or county park manager, and shall be the property of the county. The county board may appropriate money for and construct buildings and make improvements on any such lands so used in the same manner and to the same extent as provided by s. ~~59.69 (1)~~ 59.56 (14) (a) to (c).

**SECTION 31.** 27.06 of the statutes is amended to read:

**27.06 Mill-tax appropriation.** The county board may annually, at the same time that other county taxes are levied, levy a tax upon the taxable property of such county for the purchase of land and the payment of expenses incurred in carrying on the work of the park commission. In every county having a population of 500,000 or more, the county park commission shall be subject to s. ~~59.84~~ 59.60.

**SECTION 32.** 28.11 (3) (a) of the statutes is amended to read:

28.11 (3) (a) Enact an ordinance designating a committee to have charge of the county forests and specifying the powers, duties, procedures and functions of such committee. The members of such committee shall be appointed pursuant to s. ~~59.06~~ 59.13 and may include well-qualified residents of the county who are not members of the county board.

**SECTION 33.** 29.9965 (1) (f) of the statutes is amended to read:

29.9965 (1) (f) The clerk of the court shall collect and transmit to the county treasurer the wild animal protection assessment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 34.** 29.9967 (1) (d) of the statutes is amended to read:

29.9967 (1) (d) The clerk of the court shall collect and transmit to the county treasurer the fishing shelter removal assessment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 35.** 29.997 (1) (d) of the statutes is amended to read:

29.997 (1) (d) The clerk of the court shall collect and transmit to the county treasurer the natural resources assessment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural resources assessment in the conservation fund.

**SECTION 36.** 29.998 (1) (d) of the statutes is amended to read:

29.998 (1) (d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution payment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural resources restitution payment in the conservation fund.

**SECTION 37.** 30.12 (4) (a) of the statutes is amended to read:

30.12 (4) (a) Activities affecting waters of the state as defined in s. 144.01 that are carried out under the direction and supervision of the department of transportation in connection with highway and bridge design, location, construction, reconstruction, maintenance and repair are not subject to the prohibitions or permit or approval requirements specified under this section or s. 29.29, 30.11, 30.123, 30.195, 30.20, ~~59.971~~ 59.692, 61.351, 62.231, 87.30 or ch. 144 or 147. However, at the earliest practical time prior to the commencement of these activities, the department of transportation shall notify the department of the location, nature and extent of the proposed work that may affect the waters of the state.

**SECTION 38.** 30.202 (3) of the statutes is amended to read:

30.202 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities authorized under sub. (2) are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under ss. 29.29, 30.01 to 30.20, 30.21 to 30.99, ~~59.971~~ 59.692 or 87.30 or ch. 144 or 147 or specified in any rule promulgated, order issued or ordinance adopted under those sections or chapters.

**SECTION 39.** 30.204 (5) of the statutes is amended to read:

30.204 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the department in conducting the lake acidification experiment are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under ss. 29.29 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to 30.99, ~~59.971~~ 59.692, 87.30, 144.01 to 144.27, 144.43 to 144.79, 144.96 to 144.99 or 159.81 or ch. 147 or specified in any rule promulgated, order issued or ordinance adopted under any of those sections or that chapter.

**SECTION 40.** 30.44 (8) (a) of the statutes is amended to read:

30.44 (8) (a) Except as provided under sub. (1) (f), a person shall apply for and be issued by the board a permit for an activity in subs. (1), (2) and (5) for land in the riverway that is not zoned shorelands under s. ~~59.971~~ 59.692.

**SECTION 41.** 30.44 (8) (c) (intro.) of the statutes is amended to read:

30.44 (8) (c) (intro.) The board may grant a waiver of a performance standard for an activity in sub. (1) (b) and issue a permit under par. (a) or may grant a waiver authorizing an activity prohibited under s. 30.45 (3) or (3m) for land in the riverway that is not zoned shorelands under s. ~~59.971~~ 59.692 if one of the following applies:

**SECTION 42.** 30.44 (9) (a) of the statutes is amended to read:

30.44 (9) (a) A person shall apply for and be issued by the county in which the land is located a permit for an activity in subs. (1), (2) and (5) for land in the riverway that is in the county and that is zoned shorelands under s. ~~59.971~~ 59.692.

**SECTION 43.** 30.44 (9) (c) (intro.) of the statutes is amended to read:

30.44 (9) (c) (intro.) The county may grant a waiver of a performance standard for an activity in sub. (1) (b) and issue a permit for the activity under par. (a) or may grant a waiver authorizing an activity prohibited under s. 30.45 (3) or (3m) for land in the riverway that is in the county and that is zoned shorelands under s. ~~59.971~~ 59.692 if one of the following applies:

**SECTION 44.** 30.44 (9) (f) of the statutes is amended to read:

30.44 (9) (f) Notwithstanding s. ~~59.971~~ 59.692 (4) (b), the procedures for appeals under s. ~~59.99~~ 59.694 apply to denials of permits under this subsection. If the county does not have a county board of adjustment established under s. ~~59.99~~ 59.694, the procedure established by the county that is in lieu of the procedure for appeals in s. ~~59.99~~ 59.694 shall apply.

**SECTION 45.** 30.44 (11) (intro.) of the statutes is amended to read:

30.44 (11) BOARD REVIEW. (intro.) Notwithstanding s. ~~59.971~~ 59.692 (4) (b), if a county grants a waiver and issues a permit under sub. (9) (c), the following procedure shall apply in lieu of the procedures for appeals specified in sub. (9) (f):

**SECTION 46.** 31.06 (4) of the statutes is amended to read:

31.06 (4) Not more than 20 days after receiving notice as provided in sub. (1) each county clerk may and upon request of the chairperson of the county board shall give written notice as provided in s. ~~59.04~~ 59.11 (2) of a special meeting of the county board to be held at a time and place set by the county clerk, not less than 2 weeks nor more than 3 weeks after mailing of such notice, for the purpose of making findings as hereinafter provided. The county clerk shall give notice of the time, place and purpose of such special meeting to the department and to the applicant, who shall cause the same to be published in the county, as a class 2 notice, under ch. 985, and the applicant shall cause a copy thereof to be mailed at least 7 days prior to such special meeting to every person inter-

ested in any lands that will be affected by the proposed dam and whose post-office address can by due diligence be ascertained. Proof of such publication and notice shall be filed with the county clerk. At such special meeting the county board shall hear evidence offered by the applicant and other persons and shall find and determine by a majority vote of the county board members-elect whether the lake and lake shore created by the flowage or the river in its natural state offers greater recreational facilities and scenic beauty value for the larger number of people. The county clerk shall forthwith certify such finding and determination to the department. The jurisdiction and findings of each county board shall apply to that part of the proposed dam and flowage which is within the county.

**SECTION 47.** 32.02 (1) of the statutes is amended to read:

32.02 (1) Any county, town, village, city, including villages and cities incorporated under general or special acts, school district, the department of health and family services, the department of corrections, the board of regents of the university of Wisconsin system, the building commission, a commission created by contract under s. 66.30, with the approval of the municipality in which condemnation is proposed, or any public board or commission, for any lawful purpose, but in the case of city and village boards or commissions approval of that action is required to be granted by the governing body. A mosquito control commission, created under s. ~~59.861~~ 59.70 (12), may not acquire property by condemnation.

**SECTION 48.** 33.46 (1) (c) of the statutes is amended to read:

33.46 (1) (c) After the public hearing, the board of commissioners shall submit the proposed budget to the county for incorporation in the county's budget to be subject to any review procedures that apply to the county budget under ss. ~~59.84~~ 59.60 and 65.90.

**SECTION 49.** 33.46 (2) (c) of the statutes is amended to read:

33.46 (2) (c) Fees that the county is empowered to charge under ss. 30.77 (3) (e), 33.475 and ~~59.07 (42)~~ 59.54 (2).

**SECTION 50.** 33.475 of the statutes is amended to read:

**33.475 Boating fees.** Notwithstanding the prohibition in s. 30.77 (1) against ordinances and local regulations that exclude any boat from the free use of the waters of the state, and in addition to the powers granted the county under ss. 30.77 (3) (e) and ~~59.07 (42)~~ 59.54 (2), the county may charge boat operators reasonable fees for the costs of providing other recreational boating services not specified in ss. 30.77 (3) (e) and ~~59.07 (42)~~ 59.54 (2).

**SECTION 51.** 36.11 (1) (d) of the statutes is amended to read:

36.11 (1) (d) All fines imposed and collected under this subsection shall be transmitted to the county trea-



or its designee under s. ~~59.07 (97)~~ 59.53 (5) pursuant to the program responsibilities under s. 46.25 or by any other person with a direct and tangible interest in the record.

**SECTION 61.** 46.03 (22) (c) of the statutes is amended to read:

46.03 (22) (c) The department shall designate a subunit to keep records and supply information on community living arrangements under ss. ~~59.97~~ 59.69 (15) (f), 60.63 (7) and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all complaints regarding community living arrangements and for coordinating all necessary investigatory and disciplinary actions under the laws of this state and under the rules of the department relating to the licensing of community living arrangements.

**SECTION 62.** 46.03 (22) (e) of the statutes is amended to read:

46.03 (22) (e) If a community living arrangement is required to obtain special zoning permission, as defined in s. ~~59.97~~ 59.69 (15) (g), the department shall, at the request of the unit of government responsible for granting the special zoning permission, inspect the proposed facility and review the program proposed for the facility. After such inspection and review, the department shall transmit to the unit of government responsible for granting the special zoning permission a statement that the proposed facility and its proposed program have been examined and are either approved or disapproved by the department.

**SECTION 63.** 46.21 (1m) (a) of the statutes is amended to read:

46.21 (1m) (a) The county executive shall appoint under ss. 63.01 to 63.17 a director of the county department of human services. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of human services, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. The director shall file an official oath and bond in the amount determined by the county board of supervisors. The county board of supervisors may create a position of deputy director of the county department of human services. The director shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board of supervisors under s. ~~59.031~~ 59.17 (2) (bm).

**SECTION 64.** 46.21 (1m) (am) of the statutes is amended to read:

46.21 (1m) (am) The county executive shall appoint under ss. 63.01 to 63.17 an administrator of the county hospital. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of delivery of medical care and treatment, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the

duties of the office. The administrator shall file an official oath and bond in the amount determined by the county board of supervisors. The county board of supervisors may create positions to assist the administrator. The administrator shall be appointed by the county executive in the unclassified civil service and the appointment is subject to confirmation by the county board of supervisors under s. ~~59.031~~ 59.17 (2) (bm).

**SECTION 65.** 46.21 (7) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.21 (7) **APPLICABILITY.** Except as provided in s. ~~59.07 (153)~~ 59.79 (10), this section does not apply, with respect to the county hospital under s. 49.71 (2), if the county board of supervisors acts under s. ~~59.07 (153)~~ 59.79 (10).

**SECTION 66.** 46.215 (1) (q) of the statutes is amended to read:

46.215 (1) (q) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), to participate in and administer an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), including entering into any written interagency agreements or contracts.

**SECTION 67.** 46.22 (1) (b) 1. i. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.22 (1) (b) 1. i. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), to participate in and administer an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), including entering into any written interagency agreements or contracts.

**SECTION 68.** 46.22 (3m) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

46.22 (3m) (a) In any county with a county executive or a county administrator which has established a single-county department of social services, the county executive or county administrator, subject to s. 49.33 (4) to (7) and the rules promulgated thereunder, shall appoint and supervise the county social services director. The appointment is subject to the confirmation of the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63.

**SECTION 69.** 46.23 (3) (b) 1. a. of the statutes is amended to read:

46.23 (3) (b) 1. a. A county unit created by the county board of supervisors exercising its authority under s. ~~59.025~~ 59.03 (1).

**SECTION 70.** 46.23 (6m) (intro.) of the statutes is amended to read:

46.23 (6m) **COUNTY HUMAN SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY**

ADMINISTRATOR. (intro.) In any county with a county executive or county administrator in which the county board of supervisors has established a single-county department of human services, the county executive or county administrator shall appoint a county human services director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the director. The appointment is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07(20)~~ 59.52(8) or ch. 63. The county human services director, subject only to the supervision of the county executive or county administrator, shall:

**SECTION 71.** 46.25 (7) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

46.25 (7) The department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. ~~59.458(1)~~ 59.53(6)(a) pursuant to a contract entered into under s. ~~59.07(97)~~ 59.53(5). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. ~~59.07(97)~~ 59.53(5), the department may implement them and may contract with any appropriate person to obtain necessary services. The department of industry, labor and job development may transfer funds appropriated under s. 20.445 (3) (p) to the department of health and family services for the purpose of disbursing the transferred funds, under a formula established by the department of health and social services, to carry out a contract under this subsection.

**SECTION 72.** 46.255 (1) of the statutes is amended to read:

46.255 (1) If a person obligated to provide child support or maintenance is delinquent in making court-ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, the clerk of circuit court, upon application of the county designee under s. ~~59.07(97)~~ 59.53(5) or the department, shall certify the delinquent payment or outstanding amount to the department.

**SECTION 73.** 46.255 (6) of the statutes is amended to read:

46.255 (6) If the state implements the child and spousal support and paternity program under s. ~~59.07(97)~~ 59.53(5), the state may act in place of the county designee under this section.

**SECTION 74.** 46.28 (1) (e) 6. of the statutes is amended to read:

46.28 (1) (e) 6. Any housing authority created under s. ~~59.075~~ 59.53(22), 66.395, 66.40 or 66.4325.

**SECTION 75.** 46.56 (2) of the statutes is amended to read:

46.56 (2) ESTABLISHMENT OF PROGRAMS. If a county board of supervisors establishes a program under s. ~~59.07(147)~~ 59.53(7), it shall appoint a coordinating committee and designate an administering agency. The program may be funded by the county or the county board of supervisors may apply for funding by the state in accordance with sub. (15).

**SECTION 76.** 46.973 (2m) (a) 7. of the statutes is amended to read:

46.973 (2m) (a) 7. The amount of funds retained by counties under s. ~~59.20(8)~~ 59.25(3)(j).

**SECTION 77.** 48.299 (6) of the statutes is amended to read:

48.299 (6) If a man who has been given notice under s. 48.27 (3) (b) 1. appears at any hearing for which he received the notice, alleges that he is the father of the child and states that he wishes to establish the paternity of the child, the court shall refer the matter to the state or to the attorney responsible for support enforcement under s. ~~59.458(1)~~ 59.53(6)(a) for a determination, under s. 767.45, of whether an action should be brought for the purpose of determining the paternity of the child. The court may stay the proceedings under this chapter pending the outcome of the paternity proceedings under ss. 767.45 to 767.60 if the court determines that the paternity proceedings will not unduly delay the proceedings under this chapter and the determination of paternity is necessary to the court's disposition of the child if the child is found to be in need of protection or services. As part of the proceedings under this chapter, the court may order that a record be made of any testimony of the child's mother relating to the child's paternity. A record made under this subsection is admissible in a proceeding to determine the child's paternity under ss. 767.45 to 767.60.

**SECTION 78.** 48.33 (4) (b) of the statutes is amended to read:

48.33 (4) (b) A recommendation for an amount of child support to be paid by either or both of the child's parents or for referral to the county designee under s. ~~59.07(97)~~ 59.53(5) for the establishment of child support.

**SECTION 79.** 48.355 (2) (b) 4. of the statutes is amended to read:

48.355 (2) (b) 4. If the child is placed outside the child's home, a designation of the amount of support, if any, to be paid by the child's parent, guardian or trustee,

specifying that the support obligation begins on the date of the placement, or a referral to the county designee under s. ~~59.07 (97)~~ 59.53 (5) for establishment of child support.

**SECTION 80.** 49.71 (2) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

49.71 (2) In counties with a population of 500,000 or more, an institution established under sub. (1) shall be governed under s. 46.21 or ~~59.07 (153)~~ 59.79 (10), but in all other counties it shall be governed under ss. 46.18, 46.19 and 46.20.

**SECTION 81.** 49.96 of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

**49.96 Assistance grants exempt from levy.** All grants of aid to families with dependent children, payments made for social services, cash benefits paid by counties under s. ~~59.07 (154)~~ 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

**SECTION 82.** 51.20 (18) (c) of the statutes is amended to read:

51.20 (18) (c) Expenses of the proceedings from the presentation of the statement of emergency detention or petition for commitment to the conclusion of the proceeding shall be allowed by the court and paid by the county from which the subject individual is detained, committed or released, in the manner that the expenses of a criminal prosecution are paid, as provided in s. ~~59.77~~ 59.64 (1). Payment of attorney fees for appointed attorneys in the case of children and indigents shall be in accordance with ch. 977.

**SECTION 83.** 51.42 (3) (ar) 1. of the statutes is amended to read:

51.42 (3) (ar) 1. Enter into contracts to render services to or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. ~~59.07 (44), 59.456~~ 59.42 (1) and (2) (b) and 978.05, any multicounty department of community programs may contract for professional legal services that are necessary to carry out the duties of the multicounty department of community programs if the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide those services in a timely manner.

**SECTION 84.** 51.42 (3) (ar) 14. of the statutes is amended to read:

51.42 (3) (ar) 14. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), participate in and may administer an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), including entering into any written interagency agreements or contracts.

**SECTION 85.** 51.42 (6m) (intro.) of the statutes is amended to read:

51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or county administrator in which the county board of supervisors has established a single-county department of community programs, the county executive or county administrator shall appoint and supervise the county community programs director. In any county with a population of 500,000 or more, the county executive or county administrator shall appoint the director of the county department of human services under s. 46.21 as the county community programs director. The appointment of a county community programs director under this subsection shall be on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, mental retardation, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the director. The appointment of a county community programs director under this subsection is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. The county community programs director, subject only to the supervision of the county executive or county administrator, shall:

**SECTION 86.** 51.437 (4m) (f) of the statutes is amended to read:

51.437 (4m) (f) Enter into contracts to provide or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. ~~59.07 (44), 59.456~~ 59.42 (1) and (2) (b) and 978.05, any multicounty department of developmental disabilities services may contract for professional legal services that are necessary to carry out the duties of the multicounty department of developmental disabilities services if the corporation counsel of each county of the multicounty department of developmental disabilities services has notified the multicounty department of developmental disabilities services that he or she is unable to provide those services in a timely manner.

**SECTION 87.** 51.437 (4m) (m) of the statutes is amended to read:

51.437 (4m) (m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), participate in an integrated service program for children with severe disabilities under s. 59.07 (147), including entering into any written interagency agreements or contracts.

**SECTION 88.** 51.437 (4r) (a) 3. of the statutes, as affected by 1995 Wisconsin Act 64, is amended to read:

51.437 (4r) (a) 3. May administer an integrated service program for children with severe disabilities under s. 59.07 (147) 59.53 (7), if the county board of supervisors establishes an integrated service program for children with severe disabilities.

**SECTION 89.** 51.437 (10m) (intro.) of the statutes is amended to read:

51.437 (10m) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or a county administrator in which the county board of supervisors has established a single-county department of developmental disabilities services, the county executive or county administrator shall appoint and supervise the county developmental disabilities services director. In any county with a population of 500,000 or more, the county executive or county administrator shall appoint the director of the county department of human services under s. 46.21 as the county developmental disabilities services director. The appointment is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) 59.52 (8) or ch. 63. The county developmental disabilities services director, subject only to the supervision of the county executive or county administrator, shall:

**SECTION 90.** Subchapter I (title) of chapter 59 [precedes 59.001] of the statutes is created to read:

**CHAPTER 59**  
**SUBCHAPTER I**  
**DEFINITIONS**

**SECTION 91.** 59.001 (2m) and (3) of the statutes are amended to read:

(2m) “Members–elect” means those members of a the governing body of a county, city, village or town, at a particular time, who have been duly elected or appointed for a current regular or unexpired term and whose service has not terminated by death, resignation or removal from office.

(3) “Municipality” includes cities, villages and towns means any city, village or town.

**SECTION 92.** 59.001 (2r) and (3m) of the statutes are created to read:

59.001 (2r) “Municipal clerk” means the clerk of a municipality.

(3m) “Municipal treasurer” means the treasurer of a municipality.

**SECTION 93.** Subchapter II (title) of chapter 59 [precedes 59.01] of the statutes is created to read:

**CHAPTER 59**  
**SUBCHAPTER II**  
**LEGAL STATUS; ORGANIZATION**

**SECTION 94.** 59.01 (title) of the statutes is repealed.

**SECTION 95.** 59.01 (1) of the statutes is renumbered 59.01 and amended to read:

**59.01 (title) Status Body corporate; status.** Each county in this state is a body corporate, empowered authorized to sue and be sued, to acquire and hold, lease or rent real and personal estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease and convey the same, including the authority to enter into leases or contracts with the state for a period of years for the uses and purposes specified in s. 23.09 (2) (d), to make such contracts and to do such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the legal duties charged upon it.

**SECTION 96.** 59.02 of the statutes is amended to read:

**59.02 Powers, how exercised; quorum.** (1) The powers of a county as a body corporate can only be exercised by the board thereof, or in pursuance of a resolution adopted or ordinance adopted by it enacted by the board.

(2) Ordinances may be enacted and resolutions may be adopted by a majority vote of a quorum or by such larger vote as may be required by law. Ordinances shall commence as follows: “The county board of supervisors of the county of .... does ordain as follows”.

(3) A majority of the supervisors who are entitled to a seat on the board shall constitute a quorum. All questions shall be determined by a majority of the supervisors who are present unless otherwise provided.

**SECTION 97.** 59.025 of the statutes is renumbered 59.03 (1) and amended to read:

59.03 (1) ADMINISTRATIVE HOME RULE. Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

**SECTION 98.** 59.026 of the statutes is renumbered 59.04 and amended to read:

**59.04 Construction of powers.** For the purpose of giving to To give counties the largest measure of self-government in accordance with the spirit of under the administrative home rule authority granted to counties in s. 59.025, it is hereby declared that 59.03 (1), this chapter shall be liberally construed in favor of the rights, powers and privileges of counties to exercise any organizational or administrative power.

**SECTION 99.** 59.03 (title) of the statutes is created to read:

**59.03 (title) Home rule.**

**SECTION 100.** 59.03 of the statutes is renumbered 59.10, and 59.10 (intro.), (1), (2), (3) (a), (b) 1. and 2., (c) to (j) and (4) to (6), as renumbered, are amended to read:

**59.10 Boards; composition; election; terms; compensation; compatibility.** (intro.) The boards of the several counties shall be composed of representatives from within the county who are elected and compensated

as provided in this section. Each ~~county~~ board shall act under sub. (2), (3) or (5), unless the ~~county~~ board ~~adopts~~ enacts an ordinance, by a majority vote of the entire membership, to act under sub. (1). If a ~~county~~ board ~~adopts~~ enacts such ordinance, a certified copy shall be filed with the secretary of state.

(1) SELF-ORGANIZED COUNTIES. (a) *Number of supervisors and apportionment of supervisory districts.* In each county ~~having with~~ a population of at least 500,000, sub. (2) (a) and (b) ~~shall apply~~ applies. In counties ~~having with~~ a population of less than 500,000 and more than one town, sub. (3) (a) to (c) ~~shall apply~~ applies. In counties ~~having with~~ one town only, sub. (5) ~~shall apply~~ applies.

(b) *Terms.* The term of office of supervisors ~~shall be~~ is 2 years. A ~~county~~ board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one-half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. 985, ~~prior to before~~ publication of the notice of the election at which supervisors are to be elected.

(c) *Compensation.* The method of compensation for supervisors shall be determined by the ~~county~~ board.

(d) *Vacancies.* A ~~county~~ board may determine the procedure for filling a vacancy.

(2) MILWAUKEE COUNTY. In each county ~~having with~~ a population of at least 500,000:

(a) *Composition; supervisory districts.* Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, the board shall adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and shall divide the county into a number of districts equal to the number of supervisors, with each district substantially equal in population and consisting of contiguous whole wards. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

(b) *Election; term.* Supervisors shall be elected for ~~4-year~~ terms of 4 years at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

(c) *Compensation.* Each supervisor shall be paid by the county an annual salary set by the ~~county~~ board. The board may provide additional compensation for the chairperson. Section 66.196 applies to this paragraph.

(3) (a) *Classification; maximum number of supervisors.* Counties ~~having with~~ a population of less than 500,000 and more than one town are classified and entitled to a maximum number of ~~county-board~~ supervisors as follows:

1. Counties ~~having with~~ a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.

2. Counties ~~having with~~ a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.

3. Counties ~~having with~~ a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.

4. Counties ~~having with~~ a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.

5. If the population of any county is within 2% of the minimum population for the next most populous grouping under this paragraph, the ~~county~~ board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

(b) 1. Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and adopt a tentative plan. The proposed plan may be amended after the public hearing. The board shall solicit suggestions from municipalities concerning the development of an appropriate plan. The board shall transmit to each municipal governing body in the county the tentative plan that is adopted. Each district shall consist of whole wards or municipalities. Each district shall be designated to be represented by one supervisor, and all districts shall be substantially equal in population. In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. ~~In the event that a~~ If

the division of a municipality is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

2. Within 60 days after every municipality in the county adjusts its wards under s. 5.15, the board shall hold a public hearing and thereafter ~~shall then~~ adopt a final supervisory district plan, numbering each district. Wards within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards or portions thereof ~~of wards~~ consisting of island territory as defined in s. 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards or portions thereof ~~of wards~~ within the same municipality, to form a supervisory district.

(c) *Changes during decade.* After the enactment of a plan of supervisory districts under par. (b), a municipal incorporation, annexation, detachment or consolidation may serve as a basis for altering between federal decennial censuses the boundaries of supervisory districts, in the discretion of the county board. The number of supervisory districts in the county shall not be changed by any action under this paragraph. Any plan of county supervisory districts enacted under par. (b) may be amended under this paragraph but shall remain in effect as amended until superseded by another plan enacted by the county board under par. (b) and filed with the secretary of state.

(d) *Election and term of supervisors.* Supervisors are county officers and shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year.

(e) *Vacancies.* ~~In the event of~~ If a vacancy occurs on the board, the board chairperson with the approval of the board shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy for the unexpired portion of the term to which the person is appointed and until his or her successor is elected and qualified.

(f) *Compensation.* Each supervisor shall be paid a per diem by the county for each day ~~the supervisor that he or she~~ attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

(g) *Mileage.* Each supervisor shall, for each day ~~the supervisor that he or she~~ attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled

route at the rate established by the board pursuant to s. 59.15 under s. 59.22 as the standard mileage allowance for all county employes and officers.

(h) *Limitation on compensation.* Except for services as a member of a committee as provided in s. 59.06 59.13 no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: ~~In~~ in counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; ~~more than~~ at least 100,000 but less than 500,000, 30 days.

(i) *Alternative compensation.* As an alternative method of compensation, in counties having a population of less than 500,000, including ~~those~~ counties containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors shall receive mileage as provided in par. (g) for each day's attendance at board meetings or for attendance at not to exceed 2 committee meetings in any one day.

(j) *Supplementary compensation.* The county board, in establishing an annual salary, may ~~provide by~~ enact an ordinance providing for a per diem for all committee meetings attended in excess of 40 committee and board meetings.

(4) COMPATIBILITY. No county officer or employe is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18.

(5) COUNTIES HAVING ONLY ONE TOWN. In all counties containing one town only, the board shall consist of the members of the town board and one supervisor from every incorporated village. A supervisor from an incorporated village shall be elected at the time the other village officers are elected. A majority of the members shall constitute a quorum of the county board. Each supervisor shall receive compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the county board elected ~~pursuant to s. 59.05~~ under s. 59.12 (1) may be, but need not be, the same person who is elected chairperson of the town board under s. 60.21 (3) (a).

(6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the county or any elector of the county may submit to the circuit court

for the county within 14 days from the expiration of either 60-day period under sub. (2) (a) or (3) (b) a proposed tentative or final plan for creation of supervisory districts in compliance with this section. If the court finds that the existing division of the county into supervisory districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the county may promulgate the plan, or any other plan in compliance with this section, as a temporary supervisory district plan until superseded by a districting plan adopted by the board in compliance with this section.

**SECTION 101.** 59.031 of the statutes is renumbered 59.17, and 59.17 (1), (2) (intro.), (a), (b), (bm) 1. c. and 2., (br) and (c) and (3) to (8), as renumbered, are amended to read:

59.17 (1) ELECTION AND TERM OF OFFICE. (a) In each county ~~having~~ with a population of 500,000 or more, a county executive shall be elected for a ~~4-year~~ term of 4 years at the election to be held on the first Tuesday in April of each year in which county supervisors are elected, and shall take office on the first Monday in May following the election. The county executive shall be elected from residents of the county at large by a majority vote of all qualified electors in the county voting in the election. In any county which attains a population of 500,000 or more, the first election under this paragraph shall be held on the first Tuesday in April in the year following the official announcement of the federal census.

(b) Counties ~~having~~ with a population of less than 500,000 may by resolution of the ~~county~~ board or by petition and referendum create the office of county executive or abolish it by petition and referendum. If the office of county executive is abolished, the person serving in the office shall complete the term to which elected. The county executive shall be elected the same as a county executive is elected under par. (a) for a term of 4 years commencing with the ~~1st~~ first spring election occurring at least 120 days after the creation of the office and shall take office on the 3rd Tuesday in April of that year. Such petition and election shall follow the procedure provided in s. 9.20 (1) to (6), except that in case of conflict this subsection shall control.

(2) DUTIES AND POWERS. (intro.) The county executive shall be the chief executive officer of the county. The county executive shall take care that every county ordinance and state or federal law is observed, enforced and administered within his or her county if ~~such~~ the ordinance or law is subject to enforcement by the county executive or any person supervised by the county executive. The duties and powers of the county executive shall be, without ~~restriction~~ limitation because of enumeration, to:

(a) Coordinate and direct ~~by executive order or otherwise~~ all administrative and management functions of the county government not otherwise vested by law in other elected officers.

(b) In any county with a population of 500,000 or more, appoint and supervise the heads of all departments except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except ss. 17.21 and ~~59.72~~ 59.47 (3), the county executive shall appoint and supervise the department head. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. Any appointment by the county executive under this paragraph requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive.

(bm) 1. c. The director of the county department of administration under s. ~~59.035 (1)~~ 59.52 (1) (a).

2. Each appointment under subd. 1. is subject to the confirmation of the county board and is in the unclassified service, serving at the pleasure of the county executive and holding office until a new appointment is made by the county executive and confirmed by the ~~county~~ board. No prior appointee may serve longer than 6 months after the term for which he or she was appointed and confirmed expires, unless reappointed and reconfirmed. The term of each appointment is 4 years or less.

(br) In any county with a population of less than 500,000, appoint and supervise the heads of all county departments except those elected by the people and except where the statutes provide that the appointment shall be made by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except s. 17.21, the county executive shall appoint and supervise the department head. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. An appointment by the county executive under this subsection requires the confirmation of the ~~county~~ board unless the ~~county~~ board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive unless the department head is appointed under a civil service system competitive

examination procedure established under s. 59.07 (20) 59.52 (8) or ch. 63.

(c) Appoint the members of all boards and commissions where appointments are required and where the statutes provide that the appointments are made by the county board or by the chairperson of the county board. All appointments to boards and commissions by the county executive are subject to confirmation by the county board.

(3) ADMINISTRATIVE SECRETARIES TO COUNTY EXECUTIVE; STAFF. The county executive may appoint administrative secretaries using hiring procedures which shall be exempt from county civil service competitive examination procedures and such additional staff assistants as the county board provides.

(4) COMPENSATION OF COUNTY EXECUTIVE, DEPUTY, AND STAFF ASSISTANTS. The county board shall fix the compensation of the county executive, the county executive's administrative secretary and the county executive's staff assistants, provided that the salary of the county executive shall be established at least 90 days prior to any election held to fill the office.

(5) (title) MESSAGE TO THE COUNTY BOARD; SUBMISSION OF ANNUAL BUDGET. The county executive shall annually, and otherwise as may be necessary, communicate to the board the condition of the county, and shall recommend such matters to the board for its consideration as he or she considers expedient. Notwithstanding any other provision of the law, he or she shall be responsible for the submission of the annual budget to the board and may exercise the power to veto any increases or decreases in the budget under sub. (6).

(6) COUNTY EXECUTIVE TO APPROVE OR VETO RESOLUTIONS OR ORDINANCES; PROCEEDINGS ON VETO. Every resolution adopted or ordinance ~~passed~~ enacted by the county board shall, before it becomes effective, be presented to the county executive. If the county executive approves, the county executive shall sign it; if not, the county executive shall return it with his or her objections, which objections shall be entered at large upon the journal and the board shall proceed to reconsider the matter. Appropriations may be approved in whole or in part by the county executive and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for in other resolutions or ordinances. If, after such reconsideration, two-thirds of the members-elect of the county board agree to ~~pass~~ adopt the resolution or ~~enact the~~ ordinance or the part of the resolution or ordinance objected to, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases, the votes of the members of the county board shall be determined by ayes and nays and the names of the members voting for or against the resolution or ordinance or the part thereof objected to shall be entered on the journal. If any resolution or ordinance is not returned by the county executive

to the county board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to the county executive, it shall become effective unless the county board has recessed or adjourned for a period in excess of 60 days, in which case it shall not be effective without the county executive's approval.

(7) REMOVAL FROM OFFICE; VACANCY, HOW FILLED. The county executive may be removed from office by the governor for cause under s. 17.16. A vacancy in the office of county executive shall be filled temporarily, within 30 days of the date of the vacancy, by appointment by the chairperson of the board, subject to confirmation by the board, from among electors of the county. Within 7 days following the occurrence of the vacancy, the clerk shall order a special election to be held under s. 8.50 to fill the vacancy. If the vacancy occurs after October 31 but not later than 49 days ~~prior to~~ before the day of the spring primary, the special election shall be held concurrently with the spring primary and election.

(8) SUCCESSION IN OFFICE. (a) In the event of the inability of the county executive to serve because of mental or physical disease, the powers and duties of the office shall devolve upon the chairperson of the county board until such time as the disability shall cease.

(b) In the event that a vacancy in the office of county executive occurs, the chairperson of the county board shall immediately succeed to the office and assume the duties and responsibilities thereof until the county board has confirmed an appointment to the office ~~pursuant to~~ under sub. (7).

**SECTION 102.** 59.033 of the statutes is renumbered 59.18 and amended to read:

**59.18 County administrator.** (1) APPOINTMENT. Counties having a population of less than 500,000 may by resolution of the county board or by petition and referendum create the office of county administrator. The county administrator shall be appointed by majority vote of the county board. Such petition and election shall follow the procedure provided in s. 9.20 (1) to (6). If any member of the county board is appointed as county administrator, his or her status as a member of the county board is thereby terminated, except that in the case of a vacancy in the office of county administrator by reason of removal, resignation or other cause, the county board may appoint any member of the county board as acting county administrator to serve for a period of 15 days while the county board is considering the selection of a county administrator.

(2) DUTIES AND POWERS. The county administrator shall be the chief administrative officer of the county. The county administrator shall take care that every county ordinance and state or federal law is observed, enforced and administered within his or her county if ~~such~~ the ordinance or law is subject to enforcement by the county administrator or any other person supervised by the county administrator. The duties and powers of the

county administrator shall be, without restriction limita-  
tion because of enumeration, to:

(a) Coordinate and direct ~~by administrative order or otherwise~~ all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.

(b) Appoint and supervise the heads of all departments of the county except those elected by the people and except where the statutes provide that the appointment shall be made by elected officers; but the county administrator shall also appoint and supervise all department heads where the law provides that the appointment shall be made by a board or commission, by the chairperson of the county board or by the county board. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. Any appointment by the county administrator under this paragraph requires the confirmation of the county board unless the ~~county~~ board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. Any department head appointed by a county administrator under this paragraph may be removed at the pleasure of the county administrator unless the department head is appointed under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63.

(c) Appoint the members of all boards and commissions where the statutes provide that such appointment shall be made by the county board or by the chairperson of the county board. All appointments to boards and commissions by the county administrator shall be subject to the confirmation of the county board.

(3) ADMINISTRATIVE SECRETARY TO COUNTY ADMINISTRATOR; STAFF. The county administrator may appoint an administrative secretary, and ~~such~~ additional staff assistants, as necessary.

(4) COMPENSATION OF COUNTY ADMINISTRATOR AND STAFF. The ~~county~~ board shall fix the compensation of the county administrator, the county administrator's administrative secretary and the county administrator's staff assistants.

(5) (title) MESSAGE TO THE ~~COUNTY~~ BOARD; SUBMISSION OF ANNUAL BUDGET. The county administrator shall annually, and otherwise as necessary, communicate to the ~~county board of supervisors~~ the condition of the county, and recommend such matters to ~~them for their~~ the board for its consideration as the county administrator ~~deems~~ considers expedient. Notwithstanding any other provision of the law, the county administrator shall be responsible for the submission of the annual budget to the ~~county~~ board.

(6) QUALIFICATIONS FOR APPOINTMENT. The county administrator shall be appointed solely on merit. In appointing the county administrator, the ~~county~~ board shall give due regard to training, experience, administrative ability and general qualifications and fitness for performing the duties of the office, and no person shall be eligible to the office of county administrator, who is not by training, experience, ability and efficiency qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the ~~county~~ board to residence, to nationality, or to political or religious affiliations.

(7) REMOVAL. The ~~county~~ board may remove the county administrator at any time that the county administrator's conduct of the county administration becomes unsatisfactory, and engage a successor. The action of the ~~county~~ board in removing the county administrator shall be final.

(8) VACANCY, HOW FILLED. A vacancy in the office of the county administrator by reason of removal, resignation or other cause, shall be filled by appointment by majority vote of the ~~county~~ board.

SECTION 103. 59.034 of the statutes is renumbered 59.19 and amended to read:

**59.19 Administrative coordinator.** In any county which has not created the office of county executive or county administrator, the ~~county~~ board shall designate, no later than January 1, 1987, an elected or appointed official to serve as administrative coordinator of the county. The administrative coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.

SECTION 104. 59.035 of the statutes is renumbered 59.52 (1) and amended to read:

59.52 (1) DEPARTMENT OF ADMINISTRATION. (a) In counties having with a population of 500,000 or more, the county may create a department of administration, provide for the appointment by the county executive of a director of such department and assign such administrative functions to the department as it ~~deems~~ considers appropriate, subject to the limitations of this ~~subsection~~ paragraph. No such function shall be assigned to the department where the performance of the same by some other county office, department or commission is required by any provision of the constitution or statutes of this state, except that administrative functions under the jurisdiction of the county civil service commission or the county auditor may be so assigned notwithstanding ss. ~~59.07 (20), 59.72, 59.84 sub. (8) and ss. 59.47, 59.60 and 63.01 to 63.17.~~ Such director shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board, as provided in s. ~~59.034~~ 59.17 (2) (bm).

(b) Any county having with a population of less than 500,000 may create a department of administration and

assign any administrative function to the department as it ~~deems~~ considers appropriate, except that no administrative function may be assigned to the department if any other provision of state law requires the performance of the function by any other county office, department or commission unless the administrative function is under the jurisdiction of the county civil service commission or the county auditor, in which case, the function may be assigned to the department notwithstanding ~~ss. 59.07 (20), 59.72, 59.84 sub. (8) and ss. 59.47, 59.60 and 63.01 to 63.17.~~ Except as provided under ~~sub. (1) par. (a),~~ in any county with a county executive or county administrator, the county executive or county administrator shall have the authority to appoint and supervise the head of a department of administration; and except as provided under ~~sub. (1) par. (a),~~ the appointment is subject to confirmation by the county board unless the appointment is made under a civil service system competitive examination procedure established under ~~s. 59.07 (20) sub. (8) or ch. 63.~~

**SECTION 105.** 59.04 of the statutes is renumbered 59.11 and amended to read:

**59.11 Meetings; adjournment; absentees.** (1) (a) Every board shall hold an annual meeting on the Tuesday after the 2nd Monday of November in each year for the purpose of transacting business. Any board may ~~by its rules~~ establish by rule an earlier date during October or November for ~~such the~~ annual meeting and may by rule establish regular meeting dates throughout the year at which to transact general business. When the day of the meeting falls on November 11, the meeting shall be held on the next succeeding day.

(b) The annual meeting may be adjourned by the clerk, upon the written request of a majority of the supervisors, to a day designated in the request, but not less than one week nor more than 3 weeks from the Tuesday after the 2nd Monday of November. Upon such an adjournment being made, the clerk shall give each supervisor written notice of the time and place to which the annual meeting has been adjourned.

(c) The board, except in counties ~~having with~~ a population of 500,000 or more, shall meet on the ~~third 3rd~~ Tuesday of each April to organize and transact business. At this meeting the board may transact any business permitted at the annual meeting, including the appointment of all county commissions and committees. The meeting may be adjourned in the same manner as the annual meeting.

(2) A special meeting of any the board shall be held:

(a) Upon a written request of a majority of the supervisors delivered to the clerk, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request the clerk shall ~~forthwith~~ immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of

a majority of all the supervisors. The ~~county~~ board by ordinance may establish a separate procedure for convening the ~~county~~ board in a “declared emergency” as defined by county ordinance.

(b) For the purposes and in the manner prescribed in s. 31.06, with the right to adjourn the special meeting from time to time by a vote of a majority of all the supervisors entitled to a seat. The clerk shall mail written notice of the special meeting, specifying the time, place and purpose ~~thereof of the meeting,~~ to each supervisor not less than 2 weeks before the day set for ~~such the~~ meeting.

(3) All meetings shall be held in the county at places that are designated by the board. The board shall give adequate public notice of the time, place and purpose of each meeting.

(4) The board shall sit with open doors, and all persons conducting themselves in an orderly manner may attend. If any supervisor misses or leaves a meeting of the board without good cause or without being first excused by the board, the chairperson may issue a warrant requiring the sheriff or some constable ~~forthwith~~ immediately to arrest and bring the supervisor before the board. The expenses of the arrest shall be deducted from the pay of the member unless otherwise directed by the board. The board may punish its members for infraction of its rules by imposing the penalty provided in the rules.

**SECTION 106.** 59.05 of the statutes is renumbered 59.12 and amended to read:

**59.12 Chairperson; vice chairperson; powers and duties.** (1) The board, at the first meeting after each regular election at which members are elected for full terms, shall elect a member chairperson. The chairperson shall perform all duties required of the chairperson until the board elects a successor. The chairperson may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee ~~thereof of~~ the board or connected with their powers or duties. The chairperson shall countersign all ordinances of the board, and shall preside at meetings when present. When directed by ordinance the chairperson shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the board and ~~shall~~ take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who in case of the absence or disability of the chairperson shall perform the chairperson’s duties. The board at the time of the election of the chairperson may also elect a member 2nd vice chairperson, for the same term, who in case of the absence or disability of the chairperson and vice chairperson shall perform the duties of the chairperson. The board may provide for the payment of additional compensation to the vice chairpersons.

(3) In case of the absence of a chairperson for any meeting the members present shall choose a another member to be temporary chairperson.

**SECTION 107.** 59.06 of the statutes is renumbered 59.13 and amended to read:

**59.13 Committees; appointment; compensation.**

(1) The board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairperson to appoint before June 1 in any year committees from the members of the board, and the committees so appointed shall perform the duties and report as prescribed in ~~such~~ the resolution.

(2) Except as provided under sub. (3), committee members shall receive such compensation for their services as the board allows, not exceeding the per diem and mileage allowed to members of the board and ~~such~~ the committee members shall receive such compensation, mileage and reimbursement for other expenses as the board allows for their attendance at any school, institute or meeting which the board directs them to attend. No supervisor shall be allowed pay for committee service while the board is in session, nor for mileage except in connection with services performed within the time ~~herein~~ limited under this subsection. The number of days for which compensation and mileage may be paid a committee member in any year, except members of committees appointed to have charge of the erection of any county building, and except as otherwise provided by law, are limited as follows:

(a) In counties containing less than 25,000 population, to 20 days, not more than 10 of which shall be for services on any one committee, except that the board may increase the number of committee meetings ~~as provided in~~ under par. (b) and similarly fix the compensation of the members for the additional meetings.

(b) In ~~other~~ counties with a population of 25,000 or more, to 30 days for services on committees, except that the board may, by a two-thirds vote of the members present, increase the number of days for which compensation and mileage may be paid in any year and fix the compensation for each additional day.

(3) A supervisor in a county ~~having~~ with a population of 500,000 or more may not accept any compensation in addition to his or her regular salary for serving as a member of any committee, board or commission appointed by the county board or by the county executive.

**SECTION 108.** 59.065 of the statutes is renumbered 59.70 (5) and amended to read:

59.70 (5) PRIVATE SEWAGE SYSTEM ORDINANCE. (a) Every governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (5), shall ~~adopt~~ enact an ordinance governing private sewage systems, as defined in s. 145.01 (12), which conforms with the state plumbing code. The ordinance shall apply to the entire area of the governmental unit responsible for the regulation of private sewage systems, as defined un-

der s. 145.01 (5). After July 1, 1980, no ~~city, village or town~~ municipality may ~~adopt~~ enact or enforce a private sewage system ordinance unless it is a governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (5).

(b) The governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (5), shall administer the private sewage system ordinance ~~in accordance with~~ under s. 145.20 and the rules promulgated under s. 145.20.

**SECTION 109.** 59.067 of the statutes is renumbered 59.70 (6), and 59.70 (6) (a) (intro.) and (b) to (e), as renumbered, are amended to read:

59.70 (6) (a) *Definitions.* (intro.) ~~As used in~~ In this section subsection:

(b) *Permits.* If authorized by the department under s. 162.07 (1), a county may ~~adopt~~ enact and enforce a well construction or pump installation ordinance or both. Provisions of the ordinance shall be in strict conformity with ch. 162 and with rules of the department under ch. 162. The ordinance may require that a permit be obtained before construction, installation, reconstruction or rehabilitation of a private well or installation or substantial modification of a pump on a private well, other than replacement of a pump with a substantially similar pump. The county may establish a schedule of fees for issuance of the permits and for related inspections. The department, under s. 162.07 (4), may revoke the authority of a county to enforce its ordinance if the department finds that the ordinance or enforcement of the ordinance does not conform to ch. 162 and rules of the department under ch. 162.

(c) *Existing wells.* With the approval of the department under s. 162.07 (1), a county may ~~adopt~~ enact and enforce an ordinance in strict conformity with ch. 162 and with department rules under ch. 162, as they relate to existing private wells. The department, under s. 162.07 (4), may revoke the authority of a county to enforce its ordinance if the department finds that the ordinance or enforcement of the ordinance does not conform to ch. 162 and rules of the department under ch. 162.

(d) *Enforcement.* A county may provide for enforcement of ordinances ~~adopted~~ enacted under this section subsection by forfeiture or injunction or both. The district attorney or county corporation counsel may bring enforcement actions.

(e) *Other municipalities.* No ~~city, village or town~~ municipality may ~~adopt~~ enact or enforce an ordinance regulating matters covered by ch. 162 or by department rules under ch. 162.

**SECTION 110.** 59.07 (intro.) of the statutes is renumbered 59.51 (1) and amended to read:

59.51 (1) (title) ~~GENERAL POWERS OF BOARD~~ ORGANIZATIONAL OR ADMINISTRATIVE POWERS. The board of each county shall have the authority to exercise any organizational or administrative power, subject only to the

constitution and any enactment of the legislature which grants the organizational or administrative power to a county executive or county administrator or to a person supervised by a county executive or county administrator or any enactment which is of statewide concern and which uniformly affects every county. Any organizational or administrative power conferred under this ~~section~~ subchapter shall be in addition to all other grants. A county board may exercise any organizational or administrative power under this ~~section~~ subchapter without limitation ~~due to because of~~ enumeration. ~~The board of each county may exercise the following powers, which, and these powers shall be broadly and liberally construed and limited only by express language.~~

**SECTION 111.** 59.07 (1) of the statutes is renumbered 59.52 (6) and amended to read:

59.52 (6) PROPERTY. (a) *How acquired; purposes.* Take and hold land acquired under ch. 75 and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways, dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits for operation under s. ~~59.873~~ 59.70 (24), equipment for clearing and draining land and controlling weeds for operation under s. ~~59.874~~ 59.70 (18), ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in s. 23.09 (2) (d).

(b) *Control; actions.* Make all orders concerning county property and ~~may~~ commence and maintain actions to protect the interests of the county.

(c) *Transfers.* Direct the clerk to lease, sell or convey or contract to sell or convey any county property, not donated and required to be held for a special purpose, on ~~such~~ terms as that the board approves. In addition, any county property may, ~~by gift or otherwise,~~ be leased, rented or transferred to the United States, the state, any other county within the state or any municipality or school district within the county. Oil, gas and mineral rights may be reserved and leased or transferred separately.

(d) *Construction, maintenance and financing of county-owned buildings and public works projects:* 1. Construct, purchase, acquire, lease, develop, improve, extend, equip, operate and maintain all county buildings, structures and facilities hereinafter in this subsection referred to as “projects”, including without limitation because of enumeration swimming pools, stadiums, golf courses, tennis courts, parks, playgrounds, bathing beaches, bathhouses and other recreational facilities, exhibition halls, convention facilities, convention complexes, including indoor recreational facilities, dams in county lands, garbage incinerators, courthouses, jails, schools, hospitals and facilities for medical education use

in conjunction with such hospitals, home for the aged or indigent, regional projects, sewage disposal plants and systems, and including all property, real and personal, pertinent or necessary for such purposes.

2. Finance such projects, including necessary sites, by the issuance of revenue bonds under s. 66.066, and payable solely from the income, revenues and rentals and fees derived from the operation of the project financed from the proceeds of ~~said~~ the bonds. If any such project is constructed on a site owned by the county ~~prior to before~~ the issuance of ~~such~~ the bonds, the county shall be reimbursed from the proceeds of ~~such~~ the bonds in the amount of not less than the reasonable value of ~~such~~ the site. The reasonable value of ~~such~~ the site shall be determined by the ~~county~~ board after having obtained written appraisals of value by ~~2 freeholders~~ general appraisers, as defined in s. 458.01 (11), in the county having a reputation for skill and experience in appraising real estate values. Any bonds issued ~~pursuant to~~ under this subsection shall not be included in arriving at the constitutional debt limitation.

3. Operate or lease such projects in their entirety or in part, and impose fees or charges for the use of or admission to such projects. Such projects may include space designed for leasing to others if such space is incidental to the purposes thereof.

(e) *Leases to department of natural resources.* Lease lands owned by the county to the department of natural resources for game management purposes. Lands so leased shall not be eligible for entry under s. 28.11. Of the rental paid by the state to the county for lands so leased, 60% shall be retained by the county and 40% shall be paid by the county to the town in which ~~said~~ the lands are located and of the amount received by the town, 40% shall be paid by the town to the school district in which ~~said~~ the lands are located. The amount so paid by a town to a joint school district shall be credited against the amount of taxes certified for assessment in that town by the clerk of the joint school district under s. 120.17 (8), and the assessment shall be reduced by such amount. In case any leased land is located in more than one town or school district the amounts paid to them shall be apportioned on the basis of area. This paragraph shall not affect the distribution of rental moneys received on leases executed before June 22, 1955.

**SECTION 112.** 59.07 (1m) of the statutes is renumbered 59.52 (24) and amended to read:

59.52 (24) PARKING AREAS. ~~Enact~~ The board may enact ordinances ~~providing for~~ establishing areas for parking of vehicles on lands owned or leased by the county; for regulating, ~~permitting, or prohibiting, restricting or limiting~~ parking of vehicles on such areas or parts of such areas, including, ~~without limitation by reason of enumeration~~ but not limited to, provision for parking in such areas or parts thereof for only certain purposes or by only certain personnel; for ~~penalties~~ forfeitures for violations

thereof, but not to exceed the sum of \$50 for each offense; and for the enforcement of such ordinances.

**SECTION 113.** 59.07 (2) of the statutes is renumbered 59.52 (11) and amended to read:

59.52 (11) INSURANCE. (a) *Liability and property damage.* Provide public liability and property damage insurance, either in commercial companies or by self-insurance created by setting up an annual fund for such purpose or by a combination thereof, covering without ~~exclusion~~ limitation because of enumeration, motor vehicles, malfeasance of professional employes, maintenance and operation of county highways, parks, parkways and airports and any other county activities involving the possibility of damage to the general public.

(b) *Fire and casualty.* Provide for fire and casualty insurance for all county property.

(c) *Employe insurance.* Provide for individual or group hospital, surgical and life insurance for county officers and employes and for payment of premiums ~~therefor~~ for such officers and employes. In addition, a county with at least 100 employes may elect to provide health care benefits on a self-insured basis to its officers and employes, and any 2 or more counties which together have at least 100 employes may jointly provide health care benefits on a self-insured basis to officers and employes of the counties. Counties which elect to provide health care benefits on a self-insured basis to their officers and employes shall be subject to the requirements set forth under s. 120.13 (2) (c) to (e) and (g).

(d) *Bonds of officers and employes.* Provide for the protection of the county and public against loss or damage resulting from the act, neglect or default of county officers, department heads and employes and ~~to~~ may contract for and procure bonds or contracts of insurance to accomplish that purpose either from commercial companies or by self-insurance created by setting up an annual fund for such purpose or by a combination thereof. Any number of officers, department heads or employes not otherwise required by statute to furnish an official bond may be combined in a schedule or blanket bond or contract of insurance. So far as applicable ss. 19.01 (2), (2m), (3), (4) (d) and (dd) and 19.07 shall apply to such bonds or contracts of insurance. The bond shall be for a definite period, and each renewal thereof shall constitute a new bond for the principal amount covering the renewal period.

**SECTION 114.** 59.07 (3) of the statutes is renumbered 59.52 (12) and amended to read:

59.52 (12) ACCOUNTS AND CLAIMS; SETTLEMENT. (a) Examine and settle all accounts of the county and all claims, demands or causes of action against the county and issue county orders therefor. In counties having with a population of less than 50,000, the board may delegate its power in regard to current accounts, claims, demands or causes of action against the county to a standing committee where the amount does not exceed \$5,000. In

counties having with a population of 50,000 or more, the board may delegate its power in regard to current accounts, claims, demands or causes of action against the county to a standing committee if the amount does not exceed \$10,000. Instead of delegating its power under this paragraph to a standing committee, the board may, by resolution adopted by majority vote, delegate such power to the chairperson of a standing committee. Such a resolution remains in effect for one year after its effective date or until rescinded, whichever occurs first.

(b) ~~The board may delegate~~ Delegate its power in regard to any claim, demand or cause of action not exceeding \$500 to the corporation counsel. If the corporation counsel finds that payment of the claim to a claimant is justified, the corporation counsel may order the claim paid. The claim shall be paid upon certification of the corporation counsel and shall be annually reported to the board.

**SECTION 115.** 59.07 (3m) of the statutes is renumbered 59.52 (13) and amended to read:

59.52 (13) INJURED COUNTY WORKERS. May The board may, in addition to any payments made under ch. 102, make further payment in such amounts as the board determines to any county employe injured at any time before January 1, 1937, while performing services for the county, in cases in which such further payments were made over a period of time following the injury and were based on a moral obligation to such employe.

**SECTION 116.** 59.07 (5) of the statutes is renumbered 59.51 (2) and amended to read:

59.51 (2) GENERAL AUTHORITY. ~~Represent~~ The board may represent the county, have the management of the business and concerns of the county in all cases where no other provision is made, apportion and levy taxes and appropriate money to carry into effect any of ~~its~~ the board's powers and duties.

**SECTION 117.** 59.07 (6) of the statutes is renumbered 59.52 (2) and amended to read:

59.52 (2) PUBLIC RECORDS. ~~Prescribe~~ The board may prescribe the form and manner of keeping the records in any county office and the accounts of county officers. The board may ~~adopt~~ enact an ordinance designating legal custodians for the county. Unless prohibited by law, the ordinance may require the clerk or the clerk's designee to act as legal custodian for the board and for any committees, commissions, boards or authorities created by ordinance or resolution of the board.

**SECTION 118.** 59.07 (7) of the statutes is renumbered 59.52 (9) and amended to read:

59.52 (9) PURCHASING AGENT. Appoint The board may appoint a person or committee as county purchasing agent, and provide compensation for their services. Any county officer or supervisor may be the agent or a committee member. The purchasing agent shall provide all supplies and equipment for the various county offices and the board chairperson shall promptly sign orders in

payment therefor. The board may require that all purchases be made in the manner determined by it.

**SECTION 119.** 59.07 (8) of the statutes is renumbered 59.52 (5) and amended to read:

59.52 (5) OFFICIAL SEALS. ~~Provide~~ The board may provide an official seal for the county and the county officers required to have one; and for the circuit court, with such inscription and devices as that court requires.

**SECTION 120.** 59.07 (11) of the statutes is renumbered 59.52 (7) and amended to read:

59.52 (7) JOINT COOPERATION. ~~Join~~ The board may join with the state, other counties and municipalities in a cooperative arrangement as provided by s. 66.30, including the acquisition, development, remodeling, construction, equipment, operation and maintenance of land, buildings and facilities for regional projects, whether or not such projects are located within the county.

**SECTION 121.** 59.07 (12) of the statutes is renumbered 59.52 (26) and amended to read:

59.52 (26) TRANSCRIPTS. ~~Procure~~ The board may procure transcripts or abstracts of the records of any other county affecting the title to real estate in such county, and such transcripts or abstracts shall be prima facie evidence of title.

**SECTION 122.** 59.07 (13) of the statutes is renumbered 59.52 (16) and amended to read:

59.52 (16) PAYMENTS IN LIEU OF TAX. (a) *Institutions, state farms, airports.* Appropriate each year to any municipality and school district in which a county farm, hospital, charitable or penal institution or state hospital, charitable or penal institution or state-owned lands used for agricultural purposes or county or municipally-owned municipally owned airport is located, an amount of money equal to the amount which would have been paid in municipal and school tax upon the lands without buildings, if such land were privately owned. The valuation of such lands ( ~~and~~ without buildings), and computation of the tax shall be made by the board. In making such computation lands on which a courthouse or jail are located and unimproved county lands shall not be included.

(b) *County veterans' housing.* 1. If a county has acquired land and erected ~~thereon~~ on that land housing facilities for rent by honorably discharged U.S. veterans of any war and the land and housing facilities are exempt from general taxation, ~~the board may~~ appropriate money and pay to any school district or joint school district wherein the land and housing facilities are located a sum of money which shall be computed by obtaining the product of the following factors:

a. The tax rate for school district purposes of the school years for which the payment is made.

b. The ratio of the assessed valuation to the equalized valuation of the municipality in which the school district lies, multiplied by the actual cost incurred by the county for the acquisition of the land and improvements ~~thereon~~ on the land used for such purposes.

2. In case of a joint school district, computation shall be made on the basis of the valuation of the several municipalities in which ~~such~~ the school district lies. If school buildings are inadequate to accommodate the additional school population resulting from the county veterans' housing program, and the school district cannot legally finance the necessary increased facilities, the board may appropriate money and grant assistance to the school district but the assistance shall be used solely to finance the purchase of land and the erection and equipment of the necessary additional facilities.

**SECTION 123.** 59.07 (14) of the statutes is renumbered 59.535 (2) and amended to read:

59.535 (2) GRAVE MARKERS; VETERANS. (a) ~~Furnish~~ The board may furnish upon the petition of 5 ~~freeholders~~ residents of any municipality in their county an appropriate metal marker for the grave of each soldier, sailor or marine who served with honor in the U.S. armed forces ~~of the United States~~, buried within the municipality.

(b) The petitioners shall state in the petition the names of the soldiers, sailors or marines buried in the municipality.

**SECTION 124.** 59.07 (15) of the statutes is renumbered 59.52 (20) and amended to read:

59.52 (20) SHERIFF'S FAMILY PENSION. ~~Appropriate~~ The board may appropriate money to the family of any sheriff or sheriff's deputies killed while in the discharge of official duties.

**SECTION 125.** 59.07 (16) of the statutes is renumbered 59.698 and amended to read:

**59.698 Zoning, building inspector.** Except as provided under s. ~~59.97~~ 59.69 (2) (bm), for the enforcement of all laws, ordinances, rules and regulations enacted under s. ~~59.97~~, 59.69, the board may appoint a building inspector, define the building inspector's duties and fix the building inspector's term of office and compensation.

**SECTION 126.** 59.07 (16m) of the statutes is renumbered 59.696 and amended to read:

**59.696 Zoning; filing fees.** ~~To~~ The board may enact ordinances establishing schedules of reasonable filing fees for the filing of petitions to amend county zoning ordinances and notices of appeal to the board of adjustment from determinations of county zoning authorities and providing for the charging and collection of such filing fees; such fees to be used to partially defray the expenses of holding hearings and giving notices of hearings prescribed in ss. ~~59.97~~ 59.69 and ~~59.99~~ 59.694.

**SECTION 127.** 59.07 (17) of the statutes is renumbered 59.52 (19) and amended to read:

59.52 (19) DONATIONS, GIFTS AND GRANTS. ~~Accept~~ The board may accept donations, gifts or grants for any public governmental purpose within the powers of the county.

**SECTION 128.** 59.07 (18) (title) and (a) to (c) of the statutes are renumbered 59.56 (12) (title) and (a) to (c) and amended to read:

59.56 (12) (title) AMUSEMENTS; REGULATION. (a) ~~Exercise~~ May exercise, outside of cities, villages, and towns that have not adopted a regulation under s. 60.23 (10), all the powers conferred on cities to regulate dance halls, roadhouses and other places of amusement.

(b) ~~Enact~~ May enact ordinances to regulate, ~~control~~, prohibit or license dance halls and pavilions, amusement parks, carnivals, concerts, street fairs, bathing beaches and other like places of amusement. Such ordinances shall provide for license fees yielding sufficient revenues for administering their provisions and paying for extraordinary governmental services required as a result of the licensed amusement. These services are limited to extra police protection, traffic control or refuse collection.

(bg) ~~Upon the passage~~ May, upon enactment of an ordinance under par. (b) ~~the board may~~, select a sufficient number of persons whose duty it shall be to supervise public dances or places of amusement according to assignments to be made by the board. Such persons while engaged in supervising public dances or places of amusement shall have the powers of deputy sheriffs, and shall make reports in writing of each dance or place of amusement visited to the clerk, and shall receive such compensation as the board determines. Their reports shall be filed by the clerk and incorporated in a report to the board at each meeting.

(br) ~~The board shall~~ Shall immediately revoke the license of any dance hall proprietor or manager issued under an ordinance enacted under par. (b) if there is allowed at any such dance presence of intoxicated persons, or of children of 17 years of age or under or adults who have not attained the age of 21 years unaccompanied by their parent or lawful guardian when alcohol beverages are available for consumption on the premises, or if any of the ordinances are violated. The board may enact an ordinance requiring the revocation of a dance hall license if the use of intoxicating liquor is permitted on the premises during the holding of a public dance. The chairperson of the board, when the board is not in session, is authorized to issue licenses or to suspend the license of any person violating this law or any regulation adopted by the board; such issuance of licenses or the suspension of such license to be acted on by the board at its next meeting.

(c) ~~Enact~~ May enact ordinances providing for a specified closing hour for places where soft drinks are sold.

**SECTION 129.** 59.07 (18) (d) of the statutes is renumbered 59.56 (12m) and amended to read:

59.56 (12m) (title) LIMITS ON REGULATION. Ordinances enacted by a board under ~~par. sub. (12)~~ (b), (br) or (c) shall not apply to any city or village, or to any town that has adopted a similar regulation under s. 60.23 (10).

**SECTION 130.** 59.07 (18m) of the statutes is renumbered 59.55 (3) and amended to read:

59.55 (3) TRUCKERS, HAWKERS AND PEDDLERS LICENSING. Except in counties having a population of 500,000 or more, ~~to~~ the board may enact ordinances providing for

the licensing of truckers, hawkers and peddlers, other than licensees under s. 440.51, and provide for the enforcement of the ordinances. The ordinances shall not provide for licensing of fuel vendors or those engaged in the delivery of petroleum products or farmers or truck gardeners who sell farm products grown by themselves.

**SECTION 131.** 59.07 (18r) of the statutes is renumbered 59.55 (4) and amended to read:

59.55 (4) TRANSIENT MERCHANTS. Counties may, by ordinance, regulate the retail sales, other than auction sales, made by transient merchants, as defined in s. 130.065 (1m), 1987 stats., in the towns in the county and provide ~~penalties~~ forfeitures for violations of those ordinances.

**SECTION 132.** 59.07 (19) of the statutes is renumbered 59.56 (13) and amended to read:

59.56 (13) CELEBRATIONS AND CONVENTIONS. ~~Appropriate~~ The board may appropriate money to defray the expense of national air shows or similar aeronautics activities held in the county, of municipal commemorative or patriotic celebrations or observance, of state or national conventions of war veterans, of national conventions of fraternal associations, of group entertainment for children on Halloween by county or municipal agencies within the county or of state or national conventions of county officers or employes or associations thereof or of bringing any of such conventions to the county.

**SECTION 133.** 59.07 (19m) of the statutes is renumbered 59.70 (21) and amended to read:

59.70 (21) CONSERVATION CONGRESS. ~~Appropriate~~ The board may appropriate money to defray the expenses of county delegates to the annual convention and other activities of the Wisconsin conservation congress.

**SECTION 134.** 59.07 (20) of the statutes is renumbered 59.52 (8), and 59.52 (8) (a), (b) (intro.) and 1. and (c), as renumbered, are amended to read:

59.52 (8) (a) ~~Establish~~ The board may establish a civil service system of selection, tenure and status, and the system may be made applicable to all county personnel, except the members of the board, constitutional officers and members of boards and commissions. The system may also include uniform provisions in respect to classification of positions and salary ranges, payroll certification, attendance, vacations, sick leave, competitive examinations, hours of work, tours of duty or assignments according to earned seniority, employe grievance procedure, disciplinary actions, layoffs and separations for just cause, as described in par. (b), subject to approval of a civil service commission or the board. The board may request the assistance of the department of administration and pay for such services, under s. 16.58.

(b) (intro.) A law enforcement employe of the county may not be suspended, demoted, dismissed or suspended and demoted by the civil service commission or by the board, based either on its own investigation or on charges filed by the sheriff, unless the commission or board deter-

mines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the commission or the board shall apply the following standards, to the extent applicable:

1. Whether the employe could reasonably be expected to have had knowledge of the probable consequences of ~~the~~ his or her alleged conduct.

(c) If a law enforcement employe of the county is dismissed, demoted, suspended or suspended and demoted by the civil service commission or the board under the system established under par. (a), the person dismissed, demoted, suspended or suspended and demoted may appeal from the order of the civil service commission or the board to the circuit court by serving written notice of the appeal on the secretary of the commission or the board within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the commission or the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board or the commission fix a date of trial which shall not be later than 15 days after ~~such~~ the application except by agreement. The trial shall be by the court and upon the return of the board or the commission, except that the court may require further return or the taking and return of further evidence by the board or the commission. The question to be determined by the court shall be: Upon the evidence is there just cause, as described in par. (b), to sustain the charges against the employe? No cost shall be allowed either party and the clerk's fees shall be paid by the county. If the order of the board or the commission is reversed, the accused shall be ~~forthwith~~ immediately reinstated and entitled to pay as though in continuous service. If the order of the board or the commission is sustained, it shall be final and conclusive.

**SECTION 135.** 59.07 (23) of the statutes is renumbered 59.535 (3) and amended to read:

59.535 (3) WAR RECORDS. ~~Appropriate~~ The board may appropriate money for the collection, publication or distribution of war records.

**SECTION 136.** 59.07 (24) of the statutes is renumbered 59.56 (11) and amended to read:

59.56 (11) FISH AND GAME. ~~Establish~~ The board may establish, maintain and operate fish hatcheries and facilities for raising game birds.

**SECTION 137.** 59.07 (25) of the statutes is renumbered 59.79 (11) and amended to read:

59.79 (11) BASEBALL. ~~In counties having a population of 500,000 or more own~~ Own and operate a professional baseball team, appropriate money for the purchase of a franchise for such team, and in the discretion of the board organize and maintain a nonprofit corporation for

such team ownership and operation or participate with others in the formation and operation of such corporation.

**SECTION 138.** 59.07 (26) of the statutes is renumbered 59.56 (9) and amended to read:

59.56 (9) RECREATION. ~~Create~~ The board may create, promote and conduct and assist in creating, promoting and conducting recreational activities in the county which are conducive to the general health and welfare, and elect persons for such terms and salaries as may be determined, who shall exercise the powers and perform the duties given by the board. The board may provide for what purpose and in what manner moneys appropriated ~~pursuant to~~ under this subsection may be expended. Such persons may be designated "County Recreation Committee". At the annual meeting next after making the appropriation the board shall determine in ~~what~~ which municipalities such activities were held and ~~what~~ which other municipalities received benefits therefrom and determine the amount expended from the appropriation to make the programs or activities or benefits derived therefrom possible in each municipality and levy a tax upon the property of each municipality in accordance with such apportionment to reimburse the county for its expenditures, but no expenditure shall be made nor improvement ordered without the consent of the governing body of the municipality.

**SECTION 139.** 59.07 (27) of the statutes is renumbered 59.52 (22) and amended to read:

59.52 (22) COUNTY BOARDS' ASSOCIATION. By a two-thirds vote, the board may purchase membership in an association of county boards for the protection of county interests and the furtherance of better county government.

**SECTION 140.** 59.07 (28) of the statutes is renumbered 59.52 (23) and amended to read:

59.52 (23) PURCHASE OF PUBLICATIONS. ~~Purchase~~ The board may purchase publications dealing with governmental problems and furnish copies thereof to supervisors, officers and employes.

**SECTION 141.** 59.07 (29) of the statutes is renumbered 59.535 (4) and amended to read:

59.535 (4) (title) SERVICE OFFICER AND COMMISSION. ~~Appropriate~~ The board may appropriate funds for the execution of the duties of the county veterans' service officer and the county veterans' service commission.

**SECTION 142.** 59.07 (30) of the statutes is renumbered 59.56 (10) and amended to read:

59.56 (10) ADVERTISE COUNTY. (a) Appropriate funds to advertise the advantages, attractions and resources of the county and to conserve, develop and improve the same. ~~Any~~ The county may cooperate with any private agency or group in this work.

(b) In counties ~~having~~ with a population of 500,000 or more, appropriate funds for the placing of advertisements in newspapers, periodicals or other publications

listing radio and television broadcasting schedules, informing county residents of a radio or television appearance by a county official or employe, or advertising any program, function or activity sponsored by the county.

**SECTION 143.** 59.07 (31) of the statutes is renumbered 59.56 (5) and amended to read:

59.56 (5) HISTORICAL SOCIETIES. Appropriate The board may appropriate money to any local historical society incorporated under s. 44.03 located in the county for the purpose of collecting and preserving the records of the early pioneers, the life of the Indians, the experience of persons in the military, and the salient historical features of the county.

**SECTION 144.** 59.07 (32) of the statutes is renumbered 59.56 (6) and amended to read:

59.56 (6) COUNTY HISTORIAN. Create The board may create the position of county historian. The historian shall collect and preserve the records of the Indians and the early pioneers, the experiences of military men and women and the records of their service; mark and compile data concerning places of historical interest in the county; and perform such other duties relating to the collection, preservation, compilation and publication of historical data as the board prescribes. The board may provide the historian with a fireproof safe or vault in which to keep papers and documents, with clerical assistance and with such other needs as will enable the historian to adequately perform the duties of historian. The board may require reports.

**SECTION 145.** 59.07 (33) of the statutes is renumbered 59.56 (2) and amended to read:

59.56 (2) PUBLIC MUSEUMS. (a) Appropriate The board may appropriate money for the establishment, expansion, operation and maintenance of public museums in the county, including, but not limited to, any public museum owned by a city.

(b) Acquire The board may acquire, establish, expand, own, operate and maintain a public museum in the county and appropriate money for such purposes, except that a public museum owned by a county under this subsection may seek tax-exempt status as an entity described under section 501 (c) (3) of the internal revenue code.

(c) Notwithstanding pars. (a) and (b), in counties having a population of 500,000 or more the ~~county~~ board may contribute funds toward the operation of a public museum owned by a ~~city of the~~ 1st class city in such county, as partial reimbursement for museum services rendered to persons residing outside such city and in a manner similar to the annual appropriation of funds by the ~~county~~ board under s. 43.57 toward the operation of the central library in such city.

**SECTION 146.** 59.07 (34) (title) of the statutes is renumbered 59.54 (17) (title) and amended to read:

59.54 (17) (title) Highway safety HIGHWAYS.

**SECTION 147.** 59.07 (34) of the statutes is renumbered 59.54 (17) (a) and amended to read:

59.54 (17) (a) (title) Safety and patrol. Appropriate The board may appropriate money to citizens' safety committees or to county safety commissions or councils for highway safety and patrol.

**SECTION 148.** 59.07 (34g) of the statutes is renumbered 59.54 (17) (b) and amended to read:

59.54 (17) (b) Highway commissioner term. Adopt The board may enact an ordinance establishing the term of service of a highway commissioner elected under s. 83.01 (1) (a).

**SECTION 149.** 59.07 (34m) of the statutes is renumbered 59.54 (17) (c) and amended to read:

59.54 (17) (c) Highway safety coordinator. The county board chairperson, or the county executive or county administrator in a county having such an officer, may appoint a county highway safety coordinator who shall serve as a member of the county traffic safety commission under s. 83.013 (1) (a).

**SECTION 150.** 59.07 (35) of the statutes is renumbered 59.70 (10) and amended to read:

59.70 (10) DRAINAGE DISTRICT BONDS. Purchase The board may purchase drainage district bonds at market value or at a discount to salvage the equity of the county in the lands affected and to secure resumption of tax payments thereon and so permit the dissolution of the district.

**SECTION 151.** 59.07 (37) of the statutes is renumbered 59.53 (1) and amended to read:

59.53 (1) SURPLUS COMMODITY PLANS. Adopt The board may adopt and participate in any surplus commodity absorption plan in connection with furnishing relief to needy persons within any municipality in the county and appropriate money to carry out such plan.

**SECTION 152.** 59.07 (38) of the statutes is renumbered 59.55 (5) and amended to read:

59.55 (5) SECONDHAND CAR DEALERS, JUNKING CARS. License The board may license and regulate dealers in secondhand motor vehicles, wreckers of motor vehicles, or the conduct of motor vehicle junking. Such regulation shall not apply to any municipality which adopts enacts an ordinance governing the same subject.

**SECTION 153.** 59.07 (39) of the statutes is renumbered 59.53 (15) and amended to read:

59.53 (15) NURSING ASSOCIATIONS. Appropriate The board may appropriate money toward the support of organized and bona fide nursing associations in the county, such associations to have at least one qualified nurse.

**SECTION 154.** 59.07 (41) of the statutes is renumbered 59.54 (1) and amended to read:

59.54 (1) AMBULANCES. Purchase The board may purchase, equip, operate and maintain ambulances and contract for ambulance service with one or more provid-

ers for conveyance of the sick or injured and make reasonable charges for the use thereof.

**SECTION 155.** 59.07 (42) of the statutes is renumbered 59.54 (2) and amended to read:

59.54 (2) **RESCUE EQUIPMENT.** ~~Appropriate~~ The board may appropriate money for the purchase of boats and other equipment necessary for the rescue of human beings and the recovery of human bodies from waters of which the county has jurisdiction under s. 2.04 and charge a reasonable fee for the use of such boats and other equipment.

**SECTION 156.** 59.07 (42m) of the statutes is renumbered 59.54 (5) and amended to read:

59.54 (5) **EMERGENCY SERVICES FOR HEARING AND SPEECH IMPAIRED PERSONS.** In any county having a population of 200,000 or more the ~~county~~ board shall install in the sheriff's department a teletypewriter which shall be available to receive calls from hearing and speech impaired persons seeking emergency services. In cities having a population of 30,000 or more which are not contained in a county having a population of 200,000 or more, the city shall install a teletypewriter for the purposes of this subsection in either the police or fire department. If 2 or more cities having a population of 30,000 or more are contained in one county, the ~~county~~ board shall install the teletypewriter in the sheriff's department and no teletypewriter shall be required in the cities.

**SECTION 157.** 59.07 (43) of the statutes is renumbered 59.52 (21) and amended to read:

59.52 (21) **COUNTY COMMISSIONS.** Except in counties having a population of 500,000 or more, the board may fix and pay the compensation of members of the county park commission and the county planning and zoning commission for attendance at meetings at a rate not to exceed the compensation permitted supervisors.

**SECTION 158.** 59.07 (44) of the statutes is renumbered 59.42 (1) and amended to read:

59.42 (1) (title) **CORPORATION COUNSEL; CERTAIN COUNTIES.** (a) Except as provided under par. (b), in counties not having a population of 500,000 or more, the board may employ a corporation counsel, and fix the salary of the corporation counsel. The corporation counsel appointed under this paragraph may be terminated at any time by a majority vote of all the members of the board.

(b) In any county with a county executive or county administrator, the county executive or county administrator shall have the authority to appoint and supervise the corporation counsel if the ~~county~~ board authorizes the establishment of the office of corporation counsel. Such appointment shall be subject to confirmation by the ~~county~~ board unless the ~~county~~ board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. The corporation counsel may be removed by the county executive or county administrator with the concurrence of the ~~county~~ board unless the corporation

counsel is appointed under such an examination procedure.

(c) The corporation counsel may, when authorized by a majority of the ~~county~~ board, appoint one or more assistant corporation counsels to aid the corporation counsel in the performance of the duties of corporation counsel. The assistants so appointed shall have authority to perform all the duties of the corporation counsel. The duties of the corporation counsel shall be limited to civil matters and may include giving legal opinions to the board and its committees and interpreting the powers and duties of the board and county officers. Whenever any of the powers and duties conferred upon the corporation counsel are concurrent with similar powers or duties conferred by law upon the district attorney, the district attorney's powers or duties shall cease to the extent that they are so conferred upon the corporation counsel and the district attorney shall be relieved of the responsibility for performing such powers or duties. Opinions of the corporation counsel on all such matters shall have the same effect as opinions of the district attorney. The corporation counsel may request the attorney general to consult and advise with the corporation counsel in the same manner as district attorneys as provided by s. 165.25 (3).

**SECTION 159.** 59.07 (46) of the statutes is renumbered 59.54 (7) and amended to read:

59.54 (7) **POLICE POWERS OVER CERTAIN U.S. LANDS AND STRUCTURES.** In counties ~~wherein~~ in which the United States has built a structure extending into a lake or river, the board may by ordinance regulate the use of such a structure by the public consistent with reasonable safety requirements, but nothing contained in the ordinance shall permit any interference with the operations of the United States, its agents, employes or representatives in connection with the structure, ~~and~~ The ordinance may also provide that any person who violates the ordinance shall forfeit to the county an amount not to exceed \$100 for each offense, plus costs, and in default of payment shall be imprisoned ~~for~~ not more than 30 days. Arrests for violation of the ordinance may be made by the sheriff or by any peace officer of the municipality wherein the structure is located.

**SECTION 160.** 59.07 (47) of the statutes is renumbered 59.54 (16) and amended to read:

59.54 (16) **CONTRACT WITH U.S. FOR CUSTODY OF FEDERAL PRISONERS.** ~~Empower~~ The board may authorize the sheriff or superintendent of the house of correction to contract with the United States to keep in the county jail or house of correction any person legally committed under U.S. authority, but not for a term exceeding 18 months.

**SECTION 161.** 59.07 (49) of the statutes is renumbered 59.70 (22) and amended to read:

59.70 (22) **BILLBOARD REGULATION.** Regulate The board may regulate, by ordinance, the maintenance and construction of billboards and other similar structures on

premises abutting on highways maintained by the county so as to promote the safety of public travel thereon. Such ordinances shall not apply within cities, villages and towns which have enacted ordinances regulating the same subject matter.

**SECTION 162.** 59.07 (50) of the statutes is renumbered 59.54 (19) and amended to read:

59.54 (19) RIDING HORSES, REGULATION. ~~Provide~~ The board may provide by ordinance for the regulation, ~~control~~, prohibition and licensing of horses kept for the purpose of riding, whether by private owners for their own use or by commercial stables, riding academies or clubs for hire; for the licensing and regulation of owners of riding horses and the regulation, ~~control~~, prohibition and licensing of commercial stables keeping horses for riding purposes for hire. The board may revoke the license of any owner of a horse kept for the purpose of riding for violation of such ordinance after the filing of charges and notice and hearing thereon. Such ordinance may provide that the chairperson of the board, when the board is not in session, shall be authorized to issue such license or to suspend such license of any person violating such ordinance; such issuance of license or the suspension of such license to be acted on by the board at its next meeting. Such ordinance may impose a ~~penalty of forfeiture~~ not to exceed \$100 for each violation or, in default of payment thereof, imprisonment for not ~~exceeding more than~~ 30 days. Such ordinances may not apply within cities, villages and towns that have enacted ordinances regulating the same subject matter.

**SECTION 163.** 59.07 (51) of the statutes is renumbered 59.70 (1) and amended to read:

59.70 (1) BUILDING AND SANITARY CODES. ~~Adopt~~ The board may enact building and sanitary codes, make necessary rules and regulations in relation thereto and provide for enforcement of the codes, rules and regulations by forfeiture or otherwise. The codes, rules and regulations do not apply within ~~cities, villages or towns~~ municipalities which have ~~adopted enacted~~ ordinances or codes concerning the same subject matter. "Sanitary code" does not include a private sewage system ordinance ~~adopted enacted~~ under s. ~~59.065~~ sub. (5). "Building and sanitary codes" does not include well code ordinances ~~adopted enacted~~ under s. ~~59.067~~ sub. (6).

**SECTION 164.** 59.07 (52) (title) of the statutes is renumbered 59.79 (9) (title) and amended to read:

59.79 (9) (title) ~~MILWAUKEE COUNTY; SEWAGE~~ SEWAGE, WASTE, REFUSE.

**SECTION 165.** 59.07 (52) (intro.) of the statutes is repealed.

**SECTION 166.** 59.07 (52) (a) and (b) of the statutes are renumbered 59.79 (9) (a) and (b) and amended to read:

59.79 (9) (a) Provide for the transmission and disposal of sewage from any of the county buildings, and for such purpose shall after October 1, 1965, annually pay to the municipality in which the buildings are situated for

the transmission and disposal of sewage, such proportion of the expense ~~thereof~~ of the transmission and disposal, as certified under s. 66.91 (5), to any such municipality; such proportionate expense to be determined by the ratio which the amount of sewage contributed by any such buildings may bear to the total amount of sewage contributed by any such municipality to such system; but each municipality ~~wherein~~ in which county buildings are located, if payment is to be made, shall provide and furnish meters to determine the amount of sewage so contributed. This paragraph shall not apply to user charges billed to the county under s. 66.912.

(b) Engage in the function of the destruction or disposal of waste by providing dumpage facilities; acquire lands by purchase, lease, donation or right of eminent domain within such county and use the lands as dumpage sites for depositing, salvaging, processing, burning or otherwise disposing of the waste, and acquire land by purchase, lease or donation outside such county for said purposes where state and local regulations permit; construct and equip incinerators and other structures to be used for disposal of waste; maintain, control and operate dumpage sites; maintain, control and operate incinerators for burning such materials; utilize or dispose of by sale or otherwise heat or power reclaimed from incinerator facilities; sell all salvageable waste materials and by-products; levy a tax to create a working capital fund to maintain and operate dumpage facilities, construct, equip and operate incinerators and other structures for disposal of wastes; charge or assess reasonable fees to persons making use of such sites, incinerators or other structures for the disposal of waste; make charges approximately commensurate with the cost of services rendered to any municipality using the county waste disposal facilities; authorize payment to any municipality, in which county waste disposal facilities, including incinerators, are located, to cover the reasonable cost of fire fighting services rendered to such county when the occasion demands such service; contract with private collectors and municipalities and transporters to receive and dispose of waste other than garbage at dumpage and incinerator sites; levy taxes to provide funds to acquire sites and to construct and equip incinerators and other structures for disposal of wastes; ~~adopt enact~~ and enforce ordinances, and adopt and enforce rules and regulations, necessary for the orderly conduct of providing such dumpage facilities and services and provide forfeitures for the violation thereof. The charges for waste disposal services shall be determined by the board and shall include a reasonable charge for depreciation. In the determination of the charges the board shall give full consideration to any fees directly collected for the service. Waste disposal charges shall be apportioned ~~pursuant to~~ under s. 70.63 to the respective municipalities receiving the service. The depreciation charges shall create a reserve for future capital outlays for waste disposal facilities. Before acquiring in

such county any site to be used for dumping or the erection of an incinerator or other structure for the disposal of waste, a public hearing shall be held in the county following notice of hearing by publication as a class 3 notice, under ch. 985. The term “waste” as used in this paragraph includes, without restriction limitation because of enumeration, garbage, ashes, municipal, domestic, industrial and commercial rubbish, waste or refuse material. The powers conferred by this paragraph are declared to be necessary to the preservation of the public health, welfare and convenience of the county.

**SECTION 167.** 59.07 (54) of the statutes is renumbered 59.80 and amended to read:

**59.80 Milwaukee county; city-county crime commission.** The board of any county having with a population of 500,000 or more or the common council of any 1st class city of the first class however organized in such county, may appropriate money to defray in whole or in part the expenses of a city-county crime commission organized and functioning to determine methods of crime prevention in such county. All items of expense paid out of such appropriation shall be presented and paid on board vouchers as are claims against counties.

**SECTION 168.** 59.07 (55) of the statutes is renumbered 59.79 (1) and amended to read:

59.79 (1) (title) HOUSING FACILITIES, ~~MILWAUKEE COUNTY.~~ In counties having a population of 500,000 or more, build Build, furnish and rent housing facilities to residents of the county. Such ~~counties~~ a county may borrow money or accept grants from the federal government for or in aid of any project to build, furnish and rent such housing facilities, to take over any federal lands and to such ends enter into such contracts, mortgages, trust indentures, leases or other agreements as the federal government may require. It is the intent of this subsection to authorize such ~~counties~~ a county to do anything necessary to secure the financial aid and the cooperation of the federal government in any undertaking by the county authorized by this subsection, including the authority to provide housing subsidies or allowances by participation in federal government housing programs.

**SECTION 169.** 59.07 (56) of the statutes is renumbered 59.53 (23) and amended to read:

59.53 (23) HOUSING AUTHORITIES, COUNTIES HAVING ONLY ONE TOWN. (a) The provisions of ss. 66.40 to 66.404 shall apply to any county having only one town, except as otherwise provided in this subsection or clearly indicated otherwise by the context, and any housing authority established under this subsection ~~shall be entitled to~~ may participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ss. 66.40 to 66.404.

(b) The powers and duties conferred and imposed by ss. 66.40 to 66.404 upon mayors and councils are ~~hereby~~ conferred upon ~~county~~ boards, and the powers and duties of specified city officials under those sections are ~~hereby~~

conferred upon county officials performing duties similar to the duties of ~~such~~ the specified city officials.

(c) Eligible low-income residents of the county who are 62 years of age or older may be given first preference in the selection of tenants for housing provided under the authority of this ~~section~~ subsection. The housing may, insofar as possible, be designed specifically for the foregoing class of residents.

(d) The area of operation of a housing authority created in and for a county ~~pursuant to~~ under this subsection is all of the county for which it is created.

**SECTION 170.** 59.07 (57) of the statutes is renumbered 59.79 (2) and amended to read:

59.79 (2) INTERGOVERNMENTAL COMMITTEES; APPROPRIATION. ~~In counties having a population of 500,000 or more, appropriate~~ Appropriate money to defray the expenses of any intergovernmental committee organized in the county with participation by the ~~county~~ board to study countywide governmental problems, and make recommendations thereon. All items of expense paid out of the appropriations shall be presented on vouchers signed by the chairperson and secretary of the intergovernmental committee.

**SECTION 171.** 59.07 (58) of the statutes is renumbered 59.48 and amended to read:

**59.48 County assessor.** The county executive elected under s. ~~59.031~~ 59.17 or the county administrator elected or appointed under s. ~~59.033~~ 59.18 shall appoint a county assessor as prescribed in and subject to the limitations of s. 70.99, approve the hiring of the assessor’s staff as prescribed in that section and otherwise comply with that section. In counties with neither a county executive nor a county administrator the appointment of the county assessor shall be the duty of the chairperson of the ~~county~~ board subject to the approval of the ~~county~~ board and subject to the limitations of s. 70.99. The hiring of the assessor’s staff shall be the duty of the county assessor subject to the limitations of s. 70.99.

**SECTION 172.** 59.07 (59) of the statutes is renumbered 59.70 (23) and amended to read:

59.70 (23) COUNTY NATURAL BEAUTY COUNCILS. ~~Create~~ The board may create a county natural beauty council as a committee of the ~~county~~ board, composed of such ~~county~~ board members, public members and governmental personnel as the ~~county~~ board designates. The council shall advise governmental bodies and citizens in the county on matters affecting the preservation and enhancement of the county’s natural beauty, and aid and facilitate the aims and objectives of the natural beauty council.

**SECTION 173.** 59.07 (61) of the statutes is renumbered 59.56 (4) and amended to read:

59.56 (4) UNIVERSITY CENTERS. Appropriate The board may appropriate money for the construction, remodeling, expansion, acquisition or equipping of land, buildings and facilities for a university of Wisconsin cen-

ter if the operation of it has been approved by the board of regents.

**SECTION 174.** 59.07 (62) of the statutes is renumbered 59.52 (15) and amended to read:

59.52 (15) PRINTING IN LOCAL TAX ROLLS, ETC. ~~Provide~~ The board may provide for the printing in assessment rolls and tax rolls and on data cards for local municipal officials, the descriptions of properties and the names of the owners thereof, but no town, city or village municipality shall be subject to any tax levied to effect these functions where ~~such town, city or village~~ the municipality provides its own printing for ~~said~~ the functions.

**SECTION 175.** 59.07 (63) of the statutes is renumbered 59.54 (3) and amended to read:

59.54 (3) RADIO SERVICE FOR FIRE PROTECTION. ~~Appropriate~~ The board may appropriate money for the purpose of providing radio service for fire protection in the county, in the manner prescribed by the ~~county~~ board.

**SECTION 176.** 59.07 (64) of the statutes is renumbered 59.54 (6) and amended to read:

59.54 (6) PEACE AND ORDER. ~~Enact~~ The board may enact and enforce ordinances to preserve the public peace and good order within the county including, but not limited by enumeration, ordinances prohibiting conduct that is the same as or similar to conduct that is prohibited by ss. 947.01 and 947.02, and provide a forfeiture for a violation of the ordinances.

**SECTION 177.** 59.07 (64e) of the statutes is renumbered 59.54 (22) and amended to read:

59.54 (22) POWER TO PROHIBIT CERTAIN CONDUCT. ~~Enact~~ The board may enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that prohibit conduct which is the same as or similar to that prohibited by chs. 941 to 948, except as provided in ~~sub. (64m)~~ s. 59.55 (6), and by s. 167.31 (2) and (3), subject to rules promulgated under s. 167.31 (4m).

**SECTION 178.** 59.07 (64m) of the statutes is renumbered 59.55 (6) and amended to read:

59.55 (6) REGULATION OF OBSCENITY. ~~Enact~~ The board may enact an ordinance to prohibit conduct that is the same as that prohibited by s. 944.21. A county may bring an action for a violation of the ordinance regardless of whether the attorney general has determined under s. 165.25 (3m) that an action may be brought. The ordinance may provide for a forfeiture not to exceed \$10,000 for each violation.

**SECTION 179.** 59.07 (65) (intro.), (a) and (b) of the statutes are renumbered 59.54 (4) (intro.), (a) and (b) and amended to read:

59.54 (4) (title) RURAL NAMING OR NUMBERING SYSTEM. (intro.) ~~Establish~~ The board may establish a rural naming or numbering system in towns for the purpose of aiding in fire protection, emergency services, and civil defense, and appropriate and expend money therefor, under which:

(a) Each rural road ~~and each~~ home, business, farm or other establishment, may be assigned a name or number.

(b) ~~Such~~ The names or numbers may be displayed on uniform signs posted on rural roads and intersections, and at each home, business, farm or other establishment.

**SECTION 180.** 59.07 (65) (c) of the statutes is renumbered 59.54 (4m) and amended to read:

59.54 (4m) (title) RURAL NAMING OR NUMBERING SYSTEM: TOWN COOPERATION. ~~This subsection~~ The rural naming or numbering system under sub. (4) may be carried out in cooperation with any town or towns in the county.

**SECTION 181.** 59.07 (67) of the statutes is renumbered 59.52 (25) and amended to read:

59.52 (25) ADVISORY AND CONTINGENT REFERENDA. ~~Conduct~~ The board may conduct a countywide referendum for advisory purposes or for the purpose of ratifying or validating a resolution adopted or ordinance adopted enacted by the board contingent upon approval in the referendum.

**SECTION 182.** 59.07 (68) of the statutes is renumbered 59.697 and amended to read:

**59.697 Fees for zoning appeals.** ~~Establish~~ The board may establish a schedule of fees to be charged for the filing of petitions for amendment and notices of appeal under ss. ~~59.97~~ 59.69 and ~~59.99~~ 59.694, relating to zoning ordinances.

**SECTION 183.** 59.07 (69) of the statutes is renumbered 59.54 (20) and amended to read:

59.54 (20) DOGS RUNNING AT LARGE. ~~Enact~~ The board may enact ordinances regulating the keeping, apprehension, impounding and destruction of dogs outside the corporate limits of any city or village, but such ordinances shall not conflict with ss. 174.01 and 174.042, and such ordinances may not apply in any town that has enacted an ordinance under s. 60.23 (30).

**SECTION 184.** 59.07 (71) of the statutes is renumbered 59.79 (3) and amended to read:

59.79 (3) TRANSPORTATION STUDIES. ~~In counties having a population of 500,000 or more the county board may undertake~~ Undertake the necessary studies and planning, alone or with other urban planning activities, to determine the total transportation needs of the county areas; to formulate a program for the most efficient and economical coordination, integration and joint use of all existing transportation facilities; and to study the interrelationship between metropolitan county area growth and the establishment of various transportation systems for such area in order to promote the most comprehensive planning and development of both. In pursuance of such undertaking the ~~county~~ board may employ the services of consultants to furnish surveys and plans, and may appropriate funds for the payment of the cost of such work and the hiring of consultants.

**SECTION 185.** 59.07 (73) of the statutes is renumbered 59.52 (17) and amended to read:

59.52 (17) RETURN OF RENTS TO MUNICIPALITIES. ~~Return~~ The board may return to municipalities all or any part of rent moneys received by the county under leases of county-owned lands.

**SECTION 186.** 59.07 (74) of the statutes is renumbered 59.52 (18) and amended to read:

59.52 (18) RETURN OF FOREST INCOME TO TOWNS. ~~Return~~ The board may return and distribute to the several towns in the county all or any part of any money received by the county from the sale of any product from county-owned lands which are not entered under the county forest law pursuant to under s. 28.11.

**SECTION 187.** 59.07 (75) of the statutes is renumbered 59.57 (1) and amended to read:

59.57 (1) COUNTY INDUSTRIAL DEVELOPMENT AGENCY. (a) Subject to par. (b), the board may appropriate money for and create a county industrial development agency or to any nonprofit agency organized to engage or engaging in activities described in this paragraph, appoint an executive officer and provide a staff and facilities to promote and develop the resources of the county and of its component ~~towns and~~ municipalities. To this end the agency may, without ~~restriction~~ limitation because of enumeration, develop data regarding the industrial needs, advantages and sites in the county, acquaint the purchaser with the products of the county by promotional activities, coordinate its work with that of the county planning commission, the department of development and private credit development corporations and ~~to do~~ all things necessary to provide for the continued improvement of the industrial climate of the county.

(b) If a county ~~having with~~ a population of 500,000 or more appropriates money under par. (a) to fund nonprofit agencies, the county shall have a goal of expending 20% of the money appropriated for this purpose to fund a nonprofit agency that is actively managed by minority group members, as defined in s. 560.036 (1) (f), and that principally serves minority group members.

**SECTION 188.** 59.07 (76) of the statutes is renumbered 59.53 (8) and amended to read:

59.53 (8) REHABILITATION FACILITIES. ~~Establish~~ The board may establish and maintain rehabilitation facilities in any part of the county under the jurisdiction of the sheriff as an extension of the jail, or separate from the jail under jurisdiction of a superintendent, to provide any person sentenced to the county jail with a program of rehabilitation for such part of the person's sentence or commitment as the court determines will be of rehabilitative value to the prisoner. Rehabilitation facilities may be located outside of the county under a cooperative agreement under s. 302.44.

**SECTION 189.** 59.07 (77) of the statutes is renumbered 59.79 (8) and amended to read:

59.79 (8) (title) ~~MILWAUKEE COUNTY; CONTRACTUAL~~ CONTRACTUAL PERSONNEL SERVICES. ~~In counties having a population of 500,000 or more, may enter~~ Enter into a

contract for a period not to exceed 2 years for the services of retired county employees, provided such services shall not replace or duplicate an existing office or position in the classified or unclassified service nor be considered an office or position under s. 63.03.

**SECTION 190.** 59.07 (80) of the statutes is renumbered 59.52 (27) and amended to read:

59.52 (27) BAIL BONDS. The authority of the ~~county~~ board to remit forfeited bond moneys to the bondsmen or their heirs or legal representatives, where such forfeiture arises as a result of failure of a defendant to appear and where such failure to appear is occasioned by a justifiable cause, is hereby confirmed.

**SECTION 191.** 59.07 (84) of the statutes is renumbered 59.54 (21) and amended to read:

59.54 (21) COUNTY DISPOSITION OF DEAD ANIMALS. ~~May~~ The board may remove any dead animal, for burial or disposition at public expense, found upon public or private property within the county, or may contract for such removal and burial or other disposition with any private rendering plant, but the cost of such removal or disposition may be recovered by the county from the owner of the carcass, if the owner is known. The ~~county~~ board may delegate powers and duties under this subsection to any political subdivision.

**SECTION 192.** 59.07 (86) of the statutes is renumbered 59.53 (12) and amended to read:

59.53 (12) GUARDIAN OF OR CONSERVATOR FOR COUNTY HOSPITAL PATIENTS. In any county having a population of 100,000 or more, the ~~county~~ board may authorize the county as a body corporate to act as guardian or conservator of the respective estates of patients in its county hospital or mental hospital, and also as guardians or conservators of the respective estates of residents of its county home or infirmary.

**SECTION 193.** 59.07 (87) of the statutes is renumbered 59.54 (18) and amended to read:

59.54 (18) CIVIL AIR PATROL. ~~Appropriate~~ The board may appropriate funds or donate property and equipment to civil air patrol units in the county for the purpose of enabling such civil air patrol units to perform their assigned missions and duties as prescribed by U.S. air force regulations.

**SECTION 194.** 59.07 (89) of the statutes is renumbered 59.79 (4) and amended to read:

59.79 (4) (title) HEATING AND AIR CONDITIONING CONTRACTORS, ~~MILWAUKEE COUNTY. In counties having a population of 500,000 or more, for~~ For the purpose of protecting and promoting the general health and welfare of county residents, provide by ordinance for the regulation, control, prohibition and licensing of heating and air conditioning contractors engaged in either soliciting work or any actual installation, maintenance or repair work within the geographic limits of such ~~counties a~~ county. The board may revoke any license after the filing of charges and notice of hearing thereon. Such ordinance

in addition may impose a ~~penalty forfeiture~~ of not to exceed \$100 for any violation or, in default of payment thereof, imprisonment for not to exceed 30 days and each day's failure to comply with any provision of the ordinance shall constitute a separate offense. In addition the county may institute injunctive proceedings to enforce any provision of the ordinance. The board may also, within the ordinance, provide for the creation of an advisory board and prescribe its powers. Such ordinance shall apply within cities and villages which may have ~~adopted~~ enacted ordinances regulating the same subject matter but the county ordinance shall not have jurisdiction over any building code matter in any municipality, nor shall the ordinance be applicable to licensed electrical contractors engaged in the installation, maintenance or repair of electrical heating and air conditioning systems or to a public utility which is subject to ch. 196.

**SECTION 195.** 59.07 (90) of the statutes is renumbered 59.79 (5) and amended to read:

59.79 (5) (title) ~~MILWAUKEE COUNTY; FEE~~ FEE FOR CERTAIN MARRIAGE CEREMONIES. ~~In counties having a population of 500,000 or more, enact~~ Enact an ordinance imposing a fee to be paid in advance to the county clerk for each marriage ceremony performed by a judge or a court commissioner specified in s. 765.16 (5) in the courthouse, safety building or children's court center during hours when any office in those public buildings is open for the transaction of business. The amount of the fee shall be determined by the ~~county~~ board.

**SECTION 196.** 59.07 (91) of the statutes is renumbered 59.79 (6) and amended to read:

59.79 (6) (title) ~~MILWAUKEE COUNTY; WORLD~~ WORLD FESTIVAL CELEBRATION. ~~In counties having a population of 500,000 or more, appropriate~~ Appropriate money for planning and participation in a world festival celebration, or any similar program or activity designed to promote international commerce and culture.

**SECTION 197.** 59.07 (92) of the statutes is renumbered 59.58 (1) and amended to read:

59.58 (1) AIRPORTS. (a) Construct, purchase, acquire, develop, improve, extend, equip, operate and maintain airports and airport facilities and buildings, including without limitation because of enumeration, terminal buildings, hangars and parking structures and lots, and including all property, ~~real and personal, that is~~ appurtenant to or necessary for such purposes.

(b) Finance such projects, including necessary sites, by the issuance of revenue bonds as provided in s. 66.066, and payable solely from the income, revenues and rentals derived from the operation of the project financed from the proceeds of ~~said~~ the bonds. If any such project is constructed on a site owned by the county prior to the issuance of the bonds the county shall be reimbursed from the proceeds of the bonds in the amount of not less than the reasonable value of the site. The reasonable value of the site shall be determined by the ~~county~~ board after hav-

ing obtained written appraisals of value by 2 ~~freeholders~~ general appraisers, as defined in s. 458.01 (11), in the county having a reputation for skill and experience in appraising real estate values. Any bonds issued ~~pursuant to~~ under this subsection shall not be included in arriving at the constitutional debt limitation.

(c) Operate airport projects or lease such projects in their entirety or in part, and any ~~such~~ project may include space designed for leasing to others if the space is incidental to the purposes of the project.

**SECTION 198.** 59.07 (93) of the statutes is renumbered 59.53 (11) and amended to read:

59.53 (11) SENIOR CITIZEN PROGRAMS; APPROPRIATION; COMMISSION ON AGING. (a) ~~Appropriate funds for the purpose of promoting and assisting to promote and assist~~ county commissions on aging and senior citizens clubs and organizations within the county in their organization and activities. A county may cooperate with any private agency or group in such work.

(b) Appoint a commission on aging as ~~provided in~~ under s. 46.82 (4) (a) 1., if s. 46.82 (4) (a) 1. is applicable.

(c) Appropriate money to defray the expenses incurred by private organizations ~~in providing that provide~~ that provide homemaking services to elderly and handicapped persons within the county if the services will enable the persons to remain self-sufficient and to live independently or with relatives.

**SECTION 199.** 59.07 (94) of the statutes is renumbered 59.56 (16) and amended to read:

59.56 (16) ADVOCACY FOR WOMEN AND AGRICULTURE. ~~Appropriate~~ The board may appropriate money to county commissions to conduct advocacy activities on behalf of women or agriculture.

**SECTION 200.** 59.07 (95) of the statutes is renumbered 59.56 (1) and amended to read:

59.56 (1) CULTURAL AND EDUCATIONAL CONTRIBUTIONS. ~~Appropriate~~ The board may appropriate money for cultural, artistic, educational and musical programs, projects and related activities, including financial assistance to nonprofit corporations devoted to furthering the cultivation and appreciation of the art of music or to the promotion of the visual arts.

**SECTION 201.** 59.07 (96) of the statutes is renumbered 59.53 (4) and amended to read:

59.53 (4) COMPREHENSIVE HEALTH PLANNING. A county or combination of counties may engage in comprehensive health planning, and ~~county~~ boards may appropriate county funds to an ~~area-wide~~ areawide agency for such planning, whether the organization to be utilized is a public agency or a private, nonprofit corporation.

**SECTION 202.** 59.07 (96m) of the statutes is renumbered 59.53 (19) and amended to read:

59.53 (19) JOINT OPERATION OF HEALTH-RELATED SERVICE. ~~May~~ The board may authorize the trustees of county hospitals, together with a private or public organization or affiliation, to organize, establish and partici-

pate in the governance and operation of an entity to operate, wholly or in part, any health-related service; to participate in the financing of the entity; and to provide administrative and financial services or resources for its operation on terms prescribed by the county board.

**SECTION 203.** 59.07 (97) of the statutes is renumbered 59.53 (5) and amended to read:

**59.53 (5) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM.** The county board shall contract with the department of health and social services to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency as the county designee. The board or its designee shall implement and administer the programs in accordance with the contract with the state department of health and family services. The attorneys responsible for support enforcement under s. 59.458 (4) ~~sub. (6) (a)~~, family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department as necessary to provide the services required under the programs. The county shall charge the fee established by the department under s. 46.25 for services provided under this subsection to persons not receiving assistance under s. 49.19 or 49.47.

**SECTION 204.** 59.07 (98) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 59.53 (2) and amended to read:

**59.53 (2) EMERGENCY ENERGY RELIEF.** Regardless of whether a county operates a relief program under sub. (154), ~~(21)~~, the board may appropriate money for making payments to individuals or providing grants to community action agencies, cities, villages and towns and municipalities to assist persons and families in the purchase of emergency energy supplies.

**SECTION 205.** 59.07 (99) of the statutes is renumbered 59.53 (3) and amended to read:

**59.53 (3) COMMUNITY ACTION AGENCIES.** ~~Appropriate~~ The board may appropriate funds for promoting and assisting any community action agency under s. 46.30.

**SECTION 206.** 59.07 (100) of the statutes is renumbered 59.53 (14) and amended to read:

**59.53 (14) VICTIMS AND WITNESSES OF CRIMES.** ~~Appropriate~~ The board may appropriate money for the implementation and operation of a program under s. 950.06.

**SECTION 207.** 59.07 (101) of the statutes is renumbered 59.62 and amended to read:

**59.62 Investment authority delegation. (1) Delegate by resolution or ordinance** The board may delegate to any officer or employe any authority assigned by law to the county board to invest county funds. Such ordinance The delegation shall provide that the officer or employe be bonded.

**(2)** The county board may impose any restriction on the delegation or exercise of authority delegated under this ~~subsection deemed~~ section considered desirable by the county board. If the county board delegates authority under this ~~subsection~~ section, the board shall periodically review the exercise of the delegated authority by the officer or employe.

**SECTION 208.** 59.07 (102) of the statutes is renumbered 59.53 (9) and amended to read:

**59.53 (9) GROUP HOMES.** ~~Own~~ The board may own or operate group homes, as defined in s. 48.02 (7).

**SECTION 209.** 59.07 (105) of the statutes is renumbered 59.56 (7) and amended to read:

**59.56 (7) SCHOOL ATTENDANCE.** ~~Enact~~ The board may enact and enforce an ordinance to impose a penalty, which is the same as that provided under s. 118.15 (5), upon a person having under his or her control a child who is between the ages of 6 and 18 years and whose child is not in compliance with s. 118.15.

**SECTION 210.** 59.07 (107) of the statutes is renumbered 59.54 (25) and amended to read:

**59.54 (25) POSSESSION OF MARIJUANA.** ~~Enact~~ The board may enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 161.01 (14), subject to the exceptions in s. 161.41 (3r), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this subsection. Any ordinance enacted under this subsection does not apply in any city, village or town municipality that has enacted an ordinance prohibiting the possession of marijuana.

**SECTION 211.** 59.07 (109) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 59.54 (23) and amended to read:

**59.54 (23) PUBLIC ASSISTANCE; FALSE REPRESENTATION.** ~~Enact~~ The board may enact and enforce an ordinance to prohibit conduct that is the same as or similar to conduct that is prohibited by s. 49.95 (1) and provide a forfeiture for a violation of the ordinance.

**SECTION 212.** 59.07 (111) of the statutes is renumbered 59.54 (24), and 59.54 (24) (intro.), as renumbered, is amended to read:

**59.54 (24) WORTHLESS PAYMENTS ISSUED TO A COUNTY; UNDERPAYMENTS AND OVERPAYMENTS. (intro.)** ~~Enact~~ The board may enact and enforce an ordinance that is the same as or similar to s. 20.905 to do any of the following:

**SECTION 213.** 59.07 (120) of the statutes is renumbered 59.54 (26) and amended to read:

**59.54 (26) FARM SAFETY.** ~~Appropriate~~ The board may appropriate money for or sponsor, or both, farm safety education, training or information programs.

**SECTION 214.** 59.07 (133) of the statutes is renumbered 59.70 (3) and amended to read:

59.70 (3) RECYCLING OR RESOURCE RECOVERY FACILITIES. Establish The board may establish and require use of facilities for the recycling of solid waste or for the recovery of resources from solid waste as provided under s. 159.13.

**SECTION 215.** 59.07 (134) of the statutes is renumbered 59.70 (11) and amended to read:

59.70 (11) ACQUISITION OF RECYCLING OR RESOURCE RECOVERY FACILITIES WITHOUT BIDS. ~~Contract~~ The board may contract for the acquisition of any element of a recycling or resource recovery facility without submitting the contract for bids as required under s. ~~59.08~~ 59.52 (29) if the county board invites developers to submit proposals to provide a completed project and evaluates proposals according to site, cost, design and the developers' experience in other similar projects.

**SECTION 216.** 59.07 (135) of the statutes is renumbered 59.70 (2) and amended to read:

59.70 (2) SOLID WASTE MANAGEMENT. The ~~county~~ board of any county may establish and operate a solid waste management system or participate in such system jointly with other counties, ~~cities, villages or towns or municipalities~~. Except in counties having a population of 500,000 or more, the ~~county board or boards of supervisors of any a county or the boards of a combination of counties~~ establishing a solid waste management system may create a solid waste management board to operate the system and such board, in ~~any a~~ county that does not combine with another county, shall be composed of not less than 9 nor more than 15 persons of recognized ability and demonstrated interest in the problems of solid waste management, but not more than 5 of the board members may be appointed from the county board of supervisors. In any combination of counties, the solid waste management board shall be composed of 11 members with 3 additional members for each combining county in excess of 2. Appointments shall be made by the county boards of supervisors of the combining counties in a manner acceptable to the combining counties, but each of the combining counties may appoint to the solid waste management board not more than 3 members from its county board of supervisors. The term of office of any member of the solid waste management board shall be 3 years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for 2 years; and the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. Any solid waste management board member may be removed from office by a two-thirds vote of the appointing authority. The solid waste management board may employ a manager for the system. The manager shall be trained and experienced in solid waste management. For the purpose of operating

the solid waste management system, the solid waste management board may exercise the following powers:

(a) Develop ~~plans~~ a plan for a solid waste management system.

(b) Within such county or joint county, collect, transport, dispose of, destroy or transform wastes, including, without ~~restriction~~ limitation because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.

(c) Acquire lands within the county by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(d) Authorize employes or agents to enter ~~upon~~ lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.

(e) Acquire by purchase, lease, donation or eminent domain ~~such~~ easements or other limited interests in lands ~~as that~~ are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(f) Establish operations and methods of waste management as that are ~~deemed~~ considered appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.

(g) Acquire the necessary equipment, use such equipment and facilities of the county highway agency, and construct, equip and operate incinerators or other structures to be used in the solid waste management system.

(h) ~~Adopt~~ Enact and enforce ordinances necessary for the conduct of the solid waste management system and provide forfeitures for violations.

(i) Contract with private collectors ~~or~~ transporters or municipalities to receive and dispose of wastes.

(j) Engage in, sponsor or cosponsor research and demonstration projects that are intended to improve the techniques of solid waste management or to increase the extent of reuse or recycling of materials and resources included within the wastes.

(k) Accept funds that are derived from state or federal grant or assistance programs and enter into necessary contracts or agreements.

(L) Appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the solid waste management system except that no ~~town, city or village~~ municipality which operates its own solid waste management program under s. 159.09

(2) (a) or waste collection and disposal facility, or property therein, shall be subject to any tax levied hereunder to cover the capital and operating costs of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.

(m) Make payments to any municipality in which county disposal sites or facilities are located to cover the reasonable costs of services that are rendered to such sites or facilities.

(n) Charge or assess reasonable fees, approximately commensurate with the costs of services rendered to persons using the services of the county solid waste management system. Fees The fees may include a reasonable charge for depreciation which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume.

(o) ~~Districts may be created and~~ Create service districts which provide different types of solid waste collection or disposal services ~~provided within them and different.~~ Different regulations and cost allocations may be applied to each service district. Costs allocated to such service districts may be provided by general tax upon the property of the respective districts or by allocation of charges to the ~~cities, villages or towns~~ municipalities whose territory is included within such districts.

(p) Utilize or dispose of by sale or otherwise ~~any and~~ all products or by-products of the solid waste management system.

(q) Impose fees, in addition to the fees imposed under ch. 144, upon persons who dispose of solid waste at publicly owned solid waste disposal sites in the county for the purpose of cleaning up closed or abandoned solid waste disposal sites within the county, subject to all of the following conditions:

1. The fees are based on the amount of solid waste that is disposed of by each person.
2. The fees may not exceed 20% of the amount that is charged for the disposal of the solid waste.
3. The effective date of the fees and any increase in the fees is January 1 and such effective date is at least 120 days after the date on which the board adopts the fee increase.
4. The cleanup of the site is conducted under the supervision of the department of natural resources.
5. The ~~county board of supervisors~~ may prevent the implementation of, or may terminate, fees imposed by the solid waste management board.

**SECTION 217.** 59.07 (136) of the statutes is renumbered 59.53 (13) and amended to read:

59.53 (13) SUBSIDY OF ABORTIONS RESTRICTED. No county, or agency or subdivision of the county, may authorize funds for or pay to a physician or surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with s. 20.927.

**SECTION 218.** 59.07 (137) of the statutes is renumbered 59.70 (7) and amended to read:

59.70 (7) SOIL CONSERVATION. ~~May~~ The board may contract to do soil conservation work on privately owned land either directly or through a committee designated by it.

**SECTION 219.** 59.07 (137m) of the statutes, as created by 1995 Wisconsin Act 130, is renumbered 59.70 (8m) and amended to read:

59.70 (8m) HARBOR IMPROVEMENT. ~~Establish~~ The board may establish, own, operate, lease, equip and improve harbor facilities on land owned by the county that is located in this state or in another state, subject to the laws of the state in which the land is located, and may appropriate money for the activities specified in this subsection.

**SECTION 220.** 59.07 (139) of the statutes is renumbered 59.70 (9) and amended to read:

59.70 (9) IMPROVEMENT OF ARTIFICIAL LAKES. ~~Appropriate~~ The board may appropriate money for the purpose of maintaining, dredging and improving any artificial lake existing on July 1, 1955, all or a portion of which is adjacent to or within a county park, and for the acquisition of land required in connection therewith.

**SECTION 221.** 59.07 (140) of the statutes is renumbered 59.70 (8) and amended to read:

59.70 (8) INLAND LAKE PROTECTION AND REHABILITATION. ~~May~~ The board may establish an inland lake protection and rehabilitation program and may create, develop and implement inland lake protection and rehabilitation projects similar to projects which an inland lake protection and rehabilitation district is authorized to create, develop and implement under ch. 33. ~~As used in~~ In this subsection, “lake rehabilitation”, “program”, “project” and “lake” have the meanings specified under s. 33.01 (4), (6), (7) and (8), respectively.

**SECTION 222.** 59.07 (141) of the statutes is renumbered 59.54 (12) and amended to read:

59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption of a resolution, a ~~county~~ board may enter into an agreement and seek funding under s. 165.90.

**SECTION 223.** 59.07 (143) (title) of the statutes is renumbered 59.79 (7) (title) and amended to read:

59.79 (7) (title) ~~MILWAUKEE LAKEFRONT~~ LAKEFRONT PARKING FACILITY.

**SECTION 224.** 59.07 (143) (intro.) of the statutes is repealed.

**SECTION 225.** 59.07 (143) (a) and (b) of the statutes are renumbered 59.79 (7) (a) and (b) and amended to read:

59.79 (7) (a) Contract with the state to ~~utilize~~ use and pay reasonable charges for the ~~utilization~~ use of all or a portion of the parking facility authorized under s. 13.485 and to guaranty all or a portion of the debt service for revenue obligations issued under s. 13.485 as compensation

for benefits to be derived by the county and the public from the facility funded by the issuance.

(b) Take any action that is necessary to facilitate contracting with the state under par. (a), including the levying of any direct annual tax for that purpose.

**SECTION 226.** 59.07 (144) of the statutes is renumbered 59.54 (11) and amended to read:

59.54 (11) SAFETY AT SPORTING EVENTS. ~~Enact~~ The board may enact and enforce an ordinance to prohibit conduct which is the same as conduct prohibited by s. 167.32 and provide a forfeiture for a violation of the ordinance.

**SECTION 227.** 59.07 (145) of the statutes is renumbered 59.54 (10) and amended to read:

59.54 (10) NEIGHBORHOOD WATCH SIGN APPROVAL. ~~Approve~~ The board may approve the placement, by a town board, of a neighborhood watch sign under s. 60.23 (17m) within the right-of-way of a county trunk highway.

**SECTION 228.** 59.07 (146) of the statutes is renumbered 59.54 (8), and 59.54 (8) (a) 1. to 4. and (b) 1. and 2., as renumbered, are amended to read:

59.54 (8) (a) 1. Create a local emergency planning committee, with members as specified in [42 USC 11001](#) (c), which shall have the powers and the duties established for such committees under [42 USC 11000](#) to [11050](#) and under ss. 166.20 and 166.21.

2. Control all expenditures by ~~any~~ the committee that is created under this paragraph.

3. Within the availability of state funds, take all actions that are necessary to ensure that the committee created under this paragraph properly executes the duties of a local emergency planning committee under [42 USC 11000](#) to [11050](#) and under ss. 166.20 and 166.21.

4. At least annually, submit to the state emergency response board a list of the members of the local emergency planning committee appointed by the county board under this paragraph, including the agency, organization or profession that each member represents.

(b) 1. Appropriate funds for the operation of the committee that is created under par. (a).

2. Implement programs and undertake activities which are designed to prepare the county to cope with emergencies involving the accidental release of hazardous substances and which are consistent with, but in addition to, the minimum requirements of s. 166.20 and [42 USC 11000](#) to [11050](#).

**SECTION 229.** 59.07 (147) of the statutes is renumbered 59.53 (7) and amended to read:

59.53 (7) INTEGRATED SERVICE PROGRAM FOR CHILDREN WITH SEVERE DISABILITIES. ~~Establish~~ The board may establish a program of integrated services for children with severe disabilities under s. 46.56.

**SECTION 230.** 59.07 (149) of the statutes is renumbered 59.82, and 59.82 (1), (2) (intro.) and (d), (3) and (4), as renumbered, are amended to read:

59.82 (1) Counties having with a population of 500,000 or more may participate in the development of a research and technology park under ~~par. (b)~~ sub. (2) if all of the following apply:

(a) A nonstock, nonprofit corporation is organized under ch. 181 for the sole purpose of developing a research and technology park under sub. (2).

(b) The research and technology park is located on land designated by the ~~county~~ board for that purpose and owned by the county.

(c) The ~~county~~ board determines that participation is for a public purpose and that participation will benefit the Milwaukee regional medical center, Milwaukee county and this state.

(2) (intro.) A county may participate with the nonstock, nonprofit corporation under ~~par. (a) 1.~~ sub. (1) (a) in the development of a research and technology park by doing any of the following on terms approved by the ~~county~~ board:

(d) Entering into contracts or exercising any other authority that is necessary for the development of a research and technology park.

(3) Officers, officials and employees of the county may be members of the board of directors of the nonstock, nonprofit corporation under ~~par. (a) 1.~~ sub. (1) (a) but may not receive compensation for serving as a member of the board.

(4) The nonstock, nonprofit corporation under ~~par. (a) 1.~~ sub. (1) (a) shall give a 45-day written notice to a municipality that is located in the county whenever the nonprofit corporation intends to enter into a transaction that entails moving a research or technology business or facility from the municipality to the research and technology park.

**SECTION 231.** 59.07 (150) of the statutes is renumbered 59.58 (5) and amended to read:

59.58 (5) SPECIALIZED TRANSPORTATION SERVICES. ~~Coordinate~~ The board may coordinate specialized transportation services, as defined in s. 85.21 (2) (g), for county residents who are disabled or are aged 60 or older, including services funded under [42 USC 3001](#) to [3057n](#), [42 USC 5001](#) and [42 USC 5011](#) (b), under ss. 49.43 to 49.499 and 85.21 and under other public funds administered by the county.

**SECTION 232.** 59.07 (151) (title) of the statutes is repealed.

**SECTION 233.** 59.07 (151) of the statutes is renumbered 59.11 (5) and amended to read:

59.11 (5) ~~Appropriate~~ The board may appropriate funds to broadcast by radio or television, or to tape and

rebroadcast, any meeting of the board held under s. 59.04 this section.

**SECTION 234.** 59.07 (152) of the statutes is renumbered 59.53 (20) and amended to read:

59.53 (20) WORK CENTERS. ~~Operate~~ The board may operate a work center licensed under s. 104.07 to provide employment for severely handicapped individuals.

**SECTION 235.** 59.07 (153) (title) of the statutes is renumbered 59.79 (10) (title).

**SECTION 236.** 59.07 (153) (a) and (b) of the statutes, as affected by 1995 Wisconsin Act 27, are consolidated, renumbered 59.79 (10) and amended to read:

59.79 (10) ~~In counties having a population of 500,000 or more, determine~~ Determine policy for the operation, maintenance and improvement of the county hospital under s. 49.71 (2) and, notwithstanding the powers and duties specified under s. 46.21 (2) (k), (3r) and (6) with respect to the county hospital and the administrator and specified under s. 46.21 (2) (b), (L), (m), (n), (nm), (o), (p) and (q) and (3g), provide for the management of the county hospital as the board considers appropriate, except that the employe positions at the hospital will be county employe positions. If the board acts under this subsection, the board may not discontinue operation, maintenance and improvement of the county hospital under s. 49.71 (2) and shall exercise the duties under s. 46.21 (4m). ~~(b)~~ This subsection does not apply if the board acts under s. 46.21 with respect to the county hospital under s. 49.71 (2).

**SECTION 237.** 59.07 (154) of the statutes, as affected by 1995 Wisconsin Act 58, is renumbered 59.53 (21) and amended to read:

59.53 (21) OPERATION OF RELIEF PROGRAMS. ~~Operate~~ The board may operate a program of relief for a specific class or classes of persons residing in that county. The county may set such eligibility criteria to obtain relief, and may provide such services, commodities or money as relief, as the county determines to be reasonable and necessary under the circumstances. The program may include work components. The county may enact any ordinances necessary or useful to the operation of a relief program under this subsection. Counties may use vehicle registration information from the department of transportation in determining eligibility for relief programs under this subsection.

**SECTION 238.** 59.07 (155) of the statutes, as created by 1995 Wisconsin Act 27, is renumbered 59.52 (28) and amended to read:

59.52 (28) COLLECTION OF COURT IMPOSED PENALTIES. ~~Adopt~~ The board may adopt a resolution authorizing the clerk of circuit court, under s. 59.396 ~~59.40~~ (4), to contract with a collection agency for the collection of unpaid fines and forfeitures.

**SECTION 239.** 59.071 of the statutes is renumbered 59.57 (2) and amended to read:

59.57 (2) INDUSTRIAL DEVELOPMENT AGENCIES. (a) *Short title.* This ~~section~~ subsection shall be known and may be cited as the “Industrial Development Law”.

(b) *Findings.* It is found and declared that industries located in this state have been induced to move their operations in whole or in part to, or to expand their operations in, other states to the detriment of state, county and municipal revenue arising through the loss or reduction of income and franchise taxes, real estate and other local taxes, and thereby causing an increase in unemployment; that such conditions now exist in certain areas of the state and may well arise in other areas; that economic insecurity due to unemployment is a serious menace to the general welfare of not only the people of the affected areas but of the people of the entire state; that such unemployment results in obligations to grant public assistance and in the payment of unemployment compensation; that the absence of new economic opportunities has caused workers and their families to migrate elsewhere to find work and establish homes, which has resulted in a reduction of the tax base of counties, cities and other local governmental jurisdictions impairing their financial ability to support education and other local governmental services; that security against unemployment and the preservation and enhancement of the tax base can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of commerce, industry and manufacturing; that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurers and other financial institutions; that means are necessary under which counties so desiring may create instrumentalities to promote industrial development and such purpose requires and deserves support from counties as a means of preserving the tax base and preventing unemployment. It is therefore declared to be the policy of this state to promote the right to gainful employment, business opportunities and general welfare of the inhabitants thereof and to preserve and enhance the tax base in counties and municipalities by the creation of bodies, corporate and politic, which shall exist and operate for the purpose of fulfilling the aims of this ~~section~~ subsection and such purposes are hereby declared to be public purposes for which public money may be spent and the necessity in the public interest for the provisions herein enacted is declared a matter of legislative determination.

(c) *Definitions.* ~~As used in this section~~ In this subsection, unless the context clearly indicates otherwise:

1. “Federal agency” includes the United States, the president of the United States and any department of or corporation, agency or instrumentality ~~heretofore or hereafter~~ that is created, designated or established by the United States.

2. “Industrial development agency” or “agency” is means a public body corporate and politic created under this ~~section~~ subsection, which agency shall have the char-

acteristics and powers described in this ~~section~~ subsection;

3. "Industrial development project" is means any site, structure, facility or undertaking comprising or being connected with or being a part of an industrial or manufacturing enterprise established or to be established by an industrial development agency;

(d) *Formation of industrial development agencies.*

1. Any county upon a finding by the ~~county~~ board that there is a need therefor may cause to be formed an agency.

Except as provided under s. ~~59.07 (149)~~ 59.82, the agency shall be the sole agency and instrumentality of the county for the purposes stated in this ~~section~~ subsection.

2. Any adjoining counties upon a finding by their ~~county~~ boards that there is need therefor may jointly cause to be formed an agency which shall be the sole agency and instrumentality of the counties for the purposes stated in this ~~section~~ subsection.

3. The ~~county~~ board may appropriate such sums of money as are necessary or advisable for the benefit of the agency and prescribe the terms and conditions of such appropriation.

4. The agency shall be a separate and distinct public instrumentality and body corporate and politic exercising public powers determined to be necessary by the state for the purposes set forth in ~~sub. (2) par. (b)~~. The agency shall have no power at any time to pledge the credit or taxing power of the state, any county, or any municipality or political subdivision, but all of its obligations shall be ~~deemed~~ considered to be obligations solely of the agency.

(e) *Organization of industrial development agencies.*

~~Such agencies shall have the following authority and shall be subject to the following restrictions All of the following apply to an agency:~~

1. Proposed articles of incorporation and proposed bylaws shall be made available for inspection by any municipality within the county for a period of at least 30 days and shall ~~thereafter~~ then be submitted to the ~~county~~ board for approval.

2. The articles of incorporation shall be signed and acknowledged by persons designated by the ~~county~~ board or where counties join in the formation of the agency by the ~~county~~ boards of those counties and shall include at least 3 of the following from each county: the county executive, if there is one; the chairperson of the ~~county~~ board; the chairperson of the ~~county~~ board finance committee, if there is one; the county corporation counsel and the county auditor or ~~county~~ treasurer in counties having no county auditor, and only those persons so signing and acknowledging the articles of incorporation shall for the purposes of ch. 181 be the incorporators of the agency. When counties join in the formation of the agency, the articles of incorporation shall be recorded in the office of the register of deeds of each county.

3. The provisions of ch. 181, except such as are inconsistent with this ~~section~~ subsection and except as otherwise specifically provided in this ~~section~~ subsection, shall be applicable to such agency. The articles of incorporation shall specifically state that the agency is a public instrumentality created under the industrial development law and organized in accordance with the requirements of ch. 181 and that the agency shall be subject to ch. 181 to the extent that said chapter is not inconsistent with this ~~section~~ subsection.

4. The articles of incorporation shall provide for 2 classes of members who shall be designated as county members and public members and shall fix the number of each class, but the county members, at all times, shall constitute not less than a majority of the total authorized members. All members of each class shall be designated by the ~~county~~ board and shall hold office at the pleasure of the ~~county~~ board, except that in counties having a county executive, the members shall be designated by the county executive subject to confirmation by the ~~county~~ board. The agency shall be subject to dissolution and its corporate authority terminated upon resolution adopted by a majority of the ~~county~~ board, or of the ~~county~~ boards of each county where counties join in the formation of the agency whereupon the members shall proceed ~~forthwith~~ immediately to dissolve the agency, wind up its affairs and distribute its remaining assets as provided in this ~~section~~ subsection.

5. The articles of incorporation shall provide for 2 classes of directors, each class to consist of such number as is provided in the bylaws. The county executive, if there is one, the chairperson of the ~~county~~ board, the chairperson of the ~~county~~ board finance committee, if there is one, the county corporation counsel and the county auditor or ~~county~~ treasurer in counties having no county auditor, shall be members of the board of directors by virtue of their office and as representatives of the county in which they hold the office and the ~~county~~ board of each county shall have the right to designate such additional county directors as the bylaws authorize. The county directors shall at all times constitute not less than a majority of the total authorized number of directors. Public directors shall be appointed by the ~~county~~ board and shall hold office at the pleasure of the ~~county~~ board.

6. The corporate income of the agency shall not inure to any private person. Upon the dissolution of the agency all net assets after payment or provision for the payment of all debts and obligations shall be paid ~~over~~ to the county in which ~~it~~ the agency is located or if counties have joined in the formation of the agency then to such counties in such shares as is provided in the articles of incorporation.

(f) *Operating authority of industrial development agencies.* The agency is granted all operating authority necessary or incidental to ~~the~~ carrying out and effectuat-

ing the purposes of this ~~section~~ subsection including, without limitation because of enumeration, the following:

1. To grant financial aid and assistance to any industrial development project, which ~~aid and assistance may take the form of~~ be loans either secured or unsecured, contracts of sale and purchase, leases and such other transactions as are determined by the agency.

2. Within the boundaries of the county or the counties joining in the formation of the agency to acquire by purchase, lease or otherwise any real or personal property or any interest therein or mortgage or other lien thereon; to hold, improve, clear and redevelop any such property; to sell, assign, lease, subdivide and make ~~such~~ the property available for industrial use and to mortgage or otherwise encumber the ~~same~~ property.

3. To borrow money and to execute notes, bonds, debentures and other forms of indebtedness; to apply for and accept advances, loans, grants and contributions and other forms of financial assistance from the federal, state or county government and from municipalities and other public bodies and from industrial and other sources; to give such security as is required by way of mortgage, lien, pledge or other encumbrance, but any obligations for the payment of money shall be issued by the agency only after approval in such manner as is determined by the ~~county~~ board or boards where counties have joined in the formation of the agency and is prescribed in the articles of incorporation or bylaws of the agency.

4. To loan money for such period of time and at ~~such an~~ an interest rate as ~~that~~ is determined by the agency and to be secured by mortgage, pledge or other lien or encumbrance on the industrial development project for which the loan was made or in other appropriate manner, which mortgage or other lien may be subordinate to a mortgage or other lien securing the obligations representing funds secured from independent sources which are used in the financing of the industrial development project and which mortgage or other lien and the indebtedness secured thereby may be sold, assigned, pledged or hypothecated.

5. To enter into any contracts ~~deemed to be~~ considered necessary or helpful and in general have and exercise all such other and further authority as is required or necessary in order to effectuate the purposes of this ~~section~~ subsection.

(g) *Examination and audit.* The accounts and books of the agency, including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operation and affairs shall be examined and audited annually by the county auditor or by an independent certified public accountant designated by the ~~county~~ board or boards where counties have joined in the formation of the agency.

(h) *Limitation of powers.* 1. An industrial development agency shall not enter into any transaction which

entails moving an industrial plant or facility from a municipality within the county to another location outside ~~such~~ the municipality if the common council or the village board of the municipality where ~~such~~ the plant or facility is then situated, within 45 days after receipt of written notice from the agency that it proposes to enter into such transaction, objects thereto by resolution adopted by a two-thirds vote of its council or board and approved by its mayor or president.

2. The state ~~does hereby pledge~~ pledges to and ~~agree~~ agrees with the United States and any other federal agency that if any federal agency constructs, loans or contributes any funds for the construction, extension, improvement or enlargement of any industrial development project, or any portion thereof, the state will not alter or limit the rights and powers of the agency in any manner which would be inconsistent with the due performance of any agreements between the agency and any such federal agency, and the agency shall continue to have and may exercise all powers ~~herein~~ granted in this subsection, so long as the ~~same is~~ powers are necessary or desirable for the carrying out of the purposes of this ~~section~~ subsection.

(i) *Construction.* This ~~section~~ subsection shall be construed liberally to effectuate the purposes hereof and the enumeration therein of specific powers shall not operate to restrict the meaning of any general grant of power contained in this ~~section~~ subsection or to exclude other powers comprehended in such general grant.

**SECTION 240.** 59.073 of the statutes is renumbered 59.55 (1), and 59.55 (1) (a), (b) (intro.) and (c), as renumbered, are amended to read:

59.55 (1) (a) In this ~~section~~ subsection:

1. “Consumer complaint” means ~~any a~~ a complaint received by a consumer protection agency from an individual.

2. “County consumer protection agency” means an agency created or designated under this ~~section~~ subsection.

(b) (intro.) ~~Any A~~ Any county may create or designate a consumer protection agency which may:

(c) A county consumer protection agency created under this ~~section~~ subsection shall report at least once every 6 months to the ~~county~~ board on the actions and activities of the agency.

**SECTION 241.** 59.075 of the statutes is renumbered 59.53 (22) and amended to read:

59.53 (22) COUNTY HOUSING AUTHORITIES. (a) Sections 66.40 to 66.404 shall apply to counties, except as otherwise provided in this ~~section~~ subsection, or as clearly indicated otherwise by the context.

(b) The powers and duties conferred and imposed by ss. 66.40 to 66.404 upon mayors and councils are conferred upon ~~county~~ boards, and the powers and duties of specified city officials under ss. 66.40 to 66.404 are con-

ferred upon county officials performing duties similar to the duties of such specified city officials.

(c) The area of operation of a housing authority created in and for a county is all of the county for which it is created, but a county housing authority may not undertake any housing project within the boundaries of any ~~city, village or town~~ municipality unless a resolution has been adopted by the governing body of the ~~city, village or town~~ municipality, and by any housing authority which has been created ~~therein in that municipality~~, declaring that there is need for the county housing authority to exercise its powers within that ~~city, village or town~~ municipality.

(d) County housing authorities created under this ~~section subsection~~ are urged to utilize those provisions of the federal housing laws whereby private developers may acquire land, build housing projects according to federal standards and turn them over to such housing authorities for due consideration.

**SECTION 242.** 59.08 of the statutes is renumbered 59.52 (29) and amended to read:

59.52 (29) PUBLIC WORK, HOW DONE; PUBLIC EMERGENCIES. (a) All public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$20,000 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$20,000, shall be let as the board may direct. If the estimated cost of any public work is between \$5,000 and \$20,000, the board shall give a class 1 notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.29 (2). A contract, the estimated cost of which exceeds \$20,000, shall be let and entered into under s. 66.29, except that the board may by a three-fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids. This ~~section subsection~~ does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make.

(b) The provisions of ~~sub. (1) par. (a)~~ are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the ~~county~~ board, in which the public health or welfare of the county is endangered. Whenever the ~~county~~ board by majority vote at a regular or special meeting determines that an emergency no longer exists, this ~~subsection paragraph~~ no longer applies.

**SECTION 243.** 59.083 of the statutes is renumbered 59.03 (2) and amended to read:

59.03 (2) CONSOLIDATION OF MUNICIPAL SERVICES, HOME RULE, METROPOLITAN DISTRICT. (a) Except as else-

where specifically provided in these statutes, the ~~county~~ board of any county is ~~hereby~~ vested with all powers of a local, legislative and administrative character, including without limitation because of enumeration, the subject matter of water, sewers, streets and highways, fire, police, and health, and to carry out these powers in districts which it may create for different purposes, or throughout the county, and for such purposes to levy county taxes, to issue bonds, assessment certificates and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred may be exercised by the ~~county~~ board in any ~~town, city or village~~ municipality, or part thereof located in ~~such the~~ county upon the request of any such ~~town, city or village~~ municipality, evidenced by a resolution adopted by a majority vote of the members-elect of its governing body, designating the particular function, duty or act, and the terms, if any, upon which the ~~same powers~~ shall be exercised by the ~~county~~ board or by a similar resolution adopted by direct legislation in the ~~town, city or village~~ municipality in the manner provided in s. 9.20. The resolution shall further provide whether the authority or function is to be exercised exclusively by the county or jointly by the county and the ~~town, city or village~~ municipality, and shall also find that the exercise of such power by the county would be in the public interest. Upon the receipt of the resolution, the ~~county~~ board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of ~~such the~~ function, upon the terms and conditions set forth in the resolution presented by the ~~town, city or village~~ municipality.

(b) The ~~county~~ board of any ~~such~~ county may, by a resolution adopted by a majority of its membership, propose to any of the towns, cities and villages municipalities located in ~~such the~~ county, ~~or any of them~~, that it offers to exercise such powers and functions therein in order to consolidate municipal services and functions in ~~said the~~ county. Such resolution shall designate the particular function, duty or act and the terms and conditions, if any, upon which the ~~county~~ board will perform the ~~same function, duty or act~~. The powers conferred in ~~sub. (1) par. (a)~~ and designated in such resolution may thereafter be exercised by the ~~county~~ board in each ~~such town, city or village~~ municipality which shall ~~accept such accepts the~~ proposal by the adoption of a resolution by a majority vote of the members-elect of its governing body or by direct legislation in the manner provided in s. 9.20.

(c) Whenever the request under ~~sub. (1) par. (a)~~ or acceptance under ~~sub. (2) par. (b)~~ of a ~~town, city or village~~ municipality shall be by resolution of its governing board, such request or acceptance shall not go into effect until the expiration of 60 days from the adoption of the resolution. If a petition ~~pursuant to under~~ s. 9.20 for direct legislation on ~~such the~~ request or acceptance shall be filed before the expiration of said 60 days, the resolution of the governing board shall be of no effect but the request

or acceptance of such town, city or village municipality shall be determined by such direct legislation.

(d) After and upon the adoption of resolutions by the county board and subject to ~~sub. (3) par. (c)~~ by one or more towns, cities or villages municipalities either as provided in ~~sub. (1) or (2) the county par. (a) or (b)~~ the board shall have full power to legislate upon and administer the entire subject matter committed to it, and among other things, to determine, where not otherwise provided by law, the manner of exercising the power thus assumed.

(e) The ~~town, city or village~~ municipality concerned may enter into necessary contracts with the county, and appropriate money to pay to the county the reasonable expenses incurred by it in rendering the services assumed. Such expenses may be certified, returned and paid as are other county charges, and in the case of services performed ~~pursuant to~~ under a proposal for the consolidation thereof initiated by the county board and made available to each ~~town, city and village~~ municipality in the county on the same terms, the expenses thereof shall be certified, returned and paid as county charges; but in the event that ~~each and every town, city and village~~ municipality in the county ~~shall accept such~~ accepts the proposal of the county board, the expenses thereof shall be paid by county taxes to be levied and collected as are other taxes for county purposes. ~~Said towns, cities and villages~~ The municipalities are vested with all necessary power to do the things herein required, and to do all things and to exercise or relinquish any of the powers herein provided or contemplated. The procedure ~~herein~~ provided in this subsection for the request or acceptance of the exercise of the powers conferred on the county board in cities and villages is hereby prescribed as a special method of determining the local affairs and government of such cities and villages under article XI, section 3, of the constitution.

(f) The powers conferred by this ~~section~~ subsection shall be in addition to all other grants of power and shall be limited only by express language.

**SECTION 244.** 59.09 of the statutes is renumbered 59.14 and amended to read:

**59.14 Publication of ordinances and proceedings.**

(1) Whenever ~~any county a board passes any~~ enacts an ordinance under this chapter the county clerk shall immediately publish it as a class 1 notice, under ch. 985; and ~~such the~~ clerk shall procure and distribute copies of ~~such paper the ordinance~~ to the several town clerks, who shall file ~~the same~~ it in their respective offices.

(2) ~~Said The~~ board shall, by ordinance or resolution, provide for publication in one or more newspapers in the county as a class 1 notice, under ch. 985, a certified copy of all its proceedings had at any meeting, regular or special; said publication to be completed within 60 days after the adjournment of each session.

(3) ~~Said The~~ board may at any meeting, regular or special, provide by resolution for the publication in pam-

phlet form by the lowest and best bidder therefor, of a sufficient and designated number of copies of its duly certified proceedings, for general distribution.

(4) ~~Said The~~ board may order public notices relating to tax redemption and other affairs of the county to be published in a newspaper printed in any other than the English language, to be designated in such order, whenever ~~they shall deem the board considers~~ it necessary for the better information of the inhabitants ~~thereof of the~~ county, and it shall appear from the last previous census that one-fourth or more of the adult population of ~~such the county are is~~ of a nationality not speaking the English language, and that there shall have been a newspaper published ~~therein in the county~~ continuously for one year or more in the language spoken by ~~such that~~ nationality; but all ~~such of the~~ notices shall also be published in a newspaper published in the English language as provided by law. The compensation for all ~~such of the~~ publications shall be paid by the county ordering the ~~same publica-~~ tions, and shall be the same as that prescribed by law for publication in the English language; and no extra charge shall be allowed for translation in any case. No irregularity, mistake or informality in any such publication shall affect the validity or regularity of any tax redemptions or other legal proceedings.

**SECTION 245.** Subchapter III (title) of chapter 59 [precedes 59.10] of the statutes is created to read:

**CHAPTER 59**

**SUBCHAPTER III**

**COUNTY BOARD OF SUPERVISORS**

**SECTION 246.** 59.10 of the statutes is renumbered 59.15 and amended to read:

**59.15 Neglect of duty.** Any supervisor who refuses or neglects to perform any of the duties which are required of the supervisor by law as a member of the county board of supervisors, without just cause therefor, shall for each such refusal or neglect forfeit a sum of not less than ~~fifty \$50~~ nor more than ~~two hundred dollars~~ \$200.

**SECTION 247.** 59.11 of the statutes is renumbered 59.05 and amended to read:

**59.05 County seat; change.** (1) The county seat shall be fixed and designated by the county board at the first regular meeting after the organization of any county; and no county seat shall be changed except as provided in this section.

(2) If two-fifths of the legal voters of any county, to be determined by the registration or poll lists of the last previous general election held ~~therein in the county~~, the names of which voters shall appear on some one of the registration or poll lists of such election, present to the board a petition conforming to the requirements of s. 8.40 asking a change of the county seat to some other place designated in the petition, the board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. The election shall be held only on the day of the general election, notice ~~thereof of~~

the election shall be given and the election shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at that election. The question to be submitted shall be "Shall the county seat of .... county be removed to ....".

(3) If a majority of the votes cast at the election are in favor of the proposed change, the chairperson of the county board shall certify the same, with the attestation of the county clerk, to the governor, who shall issue a proclamation to that effect and publish it in the official state paper. From the date of publication the place designated shall be the county seat. The county board may not again submit the question of removal within 5 years.

(4) Notwithstanding subs. (2) and (3), no such election to change any a county seat may be held for a period of 5 years after the year in which a courthouse or other county building costing \$3,000 or more was built at the county seat and occupied for county purposes.

**SECTION 248.** 59.12 of the statutes is renumbered 59.20 (2) and amended to read:

59.20 (2) COUNTY OFFICERS; TERMS. A county clerk, treasurer, sheriff, coroner, clerk of circuit court, register of deeds and surveyor, who shall be a registered land surveyor, shall be elected in each county for full terms at the general election held in each even-numbered year. The regular term of office of each such officer shall commence on the first Monday of January next succeeding his or her election and shall continue 2 years and until his or her successor qualifies. In lieu of electing a surveyor in any county, the county board may, by resolution, designate that the duties under ss. 59.60 59.45 (1) and 59.635 59.74 (2) be performed by any registered land surveyor employed by the county. In any county containing one town only, the county board may, by resolution, designate any county office a part-time position, combine 2 or more county offices, and, if concurred in by the town board, combine the offices of county clerk and town clerk and any other county and town offices, provided that the offices combined are not incompatible and the combination is not expressly forbidden by law. If the town board so concurs, the election may be for the combined office and no separate election for the town office shall be held until after the county board has by resolution decided to abandon the combination and the town board has concurred by resolution. In counties having a population of 500,000 or more, no county coroner or county surveyor may be elected. In any county in which a medical examiner system is instituted, no coroner may be elected.

**SECTION 249.** 59.125 of the statutes is renumbered 59.20 (1) and amended to read:

59.20 (1) ELIGIBILITY FOR COUNTY OFFICE. No person is eligible to may file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold a county elective office who is not an elector of the county. No person is eligible to may file nomina-

tion papers as a candidate for, have his or her name placed on a ballot for election to, or hold the office of county supervisor who is not an elector of the supervisory district from which he or she is chosen.

**SECTION 250.** 59.13 of the statutes is renumbered 59.21, and 59.21 (1) (intro.), (a) to (e), (g) and (i) and (2) to (4), as renumbered, are amended to read:

59.21 (1) (intro.) Each county officer named in this chapter, except county supervisors, shall execute and file an official bond and take and file the official oath within 20 days after receiving official notice of election or appointment, or if not officially notified, within 20 days after the commencement of the term for which the officer is elected or appointed. Every county supervisor shall take and file the official oath within 20 days after receiving official notice of election or appointment, or if not officially notified, within 20 days after the commencement of the term for which he or she is elected or appointed. Every deputy appointed by any such officer shall take and file the official oath and if the deputy neglects to do so, he or she shall forfeit \$100. Such official bonds shall be in sums and with sureties, as follows:

(a) ~~County Clerk Clerk~~, not less than ~~two thousand dollars~~ \$2,000.

(b) ~~County Treasurer Treasurer~~, if the bond is furnished by individual sureties, not less than the amount nor exceeding twice the amount of all taxes directed by the county board to be levied therein and to be received by the treasurer during the ensuing year, with 3 or more sureties; or, if the bond is furnished by a surety company in an amount not less than 10 ~~per cent~~ % of all taxes directed by the county board to be levied therein, and to be received by the treasurer during the ensuing year, or \$500,000, whichever is smaller.

(c) Sheriff, not less than ~~five~~ \$5 nor more than ~~twenty-five thousand dollars~~ \$25,000, with not less than ~~three~~ 3 sureties.

(d) Coroner, not less than ~~five hundred~~ \$500 nor more than ~~ten thousand dollars~~ \$10,000, with not less than ~~two~~ 2 sureties.

(e) Clerk of the circuit court, not less than ~~five thousand dollars~~ \$5,000, with ~~two~~ 2 or more sureties.

(g) Register of deeds, in counties containing less than 150,000 population, \$3,000, with 2 or more sureties. In counties containing 150,000 or more population, not less than \$3,000, with 2 or more sureties, conditioned for the accuracy of the register's work and the faithful, correct and impartial performance of the register's duties, and in addition thereto a bond of not less than \$10,000, with 2 or more sureties, conditioned for the faithful accounting for and paying over to the county treasurer all moneys which may come into the register's hands as register of deeds, or into the hands of the register's deputy or assistants.

(i) County abstractor, ~~five thousand dollars~~ \$5,000, with ~~two~~ 2 or more sureties.

(2) Each such official bond shall be in a sum fixed by law; or if not so fixed, in a sum fixed by resolution of the county board, within the limitations prescribed by law, if any, at the annual meeting in November prior to the commencement of the term of office of the particular officer. Both the bond and the sufficiency of the sureties thereto shall be approved by a committee consisting of the chairperson and not less than two other members of the county board who shall report in writing their action on all bonds.

(3) Each such bond shall be guaranteed by the number of personal sureties prescribed by law, or if not prescribed, by the number fixed by the county board within the limitations, if any, prescribed by law, or by a surety company as provided by s. 632.17 (2). In the case of the county clerk, county treasurer and county abstractor the county board may by resolution require them to furnish bonds guaranteed by surety companies and direct that the premiums be paid as provided in s. 19.01 (8).

(4) If it deems considered the bond of any officer insufficient, the county board may by resolution require the officer to furnish additional bond in a sum to be named in the resolution, not exceeding ~~ten thousand dollars~~ \$10,000 for the register of deeds of any county with a population of less than ~~one hundred fifty thousand~~ 150,000, and not exceeding the maximum sum, if any, fixed by law for additional bonds for other officers.

**SECTION 251.** 59.14 of the statutes is renumbered 59.20 (3) and amended to read:

59.20 (3) OFFICES WHERE KEPT; WHEN OPEN. (a) Every sheriff, clerk of the circuit court, register of deeds, county treasurer, register of probate, county clerk and county surveyor shall keep his or her office at the county seat in the offices provided by the county or by special provision of law; or if there is none, then at such place as the board directs. The board may also require any elective or appointive county official to keep his or her office at the county seat in an office to be provided by the county. All such officers shall keep their offices open during the usual business hours of any day except Sunday, as the board directs. With proper care, the officers shall open to the examination of any person all books and papers required to be kept in his or her office and permit any person so examining to take notes and copies of such books, records, papers or minutes therefrom except as authorized in ~~sub. (3) par. (c)~~ and s. 19.59 (3) (d) or under ch. 69.

(b) If any such officer neglects or refuses to comply with any of the provisions of this ~~section~~ subsection, the officer shall forfeit ~~five dollars~~ \$5 for each day such non-compliance continues. Actions for the collection of such forfeiture may be brought upon the complaint of the district attorney of the proper county or of any party aggrieved by such refusal or neglect.

(c) Any county board may by ordinance provide that the cut-off reception time for the filing and recording of documents shall be advanced by one-half hour in any of-

ficial business day during which time the register of deeds office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception. Any register of deeds may provide in his or her notice under s. 19.34 (1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the register of deeds office shall remain open to the public during usual business hours.

(d) Any register of deeds who in good faith makes an erroneous determination as to the accessibility of a portion of a record, to members of the public under s. 19.36 (6), is not subject to any penalty for denial of access to the record under s. 19.37 (4).

**SECTION 252.** 59.145 (title), (1) and (2) (intro.) of the statutes, as affected by 1995 Wisconsin Act 27, are renumbered 59.52 (14) (title), (a) and (b) (intro.) and amended to read:

59.52 (14) (title) OPTICAL DISK AND ELECTRONIC STORAGE. (a) Upon request of any office, department, commission, board or agency of the county, the board may authorize any county record that is in the custody of the office, department, commission, board or agency to be transferred to, or maintained in, optical disk or electronic storage in accordance with rules of the department of administration under s. 16.612. The board may thereafter authorize destruction of the original record, if appropriate, in accordance with sub. (4) and ss. 16.61 (3) (e), and 19.21 (5) ~~and 59.715 to 59.717~~ unless preservation is required by law.

(b) (intro.) Any copy of a county record generated from optical imaging or electronic formatting of an original record is ~~deemed~~ considered an original record if all of the following conditions are met:

**SECTION 253.** 59.145 (2) (a), (b) and (d) of the statutes, as affected by 1995 Wisconsin Act 27, are renumbered 59.52 (14) (b) 1., 2. and 4.

**SECTION 254.** 59.145 (2) (c) of the statutes is renumbered 59.52 (14) (b) 3.

**SECTION 255.** 59.145 (3) of the statutes is renumbered 59.52 (14) (c) and amended to read:

59.52 (14) (c) The statement of intent and purpose executed under ~~sub. (2) (d) par. (b) 4~~, is presumptive evidence of compliance with all conditions and standards prescribed under ~~sub. (2) par. (b)~~.

**SECTION 256.** 59.145 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.52 (14) (d) and amended to read:

59.52 (14) (d) A copy of a record generated from an original record stored on an optical disk or in electronic format which conforms with the standards prescribed under ~~sub. (2) par. (b)~~ shall be taken as and stand in lieu of and have all of the effect of the original record and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases

where the original document is admissible. A transcript, exemplification or certified copy of such a record so generated, for the purposes specified in this ~~subsection~~ paragraph, is deemed to be a transcript, exemplification or certified copy of the original. An enlarged copy of any record so generated, made in accordance with the standards prescribed under ~~sub. (2) par. (b)~~ and certified by the custodian as provided in s. 889.18 (2), has the same effect as an actual-size copy.

**SECTION 257.** 59.15 (title) of the statutes is renumbered 59.22 (title).

**SECTION 258.** 59.15 (1) and (2) (title) and (a) of the statutes are renumbered 59.22 (1) and (2) (title) and (a) and amended to read:

59.22 (1) ELECTIVE OFFICIALS. (a) 1. The board shall, ~~prior to before~~ the earliest time for filing nomination papers for any elective office to be voted on in the county (other than supervisors and circuit judges), which officer is paid in whole or part from the county treasury, establish the total annual compensation for services to be paid to the officer (exclusive of reimbursements for expenses out-of-pocket provided for in sub. (3)). Except as provided in subd. 2., the annual compensation may be established by resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees, and if the compensation established is a salary, or part salary and part fees, it shall be in lieu of all fees, including per diem and other forms of compensation for services rendered, except those specifically reserved to the officer in the resolution or ordinance. The compensation established shall not be increased nor diminished during the officer's term and shall remain for ensuing terms unless changed by the board. Court fees shall not be used for compensation for county officers.

2. The board shall establish ~~by resolution or ordinance~~ the annual compensation of the sheriff as straight salary. No portion of that salary may include or be based on retention of fees by the sheriff. No portion of that salary may be based on providing food to prisoners under s. 302.37 (1). This subdivision does not prohibit the reimbursement of a sheriff for actual and necessary expenses.

(b) Any officer authorized or required to collect fees appertaining to his or her office shall keep a complete record of all fees received in the form prescribed by the board and shall file a record of the total annual receipts in the clerk's office within 20 days of the close of the calendar year or at such other times as the board requires. Any officer on a salary basis or part fees and part salary shall collect all fees authorized by law appertaining to his or her office and shall remit all fees not specifically reserved to the officer by enumeration in the compensation established by the board ~~pursuant to under~~ par. (a) to the treasurer at the end of each month unless a shorter period for remittance is otherwise provided.

(2) (title) APPOINTIVE OFFICIALS; DEPUTY OFFICERS; AND EMPLOYES. (a) The board has the powers set forth in this subsection, sub. (3) and s. ~~59.025~~ 59.03 (1) as to any office, department, board, commission, committee, position or employe in county service (other than elective offices included under sub. (1), supervisors and circuit judges) created under any statute, the salary or compensation for which is paid in whole or in part by the county, and the jurisdiction and duties of which lie within the county or any portion thereof and the powers conferred by this section shall be in addition to all other grants of power and shall be limited only by express language.

**SECTION 259.** 59.15 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.22 (2) (c) and amended to read:

59.22 (2) (c) The board may provide, fix or change the salary or compensation of any such office, board, commission, committee, position, employe or deputies to elective officers without regard to the tenure of the incumbent (except as provided in par. (d)) and also establish the number of employes in any department or office including deputies to elective officers, and may establish regulations of employment for any person paid from the county treasury, but no action of the board shall be contrary to or in derogation of the rules and regulations of the department of health and family services ~~pursuant to under~~ s. 49.33 (4) to (7) relating to employes administering old-age assistance, aid to families with dependent children, aid to the blind and aid to totally and permanently disabled persons or ss. 63.01 to 63.17.

**SECTION 260.** 59.15 (2) (d) and (e), (3), (3a) and (4) of the statutes are renumbered 59.22 (2) (d) and (e), (3), (3a) and (4) and amended to read:

59.22 (2) (d) The board or any board, commission, committee or ~~any~~ agency to which the board or statutes has delegated the authority to manage and control any institution or department of the county government may contract for the services of employes, setting up the hours, wages, duties and terms of employment for periods not to exceed 2 years.

(e) The board may also provide and appropriate ~~monneys~~ money for an employe awards program to encourage and to reward unusual and meritorious suggestions and accomplishments by county employes.

(3) REIMBURSEMENT FOR EXPENSE. The board may provide for reimbursement to any elective officer, deputy officer, appointive officer or employe ~~of for~~ any out-of-pocket expense ~~out-of-pocket~~ incurred in the discharge of that person's duty in addition to that person's salary or compensation, including without limitation because of enumeration, traveling expenses ~~within or without the county or state~~, tuition costs incurred in attending courses of instruction clearly related to that person's employment, and the board may establish standard allowances

for mileage, room and meals, the purposes for which such allowances may be made, and determine the reasonableness and necessity for such reimbursements, and also establish in advance a fair rate of compensation to be paid to the sheriff for the board and care of prisoners in the county jail at county expense.

(3a) COMMISSION ON AGING. The board may provide for the payment of expenses and a per diem to members and nonmembers of the board persons appointed to a county commission on aging under s. 59.07 (93) 59.53 (11).

(4) INTERPRETATION. In the event of conflict between this section and any other statute, this section to the extent of such the conflict shall prevail.

SECTION 261. 59.16 of the statutes is renumbered 59.23 (1) and amended to read:

59.23 (1) (title) COUNTY CLERK; DEPUTIES DEPUTIES; SALARIES; VACANCIES. (a) Every county clerk shall appoint in writing one or more deputies and file such the appointment in the clerk's office. Such The deputy or deputies shall aid in the performance of the duties of the clerk under the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy in the clerk's office, unless another is appointed therefor as provided in sub. (3) par. (c), shall perform all of the duties of such the clerk during such the absence or until such the vacancy is filled. The county board may in its discretion, at any meeting, provide a salary for such the deputy or deputies.

(b) In each county having a population exceeding one hundred and fifty thousand 150,000 according to the last state or national census, the county clerk may also appoint such the number of assistants as that the county board may, at any legal meeting thereof, authorize and prescribe authorizes and prescribes, and said the assistants shall receive such salaries as said county that the board at any such meeting shall provide and fix provides and fixes.

(c) If a county clerk is incapable of discharging the duties of office the county board may appoint an acting clerk, who shall serve until the disability is removed. If the county board is not in session at the time of the incapacity, the chairperson of the board may appoint an acting clerk, whose term shall not extend beyond the next regular or special meeting of the county board. A person appointed as acting clerk or appointed to fill a vacancy in the office of county clerk, upon giving an official bond with sureties as required of a county clerk, shall perform all of the duties of the office; and thereupon the powers and duties of the deputy of the last clerk shall cease.

SECTION 262. Subchapter IV (title) of chapter 59 [precedes 59.17] of the statutes is created to read:

CHAPTER 59  
SUBCHAPTER IV  
COUNTY OFFICERS

SECTION 263. 59.17 (intro.) and (1) to (10) of the statutes are renumbered 59.23 (2) (intro.) and (a) to (j) and amended to read:

59.23 (2) (title) COUNTY CLERK; DUTIES DUTIES. (intro.) The county clerk shall:

(a) (title) County-board Board proceedings. Act as clerk of the county board at all of the meetings thereof; keep and record in a book therefor true minutes of all the proceedings of the board; make regular entries of their the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; and perform all duties prescribed by law or required by the board in connection with their its meetings and transactions.

(b) (title) Same Recording of proceedings. Record at length in a book therefor every resolution adopted, order passed and ordinance adopted or passed enacted by the board.

(c) (title) Same Orders for payment. Sign all orders for the payment of money directed by the board to be issued, and keep in a book therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution passed adopted by the county board under s. 65.90 (5).

(d) Accounts. File and preserve in the clerk's office all accounts acted upon by the board, and indorse their endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.

(e) (title) Receipts Reports of receipts and disbursements. Record in a book therefor the reports of the county treasurer of the receipts and disbursements of the county.

(f) (title) Same Recording receipts and disbursements. Keep a true and accurate account in a book therefor of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the same receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep such the book at all times open to the inspection of the county board or any member thereof of the board.

(g) (title) *Same Payments to treasurer.* Keep in the manner prescribed in ~~sub. (6) par. (f)~~ a separate account of all moneys paid the county treasurer by the clerk.

(h) (title) *Same Books of account.* Keep all of the accounts of the county and all books of account as the county board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

(i) *Actions; notify district attorney.* Promptly notify the district attorney of every action or proceeding commenced against the county and of every appeal from the action of the county board.

(j) *School taxes, records to department of education.* Transmit to the department of education on the last Monday in December in each year certified copies of all resolutions adopted and proceedings of the county board passed or had during the preceding year relating to the raising of any money for school purposes, and report the amount to be raised in each town in the county.

**SECTION 264.** 59.17 (12) to (20) and (25) of the statutes are renumbered 59.23 (2) (k) to (s) and (t) and amended to read:

59.23 (2) (k) *Villages, towns; change of name.* Immediately transmit to the secretary of state, after the name of any town or village is changed or a new town is organized or the boundaries of any town are altered by the county board, a certified copy of the ordinance adopted enacted therefor, indicating such change or changes.

(L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all moneys money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.

(m) *Certified copies; oaths and bonds; signatures.*  
1. Make and deliver to any person, for a fee that is set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.

2. Except as otherwise provided, ~~the county clerk shall~~ receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge therefor the statutory fee. Upon the commencement of each term every county clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.

(n) *Taxes; election duties.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes, and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial and special elections.

(o) (title) *Report, receipts and disbursements to county board.* Make a full report to the county board, at the annual meeting or at any other regular meeting of the

county board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to ~~them~~ the board all books, accounts and vouchers relating to the same.

(p) *Proceedings to historical society.* Forward to the historical society, postpaid, within ~~thirty~~ 30 days after their publication a copy of the proceedings of the county board, and of all printed reports made under authority of such board or by the authority of other county officers.

(q) *County highway commissioner; notify of election.* Except in counties having a population of ~~one hundred and fifty thousand~~ 150,000 or more, notify a county commissioner of highways of the commissioner's election within ~~ten~~ 10 days thereafter.

(r) *County tax for road and bridge fund.* Except in counties having a population of ~~one hundred and fifty thousand~~ 150,000 or more, notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(s) *List of municipal officers.* ~~Each county clerk shall, annually~~ Annually, on the first Tuesday of June, transmit to the secretary of state a typewritten or printed list showing the name and post-office address of the chairperson, mayor, president, clerk, treasurer and assessor of each town, city and village municipality within the county. Such lists shall be placed on file for the information of the public.

(t) *General.* Perform all other duties required of the county clerk by law.

**SECTION 265.** 59.175 of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 59.24 and amended to read:

**59.24 Clerks of counties containing state institutions to make claims in certain cases.** The county clerk of any county which is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the county board, in all cases where the reimbursement is directed in ~~that subsection s. 16.51 (7)~~, upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1. If the claims are approved by the department of corrections, they shall be certified to the department of administration and paid from the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of expenses involving a prisoner in a state prison named in s. 302.01, or from the appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses involving a child in a secured correctional facility, as defined in s. 938.02 (15m).

**SECTION 266.** 59.18 of the statutes is renumbered 59.25 (1) and amended to read:

59.25 (1) (title) COUNTY TREASURER; ELIGIBILITY ELI-  
GIBILITY. No person holding the office of sheriff, under-

sheriff, circuit judge, district attorney, clerk of the circuit court, county clerk or member of the county board shall be eligible to the office of county treasurer or deputy county treasurer.

**SECTION 267.** 59.19 of the statutes is renumbered 59.25 (2) and amended to read:

**59.25 (2) DEPUTIES; OATH; SALARY; TEMPORARY VACANCY.** (a) The county treasurer may appoint in writing one or more deputies to aid the treasurer in the discharge of the duties of the office of county treasurer. Such deputy or deputies, in the absence of the treasurer from the treasurer's office or in case of a vacancy in said office or any disability of the treasurer to perform the duties of the office of county treasurer, unless another is appointed therefor as provided in ~~sub. (2) par. (b)~~, may perform all of the duties of the office of treasurer until such vacancy is filled or such disability is removed. The person or persons so appointed shall take and file the official oath. They shall file their appointment with the county clerk. The county board may, ~~in its discretion~~, at its annual meeting or at any special meeting, provide a salary for each such deputy.

(b) If any county treasurer is incapable of discharging the duties of the office of county treasurer, the county board may, if they see it sees fit, appoint a person treasurer who shall serve until such disability is removed. A person so appointed or appointed to fill a vacancy in the office of treasurer, upon giving an official bond with like sureties as are required of such treasurer, shall perform all the duties of such office, and thereupon the powers and duties of any deputy performing the duties of the last treasurer shall cease.

**SECTION 268.** 59.20 (title) of the statutes is created to read:

**59.20 (title) County offices and officers.**

**SECTION 269.** 59.20 (intro.), (1) to (4), (4m), (5), (5m) and (6) to (8) of the statutes are renumbered 59.25 (3) (intro.) and (a) to (j) and amended to read:

**59.25 (3) (title) COUNTY TREASURER; DUTIES DUTIES.** (intro.) The county treasurer shall do all of the following:

(a) 1. Receive all moneys from all sources belonging to the county, and all other moneys which by statute or county ordinance are directed to be paid to the treasurer, and, except in counties having a population of 500,000 or more, in the case of the payment of delinquent property taxes or the redemption of land subject to a tax certificate, make out and deliver to the county clerk duplicate receipts therefor, and file in the treasurer's office the duplicate receipts delivered to the treasurer by the county clerk for money received by the clerk.

2. In the case of the exception hereinabove provided, the county treasurer shall counties having a population of 500,000 or more, file a duplicate receipt in the treasurer's office.

(b) Pay out all moneys belonging to the county only on the order of the county board, signed by the county

clerk and countersigned by the chairperson, except when special provision for the payment thereof is otherwise made by law; and, except in counties having a population of 500,000 or more, pay out all moneys belonging to the county road and bridge fund on the written order of the county commissioner of highways, signed by the county clerk and countersigned by the chairperson of the county board.

(c) Pay all such county orders in the order of time in which they are presented for payment; but where two or more are presented at the same time, give precedence to the order of the oldest date, but the treasurer shall receive of town, city and village municipal treasurers all county orders issued in such the county, which such the treasurers may present in payment of county taxes, to the amount of the county taxes actually collected by any such municipal treasurer in the year for which such the orders are offered in payment, which amount shall be determined by the affidavit of such the municipal treasurer.

(d) Keep a true and correct account of the receipt and expenditure of all moneys which come into the treasurer's hands by virtue of the treasurer's office in books kept therefor, specifying the date of every receipt or payment, the person from or to whom the same was received or paid, and the purpose of each particular receipt or payment; keep also in like manner a separate account of all fees received, a separate account of all moneys received for taxes, and a separate account of money received upon redemption of lands from sales thereof for nonpayment of taxes, further specifying in the two last accounts the description of the property on account of which such money was paid, which books shall be open at all times to the inspection of the county board or any member thereof and to all the county and state officers; make in writing a fully itemized statement and report, verified by the treasurer's oath, to the board on the first day of their the annual board meeting and at such other times as they may direct the board directs, of all moneys of whatever nature received and disbursed by the county treasurer; exhibit the treasurer's vouchers therefor to be audited and allowed, and settle with the board the treasurer's accounts as treasurer; and exhibit to the board all moneys in the custody or control of the treasurer as treasurer, and, if required, make oath that such moneys are the funds of the county.

(e) Annually by April ~~15th~~ 15, furnish to the department of revenue the completed tax roll settlement sheets prescribed under s. 70.09 (3).

(f) 1. Except as provided in ~~par. (b) subd. 2.~~, transmit to the state treasurer at the time required by law to pay the state taxes a particular statement, certified by the county treasurer's personal signature affixed or attached thereto, of all moneys received by him or her during the preceding year and which are payable to the state treasurer for licenses, fines, penalties, or on any other account, and at

the same time pay to the state treasurer the amount thereof after deducting the legal fees.

2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 144.992 for the environmental assessment, the amounts required by s. 29.9965 for the wild animal protection assessment, the amounts required by s. 29.997 for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

(g) Deposit all moneys for jail assessments received under s. 302.46 (1) in a county jail fund and make payments from the fund for purposes of s. 302.46 (2) on order of the county board under ~~sub. (2)~~ par. (b).

(h) Cause to be insured, when directed by the county board, at the expense of the county, the county buildings or any of them in the name of the county; and, in case of loss, demand and receive the money due on account of such insurance for the use of the county; and all such money shall be applied to rebuilding or repairing such county buildings.

(i) Make annually, on the ~~third~~ 3rd Monday of March, a certified statement, and forward ~~the same~~ it to each ~~town, city and village~~ municipal clerk in the county, showing the amount of money paid from the county treasury during the year next preceding to each ~~such town, city and village~~ municipal treasurer in the county, specifying the date of each payment, the amount thereof and the account upon which the ~~same~~ payment was made; and it shall be unlawful for any county treasurer to pay to the treasurer of any town any money in the hands of the county treasurer belonging to ~~such~~ the town from the ~~third~~ 3rd Monday of March until ~~ten~~ 10 days after the

annual town meeting except upon the written order of the town board.

(j) Retain 10% for fees in receiving and paying into the state treasury all ~~moneys~~ money received by the treasurer for the state for fines and penalties, except that 50% of the state forfeitures, fines and penalties under chs. 341 to 347, 349 and 351 shall be retained as fees, and retain ~~such~~ the other fees for receiving and paying money into the state treasury as ~~that~~ are prescribed by law.

**SECTION 270.** 59.20 (8m), (8n), (8r) and (9) to (15) of the statutes are renumbered 59.25 (3) (k) to (t), and 59.25 (3) (L) and (n) to (t), as renumbered, are amended to read:

59.25 (3) (L) Forward all ~~moneys~~ money received under s. 66.12 (3) (c) to the state treasurer for deposit in the transportation fund under s. 25.40 (1) (ig).

(n) Make and deliver to any person, for a fee ~~that~~ is set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.

(o) On the first day of each month pay into the county treasury the ~~whole amount~~ of fees received by the treasurer.

(p) Pay to the state treasurer on his or her order the state percentage of fees received from the clerk of the circuit court under s. ~~59.395 (5)~~ 59.40 (2) (m) and if any such moneys remain in his or her hands when he or she is required to pay the state percentage of fees, pay such moneys therewith to the state treasurer.

(q) Perform all other duties required of the ~~county~~ treasurer by law.

(r) If the treasurer's county receives national forest income, ~~make distribution thereof~~ distribute such income to the towns in the county ~~wherein~~ in which national forest lands are situated, each town to receive such proportion thereof as the area of national forest lands therein bears to the area of such lands in the entire county. Fifty percent of the amount received by it shall be expended by the town exclusively for the benefit of roads therein.

(s) Exercise any investment authority delegated to the ~~county~~ treasurer by the county board under s. ~~59.07 (101)~~ 59.62.

(t) Notify municipalities of payments made under ss. 74.29 and 79.10 in respect to property tax levies originally certified to the municipality for collection.

**SECTION 271.** 59.201 of the statutes is renumbered 59.81 and amended to read:

**59.81 Cash flow, Milwaukee.** In counties having a population of 500,000 or more, the county treasurer may be designated as the custodian for all cash received in an escrow, trust, bailment or safekeeping capacity by any other department of the county. This section is not applicable to the clerk of circuit court or any other depository specifically designated by a court of law or by a donor or

other bailor even if the other depository retains control over such funds and the ultimate disposition. The treasurer may commingle this cash with general revenue cash and subject these funds to a common investment policy. Any interest earned on such investment reverts to the general fund of the county.

**SECTION 272.** 59.203 of the statutes is renumbered 59.63 and amended to read:

**59.63 Treasurer's disbursement of revenue.** The treasurer may make disbursements of property tax revenues and of credits under s. 79.10 according to the proportions that are reported under ss. 60.33 (10m), 61.25 (10) and 62.09 (11) (j).

**SECTION 273.** 59.21 of the statutes is renumbered 59.26, and 59.26 (1) to (7), (8) (a), (b) 1. to 5. and 6., (c), (cm) and (d) and (9), as renumbered, are amended to read:

59.26 (1) Within 10 days after entering upon the duties of the office of sheriff, the sheriff shall appoint some proper person, who is a resident of the county, undersheriff. However, in counties with a population of 500,000 or more the appointment of an undersheriff is optional. In counties where the sheriff's department is under civil service, the sheriff, in conformity with county ordinance, may, at the request of the affected deputy, grant a leave of absence to a deputy sheriff who the sheriff has appointed undersheriff, or to any other position in the sheriff's department, upon the deputy's acceptance of the appointment. Any deputy in a county under civil service granted leave of absence under this subsection upon completion of the appointive position shall immediately be returned to the position of deputy sheriff and shall continue therein without loss of any rights under the civil service law. The sheriff, however, may not grant such leave of absence to a deputy sheriff until the sheriff first secures the consent of the ~~county~~ board by resolution duly adopted by the ~~county~~ board. Within 10 days after entering upon the duties of the office of sheriff, the sheriff shall also appoint deputy sheriffs for the county as follows:

(a) One for each city and village ~~therein having one thousand in the county that has 1,000~~ or more inhabitants.

(b) One for each assembly district ~~therein in the county~~, except the district in which the undersheriff resides, which contains an incorporated village having less than ~~one thousand 1,000~~ inhabitants and does not contain a city or incorporated village having more than ~~one thousand 1,000~~ inhabitants.

(c) Each deputy shall reside in the city or village for which the deputy is appointed, or, if appointed for an assembly district, shall reside in the village in such district.

(2) The sheriff may appoint as many other deputies as the sheriff ~~may deem~~ considers proper.

(3) The sheriff may fill vacancies in the office of any such appointee, and he or she may appoint a person to take the place of any undersheriff or deputy who becomes incapable of executing the duties of that office.

(4) A person who is appointed undersheriff or deputy for a regular term or to fill a vacancy or otherwise shall hold office during the pleasure of the sheriff.

(5) The sheriff or the undersheriff may also depute in writing other persons to ~~do~~ perform particular acts.

(6) Every appointment of an undersheriff or deputy, except deputations to ~~do~~ perform a particular act, and every revocation of such appointment shall be in writing and be filed and recorded in the office of the clerk of the circuit court.

(7) In case of a vacancy in the office of sheriff, the undersheriff shall in all things and with like liabilities and penalties execute the duties of ~~such office~~ the office of sheriff until the vacancy is filled as provided by law.

(8) (a) In any county having with a population of less than 500,000, the ~~county~~ board, by ordinance, may fix the number of deputy sheriffs to be appointed in that county at not less than that number required by sub. (1) (a) and (b) and may set the salary of those deputies. The ~~county~~ board may provide by ordinance that deputy sheriff positions be filled by appointment by the sheriff from a list of all persons with the 3 highest scores for each position based on a competitive examination of persons residing in this state for at least one full year prior to the date of such examination. Such competitive examinations may be by a county civil service commission or by the division of merit recruitment and selection in the department of employment relations at the option of the ~~county~~ board and it shall so provide by ordinance. The division of merit recruitment and selection in the department of employment relations shall, upon request of the ~~county~~ board, conduct such examination according to the methods used in examinations for the state civil service and shall certify an eligible list of the names of all persons with the 3 highest scores on that examination for each position to the sheriff of that county who shall make an appointment from that list to fill the position within 10 days after he or she receives the eligible list. The county for which such examination is conducted shall pay the cost of that examination. If a civil service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision governing minimum compensation of the commissioners. The ordinance or an amending ordinance may provide for employe grievance procedures and disciplinary actions, for hours of work, for tours of duty according to seniority and for other administrative regulations. Any ~~county~~ board provision consistent with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy sheriff position by promotion, the sheriff shall make the appointment to the position from a list of 3 deputy sheriffs who receive the highest scores in a competitive examination. Such competitive examinations may be by a county civil service commission or by the

division of merit recruitment and selection in the department of employment relations at the option of the ~~county~~ board and it shall so provide by ordinance.

(b) 1. The persons appointed shall hold the office of deputy sheriff on good behavior. In any county operating under this subsection, but not under s. ~~59.07(20)~~ 59.52(8), whenever the sheriff or undersheriff or a majority of the members of a civil service commission for the selection of deputy sheriffs believes that a deputy has acted so as to show the deputy to be incompetent to perform the duties of deputy sheriff or to have merited suspension, demotion or dismissal, the sheriff, undersheriff or civil service commission shall report in writing to the grievance committee setting forth specifically the complaint against the deputy, and, when the party filing the complaint is a sheriff or undersheriff, may suspend or demote the officer at the time such complaint is filed. The grievance committee shall be appointed in the same manner and at the same time as standing committees of the ~~county~~ board of ~~supervisors~~ are appointed. The committee may be made up of members of the ~~county~~ board or other electors of the county, or both. Such members shall be paid in the same manner as members of other ~~county~~ board committees.

2. The grievance committee shall ~~forthwith~~ immediately notify the accused officer of the filing of the charges and on request furnish the accused officer with a copy of the same.

3. The grievance committee shall, if the officer requests a hearing, appoint a time and place for the hearing of the charges, the time to be within 3 weeks after the filing of such request for a hearing and the committee shall notify the sheriff or undersheriff or the members of the civil service commission, whichever filed the complaint with the committee, and the accused of the time and place of such hearing. If the accused officer makes no request to the grievance committee, then the committee may take whatever action it ~~deems~~ considers justifiable on the basis of the charges filed and shall issue an order in writing as provided in subd. 5. The committee may take testimony at the hearing, and any testimony taken shall be transcribed. The chairperson of the committee shall issue subpoenas for the attendance of such witnesses as may be requested by the accused.

4. At the hearing the chairperson of the committee may maintain order and enforce obedience to the chairperson's lawful requirements. If ~~any~~ a person at the hearing acts in a disorderly manner and persists after notice from the chairperson, the chairperson may order the person to leave the hearing. If the order is refused the chairperson may order the sheriff or other person to take the disorderly person into custody until the hearing is adjourned for that day.

5. At the termination of the hearing the grievance committee shall determine in writing whether or not the charge is ~~well founded~~ well-founded and shall take such

action by way of suspension, demotion, discharge or reinstatement as it ~~may deem~~ considers requisite and proper under the circumstances and file the same with the secretary of the committee.

6. The accused may appeal from the order to the circuit court by serving written notice of the appeal on the secretary of the committee within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: "Upon the evidence is there just cause, as described under subd. 5m., to sustain the charges against the accused?" No costs shall be allowed either party and the clerk's fees shall be paid by the county. If the order of the committee is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the committee is sustained it shall be final and conclusive.

(c) The ~~county~~ board of any county ~~adopting~~ enacting the ordinance provided for in this subsection may provide that any deputy sheriff acting as such at the time of ~~such adoption~~ the enactment shall be eligible to such appointment without examination.

(cm) Any ~~county~~ board may, by a majority vote, establish, by ordinance in connection with the ~~adoption~~ enactment of an ordinance providing for civil service selection and tenure of deputy sheriffs under pars. (a) and (b) or by amendment to such an ordinance previously ~~adopted~~ enacted, a traffic division of the sheriff's department and fix the number of deputy sheriffs as traffic patrolmen and other employes in said division in which case s. 83.016 shall become inoperative as to that county. The board in such ordinance shall further provide that the personnel in such traffic division of the sheriff's department shall be appointed and hold their positions in the manner and under the conditions set forth in pars. (a) and (b). The ~~county~~-board may also provide that traffic patrolmen who have been appointed ~~pursuant to~~ under s. 83.016 and who are employed by the county at the time of the ~~adoption of such enactment of the~~ ordinance ~~pursuant to~~ under this subsection establishing a traffic division in the sheriff's department and providing civil service therefor shall be appointed to positions in such traffic division without examination.

(d) ~~Adoption~~ Enactment of the ordinances provided for by this subsection shall not preclude the ~~county~~ board

from thereafter amending or repealing such ordinances, but such amendment or repeal shall not be effective unless voted by the affirmative vote of three-fourths of the members-elect of such board. The civil service provisions of this section shall apply only to such deputies or traffic patrolmen who are regularly employed by the county or sheriff and shall not apply to honorary deputies. Notwithstanding the provisions of this subsection the county board may enact a civil service ordinance for county employes under s. 59.07 (20) 59.52 (8) which civil service ordinance may include deputy sheriffs or traffic patrolmen, or both.

(9) (a) A deputy sheriff in any county may not be suspended or dismissed under sub. (8) or s. 59.07 (20) 59.52 (8) or 63.10 without pay or benefits, for any action taken that is within the scope of the deputy's employment, until the matter that is the subject of the suspension or dismissal is disposed of by the grievance committee or civil service commission or the time for appeal of that matter passes without an appeal being made.

(b) An ordinance of any county or a collective bargaining agreement may not diminish or abridge a right of a deputy sheriff that is granted under par. (a). An ordinance of such a county or a collective bargaining agreement may supplement and expand such a right in a manner that is not inconsistent with par. (a).

(c) If the matter that is the subject of the suspension or dismissal is decided adversely to the deputy sheriff by the grievance committee or the civil service commission, the time for appeal passes without an appeal being made or the deputy's appeal to the circuit court is decided adversely to the deputy, all pay and benefits received by the deputy sheriff between the time of his or her suspension or dismissal and the latest of an adverse ruling by the committee, the commission or the court or the time for appeal passes shall be returned to the county.

**SECTION 274.** 59.225 of the statutes is renumbered 59.54 (13) and amended to read:

59.54 (13) **ARMING SHERIFFS.** The county board of any county may furnish its sheriff, undersheriff and deputy sheriffs with the necessary arms, ammunition, gas bombs and gas sticks for the carrying out of their respective duties, such arms, ammunition, gas bombs and gas sticks to remain the property of the county.

**SECTION 275.** 59.23 (title) of the statutes is created to read:

**59.23 (title) Clerk.**

**SECTION 276.** 59.23 (intro.) and (1) to (6) of the statutes are renumbered 59.27 (intro.) and (1) to (6) and amended to read:

**59.27 Sheriff; duties.** (intro.) The sheriff of a county shall do all of the following:

(1) Take the charge and custody of the jail maintained by the county and the persons ~~therein~~ in the jail, and keep the persons ~~therein~~ in the jail personally or by a deputy or jailer.

(2) Keep a true and exact register of all prisoners committed to any jail under the sheriff's charge, in a book ~~therefor~~ for that purpose, which shall contain the names of all persons who are committed to any such jail, their residence, the time when committed and cause of commitment, and the authority by which they were committed; and if for a criminal offense, a description of the person; and when any prisoner is liberated, state the time when and the authority by which the prisoner was liberated; and if any person escapes, state the particulars of the time and manner of such escape.

(3) Attend upon the circuit court held in the sheriff's county during its session, and at the request of the court file with the clerk thereof a list of deputies for attendance on the court. The court may by special order authorize additional deputies to attend when the court is engaged in the trial of any person charged with a crime. Except as otherwise provided in this section, the county board shall establish the rate of compensation and the level of services to be provided. The sheriff or one or more deputies shall attend the court of appeals when it is in session in the sheriff's county. The state shall reimburse the county from the appropriation under s. 20.660 (1) for the actual salary paid to the sheriff or deputies for the service provided for the court of appeals.

(4) Personally, or by the undersheriff or deputies, serve or execute ~~according to law~~ all processes, writs, precepts and orders issued or made by lawful authority and delivered to the sheriff.

(5) Deliver on demand to the sheriff's successor in office, when the sheriff's successor has qualified according to law, the jail and other property of the county and all prisoners in ~~such~~ the jail, and all books, records, writs, processes, orders and other papers belonging to the sheriff's office and in the possession of the sheriff, undersheriff, jailer or deputies, except as provided in s. 59.33, and upon the delivery ~~thereof such of these items~~ the successor in office shall execute a receipt to the sheriff.

(6) In counties having a population of ~~three hundred thousand~~ 300,000 or more, assign one deputy, to be mutually agreed upon by the sheriff and the district attorney, to the office of the district attorney.

**SECTION 277.** 59.23 (7) of the statutes is renumbered 59.27 (7).

**SECTION 278.** 59.23 (8) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.27 (8) and amended to read:

59.27 (8) The sheriff is authorized to destroy all sheriff's dockets, daily jail records and cash books dated prior to 1901. It shall be the duty of the sheriff to ~~hereafter~~ retain and safely keep all such records for a period of 8 years, or a shorter period authorized by the public records board under s. 16.61 (3) (b), after which the records may be destroyed.

**SECTION 279.** 59.23 (9) of the statutes is renumbered 59.27 (9).

59.27 (9) When the sheriff is required to serve or execute any a summons, order or judgment, or to do any other act, the sheriff shall be bound to do so in like manner as upon process issued to the sheriff, and shall be equally liable in all respects for neglect of duty; and if the sheriff be is a party the coroner shall perform the service and all statutes relating to sheriffs shall apply to coroners where the sheriff is a party.

**SECTION 280.** 59.23 (10) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.27 (10).

**SECTION 281.** 59.23 (11) of the statutes is renumbered 59.27 (11) and amended to read:

59.27 (11) Conduct operations within the county and, when the county board so provides, in waters of which the county has jurisdiction under s. 2.04 for the rescue of human beings and for the recovery of human bodies.

**SECTION 282.** 59.24 of the statutes is renumbered 59.28 and amended to read:

**59.28 Peace maintenance; powers and duties of peace officers, cooperation.** (1) Sheriffs and their undersheriffs and deputies shall keep and preserve the peace in their respective counties and quiet and suppress all affrays, routs, riots, unlawful assemblies and insurrections; for which purpose, and for the service of processes in civil or criminal cases and in the apprehending or securing any person for felony or breach of the peace they and every coroner and constable may call to their aid such persons or power of their county as they may deem consider necessary.

(2) County law enforcement agencies may request the assistance of law enforcement personnel or may assist other law enforcement agencies as provided in ss. 66.305 and 66.315.

**SECTION 283.** 59.245 of the statutes is renumbered 59.54 (9) and amended to read:

59.54 (9) COUNTY TELECOMMUNICATION TERMINAL. Every county in the state shall have a telecommunication terminal installed in a county law enforcement agency which is interconnected with the department of transportation and other county, municipal and governmental law enforcement agencies in the TIME (Transaction Information for Management of Enforcement) system. This ~~section~~ subsection shall not preclude the connection and participation in the system of any governmental law enforcement agency and the requirements of this ~~section~~ subsection shall be effective even though there are additions, deletions or modifications in the system.

**SECTION 284.** 59.25 (title) of the statutes is created to read:

**59.25 (title) Treasurer.**

**SECTION 285.** 59.25 of the statutes is renumbered 59.29 (1) and amended to read:

59.29 (1) TRANSPORTATION OF CRIMINALS THROUGH OTHER COUNTIES; REWARDS FOR THEIR APPREHENSION. (a) Any sheriff or other officer who has legally arrested any person in any county may pass across and through such

parts of any other county or counties as are in the ordinary route of travel from the place where such person was arrested to the place where the person is to be conveyed, according to the command of the process by which such arrest was made; and such conveyance of such prisoner shall not be deemed considered an escape, nor shall the prisoner so conveyed or the officers having the prisoner in custody be liable to arrest on any civil process while passing through such other county or counties.

(b) Whenever a person convicted of, or charged with, any felony, the punishment for which is not less than 5 years' imprisonment, shall escape, or whenever any such felony shall be committed by any unknown person or persons the sheriff of the county from which such escape was made or in which such felony was committed may, with the consent of the chairperson of the board of such county when such board is not in session, and with the consent of the board when ~~they are~~ it is in session, offer such reward for the apprehension and delivery of such escaped person, or the apprehension or conviction of the perpetrator of such felony as the sheriff ~~deems~~ considers necessary, not exceeding \$1,000 in any one case; but no such reward or any part thereof shall be paid to any such sheriff, undersheriff or any deputy. The right to any such reward shall be determined finally by such sheriff; and if more than one person claims the reward the sheriff shall determine what portion, if any, the claimants are entitled to, and shall certify the determination to the county treasurer, and such certificate shall be the treasurer's authority for paying the sum so certified.

**SECTION 286.** 59.26 of the statutes is renumbered 59.30 and amended to read:

**59.30 Not to act as attorney.** No sheriff, undersheriff, deputy, coroner or medical examiner shall appear or practice as attorney in any court, draw or fill up any writ, pleading or proceeding for a party in any action, nor, with the intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; and for violation of this section every such officer shall forfeit not exceeding more than \$50.

**SECTION 287.** 59.27 of the statutes is renumbered 59.31 and amended to read:

**59.31 Service on sheriff; how made.** Every writ, notice or other paper required to be delivered to or served on any sheriff may be served by leaving the same at the sheriff's office during the hours it is required to be kept open; but if there is any person belonging to such office therein, such writ, notice or other paper shall be delivered to such person; and every such service shall be deemed considered equivalent to a personal delivery to or service on such sheriff.

**SECTION 288.** 59.28 of the statutes is renumbered 59.32 (1) and amended to read:

59.32 (1) SHERIFF; FEES. The sheriff shall collect the fees prescribed in s. 814.70, unless a higher fee is applica-

ble under s. 814.705 (1), and remit them to the county treasurer as provided in s. ~~59.15~~ 59.22 (1) (b).

**SECTION 289.** 59.29 (title) of the statutes is created to read:

**59.29** (title) **Transportation, apprehension of criminals.**

**SECTION 290.** 59.29 of the statutes is renumbered 59.29 (2) and amended to read:

59.29 (2) COMPENSATION FOR APPREHENSIONS IN OTHER STATES; CONDITIONS. (a) In all cases where by the laws of this state the governor is authorized to demand of the executive authority of any other state any fugitive from justice or any person charged with crime in this state and to appoint an agent to receive such person, and such person is apprehended in any other state by the sheriff or deputy sheriff of the county in this state where the warrant for such fugitive from justice is properly issued, or such crime was committed, and such person voluntarily returns with said sheriff to this state without requisition, such sheriff shall be entitled to ~~eight dollars~~ \$8 per day for the time necessarily expended in traveling to, apprehending and returning with such person and the sheriff's actual and necessary expenses for such time, which compensation and expenses shall be allowed by the county board of such county upon the presentation thereto of an itemized and verified account, stating the number of days that the sheriff was engaged, the number of miles traveled and each item of expense incurred in rendering such services, including the transportation and board of the person in custody. No allowance whatever shall be made to the sheriff as mileage.

(b) The sheriff of any county having less than 300,000 population shall not receive the compensation provided under ~~sub. (1) par. (a)~~, unless the apprehension was duly authorized in writing by the district attorney or by the circuit judge for the county where the crime was committed. The written authority shall certify that the ends of justice will be ~~subservied~~ served by the apprehension and return of the person, and the sheriff shall attach the certificate to and file it with his or her itemized account of such services.

(c) If the district attorney certifies in writing that it is necessary or desirable, the sheriff or deputy sheriff may be accompanied and assisted in retaining custody of any such prisoner, by one or more other deputy sheriffs, who shall be entitled to compensation for such services ~~to compensation~~ at the rate of \$5 per day, unless a different rate is established by resolution of the county board, and to their necessary and actual expenses. Such compensation and expenses shall be claimed and allowed in the manner provided in ~~sub. (1) par. (a)~~ and the said certificate of the district attorney shall be attached to the verified account of such deputy for such services.

**SECTION 291.** 59.30 of the statutes is renumbered 59.32 (2) and amended to read:

59.32 (2) FEES, HOW COLLECTED. All fees allowed to the sheriff upon the service of an execution or a writ for the collection of money or judgment for the sale of real estate and advertising thereon shall be collected by virtue of ~~such~~ the execution, writ or judgment in the same manner as the sum therein directed to be collected.

**SECTION 292.** 59.31 of the statutes is renumbered 59.32 (3) and amended to read:

59.32 (3) FEES, HOW PAID. All fees to which sheriffs or their deputies are entitled for attendance required by law upon any court of record shall be paid out of the treasury of the county ~~wherein such~~ in which the services were rendered in the manner that fees of jurors attending such courts are paid; and whenever any such officer is required to perform any service for the state, which is not chargeable to the officer's county or some officer or person, that officer's account therefor shall be paid out of the state treasury.

**SECTION 293.** 59.32 (title) of the statutes is created to read:

**59.32** (title) **Fees received by sheriff.**

**SECTION 294.** 59.32 of the statutes is renumbered 59.32 (4) and amended to read:

59.32 (4) EXCESSIVE FEES. No sheriff, undersheriff or deputy shall directly or indirectly ask, demand or receive for any services or acts to be performed by that officer in the discharge of any of that officer's official duties any greater fees than are allowed by law; and for the violation of any of the provisions of this ~~section~~ subsection every such officer shall be liable in treble damages to the party aggrieved and shall forfeit not less than ~~twenty-five~~ \$25 nor more than ~~two hundred and fifty dollars~~ \$250.

**SECTION 295.** 59.33 of the statutes is amended to read:

**59.33 Powers after term. (1)** Every undersheriff and deputy sheriff, compensated for services by fees or by part salary and part fees, may execute and return all writs, processes and orders in their hands at the expiration of the sheriff's term of office and which the undersheriff or deputy sheriff has, ~~prior to~~ before that time, begun to execute by service, levy, advertisement or the collection of money thereon.

(2) In counties where the compensation of sheriffs, undersheriffs and deputies has been changed from the fee to the salary system ~~as provided by law~~, the sheriff, immediately upon the expiration of the sheriff's term, shall turn over to the sheriff's successor all writs, processes and orders in the hands of the sheriff, or in the hands of the undersheriff or deputies, whether or not such writs, processes and orders have been partly or fully executed or returned, and such successor shall execute and return or complete the execution and return of such writs, processes and orders.

(3) In case of a vacancy in the office of sheriff, of any county, the undersheriff and deputies then in office hav-

ing then any writ, process or order in their hands shall have the same authority and be under the same obligation to serve, execute and return the same as if ~~such~~ the sheriff had continued in office.

**SECTION 296.** 59.34 (title) of the statutes is created to read:

**59.34 (title) Coroner, medical examiner duties; coroner compatibility.**

**SECTION 297.** 59.34 (intro.), (1) to (4) and (6) of the statutes are renumbered 59.34 (1) (intro.) and (a) to (e) and amended to read:

59.34 (1) CORONER; MEDICAL EXAMINER; DUTIES. (intro.) The coroner shall do all of the following:

(a) Participate in inquest proceedings when required by law, except that in any county with a population of 500,000 or more and all counties which have instituted the medical examiner system this duty and the powers incident thereto shall be vested exclusively in the office of the medical examiner. Except as provided under s. ~~59.346~~ 59.38 (5), the board shall appoint the medical examiner. The office may be occupied on a full-time or part-time basis and shall be paid ~~such~~ compensation as the board by ordinance provides. The duties performed by the county coroner and not vested in the medical examiner shall be performed by the clerk. The medical examiner may appoint such assistants as the board authorizes. Whenever requested by the court or district attorney, the medical examiner shall testify to facts and conclusions disclosed by autopsies performed by him or her, at his or her direction or in his or her presence; shall make physical examinations and tests incident to any matter of a criminal nature up for consideration before either the court or district attorney upon request; shall testify as an expert for either the court or the state in all matters where the examinations or tests have been made; and shall perform such other duties of a pathological or medico-legal nature as may be required.

(b) When there is no sheriff or undersheriff in any county organized for judicial purposes, exercise all the powers and duties of sheriff of that county until a sheriff is elected or appointed and qualified; and when the sheriff for any cause is committed to the jail of that county, be keeper thereof during the time that the sheriff remains a prisoner therein.

(c) Serve and execute process of every kind and perform all other duties of the sheriff when the sheriff is a party to the action and whenever the clerk of the circuit court addresses the original or other process in any action to the coroner as provided in s. ~~59.395-(6)~~ 59.40 (2) (o), execute the same in like manner as the sheriff might do in other cases; exercise the same powers and proceed in the same manner as prescribed for sheriffs in the performance of similar duties; and in all cases the coroner and the coroner's sureties shall be liable in the same manner and to the same extent on the coroner's official bonds as sheriffs and their sureties are liable in similar cases.

(d) Perform all other duties that are required by law.

(e) Act as coroner in a nearby county when requested to do so under s. ~~59.345-(2)~~ sub. (2) (b).

**SECTION 298.** 59.34 (5) of the statutes is repealed.

**SECTION 299.** 59.345 of the statutes is renumbered 59.34 (2) and amended to read:

59.34 (2) CORONER; COMPATIBILITY WITH OTHER OFFICES. (a) Notwithstanding s. 979.04 (3) and except as provided in ~~sub. (2) par. (b)~~, any person holding office under s. ~~59.34~~ sub. (1) may also serve as a volunteer emergency medical technician or volunteer fire fighter.

(b) 1. No person serving as a coroner under s. ~~59.34~~ sub. (1) who also serves as a volunteer emergency medical technician or a volunteer fire fighter may participate as a coroner in any case in which he or she may be required to participate as a volunteer emergency medical technician or a volunteer fire fighter. If an apparent or actual conflict of interest arises between the person's duties as coroner and as volunteer emergency medical technician or volunteer fire fighter, the deputy coroner shall act as coroner in the case in which the conflict exists. If there is no deputy coroner, the coroner shall request that the coroner, medical examiner, deputy coroner or a medical examiner's assistant in a nearby county act as coroner in the case in which the conflict exists. Any fees owed to or expenses incurred by the acting coroner from the nearby county shall be paid by the county that requested the acting coroner's services.

2. If a person serving as coroner under s. ~~59.34~~ sub. (1) is required to exercise the powers and duties of sheriff under s. ~~59.34-(2)~~ sub. (1) (b), the deputy coroner shall act as coroner or, if there is no deputy coroner, the coroner shall request under the procedures in ~~par. (a) subd. 1.~~ that another person act as coroner until the coroner is no longer exercising the powers and duties of sheriff.

**SECTION 300.** 59.346 of the statutes is renumbered 59.38 (5) and amended to read:

59.38 (5) MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES. In ~~any a~~ county with a population of 500,000 or more, the county executive shall appoint the medical examiner in the unclassified service, subject to confirmation by a majority of the board. The medical examiner may be dismissed at any time by the county executive with the concurrence of a majority of the members-elect of the board, or by a majority of the members-elect of the board with the concurrence of the county executive. If the county executive vetoes an action by the board to dismiss the medical examiner, the board may override the veto by a two-thirds vote of the members-elect of the board.

**SECTION 301.** 59.35 of the statutes is renumbered 59.38 (4) and amended to read:

59.38 (4) SPECIAL COUNTIES; DEPUTIES AND ASSISTANTS; POWERS. The medical examiner and his or her assistants shall be compensated for the performance of all

their official duties by salaries fixed by the board under s. 59.351 sub. (1).

**SECTION 302.** 59.351 of the statutes is renumbered 59.38 (1) and amended to read:

**59.38 (1) MEDICAL EXAMINER, ASSISTANTS; SALARIES; FEES; REPORT.** The medical examiner and medical examiner's assistants authorized by the county board shall be paid semimonthly out of the county treasury of the proper county, for the performance of all their official duties and in lieu of all other compensation, salaries to be fixed by the county board. The medical examiner and medical examiner's assistants shall collect for all services performed, except in cases where the county is solely liable, all fees that coroners are by law entitled to receive, and shall keep accurate books of account in which shall be entered from day to day the items of services rendered, the titles of the proceedings in which and the names of the persons for whom rendered, and the fees charged and received, and shall, at the end of every 3 months, render to the county board of the county and to the county treasurer an accurate report or statement, verified by his or her oath, of all fees and income collected by them or for them during the 3 months; and at the same time they shall pay to the treasurer of the county all fees and incomes collected by them, or which they were entitled by law to charge or receive, not paid to the treasurer. The medical examiner or a medical examiner's assistant shall act as coroner in a nearby county when requested to do so under s. 59.345 (2) 59.34 (2) (b).

**SECTION 303.** 59.352 of the statutes is renumbered 59.38 (2) and amended to read:

**59.38 (2) OFFICE AND RECORDS.** The county board of such county shall provide for the use of the medical examiner suitable offices at the county seat of the county, and the medical examiner shall keep in his or her office proper books containing records of all inquests held by the medical examiner, setting forth the time and place of holding such the inquests and the names of the jurors serving thereon, together with a brief statement of the inquest proceedings thereof.

**SECTION 304.** 59.353 of the statutes is renumbered 59.38 (3) and amended to read:

**59.38 (3) MEDICAL EXAMINER'S BOND.** Before entering upon the duties of office, the medical examiner of the county shall deliver to the county clerk a bond, subscribed by 2 or more sufficient sureties, in such penal sum as the county board determines, conditioned for the faithful performance of all official duties as set forth in this chapter and ch. 979 and that he or she will faithfully account for and pay to the treasurer of the county all moneys which may come to him or her belonging to the county, and which by virtue of this chapter and ch. 979 the medical examiner is required to account for and pay as aforesaid.

**SECTION 305.** 59.36 of the statutes is renumbered 59.37 and amended to read:

**59.37 Service when no coroner.** Whenever, for any cause, there is a vacancy in the office of coroner, or when the coroner is absent from the county, sick or unable to perform the duties of that office, or for any reason, except the nonpayment of legal fees, refuses to serve and execute legal process against the sheriff in any action commenced in any court of record within the county for which the coroner was or should have been elected, any judge of a court of record or court commissioner of the county may, on proof of the vacancy, sickness, absence or refusal to serve and execute such process, by an order to be endorsed on such process and addressed to him or her, empower any citizen of the county in which such process is to be served and executed to serve and execute the same; and that order shall be sufficient authority to the person therein named to serve and execute such process with like powers, liabilities and fees as the coroner.

**SECTION 306.** 59.365 of the statutes is renumbered 59.35 and amended to read:

**59.35 Deputy coroner. (1)** Within 10 days after entering upon the duties of the office, the coroner may appoint up to 6 proper persons, residents of the county, deputy coroner. Such The deputies shall reside in the county for which they are appointed. The coroner may fill vacancies in the office of any such appointees, and may appoint a person to take the place of any deputy who becomes incapable of executing the duties of the office. A person appointed deputy coroner for a regular term or to fill a vacancy or otherwise shall hold office during the pleasure of the coroner. Every appointment of a deputy coroner and every revocation of such an appointment shall be in writing and filed and recorded in the office of the clerk of the circuit court. In case of a vacancy in the office of coroner, the chief deputy coroner shall in all things and with like liabilities and penalties execute the duties of such the office until the vacancy is filled as provided by law.

**(2)** The coroner shall be responsible for every default or misconduct in office of a deputy coroner during the term of office, and after the death, resignation or removal from office of such the coroner as well as before; and an action for any such default or misconduct may be prosecuted against the coroner and the sureties on the coroner's official bond or against the executors and administrators of such the coroner.

**(3)** The coroner may require a deputy coroner, before entering upon the duties of the office, to execute and deliver to the coroner a bond in such sum and with such sureties as the coroner may require, conditioned for the faithful performance of the deputy's official duties; and every default or misconduct of such the deputy coroner for which the coroner shall be liable shall be a breach of such the bond.

**(4)** Whenever a medical examiner has been appointed under s. 59.34 (1) (a), this section shall not apply in such counties, nor shall the coroner of such counties be

responsible for any default or misconduct in office of ~~such~~ the medical examiner.

(5) ~~Any~~ A person holding office under this section may also serve as a volunteer emergency medical technician, a volunteer fire fighter or a chief, deputy chief or assistant chief of a fire department.

**SECTION 307.** 59.37 of the statutes is renumbered 59.36 and amended to read:

**59.36 Coroner; fees.** The board shall set the fees for all services rendered by the coroner. The fees may not exceed an amount that is reasonably related to the actual and necessary cost of providing the service.

**SECTION 308.** 59.375 of the statutes is renumbered 59.39 and amended to read:

**59.39 Coroner or medical examiner as funeral director, limitation.** No coroner, deputy coroner, medical examiner or assistant medical examiner who is a licensed funeral director, an owner or operator of a funeral establishment as defined in s. 445.01, or an employee of a funeral establishment, and no funeral establishment with which such a coroner, deputy coroner, medical examiner or assistant medical examiner is associated, shall perform any of the services of a funeral director upon the body of any person whose death is required by law to be investigated by such coroner, his or her deputy, medical examiner or assistant medical examiner. Any person who violates this section shall be fined not more than \$50.

**SECTION 309.** 59.38 (title) of the statutes is created to read:

**59.38 (title) Medical examiner and assistants.**

**SECTION 310.** 59.38 (title) of the statutes is created to read:

**59.38 (title) Medical examiner and assistants.**

**SECTION 311.** 59.38 of the statutes is renumbered 59.40 (1) and amended to read:

**59.40 (1) CLERK OF COURT; DEPUTIES; CHIEF DEPUTY; DIVISION CHIEF DEPUTIES; CALENDAR DEPUTY CLERK IN CERTAIN COUNTIES.** (a) *Counties of less than 500,000 population.* Every clerk of the circuit court shall appoint one or more deputies and the appointments shall be approved by the majority of circuit judges for the county, but shall be revocable by the clerk at pleasure, except in counties having a population of 500,000 or more. The appointments and revocations shall be in writing and shall be filed in the clerk's office. The deputies shall aid the clerk in the discharge of the clerk's duties. In the absence of the clerk from the office or from the court ~~they, the deputies~~ may perform all the clerk's duties; or in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall perform all such duties until the vacancy is filled.

(b) *Counties of more than 500,000 population.* In counties having a population of 500,000 or more the clerk shall appoint one chief deputy and 4 assistant chief deputy clerks, 3 calendar deputy clerks, and one or more deputy clerks as the ~~county~~ board authorizes. The deputy

clerks shall aid the clerk in the discharge of the clerk's duties under the supervision of the clerk, the chief deputy clerk and the assistant chief deputy clerks. The appointments of the chief deputy clerk who is exempt from classified civil service and the calendar deputy clerks shall be in writing and filed in the clerk's office. These appointments shall be approved by the chief judge of the judicial administrative district, but are revocable at the pleasure of the clerk. The chief deputy clerk has all powers and duties of assistant chief deputy clerks, deputy clerks, and other court assistants except bailiffs and reporters and in the absence of the clerk from the office or from the court, the chief deputy clerk may perform all of the clerk's duties; or in case of a vacancy by resignation, death, removal or other cause the chief deputy clerk shall perform all such duties until the vacancy is filled.

**SECTION 312.** 59.39 (intro.) of the statutes is renumbered 59.40 (2) (intro.).

**SECTION 313.** 59.39 (1) and (2) of the statutes, as affected by [1995 Wisconsin Act 27](#), are renumbered 59.40 (2) (a) and (b) and amended to read:

**59.40 (2) (a)** File and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit ~~such~~ the papers. ~~Such~~ The papers may be microfilmed or microphotographed, or transferred to optical disks or electronic format if authorized under s. ~~59.145~~ 59.52 (14), and the originals may thereafter be destroyed upon compliance with SCR chapter 72.

(b) Keep a court record and write ~~therein in that record~~ the names of parties in every civil action or proceeding in the court, the names of attorneys representing the parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file wherein in which the papers can be found, the time when the action or proceeding is put on the calendar for trial, and when and how the action or proceeding is disposed of; the location where minutes in every case can be found and the place in the judgment record or microfilm or optical disc or electronic file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.

**SECTION 314.** 59.39 (3) and (4) of the statutes are renumbered 59.40 (2) (c) and (d) and amended to read:

**59.40 (2) (c)** Keep a criminal record and write ~~therein~~ in that record a history in every criminal action like the court record in civil actions and proceedings with references to the file where papers in the action can be found, to the minute record and to the information record where indictments and informations can be found.

(d) Keep a minute record and, except for actions under ch. 799, write ~~therein in that record~~ a brief statement of all proceedings in open court showing motions and orders during trial, names of witnesses, jurors drawn, the officer sworn to take them in charge, jury verdicts and

openings and adjournments of court. The clerk, in lieu of keeping a minute record, may elect to incorporate in the appropriate court record, civil or criminal, the data which this ~~subsection~~ paragraph requires to be recorded.

**SECTION 315.** 59.39 (7) and (8) of the statutes, as affected by 1995 Wisconsin Act .... (Senate Bill 344), are renumbered 59.40 (2) (e) and (f).

**SECTION 316.** 59.39 (9) of the statutes is renumbered 59.40 (2) (g) and amended to read:

59.40 (2) (g) Keep an index ~~or indices to:~~ to the court record, the criminal record, the judgment record and the lien record.

**SECTION 317.** 59.39 (9m) of the statutes is renumbered 59.40 (2) (h).

**SECTION 318.** 59.39 (10) of the statutes, as affected by 1995 Wisconsin Act .... (Senate Bill 344), is renumbered 59.40 (2) (i).

**SECTION 319.** 59.395 (intro.) and (1) of the statutes are repealed.

**SECTION 320.** 59.395 (2) to (5), (5m) and (6) to (8) of the statutes are renumbered 59.40 (2) (j) to (q) and amended to read:

59.40 (2) (j) Keep a record called registers of officials and write or copy ~~therein~~ in the record in tabular form the names of court commissioners, deputy sheriffs, notaries public and municipal judges. The clerk shall list the officers' names, the dates of their qualification and the commencement and termination, if any, of their terms. The names shall be in alphabetical order or there shall be an index in alphabetical order to the names.

(k) Keep a record called certificate lists and write or copy ~~therein~~ in the record a list of all certificates issued by him or her to witnesses, interpreters, jurors, sheriffs, deputy sheriffs and deputy clerks, stating the persons to whom issued, the number, date and amount of each certificate. At each annual session of the board, the board may request that the clerk prepare a summary report of certificates issued in the previous year.

(L) Send to the secretary of state on or before June 1 of each year a certified lists ~~list~~ of all municipal judges who filed their official bonds during the preceding year.

(m) Pay monthly to the ~~county~~ treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the ~~county~~ treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s.

971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 144.992 for the environmental assessment, the amounts required under s. 29.9965 for the wild animal protection assessment, the amounts required under s. 29.997 (1) (d) for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required under s. 29.998 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

(n) Pay monthly to the ~~county~~ treasurer the amounts required by s. 302.46 (1) for the jail assessment surcharge. The payments shall be made by the 15th day of the month following receipt thereof.

(o) Address process to the coroner if a party, the party's agent or the party's attorney files an affidavit that the party believes the sheriff will not properly perform the sheriff's duty in such action.

(p) Cooperate with the department of health and family services with respect to the child and spousal support and establishment of paternity and medical liability support program under ss. 46.25 and ~~59.07 (97)~~ 59.53 (5), and provide that department with any information from court records which it requires to administer that program.

(q) Perform ~~such~~ all other duties as that are required by law.

**SECTION 321.** 59.396 of the statutes, as created by 1995 Wisconsin Act 27, is renumbered 59.40 (4) and amended to read:

59.40 (4) CLERK OF CIRCUIT COURT; COLLECTION AGENCY CONTRACT. If authorized by the ~~county~~ board under s. ~~59.07 (155)~~ 59.52 (28), the clerk of circuit court may contract with a collection agency for the collection of unpaid fines and forfeitures. Any contract entered into shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency. The net proceeds received by the clerk of circuit court after the payment to the collection agency shall be considered the amount of fines and forfeitures collected for purposes of distribution to the state and county under ~~s. 59.395 (5) sub. (2) (m)~~.

**SECTION 322.** 59.40 (title) of the statutes is created to read:

**59.40 (title) Clerk of court.**

**SECTION 323.** 59.40 of the statutes is renumbered 59.41 and amended to read:

**59.41 Not to act as attorney.** No person acting as clerk of any circuit court in this state may practice as an attorney or solicitor in the court in which the person is

acting as clerk; and the person shall not be eligible for the office of municipal judge during the time that the person holds the office of the clerk.

**SECTION 324.** 59.42 (title) of the statutes is created to read:

**59.42 (title) Corporation counsel.**

**SECTION 325.** 59.42 of the statutes is renumbered 59.40 (3) and amended to read:

59.40 (3) CLERK OF COURT; FEES; INVESTMENT OF FUNDS. (a) The clerk of the circuit court shall collect the fees that are prescribed in ss. 814.60 to 814.63. The clerk may refuse to accept any paper for filing or recording until the fee prescribed in subch. II of ch. 814 or any applicable statute is paid.

(b) Except as provided in ~~sub. (3) par. (c)~~, the clerk may invest any funds that are paid into his or her office and ~~which~~ are being held for repayment. The investments shall be made in suitably protected accounts in the manner specified in s. 66.04 (2) and all income that may accrue shall be paid into the county general fund.

(c) A judge may direct that ~~sub. (2) par. (b)~~ does not apply to certain funds paid into the office. The judge's authority applies only to funds relating to cases before his or her court.

**SECTION 326.** 59.43 (title) of the statutes is created to read:

**59.43 (title) Register of deeds; duties, fees, deputies.**

**SECTION 327.** 59.43 (12) (title) of the statutes is created to read:

59.43 (12) (title) DESTRUCTION, TRANSFER OF DOCUMENTS; RECORDING, INDEXING DOCUMENTS.

**SECTION 328.** 59.45 (title) of the statutes is created to read:

**59.45 (title) County surveyor; duties, deputies, fees.**

**SECTION 329.** 59.455 (title) of the statutes is renumbered 59.42 (2) (title) and amended to read:

59.42 (2) (title) CORPORATION COUNSEL IN SPECIAL COUNTIES; APPOINTMENT, DISMISSAL AND DUTIES.

**SECTION 330.** 59.455 of the statutes is renumbered 59.42 (2) (a) and amended to read:

59.42 (2) (a) In ~~any a~~ county with a population of 500,000 or more there is created the office of corporation counsel, and such deputy corporation counsels, assistants, stenographers and clerks at such salaries as are authorized by the ~~county board of supervisors~~. The corporation counsel and deputy and assistant corporation counsels shall be attorneys at law licensed to practice in this state. All such offices and positions shall be in the classified civil service of the county except the corporation counsel, who is in the unclassified service. The corporation counsel shall be appointed by the county executive, with the concurrence of a majority of the board and shall not serve at the pleasure of the county executive. Any incumbent corporation counsel serving on Au-

gust 1, 1990, shall retain that position and title until a new appointee is confirmed by the board. The corporation counsel may be dismissed at any time by the county executive with the concurrence of a majority of the members-elect of the board. The corporation counsel may also be dismissed at any time by a majority vote of the board. If the county executive vetoes an action by the board to dismiss the corporation counsel, the board may override the veto by a two-thirds vote of the members-elect of the board. The corporation counsel shall appoint deputies, assistants and clerical and stenographic help. Deputy corporation counsels shall have, according to their rank and seniority, the powers and duties of the corporation counsel in his or her absence or disability. The corporation counsel and deputy corporation counsels shall take and file the constitutional oath of office.

**SECTION 331.** 59.456 (title) of the statutes is repealed.

**SECTION 332.** 59.456 (intro.), (1) to (3) and (5) of the statutes are renumbered 59.42 (2) (b) (intro.) and 1. to 4. and amended to read:

59.42 (2) (b) (intro.) The duties of the corporation counsel and assistant corporation counsels shall be, without ~~restriction~~ limitation because of enumeration, to:

1. Prosecute and defend all civil actions, proceedings, applications and motions in any court, commission, board, tribunal or body in any jurisdiction of this or other states or of the nation in which the county or any board, commission, committee or officer thereof is interested or a party by virtue of ~~such the~~ office; and shall in like manner represent or assist in representing the state, or any commission, board, agency or tribunal of the state, in such civil actions or proceedings when requested to do so by the attorney general or when the district attorney of ~~said the~~ county is required by any statute to do so.

2. Give advice to the ~~county board of supervisors~~, county park commission, county department under s. 46.215 or 46.22 and other departments, boards, commissions, committees, agencies or officers of the county, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of such departments, boards, commissions, committees, agencies or officers; examine all claims against the county for officers', interpreters', witnesses' and jurors' fees in civil actions and examinations, when presented to the county board of supervisors, and report in writing thereto as to the liability of the county for any and all claims of whatever nature filed against it; and act as legislative counsel for the county board of supervisors when so authorized by it.

3. Serve as legal adviser to the county highway commissioner and county highway committee ~~and~~ draw all papers required in the performance of their duties and attend to all civil legal matters in and out of court where ~~such the~~ commissioner or committee is a party or wherein

the acquisition of lands for state or county highway purposes is concerned.

4. Perform all duties in connection with civil matters relating to the county or any agency, board, commission or officer thereof or to the state within ~~said the~~ the county ~~now or hereafter that are~~ imposed by any statute upon the district attorney of ~~such the~~ the county and for such purposes the term “district attorney” wherever it appears in the statutes relating to duties of a civil nature shall, with regard to counties containing a population of 500,000 or more, mean the corporation counsel. Opinions of the corporation counsel shall have the same force and effect as opinions of the district attorney except that in matters relating to elections the district attorney shall have the right of review. After May 17, 1957, the district attorney’s powers and duties as to civil matters shall cease to the extent that they are ~~herein or hereafter~~ conferred upon the corporation counsel and the district attorney shall be relieved of the responsibility of performing such duties. The corporation counsel may request the attorney general to consult and advise with the corporation counsel in the same manner as district attorneys under s. 165.25 (3).

**SECTION 333.** 59.457 of the statutes is renumbered 59.42 (3) and amended to read:

59.42 (3) CORPORATION COUNSEL; ATTORNEY DESIGNEE. In lieu of employing a corporation counsel under s. 59.07 (44) sub. (1) or in addition to employing a corporation counsel under s. 59.07 (44) or 59.455, a county sub. (1) or (2) (a), a board shall designate an attorney to perform the duties of a corporation counsel as the need arises. Two or more counties may jointly designate an attorney to perform the duties of a corporation counsel. If an attorney has been designated to perform the duties of a corporation counsel, that person may exercise any powers and perform any duties of the corporation counsel.

**SECTION 334.** 59.458 of the statutes is renumbered 59.53 (6) and amended to read:

59.53 (6) ATTORNEYS; SUPPORT ENFORCEMENT RESPONSIBILITY. (a) 1. Except as provided in ~~par. (b) subd. 2,~~ each county board shall employ or contract with attorneys to provide support enforcement. ~~Sections 59.07 (44), 59.455 and 59.457 do~~ Section 59.42 (1), (2) (a) and (3) does not preclude a county board from assigning these support enforcement duties to any attorney employed by the county.

2. If, on June 1, 1989, a county has 1.0 or more full-time equivalent attorney positions that have primary responsibility for handling cases described in ~~sub. (2) par. (b),~~ as determined by the district attorney of the prosecutorial unit, the county shall establish and maintain a support enforcement office consisting of support enforcement attorneys and office personnel. In counties having a population of less than 500,000, a county budget under s. 65.90 shall list the proposed appropriation under s. 65.90 (2) for the support enforcement office separate from any other office, department or activity. In counties

having a population of 500,000 or more, a county budget shall treat a support enforcement office as a department, as defined in s. ~~59.84~~ 59.60 (2) (a), separate from all other departments. If a county ceases to employ 1.0 or more full-time equivalent attorney positions in the office, the county may provide support enforcement under ~~par. (a) subd. 1.~~

(b) Attorneys responsible for support enforcement under ~~sub. (1) par. (a)~~ shall institute, commence, appear in or perform other prescribed duties in actions or proceedings under sub. (5) and ss. 46.25 (7), ~~59.07 (97), 767.075, 767.08 and 767.45 and ch. 769.~~

(c) If the place of trial is changed to another county in any action or proceeding under ~~sub. (2) par. (b),~~ an attorney responsible for support enforcement under ~~sub. (1) par. (a)~~ shall continue to prosecute or defend the action or proceeding in the other county.

**SECTION 335.** 59.50 of the statutes is renumbered 59.43 (3) and amended to read:

59.43 (3) REGISTER OF DEEDS; DEPUTIES. Every register of deeds shall appoint one or more deputies, who shall hold office at the register’s pleasure. The appointment shall be in writing and shall be filed and recorded in the register’s office. The deputy or deputies shall aid the register in the performance of the register’s duties under the register’s direction, and in case of the register’s vacancy or the register’s absence or inability to perform the duties of the register’s office the deputy or deputies shall perform the duties of register until the vacancy is filled or during the continuance of the absence or inability.

**SECTION 336.** Subchapter V (title) of chapter 59 [precedes 59.51] of the statutes is created to read:

#### CHAPTER 59

##### SUBCHAPTER V

##### POWERS AND DUTIES OF COUNTIES

**SECTION 337.** 59.51 (title) of the statutes is created to read:

**59.51 (title) Board powers.**

**SECTION 338.** 59.51 (intro.) of the statutes is renumbered 59.43 (1) (intro.).

**SECTION 339.** 59.51 (1) of the statutes, as affected by [1995 Wisconsin Act 27](#), is renumbered 59.43 (1) (a) and amended to read:

59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. Any county, by ~~board~~ a resolution duly adopted by the board, may combine the separate books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices, certificates of organization of corporations, plats or other recorded or filed instruments or classes of documents as long as separate

indexes are maintained. Notwithstanding any other provisions of the statutes, any county adopting a system of microfilming or like process or a system of recording documents by optical imaging or electronic formatting pursuant to under ch. 228 may substitute the headings, reel, disk or electronic file name and microfilm image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced or copied on or transferred to the same reel, disk or electronic file or part of a reel or disk. All recordings made prior to June 28, 1961, which would have been valid under this paragraph, had this paragraph then been in effect, are hereby validated. In this subsection, "book", if automated recording or indexing equipment is used, includes the meaning given under sub. (12) (d).

**SECTION 340.** 59.51 (1m) to (10) of the statutes are renumbered 59.43 (1) (b) to (k) and amended to read:

59.43 (1) (b) Perform the duties that are related to vital statistics under ss. 69.05 and 69.07.

(c) State upon the record of any instrument the number and denomination of all United States internal revenue stamps, ~~if any,~~ that are affixed thereto and shall also state upon the record the real estate transfer fee paid or, if the conveyance is not subject to a fee, the reason for the exemption, citing the relevant subsection of s. 77.25.

(d) Keep the ~~several~~ books and indexes ~~hereinafter~~ mentioned in this section in the manner required.

(e) ~~Indorse~~ Endorse upon each instrument or writing received by the register for record a certificate of the time when it was received, specifying the day, hour and minute of reception and the volume and page where the same is recorded, which shall be evidence of such facts.

(f) ~~Indorse~~ Endorse plainly on each instrument received for record, or file as soon as received a number consecutive to the number affixed to the instrument next previously received according to the numbering now established, and to enter the same in the indexes.

(g) Safely keep and return to the party entitled thereto, on demand within a reasonable time, every instrument that is left with the register for record not required by law to be kept in the register's office.

(h) Register, file and index ~~as directed by law,~~ all marriages contracted, deaths and births occurring in the county.

(i) Make and deliver to any person, on demand and upon payment of the legal required fees ~~therefor,~~ a certified copy ~~duly certified,~~ with the register's official seal affixed, of any record, paper, file, map or plat in the register's office.

(j) File and safely keep in the register's office all of the records, documents and papers of any post of the Grand Army of the Republic and of any historical society in the register's county.

(k) Keep a book and record ~~therein~~ in that book all certificates of organization of corporations, and all amendments ~~thereof~~ of such certificates that are filed or

required ~~by law~~ to be recorded in the register's office, and an alphabetical index of the names of such corporations, with a reference to the number and page of the volume where such writings are recorded respectively.

**SECTION 341.** 59.51 (11) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.43 (1) (L) and amended to read:

59.43 (1) (L) File all documents pertaining to security interests in personal property, crops or fixtures that are required or authorized by law to be filed with the register. Except as otherwise prescribed by the department of financial institutions pursuant to under ss. 409.403 to 409.406, these documents shall be executed on white or light colored sheets of paper, 8 or 8-1/2 8.5 inches wide and 5, 7, 10-1/2 10.5 or 14 inches long. Whenever there is offered for filing any document that varies more than one-eighth of an inch from the approved size, or that is not on a standard form prescribed by the department of financial institutions, then in addition to the regular filing fee an additional filing fee shall be charged by the register of deeds, as prescribed by ~~s. 59.57~~ sub. (2). No assignment, release or other instrument shall be offered for filing that is executed or endorsed on any other document, but each shall be a separate and distinct document, except those assignments or notices that are printed or written on and immediately following the original agreement or financing statement, offered for filing at the same time, shall be considered as one document. All of these documents shall be legibly written, and shall have the names of the debtor and secured party plainly printed or typed on the document and shall provide a space for filing data of the register of deeds on the outside of the document.

**SECTION 342.** 59.51 (12) to (13) of the statutes are renumbered 59.43 (1) and (m) to (o) and amended to read:

59.43 (1) (m) Keep these chattel documents in consecutive numerical arrangement, for the inspection of all persons, ~~indorsing~~ endorsing on each document the document number and the date and time of reception.

(n) Upon the filing of a financing statement or other document evidencing the creation of a security interest in personal property or fixtures or in crops growing or to be grown, enter the name of each debtor alphabetically in indices, of which each page shall be divided into columns which shall contain the following information: Number ~~number~~ of the document, date and time of filing, name and address of debtor, name and address of secured party, name of the document, the amount if any, shown in the document, brief description of property, and the last column set aside for the entry of assignments, continuation statements, termination statements, foreclosure affidavits, extensions and releases pertaining to such financing statements or chattel security documents. If the financing statement evidences the creation of a security interest in fixtures, it also shall be entered in the tract index if one is kept in the county.

(o) Upon the filing of an assignment, continuation statement, termination statement, foreclosure affidavit, extension or release pertaining to a filed financing statement or other chattel security document, enter the document number and the date and time of filing in the appropriate column of the indices referred to in ~~sub. (12m) par. (n)~~ and on the same line as that on which the entry of the filed financing statement or other chattel security document appears.

**SECTION 343.** 59.51 (14), (14m) and (14s) of the statutes are renumbered 59.43 (12) (a) to (c) and amended to read:

59.43 (12) (a) The ~~county~~ board of any county may, upon request of the register of deeds, authorize the destruction of all obsolete documents pertaining to chattels antedating by 6 years, including final books of entry.

(b) A ~~county~~ board may, upon request of the register of deeds, authorize the destruction of all documents pertaining to town mutual insurance companies that were formerly required to be filed under ch. 202, 1971 stats., and that under s. 612.81 no longer have to be filed and all documents pertaining to stock corporations that were formerly required to be recorded under ch. 180, 1987 stats., and that under ~~ch.~~ 180 no longer have to be recorded. At least 60 days prior to the proposed destruction, the register of deeds shall notify in writing the state historical society which may order delivery to it of any records of historical interest. The state historical society may, upon application, waive the notice.

(c) Notwithstanding this ~~section, subsection, sub. (1) and~~ ss. 16.61 (3) (e), 19.21 (1) and (5) and ~~59.715 to 59.717~~ 59.52 (4), the ~~county~~ board may authorize the transfer of the custody of all records maintained by the register of deeds under s. 342.20 (4), 1979 stats., to the department of transportation.

**SECTION 344.** 59.51 (15) of the statutes is renumbered 59.43 (1) (p) and amended to read:

59.43 (1) (p) Perform all other duties that are required of the register of deeds by law.

**SECTION 345.** 59.51 (16) of the statutes is renumbered 59.43 (12) (d) and amended to read:

59.43 (12) (d) In ~~any a~~ county where the board has established a system of recording and indexing by means of electronic data processing, machine printed forms or optical disk storage, the process of typing, ~~key-punching~~ keypunching, other automated machines or optical imaging may be used to replace any handwritten entry or endorsement as described in this ~~section~~ subsection or in sub. (1). The various documents and indexes may also be combined into a general document file with one numbering sequence and one index at any time. ~~The term "book" as used in this section~~ In this subsection and in sub. (1), "book", if automated equipment is used, may include forms, tab or computer printed sheets as well as cards and other supply forms which although processed separately may be bound after preparation.

**SECTION 346.** 59.51 (17) to (21) of the statutes are renumbered 59.43 (1) (q) to (u), and 59.43 (1) (q), (s) and (u), as renumbered, are amended to read:

59.43 (1) (q) Record and index writings that are submitted according to s. 144.44 (4) (b), evidencing that a solid or hazardous waste disposal facility will be established on the particular parcel described in the writings.

(s) Record and index statements of claim and perform the other duties specified under s. 706.057 (7).

(u) Submit that portion of recording fees collected under ~~s. 59.57 (1) (a) 2. or 3. and (6a) (b) or (c) sub. (2) (ag) 1. and (e)~~ and not retained by the county to the land information board under s. ~~59.88~~ 59.72 (5).

**SECTION 347.** 59.512 of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.43 (4) and amended to read:

59.43 (4) REGISTER OF DEEDS; MICROFILMING AND OPTICAL DISK AND ELECTRONIC STORAGE. (a) Except as provided in ~~sub. (2) par. (b)~~, upon the request of the register of deeds, any county, by board resolution, may authorize the register of deeds to photograph, microfilm or record on optical disks or in electronic format records of deeds, mortgages or other instruments relating to real property or may authorize the register of deeds to record on optical disks or in electronic format instruments relating to security interests in accordance with the requirements of s. 16.61 (7) or ~~59.145~~ 59.52 (14) and to store the original records within the county at a place designated by the board. The storage place for the original records shall be reasonably safe and shall provide for the preservation of the records authorized to be stored under this ~~subsection~~ paragraph. The register of deeds shall keep a photograph, microfilm or optical disk or electronic copy of such records in conveniently accessible files in his or her office and shall provide for examination of such reproduction or examination of a copy generated from an optical disk or electronic file in enlarged, easily readable form upon request. Compliance with this ~~subsection~~ paragraph satisfies the requirement of ~~s. 59.51 sub. (1) (a)~~ that the register of deeds shall keep such records in his or her office. The register of deeds may make certified copies reproduced from an authorized photograph, from a copy generated from optical disk or electronic storage or from the original records.

(b) The register of deeds may microfilm or record on optical disks or in electronic format notices of lis pendens that are at least one year old, in accordance with the requirements of s. 16.61 (7) or ~~59.145 (2) to (4)~~ 59.52 (14) (b) to (d). The register of deeds shall keep a microfilm or optical disk or electronic copy of notices of lis pendens in conveniently accessible files in his or her office and shall provide for examination of such reproduction or examination of a copy generated from optical disk or electronic storage in enlarged, easily readable form upon request. Compliance with this ~~subsection~~ paragraph satisfies the requirement of ~~s. 59.51 sub. (1) (a)~~ that the

register of deeds shall keep such records in his or her office. The register of deeds may make certified copies reproduced from a copy generated from microfilm or from optical disk or electronic storage. The register of deeds may destroy or move to off-site storage any notice of lis pendens that has been microfilmed or recorded on optical disk or in electronic format under this ~~subsection~~ paragraph.

**SECTION 348.** 59.513 of the statutes is renumbered 59.43 (5) and amended to read:

59.43 (5) INCLUDING NAME OF PERSON DRAFTING INSTRUMENT. (a) No instrument by which the title to real estate, or any interest therein or lien thereon, is conveyed, created, encumbered, assigned or otherwise disposed of, shall be recorded by the register of deeds unless the name of the person who, or governmental agency which, drafted such instrument is printed, typewritten, stamped or written thereon in a legible manner. An instrument complies with this ~~section~~ subsection if it contains a statement in the following form: "This instrument was drafted by .... (name) ....".

(b) ~~Subsection (1) Paragraph (a)~~ does not apply to an instrument executed before May 9, 1957, or to:

1. A decree, order, judgment or writ of ~~any a~~ court.
2. A will or a death certificate.
3. An instrument that is executed or acknowledged outside of this state.

**SECTION 349.** 59.514 of the statutes is renumbered 59.43 (7) and amended to read:

59.43 (7) INCLUDING TAX KEY OR PARCEL IDENTIFICATION NUMBER. (a) In counties ~~having with~~ a population of 500,000 or more where tax key numbers are used in the tax roll for taxes based on the value of property in ~~cities, villages or towns~~ municipalities, any conveyance, as defined in s. 706.01 (4), of any interest in real estate located in such a municipality shall contain reference to the key number affected. The tax key number shall be required for the recording of the conveyance.

(b) In counties ~~having with~~ a population of less than 500,000 where parcel identification numbers are used in the tax roll for taxes based on the value of property in ~~cities, villages or towns~~ municipalities, any conveyance, as defined in s. 706.01 (4), of any interest in real estate located in such a municipality shall contain reference to the parcel identification number affected if the county in which the parcel is located enacts an ordinance that requires the use of such a number in a conveyance. The parcel identification number shall be required for the recording of the conveyance, for administrative purposes only, if the county enacts an ordinance under this ~~subsection~~ paragraph.

**SECTION 350.** 59.515 of the statutes is renumbered 59.43 (6) and amended to read:

59.43 (6) EFFECT OF CERTAIN OMISSIONS IN REGISTERS' RECORDS. The validity and effect of the record of any instrument in the office of register of deeds shall not be

lessened or impaired by the fact that the name of any grantor, grantee, witness or notary was not printed or typed on the instrument or by the fact that it does not comply with ~~s. 59.513 sub. (5)~~.

**SECTION 351.** 59.516 of the statutes is renumbered 59.43 (8) and amended to read:

59.43 (8) REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR RECORDING. It is unlawful for the register of deeds of any county or any proper public authority to file or record ~~any a~~ map, plat, survey or other document within the definition of land surveying, which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor under whose responsible charge the map, plat, survey or other document was prepared. This ~~section~~ subsection does not apply to any deed, contract or other recordable document prepared by an attorney.

**SECTION 352.** 59.517 of the statutes, as created by 1995 Wisconsin Act 110, section 1, is renumbered 59.43 (2m).

**SECTION 353.** 59.517 (4) (a) of the statutes, as affected by 1995 Wisconsin Act 110, section 1m, is renumbered 59.43 (2m) (d) 1.

**SECTION 354.** 59.52 (title) of the statutes is created to read:

**59.52 (title) County administration.**

**SECTION 355.** 59.52 of the statutes is renumbered 59.43 (9) and amended to read:

59.43 (9) GENERAL INDEX; ELECTRONIC DATA PROCESSING. (a) 1. ~~Each a~~ register of deeds shall keep a general index, each page of which shall be divided into 9 columns, with heads to the respective columns as follows:

- a. Number of the instrument.
- b. Time of the instrument's reception.
- c. Name of the grantor.
- d. Name of the grantee.
- e. Description of the land.
- f. Name of the instrument.
- g. Volume and page where the instrument is recorded.
- h. To whom the instrument is delivered.
- i. Fees The amount of fees received.

2. The register of deeds shall make correct entries in the index of every instrument or writing received by the register for record, under the respective and appropriate heads, entering the names of the grantors in alphabetical order; and the register shall immediately upon the receipt of any instrument or writing for record enter in the appropriate column, and in the order of time in which it was received, the day, hour and minute of reception; and the same shall be considered as recorded at the time so noted. Wherever ~~any a~~ register has made an entry in any index that is required by law to be kept in the register's office, in the index column provided for describing the land affected by the instrument indexed, stating "see record," "see deed," "see mortgage," or other instrument, as the case may be, that entry shall be a sufficient reference to

the record of the instrument referred to if it ~~be~~ is in fact recorded at large in the place so referred to.

(b) Whenever a board has established a system of recording and indexing documents by means of electronic data processing, machine printed forms or cards or optical imaging, general alphabetic and numerical indexes without prebound books may be substituted for daily alphabetic and numerical indexes under this subsection or for the index under sub. (10).

**SECTION 356.** 59.52 (4) (title) of the statutes is created to read:

59.52 (4) (title) DESTRUCTION, TRANSFER OF OBSOLETE RECORDS.

**SECTION 357.** 59.52 (6) (intro.) of the statutes is created to read:

59.52 (6) (intro.) The board may:

**SECTION 358.** 59.52 (11) (intro.) of the statutes is created to read:

59.52 (11) (intro.) The board may:

**SECTION 359.** 59.52 (12) (intro.) of the statutes is created to read:

59.52 (12) (intro.) The board may:

**SECTION 360.** 59.52 (16) (intro.) of the statutes is created to read:

59.52 (16) (intro.) The board may:

**SECTION 361.** 59.53 (title) and (1) (a) and (b) of the statutes are renumbered 59.43 (10) (title), (a) and (b) and amended to read:

59.43 (10) INDEX OF RECORDS. (a) Each register of deeds shall keep an index of all records or files kept in the register's office showing the number of the instrument or writing consecutively, the kind of instrument and where the ~~same instrument or writing~~ is recorded or filed, arranged in 3 columns, headed "Number of the instrument", "Kind of instrument" and "Where the instrument is recorded or filed". The 3rd column shall be subdivided into 3 subcolumns headed "Volume", "Page" and "Letters of file".

(b) Each register of deeds shall also keep another index showing the number of the instrument, the names of the grantees in each instrument or writing in alphabetical order, the names of the grantors, the volume and page where the ~~same instrument or writing~~ is recorded and the name of the instrument or writing.

**SECTION 362.** 59.53 (title) of the statutes is created to read:

**59.53 (title) Health and human services.**

**SECTION 363.** 59.53 (2) of the statutes is repealed.

**SECTION 364.** 59.53 (11) (intro.) of the statutes is created to read:

59.53 (11) (intro.) The board may:

**SECTION 365.** 59.535 (title) of the statutes is created to read:

**59.535 (title) Veterans affairs.**

**SECTION 366.** 59.54 (title) of the statutes is created to read:

**59.54 (title) Public protection and safety.**

**SECTION 367.** 59.54 of the statutes is renumbered 59.43 (11), and 59.43 (11) (intro.), as renumbered, is amended to read:

59.43 (11) RECORD OF ATTACHMENTS, LIS PENDENS, ETC. (intro.) Each A register of deeds shall file or record, and index, every writ of attachment or certified copy thereof of such a writ and certificate of real estate attached, every certificate of sale of real estate, and every notice of the pendency of any an action affecting real estate, which may be filed or recorded in the register's office. The register of deeds shall maintain an index for these documents that provides all of the following:

**SECTION 368.** 59.55 (title) of the statutes is created to read:

**59.55 (title) Consumer protection.**

**SECTION 369.** 59.55 of the statutes is renumbered 59.43 (12m), and 59.43 (12m) (a) (intro.), 1. and 3., (b), (bm), (c) and (d), as renumbered, are amended to read:

59.43 (12m) (a) (intro.) The ~~county~~ board by ordinance may require the register of deeds to keep a tract index in any one of the following forms, as specified by the ~~county~~ board:

1. Suitable books, ~~so~~ ruled and arranged so that opposite to the description of each quarter section, sectional lot, ~~town, city or village~~ or town lot or other subdivision of land in the county, which a convenient arrangement may require to be noted, there shall be a blank space of at least 40 square inches in which the register shall enter in ink the letter or numeral indicating each volume, and the class of records of that volume designating mortgages by the letter M, deeds by the letter D, and miscellaneous by the abbreviation Mis., and the register of attachments, sales and notices by the letter R, together with the page of that volume upon which any deed, mortgage or other instrument affecting the title to or mentioning a tract or any part thereof has been recorded or entered.

3. Any other system that will allow the register of deeds to keep a tract index which contains information substantially equivalent to the information required to be contained in the tract index system under ~~par. (a) subd. 1.~~

(b) No index established under ~~sub. (1) par. (a)~~ may be discontinued, unless the county establishing the index adopts, keeps and maintains a complete abstract of title to the real estate in the county as a part of the records of the office of the register of deeds of that county.

(bm) In any county having with a population of 500,000 or more, the ~~county board of supervisors~~ may, by resolution, adopt a more complete system of tract indices than that above specified, or a system of chain of title indices, ~~provided such if the system be is~~ clearly specified in such resolution; and may thereafter at any time before the completion of such system alter or change such system or add to the same by resolution clearly specifying such alterations, changes or additions. In the event of such adoption, said board ~~of supervisors~~ may contract,

with any suitable person, to compile and complete such system of indices, and may make supplemental contracts for the compilation and completion of such alterations, changes and additions, and may levy such taxes as may be required to cover the cost of so doing; said register of deeds shall not be required to compile, install or complete such system of indices or such alterations, changes or additions, but shall after the same be so completed under such contract, or contracts of such board of supervisors, thereafter maintain and keep up the same; and, thereafter shall discontinue all other tract indices theretofore in use or maintained.

(c) If a system of tract indices or of a system of chain of title indices is adopted by the county board of supervisors by resolution, and if the resolution provides that the index shall include an abstract or notation of any proceeding or proceedings pending, of any instruments or documents filed or entered in the office of the clerk of any court of the county, the circuit court or the register of probate or of any inclusion of property in a tax certificate issued under s. 74.57, and calls for a daily report to be made to the register of deeds of the county by any officer in charge of such proceedings, instruments or documents, each office so called upon by the resolution to make a daily report, shall, upon the close of business on each day report, in writing, under his or her hand, to the register of deeds, any and all proceedings, instruments and documents and tax certificates called for by the resolution, and the register shall, when required to maintain and keep up the system of indices, note all the proceedings, instruments and documents and tax certificates upon the indices, in accordance with the resolution.

(d) Whenever in the judgment of the county board of any county any existing tract index or indices become unfit for use, because of mistake therein or of imperfection in or insufficiency of plan, or because of becoming worn, overcrowded, or unserviceable or unreliable for any reason the county board may at any meeting thereof, by resolution, order a new and corrected set of tract indices arranged and compiled according to such plan as it may authorize, and in that behalf may purchase suitable books and receive bids and contract with any competent person to do said the work, at a price not exceeding five cents per folio, which shall be paid out of the county treasury on acceptance of said the work by the county board. The person contracting to do said the work, and the person's assistants, shall have access to and be entitled to the use of the old tract indices and other records in the register's office and other county records; and when said the work is completed and said the new tract indices are approved and adopted by the county board, the old tract indices shall be preserved as provided in s. ~~59.71 (2)~~ 59.52 (3) ~~(b)~~. The resolutions of the county board ordering, approving, and adopting such the new tract indices, duly certified by the county clerk, shall be recorded in each volume of such the new tract indices; and thereupon the

same shall become and be the only lawful tract indices in the register's office.

**SECTION 370.** 59.56 (title) of the statutes is created to read:

**59.56** (title) **Cultural affairs; education; recreation.**

**SECTION 371.** 59.56 of the statutes is renumbered 59.71 and amended to read:

**59.71** (title) **Special counties; record of changes in streets, alleys, etc record keeping.** In counties having with a population of ~~two hundred and fifty thousand~~ 250,000 or more according to the last state or United States census, and when the county board has prepared and compiled in book form an eminent domain record containing an abstract of facts relating to the laying out, widening, extending or vacating any street, alley, water channel, park, highway or other public place by any court, legislature, county board, common council, village board or town board and shall make an order that such records with an index thereto be thereafter maintained and kept up, and provide a suitable book for that purpose, the register of deeds shall thereafter maintain and keep such book in which shall be entered an abstract of all proceedings relating to the laying out, widening, extending or vacating any street, alley, water channel, park, highway or other public place by any court, county board, common council, village board or town board. Such abstract shall substantially contain the facts as to the filing of a notice of lis pendens, the date of filing, the description, the court in which or the body before whom the proceeding is pending, the result of the proceedings, the action taken and the date thereof and briefly all the essential facts of any such proceeding, and such records shall have a practical index, with reference to the number and page of the volume where such abstracts are entered respectively. The abstracts and records to be kept by the register of deeds shall be certified by the register to be true and correct and when so certified shall be prima facie evidence of the facts therein recited and shall be received in all courts and places with the same effect as the original proceedings; and the record so prepared and compiled by the county board shall be prima facie evidence of the facts therein recited and shall also be received in all courts and places with the same effect as the original proceedings.

**SECTION 372.** 59.56 (10) (intro.) of the statutes is created to read:

59.56 (10) (intro.) The board may:

**SECTION 373.** 59.56 (12) (intro.) of the statutes is created to read:

59.56 (12) (intro.) Subject to sub. (12m), the board:

**SECTION 374.** 59.57 (title) of the statutes is created to read:

**59.57** (title) **Economic and industrial development.**

**SECTION 375.** 59.57 (intro.) of the statutes is renumbered 59.43 (2) (intro.).

**SECTION 376.** 59.57 (1) (a) 1. and 2. of the statutes are repealed.

**SECTION 377.** 59.57 (1) (a) 3. and (c) of the statutes are renumbered 59.43 (2) (ag) 1. and 2. and amended to read:

59.43 (2) (ag) 1. After June 30, 1991, and subject to s. ~~59.88~~ 59.72 (5), for recording any instrument entitled to be recorded in the office of the register of deeds, \$10 for the first page and \$2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 181.68 (1) (b) or (e) or 185.83 (1) (b).

2. In the event of conflict in the statutes regarding recording fees, ~~par. (a) subd. 1.~~ shall control.

**SECTION 378.** 59.57 (1m) of the statutes, as created by 1995 Wisconsin Act 124, is renumbered 59.43 (2) (ar).

**SECTION 379.** 59.57 (4) and (5) of the statutes are renumbered 59.43 (2) (b) and (c) and amended to read:

59.43 (2) (b) For copies of any records or papers, \$2 for the first page plus \$1 for each additional page, plus 25 cents for the certificate of the register of deeds, except that the department of revenue is exempt from the fees under this ~~subsection~~ paragraph.

(c) Notwithstanding any other provision of law the register of deeds with the approval and consent of the ~~county~~ board may enter into contracts with municipalities, private corporations, associations, and other persons to provide noncertified copies of the complete daily recordings and filings of documents pertaining to real property for a consideration to be determined by the ~~county~~ board which in no event shall be less than cost of labor and material plus a reasonable allowance for plant and depreciation of equipment used.

**SECTION 380.** 59.57 (6) of the statutes, as affected by 1995 Wisconsin Act 27, section 3298b, is renumbered 59.43 (2) (d) and amended to read:

59.43 (2) (d) For performing functions under s. 409.407 (1) and (2) (a) and (b), the register shall charge the fees stated in s. 409.407 (2) (a) or (b). A financing statement and an assignment or notice of assignment of the security interest, offered for filing at the same time, shall be considered as only one document for the purpose of this ~~subsection~~ paragraph. Whenever there is offered for filing any document that is not on a standard form prescribed by the department of financial institutions or that varies more than ~~one-eighth of an 0.125~~ inch from the approved size as prescribed by s. ~~59.54~~ sub. (1), the appropriate fee specified in ss. 409.403 to 409.406 or an additional filing fee of one-half the regular fee, whichever is applicable, shall be charged by the register.

**SECTION 381.** 59.57 (6a) (a) and (b) of the statutes are repealed.

**SECTION 382.** 59.57 (6a) (c), (7), (9), (10), (10m) and (12) of the statutes are renumbered 59.43 (2) (e) to (j) and amended to read:

59.43 (2) (e) After June 30, 1991, and subject to s. ~~59.88~~ 59.72 (5), for filing any instrument which is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, \$10 for the first page and \$2 for each additional page.

(f) Fees The fees for processing vital records or for issuing copies of vital records shall be as provided in s. 69.22.

(g) For making a new tract index upon the order of the board, the amount that is fixed by the board, to be paid from the county treasury.

(h) For recording plats containing from one to fifty ~~50~~ lots, ~~twenty-five dollars~~ \$25, and for each additional lot, ten cents, except cemetery plats, containing from one to ~~two hundred~~ 200 lots or fractional part thereof, ~~twenty-five dollars~~ \$25, and for each additional ~~two hundred~~ 200 lots or fractional part thereof, ~~five dollars~~ \$5.

(i) For recording certificates and for preparing and mailing documents under s. 867.045 or 867.046, \$25.

(j) All fees under this ~~section~~ subsection shall be payable in advance by the party procuring the services of the register of deeds, except that the fees for the services performed for a state department, board or commission shall be invoiced monthly to such department, board or commission.

**SECTION 383.** 59.57 (12a) (a) of the statutes, as affected by 1995 Wisconsin Act 110, section 2, is renumbered 59.43 (2) (a) 1. and amended to read:

59.43 (2) (a) 1. In this ~~section~~ subsection, “page” means one side of a single sheet of paper.

**SECTION 384.** 59.57 (12a) (b) of the statutes is renumbered 59.43 (2) (a) 2. and amended to read:

59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain a blank space at least 2.5 inches by 2.5 inches in size for use by the register of deeds. If the space is not provided, the register of deeds may add a page for his or her use and charge for the page a fee that is established by the county board not to exceed an amount reasonably related to the actual and necessary cost of adding the page.

**SECTION 385.** 59.575 of the statutes is renumbered 59.535 (1) and amended to read:

59.535 (1) CERTIFICATIONS AND FILINGS FOR VETERANS; NO CHARGE. (a) ~~The term~~ In this subsection, “veteran” as used in this section means “veteran” as defined has the meaning given in s. 45.37 (1a).

(b) No fee shall be charged by any register of deeds, clerk of circuit court or any other public officer, either state, county or local, having custody of statistical records, for the making and certifying of copies, or examining proofs of any public record or instrument, required for or in connection with, the filing of any claim or application with the U.S. department of veterans affairs or any other federal agency, or to any state agency, or to the

regularly established agency of any state, for benefits under federal or state laws, by a veteran or by any dependent of a veteran, when certified proof is required in connection with any claim or application for benefits, under federal or state laws, to which such veteran, or a dependent of a veteran, either living or dead, may be required to file, except, that in the counties where the register of deeds or clerk of circuit court is under the fee system and not a fixed salary, the usual fee for such service shall be paid by the county to the proper officer. The provisions of this ~~section~~ subsection shall supersede any provision of law in conflict therewith.

**SECTION 386.** 59.58 (title) of the statutes is created to read:

**59.58 (title) Transportation.**

**SECTION 387.** 59.58 of the statutes is renumbered 59.44 and amended to read:

**59.44 County abstractor; appointment; duties; fees.** (1) (a) Except as provided under par. (b), whenever any county adopts a tract index system or any recognized chain of title system, the ~~county~~ board thereof may create a department to be known as an abstract department, either in connection with or independent of the office of the register of deeds, as said ~~county~~ board ~~deems~~ considers advisable and may appoint a competent person for a term of ~~two~~ 2 years, who shall be known as the county abstractor, and shall have charge of and operate said abstract department. The board shall furnish a seal for said abstractor, who shall place said seal on ~~each and~~ every abstract issued by the abstractor.

(b) In any county with a county executive or a county administrator, if the county creates an abstract department under par. (a), the county executive or county administrator shall appoint and supervise the county abstractor. Such appointment shall be subject to confirmation by the ~~county~~ board unless the ~~county~~ board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) ~~59.52 (8)~~ or ch. 63.

(2) The register of deeds shall be eligible to hold the office of county abstractor and may hold both offices at the same time.

(3) The county abstractor shall ~~at all times on demand of any person, and on payment of the fee therefor,~~ make and deliver to any ~~such~~ person an abstract of title to any land in ~~such~~ the county, upon the payment of the required fee.

(4) The ~~county~~ board shall fix the salary of said abstractor, provide such clerical assistance as may be necessary and fix their compensation and shall fix the fees to be received for the compiling and furnishing of abstracts and may at any time prescribe regulations for the operation and conduct of said department. All fees received for the compiling and furnishing of abstracts shall be paid into the county treasury.

(5) The ~~county~~ board may by two-thirds vote of all the members of ~~said~~ the board discontinue ~~the~~ furnishing of abstracts.

**SECTION 388.** 59.58 (1) (intro.) of the statutes is created to read:

59.58 (1) (intro.) The board may:

**SECTION 389.** 59.59 of the statutes is renumbered 59.45 (2) and amended to read:

59.45 (2) SURVEYOR; DEPUTIES. The county surveyor may appoint and remove deputies at will on filing a certificate thereof with the ~~county~~ clerk.

**SECTION 390.** Subchapter VI (title) of chapter 59 [precedes 59.60] of the statutes is created to read:

**CHAPTER 59**

**SUBCHAPTER VI**

**FINANCE AND BUDGET**

**SECTION 391.** 59.60 of the statutes is renumbered 59.45 (1) and amended to read:

59.45 (1) SURVEYOR; DUTIES. (a) The county surveyor or shall do all of the following:

1. Execute, personally or by a deputy, all surveys that are required by the county or by ~~any~~ a court. Surveys for individuals or corporations may be executed at the county surveyor's discretion.

2. Make, personally or by a deputy, a record, in books or on drawings and plats that are kept therefor for that purpose, of all corners that are set and the manner of fixing the ~~same~~ corners and of all bearings and the distances of all courses run, of each survey made personally, by deputies or by other land surveyors and ~~so~~ arrange or index the ~~same as to be record so it is an easy of to use~~ reference and file and preserve in the office the original field notes and calculation thereof; ~~and within,~~ Within 60 days after completing any survey, the county surveyor shall make a true and correct copy of the foregoing record, in record books or on reproducible papers to be furnished by the county and kept in file in the office of the county surveyor to be provided by the county. In a county having with a population of 500,000 or more where there is no county surveyor, a copy of the record shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

3. Furnish a copy of any record, plat or paper in the office to any person on demand and upon payment to the county of the ~~legal fees therefor~~ required fees.

4. Administer to every survey assistant engaged in any survey, before commencing their duties, an oath or affirmation to faithfully and impartially ~~to~~ discharge the duties of survey assistant, and the ~~surveyor and~~ deputies are empowered to administer the same.

5. Perform ~~such~~ all other duties as that are required by law.

(b) Surveys for individuals or corporations may be performed by any land surveyor who is employed by the parties requiring the services, providing that within 60 days after completing any survey the land surveyor files

a true and correct copy of the survey in the office of the county surveyor. In counties ~~having with~~ a population of 500,000 or more the copy shall be filed in the office of the register of deeds and in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

**SECTION 392.** 59.61 (title) of the statutes is created to read:

**59.61 (title) Financial transactions.**

**SECTION 393.** 59.61 of the statutes is renumbered 59.73 (1) and amended to read:

**59.73 (1) HOW BEARINGS EXPRESSED IN SURVEYS.** In all surveys the bearings shall be expressed with reference to a magnetic, true or other identifiable line of the public land survey, recorded subdivision or to the Wisconsin coordinate system. In all cases the reference selected shall be so noted as set forth in s. ~~59.60 (1) (b)~~ 59.45 (1) (a) 2. and if magnetic must be retracable and identifiable by reference to a monumented line.

**SECTION 394.** 59.62 of the statutes is renumbered 59.73 (2) and amended to read:

**59.73 (2) SUBDIVIDING SECTIONS.** Whenever a surveyor is required to subdivide a section or smaller subdivision of land established by the United States survey, the surveyor shall proceed according to the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity ~~thereto~~ to the federal statutes. While so engaged a surveyor and the surveyor's assistants shall not be liable as a trespasser and shall be liable only for any actual damage done to land or property.

**SECTION 395.** 59.63 of the statutes is renumbered 59.74 (1) and amended to read:

**59.74 (1) RELOCATION AND PERPETUATION OF SECTION CORNERS AND DIVISION LINES.** (a) If a majority of all the resident landowners in any section of land within this state desire to establish, relocate or perpetuate any section or other corner of any section, or in the same section a division line of the section, they may make a formal application in writing to the circuit judge for the county in which the land is situated. The circuit judge shall file the application in his or her court and shall within a reasonable time give at least 10 days' notice in writing to the owners of all adjoining lands, if those owners reside in the county where the land is situated and if not, by publication of a class 3 notice, under ch. 985, stating the day and hour when the circuit judge will consider and pass upon such application. The circuit judge shall hear all interested parties and approve or reject the application at that time. If the application is approved, the ~~county~~ clerk shall notify the county surveyor who shall within a reasonable time proceed to make the required survey and location. If a corner is to be perpetuated, the surveyor shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner and with the markings provided under s. 60.84 (3) (c), and

shall also erect witness monuments as provided under s. ~~59.635 sub. (2).~~ The surveyor shall be paid the cost of the perpetuation from the general fund of the county.

(b) All expense and cost of the publication of the notice and of ~~said the~~ survey and perpetuation shall be apportioned by the ~~county~~ clerk among the several pieces or parcels of land in ~~said the~~ section upon the basis of the area surveyed ~~and shall be~~ included by the clerk in the next tax roll and shall be collected in the same manner as other taxes are collected.

**SECTION 396.** 59.635 (title), (1) to (5), (5m), (6) to (8), (10) and (11) of the statutes are renumbered 59.74 (2) (title) and (a) to (k) and amended to read:

**59.74 (2) (title) PERPETUATION OF LANDMARKS.** (a) 1. No landmark, monument, corner post of the government survey or survey made by the county surveyor or survey of public record may be destroyed, removed, or covered by any material that will make the landmark, monument, or corner post inaccessible for use, without first having erected witness or reference monuments as provided in ~~par. (b) subd. 2.~~ for the purpose of identifying the location of the landmark and making a certified copy of the field notes of the survey setting forth all the particulars of the location of the landmark with relation to the reference or witness monuments so that its location can be determined after its destruction or removal. The certified copy of the field notes shall be filed as provided under ~~sub. (2) (b) par. (b) 2.~~

2. Witness monuments shall be made of durable material ~~of, including~~ cement, natural stone, iron or other equally durable material, except wood. If iron pipe monuments are used, they shall be made of 2 inch or more galvanized iron pipe not less than 30 inches in length having an iron or brass cap fastened to the top and marked with a cross cut on the top of the cap where the point of measurement is taken. If witness monuments are made of cement, stone or similar material, they shall be not less than 30 inches in length nor less than 5 inches in diameter along the shortest diagonal marked on the top with a cross where the point of measurement is taken.

(b) 1. Whenever it becomes necessary to destroy, remove or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this ~~section subsection,~~ the person including employes of governmental agencies who intend to commit such act shall serve written notice at least 30 days prior to the act upon the county surveyor of the county within which the landmark is located. Notice shall also be served upon the ~~city, village or town~~ municipality's engineer if the landmark is located within the corporate limits of a municipality. The notice shall include a description of the landmark, monument of survey or corner post and the reason for removing or covering it. In this ~~subsection paragraph,~~ removal of a landmark includes the removal of railroad track by the owner of the track. In a county having a population of less than

500,000 where there is no county surveyor, notice shall be served upon the county clerk. In a county having with a population of 500,000 or more where there is no county surveyor, notice shall be served upon the executive director of the regional planning commission which acts in the capacity of county surveyor for the county. Notwithstanding ~~sub. (3) par. (c)~~, upon receipt of the notice the county clerk shall appoint a registered land surveyor to perform the duties of a county surveyor under ~~par. (b) subd. 2~~.

2. The county surveyor or executive director of the regional planning commission, upon receipt of notice under ~~par. (a) subd. 1~~, shall within a period of not to exceed 30 working days, either personally or by a deputy, or by the ~~city, village or town~~ municipality's engineer make an inspection of the landmark, and, if he or she ~~deems~~ considers it necessary because of the public ~~interests~~ interest to erect witness monuments to the landmark, he or she shall erect 4 or more witness monuments or, if within a municipality, may make 2 or more offset marks at places near the landmark and where they will not be disturbed. The county surveyor shall make a survey and field notes giving a description of the landmark and the witness monuments or offset marks, stating the material and size of the witness monuments and locating the offset marks, the horizontal distance and courses in terms of the references set forth in s. 59.60 (1) (b) 59.45 (1) (a) 2, that the witness monuments bear from the landmark and, also, of each witness monument to all of the other witness monuments. The county surveyor may also make notes as to such other objects, natural or artificial, that will enable anyone to locate the position of the landmark. The county surveyor upon completing the survey shall make a certified copy of the field notes of the survey and record it as provided under s. 59.60 59.45 (1). The ~~city, village or town~~ municipality's engineer upon completing the survey shall record the notes in his or her office, open to the inspection of the public, and shall file a true and correct copy with the county surveyor. In a county having with a population of 500,000 or more, the certified copy of the field notes of the survey shall be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

(c) In those counties where there are no county surveyors a petition can be made to the county board by any resident of this state requesting the board to appoint a land surveyor to act in the capacity of the county surveyor. The county board, upon receipt of this petition, shall appoint a land surveyor to act in the capacity of the county surveyor. In counties having with a population of 500,000 or more, the county board may appoint a governmental agency to act in the capacity of county surveyor.

(d) The cost of the work of perpetuating the evidence of any landmark under the scope of this ~~section~~ subsection shall be borne by the county or counties proportionally, in which said landmark is located.

(e) 1. Except as provided in ~~par. (b) subd. 2~~, any person who removes, destroys or makes inaccessible any landmark, monument of survey, corner post of government survey, survey made by the county surveyor or survey of public record without first complying with this ~~section~~ subsection shall be fined not to exceed \$1,000 or imprisoned in the county jail for not more than one year.

2. Any person who removes railroad track as provided in ~~sub. (2) (a) par. (b) 1~~, without first complying with ~~sub. (2) (a) par. (b) 1~~, shall be subject to a forfeiture not to exceed \$1,000.

(f) Any person who destroys, removes or covers any landmark, monument or corner post rendering them inaccessible for use, without first complying with ~~subs. (1) (a) and (2) (a) pars. (a) 1 and (b) 1~~, shall be liable in damages to the county ~~or counties~~ in which said the landmark is located, for the amount of any additional expense incurred by the county ~~or counties~~ because of such destruction, removal or covering.

(g) Every land surveyor and every officer of the department of natural resources and the district attorney shall enforce this ~~section~~ subsection.

(h) Any registered land surveyor employed by the department of transportation or by a county highway department, may, incident to employment as such, assume and perform the duties and act in the capacity of the county surveyor under this ~~section~~ subsection with respect to preservation and perpetuation of landmarks, witness monuments and corner posts upon and along state trunk, county trunk and town highways. Upon completing a survey and perpetuating landmarks and witness monuments under ~~sub. (2) (b) par. (b) 2~~, a land surveyor employed by the state shall file the field notes and records in the district office or main office of the department of transportation, and a land surveyor employed by a county shall file the field notes and records in the office of the county highway commissioner, open to inspection by the public, and in either case a true and correct copy of the field notes and records shall be filed with the county surveyor. In a county having with a population of 500,000 or more where there is no county surveyor, a copy of the field notes and records shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

(i) The records of the corners of the public land survey may be established and perpetuated in the following manner: commencing on January 1, 1970, and in each calendar year thereafter, the county surveyor or a deputy may check and establish or reestablish and reference at least 5% of all corners originally established in the county by government surveyors, so that within 20 years or less all the original corners will be established or reestablished and thereafter perpetuated.

(j) The county surveyor may employ other land surveyors to assist in this work and may accept ~~checks of ref-~~

ereences reference checks for these corners from any land surveyor.

(k) The cost of perpetuating these corners shall be paid out of the county road and bridge fund or other county fund under s. 83.11.

**SECTION 397.** 59.64 (title) of the statutes is created to read:

**59.64 (title) Claims against county.**

**SECTION 398.** 59.64 of the statutes is renumbered 59.75 and amended to read:

**59.75 Certificates and records as evidence.** The certificate and also the official record of the county surveyor when produced by the legal custodian thereof, or any of the county surveyor's deputies, when duly signed by the county surveyor in his or her official capacity, shall be admitted as evidence in any court within the state, but the same may be explained or rebutted by other evidence. If any county surveyor or any of his or her deputies are interested in any tract of land a survey of which becomes necessary, such survey may be executed by any land surveyor ~~to be~~ appointed by the county board.

**SECTION 399.** 59.65 of the statutes is renumbered 59.45 (3) and amended to read:

59.45 (3) SURVEYOR; FEES. In addition to the regular fees of land surveyors that are received from the parties employing the county surveyor, the county surveyor may receive a salary from the county.

**SECTION 400.** 59.66 (title) of the statutes is created to read:

**59.66 (title) Unclaimed funds.**

**SECTION 401.** 59.66 of the statutes is renumbered 59.46 and amended to read:

**59.46 Penalty for nonfeasance.** Any county surveyor, any city, village or town engineer, or any land surveyor who fails or refuses to perform any duty required of that person by law shall ~~be fined~~ forfeit not less than \$25 nor more than \$50 for each such failure or refusal.

**SECTION 402.** 59.67 of the statutes is renumbered 59.06 and amended to read:

**59.06 County property. (1) HOW HELD.** County property shall be held by the clerk in the name of the county. All property, real or personal, conveyed to the county or to its inhabitants or to any person for the use of the county or its inhabitants is county property; ~~such~~ Such conveyances have the same effect as if made directly to the county by name.

(2) EFFECT OF TRANSFER. All deeds, contracts and agreements made on behalf of the county ~~pursuant to~~ under the directions of the board under s. ~~59.07(1)~~ 59.52 (6), when signed and acknowledged by the clerk and the county seal is attached, are valid and binding on the county to the extent of the terms of the instrument and the right, title and interest which the county has in the property.

**SECTION 403.** 59.68 of the statutes is renumbered 59.54 (14) and amended to read:

59.54 (14) COURTHOUSE AND JAIL; RESTRICTIONS. (a) ~~Each~~ A county shall provide a courthouse, fireproof offices and other necessary buildings at the county seat and keep them in good repair. ~~Each~~ A county shall provide a jail or enter into a cooperative agreement under s. 302.44 for the cooperative establishment and use of a jail. The jail and rehabilitation facilities as extensions of the jail need not be at the county seat and may be located outside of the county under a cooperative agreement under s. 302.44.

(b) No jail may be constructed until the construction plans and specifications are approved by the department of corrections.

(c) When the courthouse from any cause becomes unsafe, inconvenient or unfit for holding court, the board shall provide some other convenient building at the county seat for that purpose temporarily, and this building shall then be ~~deemed~~ considered the courthouse for the time being.

(d) The construction of any courthouse shall be in accordance with plans and specifications that are accompanied by the certificate of the circuit judge in whose circuit the building is to be erected, to the effect that after consultation with competent experts the judge is advised and believes that the courtrooms provided for will possess proper acoustical properties. The fee for this advice shall be paid by the county upon the judge's certificate.

(e) Repairs which amount substantially to a reconstruction of a courthouse shall be governed by the same restrictions that apply to new construction, so far as practicable.

(f) The personnel who are required to comply with ss. 302.41 and 302.42 shall be provided at ~~the expense of~~ the county expense.

(g) A county may establish extensions of the jail, which need not be at the county seat, to serve as places of temporary confinement. No person may be detained in such an extension for more than 24 consecutive hours, except that a court may order that a person subject to imprisonment under ss. s. 23.33 (13) (b) 2. or 3. or (c) or 350.11 (3) (a) 2. or 3. or (b) be imprisoned for more than 24 consecutive hours in such an extension. Jail extensions shall be subject to plans and specifications approval by the department of corrections and shall conform to other requirements imposed by law on jails, except that cells may be designed and used for multiple occupancy.

**SECTION 404.** 59.685 of the statutes is renumbered 59.54 (15) and amended to read:

59.54 (15) ANNUAL INSPECTION. At least once each year the ~~county~~ board of each county, or a committee thereof, shall visit, inspect and examine each jail maintained by ~~such~~ the county, as to health, cleanliness and discipline, and the keeper ~~thereof~~ of the jail shall lay before ~~it~~ the board or the committee a calendar setting forth the name, age and cause of committal of each prisoner; ~~and if it shall appear.~~ If it appears to the said board or

committee that any of the provisions of law have been violated or neglected ~~it, the board or the committee shall forthwith~~ immediately give notice thereof of the violation to the district attorney of the county.

**SECTION 405.** Subchapter VII (title) of chapter 59 [precedes 59.69] of the statutes is created to read:

**CHAPTER 59**  
SUBCHAPTER VII  
LAND USE, INFORMATION  
AND REGULATION,  
ENVIRONMENTAL PROTECTION,  
SURVEYS, PLANNING AND ZONING

**SECTION 406.** 59.69 (title) of the statutes is renumbered 59.56 (14) (title).

**SECTION 407.** 59.69 (1) (title) of the statutes is repealed.

**SECTION 408.** 59.69 (1) (intro.), (a), (b) and (c) of the statutes are renumbered 59.56 (14) (a) 1. and 2., (b) and (c) and amended to read:

59.56 (14) (a) 1. ~~Land~~ Except as provided in par. (c), land upon which to hold agricultural and industrial fairs and exhibitions may be acquired by ~~county boards a board~~ and improvements made thereon.

2. In counties containing less than 500,000 population, the ~~county~~ board may annually, at the same time that other county taxes are levied, levy a tax upon the taxable property of such county.

(b) The board may grant the use of fairgrounds acquired under par. (a) 2. to agricultural and other societies of similar nature for agricultural and industrial fairs and exhibitions, and such other purposes as tend to promote the public welfare, and may receive donations of money, material or labor from any person or municipality for the improvement or purchase of such land. All improvements made on such lands by societies using them may be removed by the societies at any time within 6 months after their right to use the land terminates, unless otherwise agreed in writing between the societies and the county at the time of the making of the improvements.

(c) In counties containing more than 500,000 population, land upon which to hold agricultural and industrial fairs and exhibitions may be acquired by a board, and improvements made thereon, by donation, purchase or condemnation, but not exceeding in value \$150,000, and the board may convey or donate such lands so purchased or acquired or the use thereof to the state of Wisconsin or to agricultural and industrial societies for the purpose of holding thereon agricultural and industrial fairs and exhibitions, and may receive donations of money, material or labor from any person or municipality for the improvement or purchase of such land. If at any time lands or the use thereof so conveyed or donated shall be abandoned or no longer used for the purpose for which such lands or the use thereof were so conveyed or donated, the title to such land shall revert to the county; and the commissioners of public lands, in the case of conveyances or dona-

tions to the state, are authorized and directed to execute and deliver such proper deeds of conveyance as well as revert the title to such lands in such county, and when such lands or the use thereof were conveyed or donated to an agricultural and industrial society, such proper deeds or conveyance shall be executed and delivered by such society by its proper officers. However, the state may at any time within one year after title to any such lands reverts, by proper conveyance in such county, remove any structures erected thereon by or for the state subsequent to the acquisition of such lands by the state.

**SECTION 409.** 59.69 (2) (title) of the statutes is repealed.

**SECTION 410.** 59.69 (2) of the statutes is renumbered 59.56 (14) (d) and amended to read:

59.56 (14) (d) The board ~~of any county~~ may vote an amount which it ~~deems~~ considers sufficient to aid in the purchase of, or to make improvements upon the fairgrounds for any organized agricultural society, or to aid any organized agricultural society or any incorporated poultry association in any of its public exhibitions held or to be held; and any amount so voted shall be paid upon demand by the treasurer to the treasurer of such organized agricultural society, who shall keep an accurate record of the expenditure thereof by such society, and file a verified copy of such record with the clerk within one year after the receipt of such amount.

**SECTION 411.** 59.69 (3) (title) of the statutes is repealed.

**SECTION 412.** 59.69 (3) of the statutes is renumbered 59.56 (14) (e) and amended to read:

59.56 (14) (e) ~~Whenever~~ The board may provide for and conduct county fairs and exhibitions if a majority of the electors upon a referendum in any the county have approved thereof, the board may provide for and conduct county fairs and exhibitions so approve, in a referendum, and for such purpose may:

1. Acquire by deed or lease real estate and make improvements ~~thereon~~ on such real estate.

2. Appropriate funds ~~for the adequate equipment and the proper management to properly equip, manage and control of such the~~ fair or exhibition.

3. Adopt rules and regulations for the management and control of ~~such the~~ property and of such, fair or exhibition and for the appointment and salaries of persons necessary therefor.

**SECTION 413.** 59.70 of the statutes is renumbered 59.53 (16) and amended to read:

59.53 (16) ISOLATION HOSPITALS. (a) In counties having a population of ~~thirty thousand~~ 30,000 or more the ~~county~~ board may erect, establish and maintain isolation hospitals or places for the care and treatment of all persons afflicted with infectious, contagious and communicable diseases, requiring isolation and quarantine under the laws of the state, who are inmates of the charitable, penal, correctional and other institutions of said county

or who are required to be cared for and treated at the expense of said county. The board may also provide for the care and treatment therein of all persons so afflicted, who are required to be cared for by the various ~~towns, cities and villages~~ municipalities in said counties, under such terms, conditions, rules and regulations, as to apportionment of cost of erection of such buildings and places and the expense of care and treatment of such persons afflicted, as may be agreed upon between the county board and the common council of such cities and the boards of such villages and towns, and each such council or board is hereby vested with power and authority to enter into such contracts and to appropriate such funds as may be necessary to carry into execution all contracts so made.

(b) All isolation hospitals and other places, when ~~so~~ erected or established in counties having a county board of administration, shall be conducted under the control and management of ~~said~~ the board in the same manner and to the same extent as other institutions under the control of ~~such~~ the board, and in other counties ~~such~~ the isolation hospitals and other places shall be conducted under the control and management of the county board. Any resident of this state who is not indigent may be received into, treated and cared for in ~~such~~ an isolation hospital or other place upon ~~such~~ the terms and conditions and at ~~such~~ the rate or pay ~~as may be~~ established and fixed by the board having charge of ~~such~~ the isolation hospital or other place; provided, however, that indigent and destitute sick persons shall be cared for and have preference of admission to such hospitals and places.

**SECTION 414.** 59.71 of the statutes is renumbered 59.52 (3) and amended to read:

59.52 (3) RECORDS WHERE KEPT; PUBLIC EXAMINATION; REBINDING; TRANSCRIBING. (a) The books, records, papers and accounts of the ~~county~~ board shall be deposited with the respective county clerks and shall be open without any charge to the examination of all persons.

(b) When any book, public record or the record of any ~~town, village or city, village or town~~ plat in any county office shall, from any cause, become unfit for use in whole or in part, the ~~county~~ board shall order that the book, record or plat be rebound or transcribed. If the order is to rebind such book, record or plat, the rebinding must be done under the direction of the officer in charge of the book, record or plat, and in that officer's office. If the order is to transcribe such book, record or plat, the officer having charge of the same shall provide a suitable book for that purpose; and thereupon such officer shall transcribe the same in the book so provided and carefully compare the transcript with the originals, and make the same a correct copy thereof, and shall attach to the transcript a certificate over that officer's official signature that that officer has carefully compared the matter therein contained with, and that the same is a correct and literal copy of the book, record or plat from which the same was transcribed, naming such book. Such copy of book, re-

cord or plat, so certified, shall have the same effect in all respects as the original, and such original book, record or plat shall be deposited with the ~~county~~ treasurer and carefully preserved except in counties having a population of 500,000 or more where a book containing a tract index is rewritten or transcribed, the original book may be destroyed. The order of the ~~county~~ board directing the transcribing of any book, record or plat duly certified by the ~~county~~ clerk shall, with such certificate, be recorded in each copy of book, record or plat transcribed. The fee of the officer for such service shall be fixed by the board, not exceeding 10 cents per folio, or if such books or any part thereof consist of printed forms, not to exceed 5 cents per folio for such books or records, to be paid by the county.

**SECTION 415.** 59.715 (intro.) and (1) to (10) of the statutes are renumbered 59.52 (4) (a) (intro.) and 1. to 10., and 59.52 (4) (a) (intro.), 1. to 7., 9. and 10., as renumbered, are amended to read:

59.52 (4) (a) *Destruction of obsolete county records.* (intro.) Whenever necessary to gain needed vault and filing space, county or court officers and the custodian of the records of all courts of record in the state may, subject to ~~ss. 59.716 and 59.717~~ pars. (b) and (c), destroy obsolete records in their custody as follows:

1. Notices of tax apportionment that are received from the secretary of state, after 3 years.

2. Copies of notices of tax apportionment that are sent to local taxing districts by the ~~county~~ clerk, after 3 years.

3. Records of bounty claims that are forwarded to the department of natural resources, after one year.

4. Lists of ~~town, city and village~~ officers of a municipality that are certified to the county-clerk by the ~~town, city and village~~ municipal clerks, after the date of the expiration of the term listed.

5. Crop reports made that are submitted to the ~~county~~ clerk by the local assessors, after 3 years.

6. Illegal tax certificates that are charged back to local taxing districts, 3 years after the date of charging back the ~~same~~ such certificates.

7. Notices of application for the taking of tax deeds and certificates of nonoccupancy, proofs of service and tax certificates that are filed with the ~~county~~ clerk in connection with the taking of tax deeds, after 15 years.

9. Claims that are paid by the county, and papers supporting such claims, after 7 years.

10. Contracts, notices of taking bids, and insurance policies to which the county is a party, 7 years after the last effective day thereof.

**SECTION 416.** 59.715 (12) and (14) of the statutes are renumbered 59.52 (4) (a) 11. and 12. and amended to read:

59.52 (4) (a) 11. Reports of town treasurers that are submitted to the ~~county~~ clerk on dog licenses sold and records of dog licenses issued, after 3 years.

12. ~~County~~ The clerk's copies of all receipts that are issued by the ~~county~~ treasurer, 4 years or until after being competently audited, whichever ~~date~~ is earlier.

**SECTION 417.** 59.715 (15) to (19) and (21) to (23) of the statutes are renumbered 59.52 (4) (a) 13. to 20., and 59.52 (4) (a) 13., 15. and 17. to 20., as renumbered, are amended to read:

59.52 (4) (a) 13. Copies of notices that are given by the ~~county~~ clerk to the town assessors setting out lands owned by the county and lands sold by the county, after 3 years.

15. All other receipts of the ~~county~~ treasurer, after 7 years.

17. Oaths of office, after 7 years.

18. Case records and other record material of all public assistance that are kept as required under ch. 49, if no payments have been made for at least 3 years and if a face sheet or similar record of each case and a financial record of all payments for each aid account are preserved in accordance with rules adopted by the department of health and family services. If the department of health and family services has preserved such case records and other record material on computer disc or tape or similar device, a county may destroy the original records and record material under rules adopted by the department.

19. ~~After 10 years marriage~~ Marriage license applications and records and papers pertaining to the applications, including antenuptial physical examinations and test certificates, consents of parent or guardian for marriage and orders of the court waiving the waiting period, after 10 years.

20. Books in the office of the register of deeds in counties having with a population of 500,000 or more containing copies of deeds, mortgages, other miscellaneous documents and military discharges that are authorized by law to be recorded in the office if the records first shall be photographed or microphotographed and preserved in accordance with ch. 228.

**SECTION 418.** 59.716 (intro.) and (1) to (3) of the statutes are renumbered 59.52 (4) (b) (intro.) and 1. to 3., and 59.42 (4) (b) (intro.), 1. and 3., as renumbered, are amended to read:

59.52 (4) (b) *Transfer of obsolete county records.* (intro.) ~~Prior to~~ Before the destruction of public records under s. 59.715 par. (a), the proper officers in counties with a population of less than 500,000 shall make a written offer to the historical society under s. 44.09 (1). If the offer is accepted by the society within 60 days, the officers shall transfer title to noncurrent records in their custody as follows:

1. Original papers, resolutions and reports that are connected with ~~county~~ board proceedings.

3. Original minutes of the ~~county~~ board.

**SECTION 419.** 59.717 (intro.), (1), (2) and (4) of the statutes are renumbered 59.52 (4) (c) (intro.) and 1. to 3.,

and 59.52 (4) (c) (intro.), 1. and 3., as renumbered, are amended to read:

59.52 (4) (c) *Destruction of county records, when.* (intro.) If title is not accepted by the historical society within 60 days after a written offer is made under s. 59.716 par. (b), county officers in counties with a population of less than 500,000 may destroy records as follows:

1. Original papers, resolutions and reports appearing in county board proceedings, 6 years following the date of first publication of the same in the official proceedings of the board.

3. No assessment roll containing that contains forest crop acreage may be destroyed without the prior approval of the secretary of revenue.

**SECTION 420.** 59.72 of the statutes is renumbered 59.47 and amended to read:

**59.47 County auditors; powers; duties.** (1) In every county the ~~county~~ clerk shall act as auditor, unless a separate office of county auditor is created as provided in sub. (2), and, when directed by resolution of the ~~county~~ board, shall examine the books and accounts of any county officer, board, commission, committee, trustees or other officer or employe entrusted with the receipt, custody or expenditure of money, or by or on whose certificate any funds appropriated by the ~~county~~ board are authorized to be expended, whether compensated for services by fees or by salary, and all original bills and vouchers on which moneys have been paid out and all receipts of moneys received by them. The clerk shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this subsection and he or she shall report in writing the results of the examinations to the ~~county~~ board.

(2) The ~~county~~ board by resolution may create a separate office of county auditor and may fix the compensation of ~~such the~~ auditor. The auditor shall perform the duties and have all of the powers conferred upon the ~~county~~ clerk as auditor by sub. (1), and shall perform such additional duties and shall have such additional powers as are imposed and conferred upon him or her from time to time by resolution adopted by the board.

(3) If a county auditor's office is created under sub. ~~(1)~~ (2), the chairperson of the ~~county~~ board shall appoint a person known to be skilled in matters of public finance and accounting to act as county auditor. The appointment shall be made under ss. 63.01 to 63.17 and shall be subject to confirmation by the ~~county~~ board. The auditor shall direct the keeping of all of the accounts of the county, in all of its offices, departments and institutions, and shall keep books of account necessary to properly perform the duties of the office. The auditor's salary and the amount of the official bond shall be fixed by the ~~county~~ board. The auditor shall perform all duties pertaining to the office,

have all of the powers and perform the duties in sub. (1) and perform other duties imposed by the ~~county~~ board.

(4) The ~~county~~ board by resolution may authorize a county auditor appointed under sub. (3) to appoint a deputy auditor under ss. 63.01 to 63.17 to aid him or her in the discharge of the duties of his or her office, and who, in the absence or disability of the county auditor, or in case of a vacancy in said office, shall perform all the duties of the office of county auditor until such vacancy is filled, or disability is removed. Such deputy shall execute and file an official bond in the same amount as that given by the county auditor.

**SECTION 421.** 59.73 (title) of the statutes is created to read:

**59.73 (title) Surveys; expressing bearings, subdividing sections.**

**SECTION 422.** 59.73 of the statutes is renumbered 59.61 (1) and amended to read:

59.61 (1) RECEIPTS AND DEPOSITS OF MONEY; ACCOUNTS. Every county officer and employe and every board, commission or other body that collects or receives ~~moneys~~ money for or in behalf of the county, shall:

(a) Give such receipts therefor and file such duplicates thereof with the ~~county~~ clerk and ~~county~~ treasurer as the ~~county~~ board directs.

(b) Keep books of account and enter ~~therein~~ accurately in the books from day to day with ample description, the items of that person's or that body's official service, and the fees therefor.

(c) Pay all such ~~moneys~~ money into the county treasury at ~~such the~~ time as that is prescribed by law, or if not so prescribed daily or at ~~such the~~ intervals as that are prescribed by the ~~county~~ board.

(d) Perform all other duties in connection therewith that are ~~prescribed by or pursuant to~~ required by law.

**SECTION 423.** 59.74 (title) of the statutes is created to read:

**59.74 (title) Perpetuation of section corners, landmarks.**

**SECTION 424.** 59.74 of the statutes is renumbered 59.61 (2) and amended to read:

59.61 (2) DEPOSITORIES; DESIGNATION. (a) The ~~county~~ board of each county having a population of 200,000 or more shall designate 2 or more, and in other counties the ~~county~~ board, or when the occasion arises and the ~~county~~ board is not in session, then a committee of the board which has been authorized to do so shall designate one or more credit unions, banks, savings banks, savings and loan associations, or trust companies organized and doing business under the laws of this state or federal law, located in this state, as county depositories, one or more of which shall be designated as working credit unions, savings banks, savings and loan associations or banks, all deposits in which shall be active deposits.

(b) In addition to the depositories specified in ~~sub. (1) par. (a)~~, the local government pooled-investment fund may be designated as a depository for investment purposes.

**SECTION 425.** 59.75 of the statutes is renumbered 59.61 (3) and amended to read:

59.61 (3) FUNDS TO BE PLACED IN DEPOSITORIES; REPORTS; CASH BALANCE. (a) ~~Whenever any county a~~ board has designated a county depository under ~~s. 59.74 sub. (2)~~, the ~~county~~ treasurer shall deposit therein as soon as received all funds that come to the treasurer's hands in that capacity in excess of the sum the treasurer is authorized by the board to retain. Any sum on deposit shall be ~~deemed~~ considered to be in the county treasury, and the treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository. The ~~county~~ board, a committee of the ~~county~~ board designated by it or the ~~county~~ treasurer acting under ~~s. 59.20 (14) 59.25 (3) (s)~~ may invest any funds that come into the county treasurer's hands in excess of the sum the treasurer is authorized by the ~~county~~ board to retain for immediate use in the name of the county in the local government pooled-investment fund, in interest-bearing bonds of the United States or of any county or municipality in the state or in any other investment authorized by statute. The board, committee or the county treasurer acting under ~~s. 59.20 (14) 59.25 (3) (s)~~ may sell such securities when ~~deemed~~ considered advisable.

(b) Every such depository shall on the first business day of each month, and ~~often~~ more often when required, file with the ~~county~~ clerk a statement of the amount of county money deposited with it during the preceding month, and the treasurer shall at the same time file with such clerk a statement showing the amount of moneys received and disbursed by the treasurer during the previous month.

(c) The ~~county~~ board may fix the amount of money which may be retained by the treasurer but in no case shall the sum exceed \$3,000; provided, that in all counties having a population of 200,000 or more inhabitants ~~or over~~, the treasurer may retain such sum as may be fixed by the ~~county~~ board.

(d) Such treasurer and clerk, whenever the cash balance does not amount to the sum authorized by the ~~county~~ board to be retained, may increase it to such amount by their check on the county depository or depositories in favor of such treasurer.

**SECTION 426.** 59.76 of the statutes is renumbered 59.07 and amended to read:

**59.07 Claims against counties; actions on.** (1) No action may be brought or maintained against a county upon a claim or upon a cause of action unless the claimant complies with s. 893.80.

(2) No action may be brought or maintained against a county, for disclosure of information that is received

under s. 342.20 (3) and maintained under s. 342.20 (4) or that is received under s. 30.572 (4) and maintained under s. 30.572 (5).

**SECTION 427.** 59.77 (title), (1) to (4) and (6) to (8) of the statutes are renumbered 59.64 (1) (title) and (a) to (g) and amended to read:

59.64 (1) CLAIMS, HOW MADE; PROCEDURE. (a) *In general.* Every person, except jurors, witnesses and interpreters, and except physicians or other persons who are entitled to receive from the county fees for reporting to the register of deeds births or deaths, which have occurred under their care, having any claim against any county shall comply with s. 893.80.

(b) *Of court officers, certified by district attorney.* No claim for official services, in any criminal action or proceeding before a judge, shall be allowed by any ~~county~~ board until the same has been examined and a written report made thereon by the district attorney of the proper county as required by ~~sub. (4) par. (d)~~; nor shall the claim of any sheriff, undersheriff, deputy sheriff, constable or other such officer for the services or expenses of an assistant in making an arrest or commitment be allowed unless the judge before whom the prisoner is brought certifies that there was a necessity for such assistance because of the dangerous character of the defendant or because 2 or more persons were arrested at the same time.

(c) *Of judicial officers.* Court commissioners shall, on or before the first Monday of November in each year, forward to the ~~county~~ clerk of their respective counties a correct statement of all actions or proceedings had before them, during the ~~year next~~ immediately preceding year, in which the county ~~shall have become~~ became liable for costs, giving the names of the parties in each action or proceeding, the nature and result of the same, the amount of costs in detail in each case, and what items, if any, have been paid and the amount thereof. The ~~county~~ clerk shall file such statements in his or her office. Any such officer who neglects to make and return such statements within the time prescribed in this ~~subsection~~ paragraph shall not receive any compensation from the county for any service rendered by him or her in any criminal case or proceeding during the year next preceding the time when the statement is required to be made and returned.

(d) *Of court officers; certification; audit by district attorney; waiver.* Fees of officers, in any action or proceeding before a court commissioner, shall be certified to and allowed by the ~~county~~ board in the ~~manner~~ following, ~~and in no other way~~ manner:

1. At least 10 days before the annual meeting of the board every such officer shall make and file with the ~~county~~ clerk a certified statement of all actions or proceedings had or tried before him or her in which the state was a party, and wherein the county ~~has become~~ became liable for the fees of officers, within the year next preceding the date of the statement, showing the title and nature of the action or examination, date of trial, the names of all

officers, who actually attended court and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the amount to which they are severally entitled. The statement shall be substantially in the following form:

STATE OF WISCONSIN

v.

....

IN ... COURT

Complaint for ...

Before ..., ... Judge.

Heard the ... day of ..., 19..

To the County Board of ... County:

I hereby certify that in the foregoing entitled action the following named persons rendered services therein, and attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for the services, attendance and travel, and that the services were actually and necessarily rendered, and said action was prosecuted in good faith:

A.B. (constable or sheriff), actually and necessarily traveled in serving the ... herein, ... miles, and attended court ... days, and is entitled to ... dollars for other just and lawful services in the cause, and in all is entitled to ... dollars.

Dated this ... day of ..., 19..

2. The ~~county~~ clerk shall deliver such statement to the district attorney, who shall examine the same and make a report in writing thereon to the ~~county~~ board, specifying the items in each for which the county is or is not liable, and the extent of its liability if it is liable for a part only of any such item. Such statement and report shall be laid before the ~~county~~ board by the county clerk and insofar as the items charged therein are approved by the district attorney such statement shall be prima facie evidence of the claims of the persons named therein; and the board shall examine the same and allow such as are legal, and direct that orders be drawn for the amount allowed to each person named therein. If any person in whose favor any such order is drawn shall not call for the same within ~~two~~ 2 years from the time the claim is allowed the person's right to any compensation for services shall be ~~deemed~~ considered waived and the ~~county~~ board shall cancel such order.

(e) *Fees for statements and certificates.* Every court commissioner shall receive from the ~~county~~ treasurer \$1 per page for making statements and returns required by ~~sub. (3) par. (c)~~ and \$1 for making each certificate required by ~~sub. (4) par. (d)~~. All such statements and certificates shall be transmitted to the ~~county~~ clerk by certified mail and for transmitting the statements and certificates the court commissioner shall receive \$1.

(f) *Court commissioners.* The ~~county~~ board at any session thereof, ~~either an adjourned or a special session,~~ may as provided in ~~sub. (4) (b) par. (d) 2.~~ examine and allow any statement, account or claim of any court com-

missioner which is on file with the ~~county~~ clerk before the opening of the session of the ~~county~~ board.

(g) *Payment of juror, witness, interpreter, attorney, guardian ad litem and transcript fees; penalty.* If a county is liable for juror fees or for witness, interpreter, attorney, guardian ad litem or transcript fees which are on the part of the state or of the defendant in any action or proceeding before a judge of the circuit court or before the medical examiner of ~~such the~~ county, the procedure to secure payment of ~~such the~~ fees shall be as follows:

1. The clerk of the respective court, the register of probate, or the medical examiner as the case may be shall issue to ~~such the~~ person an order directing the ~~county~~ treasurer to make payment of ~~such the~~ fee. ~~Said The~~ order shall state the name of the person to whom payable, the time served, the number of miles traveled by the person, and the amount of compensation to which the person is entitled, together with the title of the action in which ~~such the~~ person ~~so~~ served, the capacity in which the person served and the date or dates of service, or in case of transcript fees, the title of the action and the dates on which the testimony for ~~such the~~ transcript was taken.

2. The person to whom ~~such the~~ certificate or order is issued shall be required to ~~indorse the same~~ endorse it prior to receiving payment and thereby indicate that he or she is the person mentioned ~~therein in the certificate or order~~, that the number of miles traveled and the capacity in which he or she served and the work which he or she performed is true and correct as stated and that he or she has not at any time received any compensation therefor.

3. Upon presentation of ~~such the~~ certificate or order properly signed and endorsed, the ~~county~~ treasurer shall pay to the holder, upon surrender ~~thereof of the certificate or order~~, the amount ~~therein~~ set forth in the certificate or order, and ~~such the~~ order or certificate shall ~~thereafter~~ in all other respects be handled by ~~said the~~ treasurer in the same manner as all other county orders drawn upon him or her are handled.

4. Any judge or court commissioner, juror, witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who makes, signs or ~~indorses~~ endorses any such certificate or order which is untrue in respect to anything material, which he or she knows to be false, or which he or she ~~has not~~ does not have good reason to believe is true, shall be punished as provided in s. 946.12.

**SECTION 428.** 59.78 of the statutes is renumbered 59.64 (2) and amended to read:

59.64 (2) SPECIAL COUNTIES; CLASSIFICATION OF CLAIMS. In counties ~~containing with~~ a population of more than ~~three hundred thousand~~ 300,000, the county auditor shall classify all such claims according to the budgetary funds provided for in s. 59.84 59.60, against which they are chargeable, before such claims are laid before such board. The county auditor shall then submit with the claims chargeable against each fund, a statement of the balance in such fund against which no county orders have

been issued. If such balance in any fund is less than the total of the claims chargeable against such fund, the auditor shall call the attention of the board to that fact, and such board shall not issue county orders in excess of such balance without previously appropriating to such fund an additional sum at least sufficient to cover such orders. If any claims ~~or claim shall be~~ are for a purpose for which no specific appropriation has been made in the budget, such ~~claim or~~ claims shall be considered as chargeable against the contingent fund. When the county auditor countersigns any order on the ~~county~~ treasurer for the payment of a claim allowed the auditor shall charge such order against the fund appropriated for that purpose.

**SECTION 429.** Subchapter VIII (title) of chapter 59 [precedes 59.79] of the statutes is created to read:

#### CHAPTER 59

#### SUBCHAPTER VIII

#### POPULOUS COUNTIES

**SECTION 430.** 59.79 of the statutes is renumbered 59.64 (3) and amended to read:

59.64 (3) ACTION ON CLAIMS BY BOARD. The ~~county~~ clerk shall, on the first day of any meeting of the ~~county~~ board, lay before said board all such claims, statements of which have been filed in the clerk's office since the last meeting of such board, with a schedule of the same showing the amount thereof and the order in which the same were filed; and the ~~county~~ board shall act upon all such claims before the adjournment of the next annual session of such board after such statements were filed with the clerk, and shall examine and allow or disallow the same in whole or in part unless withdrawn by leave of the board; and in case of the disallowance of a part of an account or other claim composed of separate items the board shall designate particularly each item disallowed; and when the amount allowed for any claim shall have been accepted and received by the claimant, and no action shall be brought to recover the remainder thereof, no further sum shall thereafter be allowed or paid thereon by the ~~county~~ board. The ~~county~~ board, or a committee ~~thereof of the board~~, for the purpose of ascertaining the facts in relation to any claim presented for ~~their the~~ board's or committee's exemption and allowance, may take such testimony as ~~they may deem~~ it considers necessary.

**SECTION 431.** 59.79 (intro.) of the statutes is created to read:

**59.79 Milwaukee County.** (intro.) In a county ~~having~~ with a population of 500,000 or more, the board may:

**SECTION 432.** 59.80 of the statutes is renumbered 59.52 (10) and amended to read:

59.52 (10) SALARIES AND AUTOMOBILE ALLOWANCE; WHEN PAYABLE. Salaries of county officers and employes shall be paid at the end of each month, but the ~~county~~ board of any county may authorize the payment of such salaries semimonthly or once in every 2 weeks in such manner as it may determine. Payment for automobile

allowance to officers and employees, duly authorized to use privately owned automobiles in their work for the county, shall be made upon certification of the respective department heads in a manner similar to that in which salaries are paid, provided such method of payment of automobile allowance is authorized by ordinance specifically stating the departments to which it shall apply applies.

**SECTION 433.** 59.81 of the statutes is renumbered 59.64 (4) and amended to read:

59.64 (4) COUNTY ORDERS AND SCRIP. (a) *Issuance; limitations.* When any claim is allowed by ~~any county~~ a board, either in whole or in part, the board shall direct an order to be drawn upon the ~~county~~ treasurer in favor of the claimant for the amount so allowed, but no order except for the per diem and mileage of the members of the board may be drawn in favor of any claimant within 5 days after the allowance of his or her claim. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his or her right to appeal as to the part disallowed. No ~~county~~ board may issue a greater amount of orders, scrip and certificates of indebtedness than the amount of the county taxes levied in the county for that year. The ~~county~~ board may authorize the issuance of orders, scrip or certificates of indebtedness at a rate of interest specified thereon, but not to exceed 6% per year; except that the orders, scrip and certificates of indebtedness shall bear no interest if paid and payable within one month from date of issuance, and shall bear no interest after date of publication of redemption notice as provided in this ~~subsection~~ paragraph. The ~~county~~ treasurer may publish a class 1 notice, under ch. 985, that the county will redeem certain outstanding orders, scrip or certificates, which notice shall specify the particular orders, scrip or certificates, or series thereof, then redeemable.

(b) *Disbursements on.* In all counties having with a population of less than ~~three hundred thousand~~ 300,000, all disbursements from the county treasury shall be made by the ~~county~~ treasurer upon the written order of the ~~county~~ clerk after proper vouchers have been filed in the office of the ~~county~~ clerk; and in all cases where the statutes provide for payment by the treasurer without an order of the ~~county~~ clerk, it shall ~~hereafter~~ be the duty of the ~~county~~ clerk to draw and deliver to the treasurer an order ~~therefor~~ for payment before or at the time when ~~such the~~ payment is required to be made by the treasurer. The provisions of this ~~subsection~~ paragraph shall apply to all special and general provisions of the statutes relative to the disbursement of money from the county treasury.

(c) *Special counties; countersigned by auditor.* In all counties having with a population of 300,000 or more all orders and warrants drawn upon or against county funds shall be countersigned by the county auditor; and the treasurer of ~~such the~~ county shall make no payments of county funds for any purpose unless the order, warrant, certificate, direction or authority given the treasurer for

~~such the~~ payment is countersigned by ~~such the~~ county auditor. This provision requiring the countersigning by ~~said the~~ auditor shall apply to all laws and statutes, special and general, relative to the payment of county funds by the ~~county~~ treasurer except certificates or orders issued for the payment of juror, witness, interpreter, attorney, guardian ad litem and transcript fees.

(d) *Examination of.* The ~~county~~ board at ~~their its~~ annual session, or ~~oftener if they deem~~ more often if it considers it necessary, shall carefully examine the county orders returned paid by the ~~county~~ treasurer by comparing each order with the record of orders in the ~~county~~ clerk's office, and cause to be entered in ~~said the~~ record opposite to the entry of each order issued the date when the ~~same order~~ was canceled. ~~They The board~~ shall also make a complete list of the orders so canceled, specifying the number, date, amount, and person to whom the same is made payable, except in counties having a population of more than ~~five hundred thousand~~ 500,000, the name of the person to whom the same is made payable may be omitted, which statement shall be entered at length on the journal of the board; and immediately after the above requirements are complied with the orders so canceled shall be destroyed in the presence of the board.

(e) *Uncalled for orders; cancellation; reissue.* The ~~county~~ clerk shall prepare and present to the ~~county~~ board, at each annual session, a descriptive list giving the amount, date and payee of all county orders which have remained in the clerk's office for 2 years uncalled for by the payee. The board shall cause the orders to be compared with the list, and when found or made correct the list shall be entered at length on the journal of the board and filed in the office of the clerk; all the orders shall be canceled and destroyed. The person in whose favor the order was drawn, except those issued under ~~s. 59.77(4) sub. (1) (d)~~, may, upon application to the chairperson of the board and ~~county~~ clerk, made within 6 years from the date of the order, have a new order issued for the amount of the original, without interest.

**SECTION 434.** 59.83 of the statutes is renumbered 59.65 and amended to read:

**59.65 Publication of financial report.** ~~The several county boards~~ A board shall cause to be made out and published in the county, as a class 1 notice, under ch. 985, immediately after ~~their its~~ annual meeting, a report of the receipts and expenditures of the ~~year next~~ immediately preceding year and the accounts allowed. The ~~county~~ board may ~~within its discretion~~ waive the publication of names of needy soldiers, sailors, marines and United States war veterans and the amount of relief provided under s. 45.14 (2) and shall publish in lieu thereof the total disbursements thereunder.

**SECTION 435.** 59.84 of the statutes is renumbered 59.60, and 59.60 (1), (3) to (7), (7m) (intro.), (8) (a), (b) (intro.) and 1. and (c) and (a) to (12), as renumbered, are amended to read:

59.60 (1) APPLICATION. The provisions of this section shall apply to all counties having with a population of 500,000 or more. Any county with a county executive or county administrator may elect to be subject to the provisions of this section.

(3) FISCAL YEAR. The fiscal year in every ~~such~~ county shall be is the calendar year.

(3m) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting procedure that is applied under this section shall comply with generally accepted accounting principles for government as promulgated by the governmental accounting standards board or its successor bodies or other authoritative sources.

(4) SUBMISSION OF ANNUAL BUDGET REQUESTS. On or before the date that the director specifies, but not later than July 15, each department shall annually submit to the director in the form that the director specifies:

(a) The department's estimated revenues and expenditures for the ensuing fiscal year;

(b) The estimated cost of any capital improvements pending or proposed for the ensuing fiscal year and for the next 4 fiscal years; and

(c) Any other information that the director requests.

(5) COMPILATION OF BUDGET REQUESTS. Not later than August 15 of each year, the director shall submit to the county executive or county administrator and to the ~~county~~ board:

(a) The annual budget estimates of each department;

(b) A statement of principal and interest becoming due on outstanding bonds and on other financial obligations;

(c) An estimate of all other expenditures, including proposed expenditures on capital improvements that are not financed by bonds;

(d) An estimate of anticipated issues of new bond obligations during the ensuing fiscal year, plus a statement of the funds required for maturities and interest payments on these issues;

(e) An estimate of funds required as an appropriation for contingencies;

(f) An estimate of revenue from all other sources; and

(g) A complete summary of all the budget estimates and a statement of the property tax levy required if funds were appropriated on the basis of these estimates. In determining the property tax levy required, the director shall deduct from the total estimated expenditures the estimated amount of revenue from sources other than the property tax levy and shall deduct the amount of any surplus at the close of the preceding fiscal year not yet appropriated. The board, by two-thirds vote, may adopt a resolution ~~prior to~~ before the adoption of the tax levy authorizing the use of the surplus fund in whole or in part as a sinking fund for the redemption or repurchase of bonds or to provide funds for emergency needs under sub. (9), but for no other purposes.

(6) REVIEW OF BUDGET REQUESTS. (a) The county executive or county administrator shall review the estimates of expenditures and revenues and shall hold public hearings ~~thereon~~ on such estimates at which the head or a representative of every county department shall appear and give information with regard to the appropriations requested, including work programs, other justification of expenditures, and ~~such~~ other data as the county executive or county administrator requests. The county executive or county administrator shall make such changes in the proposed budget as in the executive's or administrator's discretion may be ~~deemed~~ considered desirable or proper, and shall, on or before October 1, submit to the ~~county~~ board the budget, as amended, after ~~such~~ the hearings. Such amended proposed budget shall be the executive's or administrator's budget and shall include: ~~(a)~~ a all of the following:

1. A simple, clear, general summary of the detailed contents of the budget; ~~(b)~~ a

2. A comparative statement by organization unit and principal object of expenditure showing the actual expenditures of the preceding fiscal year, the appropriations and estimated expenditures for the fiscal year currently ending, and the recommended appropriations for the fiscal year next succeeding; and ~~(c)~~ a

3. A comparative statement of the actual revenues from all sources including property taxes during the preceding fiscal year, the anticipated revenues and the estimated revenues for the fiscal year currently ending, and the anticipated revenues for the fiscal year next succeeding including any surplus from the preceding fiscal year not otherwise appropriated ~~pursuant to~~ under sub. (9).

(b) The anticipated revenues for the fiscal year next succeeding shall be equal in amount to the recommended appropriations. The executive's or administrator's budget shall be accompanied by a message prepared by the county executive or county administrator which shall outline the important features of the budget plan and indicate any major changes in policy or in recommended appropriations or revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes.

(7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The ~~county~~ board shall refer the executive's or administrator's budget to the finance committee and such committee shall publish as a class 1 notice, under ch. 985, a summary of the executive's or administrator's budget and comparative figures together with a statement of the county's bonded indebtedness, in the 2 daily newspapers having the largest circulation in the county, and shall make available to the general public reprinted copies of the summary as published. The publication shall also state the date, hour, and place of the public hearing to be held by the ~~county~~ board on such executive's or administrator's budget. The ~~county~~ board shall, not less than 14 days after publication of the summary of the executive's

or administrator's budget, but not later than the first Monday in November of each year and prior to the adoption of the property tax levy, hold a public hearing on such executive's or administrator's budget, at which time citizens may appear and express their opinions. After such public hearing, and on or before the annual meeting, the finance committee shall submit to the county board its recommendations for amendments to the executive's or administrator's budget, if any, and the county board shall adopt the budget with such changes as it ~~deems~~ considers proper and advisable. When so adopted, the sums provided shall, subject to the provisions of sub. (8), constitute legal appropriations and anticipated revenues for the ensuing year.

(7m) PUBLICATION OF BUDGET SUMMARY. (intro.) Notwithstanding sub. (1), this subsection applies to all counties ~~having~~ with a population of 500,000 or more. Any such county shall publish, in the same manner as the summary that may be published under sub. (7), a summary that includes all of the following:

(8) (a) At the request of the head of any department, and after receiving the recommendation of the county executive or county administrator, the finance committee may, at any time during the fiscal year, transfer any unencumbered appropriation balance or portion thereof between principal objects of expenditures within a department; but no transfers shall be made of appropriations originating from bond funds unless the purpose for which the bonds were issued has been fulfilled or abandoned. If the county executive or county administrator fails to make a recommendation within 10 days after the submission of a request for transfer, the finance committee may act upon ~~such~~ the request without his or her recommendation. If more than one department is under the jurisdiction of the same board or commission or under the same general management, ~~such~~ the group of departments may be considered as though they were a single unit with respect to transfers of appropriations within the group.

(b) (intro.) Except as provided under sub. (9), the county board, upon the recommendation of the finance committee and by resolution adopted by a majority of the members present and voting at any meeting, may transfer any unencumbered appropriation balance or portion thereof from one department or account to another at any time during the following:

1. The first 9 months of the fiscal year, if another unit of government fails to appropriate moneys which the county board anticipated and appropriated to that department or account when the county board adopted the budget. The amount of ~~moneys~~ money transferred under this subdivision may not exceed the amount of ~~moneys~~ money which that other unit of government fails to appropriate.

(c) Paragraph (b) does not apply to ~~any~~ an appropriation which is irrevocable by law.

(9) APPROPRIATIONS, SUPPLEMENTAL AND EMERGENCY.

(a) At the request of the head of any department and after review and recommendation by the finance committee, the county board, by resolution adopted by a vote of two-thirds of the members-elect of the county board, may transfer from the contingency appropriation into any other appropriation or create a new appropriation for any legal county purpose if any unforeseen condition requires an appropriation of funds during the budget year. The county board may make supplemental appropriations for the year up to the amount of the additional revenue and surplus so certified to meet a public emergency affecting life, health, property or the public welfare, if the director certifies that any of the following funds are available for appropriation:

1. Revenues that are received from sources not anticipated in the budget that year;
2. Revenues that are received that exceed budget estimates; ~~or~~
3. Unappropriated surplus funds from the preceding fiscal year.

(b) An appropriation under par. (a) may be made only by resolution adopted by a vote of two-thirds of the members-elect of the county board. To the extent that unappropriated funds or realized revenues in excess of anticipated revenues are unavailable to meet the emergency, the county board may, by resolution adopted by three-fourths of the members-elect, issue tax anticipation notes under s. 67.12. Notice of intent to make supplemental appropriations from revenues or surplus or to issue tax anticipation notes shall be published as a class 1 notice, under ch. 985, in the 2 daily newspapers having the largest circulation in the county, not less than 6 days prior to the hearings before the finance committee of the county board in regard to these matters.

(10) ORDINANCE INCREASING SALARIES; NEW POSITIONS; WHEN EFFECTIVE. No ordinance or resolution authorizing the creation of new or additional positions or increasing salaries shall become effective in any fiscal year until an appropriation of funds for such purpose is made or the ordinance or resolution contains a provision for the transfer of funds if required. All such ordinances or resolutions which do not require an appropriation or transfer of funds, shall state therein the specific account or accounts in which funds are available for such purposes.

(11) LAPSE OF APPROPRIATIONS. Every appropriation excepting an appropriation for a capital expenditure, or a major repair, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure or a major repair shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of such appropriation for any capital expenditure or a major repair shall be ~~deemed~~ considered abandoned

if 3 years pass without any expenditure from, or encumbrance of, the appropriation concerned.

(12) PAYMENTS AND OBLIGATIONS PROHIBITED; CERTIFICATIONS; PENALTIES. No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against any an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. Every An obligation incurred and every an authorization of payment in violation of this subsection is void. Any A county officer who knowingly violates this subsection is jointly and severally liable to the county for the full amount paid. Any A county employe who knowingly violates this subsection may be removed for cause. This subsection does not prohibit contracting for capital improvements being financed wholly or partly by the issuance of bonds or prevent the making of any a contract or lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. The county board shall make or approve by resolution each contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year.

SECTION 436. 59.85 of the statutes is renumbered 59.53 (17) and amended to read:

59.53 (17) AID TO IMMIGRATION SOCIETIES. (a) The county A board of any county may appropriate an amount not to exceed one thousand dollars \$1,000 in any one year for the purpose of assisting any a county association of the citizens of such the county, or any an association composed of the citizens of two 2 or more counties of which the citizens of such the county are members, organized solely for the purpose of inducing immigration to the state.

(b) The disbursement of any an appropriation made under this section subsection shall be under the supervision of the chairperson of said the board, the county clerk and county the treasurer, and in all cases after such an appropriation has been made, there shall be filed with the said county clerk a sworn statement by the treasurer of the immigration society for whose benefit the appropriation was made, showing that the amount of said the appropriation has been used by said the association for the purpose of inducing immigration to the county making said the appropriation and to adjoining counties, and itemized bills for the expenditure of a sum equal to said the appropriation duly verified shall accompany such the statement of said the treasurer. Upon the approval of such the statement and such the itemized bills, by the county officers above named, said moneys the money so appropriated shall be paid by the proper officers of the county making the same into the treasury of said the immigration association.

SECTION 437. 59.861 of the statutes is renumbered 59.70 (12), and 59.70 (12) (a) and (b) 1., 2. and 4., as renumbered, are amended to read:

59.70 (12) (a) ~~Any A~~ county or 2 or more contiguous counties may establish a district to control mosquitoes, upon a majority vote of each county board.

(b) 1. If a county establishes a district, the county board shall elect 3 county supervisors to a commission. If 2 or more contiguous counties establish a district, each county board in the district shall elect 2 county supervisors to a commission. The elected county supervisors shall serve as members of the commission until the expiration of their terms as county supervisors, as provided in s. ~~59.03~~ 59.10 (1) (b), (2) (b), (3) (d) or (5). Each county board in the district shall elect supervisors as replacements when vacancies occur in the commission. The commission shall operate the mosquito control district.

2. The commission shall elect a chairperson, vice chairperson and a secretary at its first meeting each year as provided under ~~par. (e) subd. 3.~~ The chairperson, or vice chairperson, in the chairperson's absence, shall preside at meetings and shall sign contracts and other written instruments of the commission. The secretary shall keep a record of the minutes of each meeting that is available for public inspection at all reasonable times, and shall mail notices to all members of the time and place of meetings.

4. The county board of each county in the district shall reimburse commissioners representing that county in the manner provided in s. ~~59.06~~ 59.13 for county board committee members.

SECTION 438. 59.863 (title) and (1) (intro.), (a) to (i), (im) and (j) to (L) of the statutes are renumbered 59.70 (13) (title) and (a) (intro.) and 1. to 13., and 59.70 (13) (a) 1. to 4. and 7. to 13., as renumbered, are amended to read:

59.70 (13) (a) 1. Adopt bylaws to regulate its ~~own~~ proceedings.

2. Employ the persons and contract for services to carry out the mosquito control program. The commission may not employ any person who is related to a commissioner.

3. Reimburse employes for expenses that are incurred or paid in the performance of their duties, and provide a reasonable daily reimbursement.

4. Purchase the materials, supplies and equipment to carry out the mosquito control program.

7. Dispose of property of the commission or mosquito control district, if it is no longer needed to control mosquitoes, by selling the property on competitive bids after 2 weeks' published notice.

8. Obtain public liability insurance and worker's compensation insurance.

9. Enter into agreements with other political subdivisions of the state outside the mosquito control district to

conduct mosquito control activities within these political subdivisions, to promote mosquito control in the district.

10. Enter into agreements with contiguous states or political subdivisions in contiguous states, as provided in s. 66.30 (5), to conduct mosquito control activities within those states or political subdivisions, to promote mosquito control in the mosquito control district.

11. Collect money from all counties in the district ~~money~~ for operation of the district.

12. Require the employes of the commission who handle commission funds to furnish surety bonds, in amounts the commission may determine.

13. Perform other acts that are reasonable and necessary to carry out the functions of the commission.

**SECTION 439.** 59.863 (2) and (3) of the statutes are renumbered 59.70 (13) (b) and (c), and 59.70 (13) (b) and (c) 1. to 4., as renumbered, are amended to read:

59.70 (13) (b) Members or employes of the commission may request admission onto any property within the district at reasonable times to determine if mosquito breeding is present. If the owner or occupant refuses admission, the commission member or employe shall seek a warrant to inspect the property as a potential mosquito breeding ground. Commission members or employes may enter upon property to clean up stagnant pools of water or shores of lakes or streams, and may spray mosquito breeding areas with insecticides subject to the approval of the district director and the department of natural resources. The commission shall notify the property owner of any pending action under this ~~subsection~~ paragraph and shall provide the property owner with a hearing prior to acting under this ~~subsection~~ paragraph if the owner objects to the commission's actions.

(c) 1. Submit to the board of each county that is participating in the mosquito control district, at the end of each ~~calendar~~ year, a complete audit of the financial transactions concluded and a progress report indicating the actions taken to control mosquitoes.

2. Publish a notice for general circulation in each of the counties in the district for bids at least 10 days prior to purchasing materials or services costing more than \$2,500. The notice shall state the nature of the work or purchase, the terms and conditions upon which the contract will be awarded, and the time and place where bids will be received, opened and read publicly. The commission may reject all bids after the reading or shall award the contract to the lowest responsible bidder. The commission may award the contract to any unit of government without the intervention of bidding, under s. 66.299 (2). The district business administrator shall execute all contracts in writing, and may require the contracting party to provide a bond to ensure performance of the contract. The commission may direct the business administrator to purchase materials or services costing \$5,000 or less on the open market at the lowest price available, without securing competitive bids, if the commission de-

clares that an emergency exists by an affirmative vote of five-sixths of the commission. In this ~~paragraph~~ subdivision, an "emergency" is an unforeseen circumstance that jeopardizes life or property.

3. Employ and fix the duties and compensation of a full-time or part-time entomologist to act as director of the mosquito control program, who shall develop and supervise ~~the execution~~ of the program.

4. Employ and fix the duties and compensation of a full-time or part-time business administrator, who shall administer the business affairs of the commission and who shall keep an account of all receipts and disbursements by date, source and amount.

**SECTION 440.** 59.864 of the statutes is renumbered 59.70 (14) and amended to read:

59.70 (14) ADVERSE INTEREST OF COMMISSIONERS. No commissioner may have any personal or financial interest in any contract made by the commission. Any violation of this ~~section~~ subsection resulting in a conviction shall void the contract, and shall disqualify the commissioner convicted of the violation from membership on the commission.

**SECTION 441.** 59.865 of the statutes is renumbered 59.70 (15) and amended to read:

59.70 (15) FINANCING. On or before October 1 of each year, the commission shall require each county within the mosquito control district to contribute an amount per resident of the county to carry out the purposes of ~~ss. 59.861 to 59.866 subs. (12) to (16)~~. The commission shall determine the amount to charge per resident. The commission shall certify in writing to the ~~county~~ clerk of each county participating in the mosquito control district, the total amount of the county's contribution to the mosquito control district.

**SECTION 442.** 59.866 of the statutes is renumbered 59.70 (16) and amended to read:

59.70 (16) DISSOLUTION OF THE DISTRICT. (a) 1. ~~Any~~ A county may terminate its participation in the district upon a majority vote of the ~~county~~ board and 12 months' notice to the chairperson of the commission. If a county terminates its participation in the district, a board of appraisers as established in ~~par. (b)~~ subd. 2. shall appraise the property of the commission.

2. The board of appraisers shall consist of 3 members, one who is appointed by the terminating county, one by the commission and one by the other 2 members of the appraisal board. If the 2 appraisers cannot agree on the appointment of the 3rd appraiser within 30 days, the commission may appoint the 3rd appraiser. The commission shall pay to the treasurer of the terminating county an amount equal to that county's share in the net assets of the commission, proportionate to the county's financial contribution to the mosquito control district. The terminating county shall remain liable for its allocated share of the contractual obligations of the mosquito control district.

(b) If the district dissolves, the commission shall sell all of its property. The proceeds of the sale remaining after payment of all debts, obligations and liabilities of the district, plus any balance in the fund, shall be divided and paid to the ~~county~~ treasurers of the member counties in proportion to each county's financial contribution to the district. Member counties shall remain liable for unpaid debts after the dissolution of the district.

**SECTION 443.** 59.87 (title) and (1) to (5) of the statutes are renumbered 59.56 (3) (title) and (a) to (e) and amended to read:

59.56 (3) UNIVERSITY EXTENSION WORK. (a) *Creation.* ~~Any county A board, in accordance with this section,~~ may establish and maintain an educational program in cooperation with the university of Wisconsin, referred to in this section subsection as "University Extension Program".

(b) *Committee on agriculture and extension education.* ~~If the county a board of supervisors determines to establish~~ establishes a university extension program, it shall create a committee on agriculture and extension education. The ~~county~~ board may select as a member of the committee any public school administrator resident in the county. The members of the committee shall receive such compensation and expenses as the board determines under s. ~~59.15~~ 59.22 (2) (c) and (3). The committee shall meet at such intervals as ~~is deemed~~ are considered necessary to properly carry out its functions and responsibilities.

(c) *Staff.* 1. The committee on agriculture and extension education shall appoint professionally qualified persons to the university extension program staff in cooperation with the university extension ~~and vacancies.~~ Vacancies and additions to the staff shall be filled in the same manner.

2. The committee on agriculture and extension education may enter into joint employment agreements with the university extension or with other counties and the university extension if the county funds that are committed in ~~such~~ the agreements have been appropriated by the board. Persons so employed under cooperative agreements and approved by the board of regents shall be considered employees of both the county and the university of Wisconsin.

(d) *Finance.* For the partial maintenance of the work of the university extension program, including cooperative extension programs as provided for in an act of congress approved May 8, 1914 (38 Stat. 372) and all acts supplementary thereto, the ~~county~~ board may appropriate moneys as requested by the committee on agriculture and extension education to provide the county's share in such work. The money appropriated by the ~~county~~ board shall be disbursed by the treasurer upon orders of the ~~county~~ clerk pursuant to the actions of the committee on agriculture and extension education and as adopted by the ~~county~~ board.

(e) *State aids.* To supplement the funds provided by the county for the work of the university extension program, each county shall be entitled to a minimum state aid of \$1,500 per year if the ~~county~~ board has made the required appropriation to maintain such a program, and such additional funds as are required to provide salary increases equal to those granted to state employees by the legislature.

**SECTION 444.** 59.87 (6) (title) of the statutes is renumbered 59.56 (3) (f) (title).

**SECTION 445.** 59.87 (6) (intro.) and (a) to (e) of the statutes are renumbered 59.56 (3) (f) 1. (intro.) and a. to e., and 59.56 (3) (f) 1. (intro.), d. and e., as renumbered, are amended to read:

59.56 (3) (f) 1. (intro.) ~~Such A~~ university extension program is authorized, under the direction and supervision of the county committee on agriculture and extension education, cooperating with the university extension of the university of Wisconsin, and within the limits of funds provided by the board and cooperating state and federal agencies, to make available the necessary facilities and conduct programs in the following areas:

d. Extension work provided for in an act of congress that was approved on May 8, 1914 (38 Stat. 372) and all acts supplementary thereto.

e. Any other extension work that is authorized by local, state or federal legislation.

**SECTION 446.** 59.87 (6) (em) of the statutes is renumbered 59.56 (3) (f) 2. and amended to read:

59.56 (3) (f) 2. ~~Such a~~ program may consist of, but not be limited to, providing agents to conduct programs on energy conservation and renewable energy resource systems, conduct evaluations and provide planning, analysis and other technical support to community agencies and organizations, small businesses, individuals interested in energy conservation in local communities and primary and secondary school teachers.

**SECTION 447.** 59.87 (6) (f) of the statutes is renumbered 59.56 (3) (f) 3., and 59.56 (3) (f) 3. (intro.), a., e., f. and g., as renumbered, are amended to read:

59.56 (3) (f) 3. (intro.) ~~Take~~ Such program may take any action that will facilitate the accomplishment of any of the functions ~~listed above~~ under this paragraph, including without limitation because of enumeration, the following:

a. ~~Training~~ The training of group leaders and the directing of group activities.

e. ~~Creation~~ The creation of citizens' advisory committees.

f. ~~Dissemination~~ The dissemination of information by any appropriate means including press, radio and television.

g. ~~Charging~~ The imposition of fees for certain desired educational services when sufficient public funds are not available to cover costs.

**SECTION 448.** 59.87 (7) and (8) of the statutes are re-numbered 59.56 (3) (g) and (h) and amended to read:

59.56 (3) (g) *Department of government.* For the purposes of s. 59.15 59.22 (2) (d) the university extension program shall be a department of county government and the committee on agriculture and extension education shall be the committee which is hereby delegated the authority to direct and supervise ~~such~~ the department. In cooperation with the university extension of the university of Wisconsin, the committee on agriculture and extension education shall have the responsibility ~~for the formulation and execution of~~ to formulate and execute the university extension program. The university extension shall annually report to the board its activities and accomplishments.

(h) *Cooperation.* The personnel of the university extension program shall, whenever feasible, cooperate with other educational programs of importance to the ~~citizens~~ residents of the county. Such cooperative agreements may be made under s. 66.30.

**SECTION 449.** 59.871 of the statutes is renumbered 59.70 (17) and amended to read:

59.70 (17) **WORMS, INSECTS, WEEDS, ANIMAL DISEASES, APPROPRIATION.** (a) The board may appropriate money for the control of insect and worm pests, weeds, or plant or animal diseases within the county, and select from its members a committee which, upon advice from the county agent that an emergency exists because of the destruction which is being or may be wrought to ~~farm lands~~ farmlands, livestock or crops in the county by any such pests, may take steps necessary to suppress and control such pests. The clerk shall within 10 days notify the department of agriculture, trade and consumer protection of such appropriation and of the members of such committee. The state entomologist and said department shall cooperate with such committee in the execution of measures necessary for the suppression and control of such pests.

(b) When such an emergency exists the committee may draw on the contingent fund, if available, an amount not to exceed \$5,000 which shall be disbursed upon certification of the committee for the purposes specified in ~~sub. (1) par. (a)~~ par. (a) as they relate to worm or insect pests; the treasurer shall pay the amounts so certified. No disbursement shall be made by the committee unless the owner of the premises affected has requested the committee to take steps to suppress or control the pests or when steps have been undertaken by another authority.

**SECTION 450.** 59.873 of the statutes is renumbered 59.70 (24) and amended to read:

59.70 (24) **LIME TO FARMERS.** The board may manufacture agricultural lime and sell and distribute it at cost to farmers and may acquire lands for such purposes.

**SECTION 451.** 59.874 of the statutes is renumbered 59.70 (18) and amended to read:

59.70 (18) **LAND CLEARING AND WEED CONTROL.** The board may purchase or accept by gift or grant tractors, bulldozers and other equipment for clearing and draining land and controlling weeds on same, and for such purposes to operate or lease the same for work on private lands; The board may charge fees for such service and for rental of such equipment on a cost basis.

**SECTION 452.** 59.875 of the statutes is renumbered 59.55 (2) and amended to read:

59.55 (2) **TESTING MILK AND SOIL.** The board may appropriate money and provide office and laboratory space for testing milk and soil and may provide residents of the county with reports of such tests.

**SECTION 453.** 59.876 of the statutes is renumbered 59.53 (18) and amended to read:

59.53 (18) **IMMIGRATION BOARD.** (a) The county board may create a an immigration board ~~of immigration~~ of from consisting of 3 to 5 members, one of whom shall be the county surveyor. ~~Such~~ The immigration board shall meet, and its members shall receive such compensation and expenses and shall serve for ~~such~~ the terms as that the county board determines.

(b) The immigration board shall aid in promoting settlement of vacant agricultural lands in the county, and shall protect prospective settlers from unfair practices.

(c) The county board may in any year appropriate for the carrying out of the work of ~~such~~ the immigration board a sum not to exceed \$5,000.

**SECTION 454.** 59.877 of the statutes is renumbered 59.79 (12) and amended to read:

59.79 (12) **LICENSES FOR CATS.** ~~A county having a population of 500,000 or more may enact~~ Enact an ordinance requiring licenses for cats. The ordinance may require a person who owns or keeps a cat within the county's boundaries to pay a license fee, obtain a license tag and otherwise control the cat. An ordinance enacted under this ~~section~~ subsection shall require the owner of a cat to present evidence that the cat is currently immunized against rabies before a license may be issued. All proceeds from cat licenses shall be used for licensing, regulating and impounding ~~of~~ cats.

**SECTION 455.** 59.878 of the statutes is renumbered 59.70 (19).

**SECTION 456.** 59.879 of the statutes is renumbered 59.70 (20) and amended to read:

59.70 (20) **LAND CONSERVATION.** (a) *Soil and water conservation.* Each board is responsible for developing and implementing a soil and water conservation program, that is specified under ch. 92, through its land conservation committee.

(b) *Committee powers and duties.* The land conservation committee created by the board has the powers and duties that are specified for that committee under ch. 92.

(c) *Appropriation of funds.* The board may appropriate funds for soil and water conservation and for other purposes relating ~~that relate~~ to land conservation.

(d) *Land use and land management.* The board may ~~adopt enact~~ ordinances under s. 92.11 ~~regulating that regulate~~ land use and land management practices to promote soil and water conservation.

**SECTION 457.** 59.88 of the statutes is renumbered 59.72, and 59.72 (1) (c), (3) (intro.) and (5) (a) and (b) (intro.), as renumbered, are amended to read:

59.72 (1) (c) “Local governmental unit” means a ~~city, village, town~~ municipality, regional planning commission, special purpose district or local governmental association, authority, board, commission, department, independent agency, institution or office.

(3) LAND INFORMATION OFFICE. (intro.) The board may establish a county land information office or may direct that the functions and duties of the ~~land information~~ office be performed by an existing department, board, commission, agency, institution, authority or office. The county land information office shall:

(5) (a) Before the 16th day of each month a register of deeds shall submit to the land information board \$4 ~~from the fee for recording the first page of each instrument that is recorded under s. 59.57 (1) (a) 2. and (6a) (b) or \$6 from the fee for recording the first page of each instrument that is recorded under s. 59.57 (1) (a) 3. and (6a) (c) 59.43 (2) (ag) 1. and (e),~~ less any amount retained by the county under par. (b).

(b) (intro.) A county may retain \$2 ~~of the \$4 submitted under par. (a) from the fee for recording the first page of each instrument that is recorded under s. 59.57 (1) (a) 2. and (6a) (b) or \$4 of the \$6 submitted under par. (a) from the fee for recording the first page of each instrument that is recorded under s. 59.57 (1) (a) 3. and (6a) (c) 59.43 (2) (ag) 1. and (e)~~ if all of the following conditions are met:

**SECTION 458.** 59.89 of the statutes is renumbered 59.66 (1) and amended to read:

59.66 (1) DISPOSITION OF UNCLAIMED FUNDS BY COURT CLERKS. (a) On or before January 10 of every odd-numbered year the circuit court ~~clerk of any circuit court in this state~~ shall file with the county treasurer of his or her county a written report under oath of all moneys, securities or funds in his or her hands or under his or her possession or control where, for a period of 4 years or more, no order was made, or no step or proceeding had or taken in the case, action, or proceeding in, by or through which the moneys, securities or funds may have been deposited or left with the clerk or his or her predecessors in office, and where no valid claim was made upon or for any such moneys, securities or funds for a period of 4 years or more, and where the owner or ownership of the moneys, securities or funds is unknown, or undetermined, and the clerk or his or her successor in office shall hold the moneys, securities or funds, together with all interest or profits, until

one year after the making of the report unless sooner demanded by and turned over to the legal owners thereof.

(b) One year after the filing of the report the clerk of any circuit court holding or having in his or her possession any such moneys, securities or funds, shall turn the ~~same them~~ them over to the county treasurer, unless sooner demanded by and turned over to the legal owners thereof under order of the court in which case, action or proceeding was pending.

(c) On or before March 1 of the same year the county treasurer shall publish in the county, as a class 3 notice, under ch. 985, the fact that he or she has ~~such~~ unclaimed moneys, securities or funds in his or her possession for disposition. If no legal claim is made for ~~such the~~ the moneys, securities, or funds within 90 days after the last publication above provided for, then the county treasurer shall turn ~~such the~~ the moneys, securities, or funds, together with all interest and profits ~~had~~ thereon, into the general fund of the county treasury, and no action shall may thereafter be maintained by any person, firm, or corporation against the county or the county treasurer for the ~~same or any part thereof~~ moneys, securities or funds.

**SECTION 459.** 59.90 (title) of the statutes is renumbered 59.66 (2) (title).

**SECTION 460.** 59.90 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 59.66 (2) (a) 1. and amended to read:

59.66 (2) (a) 1. On or before January 10 of every odd-numbered year, each ~~city, village, town and county~~ officer of a municipality and county, and each clerk of every court of record, shall file with the treasurer of that person’s county a written report under oath giving the names and the last-known addresses of all persons for whom any such officer or clerk holds money or security, and which has not been claimed for at least one year, and showing the amount of the money or the nature of the security in detail. A duplicate report shall also be mailed to the department of financial institutions. Upon receiving the reports the treasurer shall cause to be published a class 3 notice, under ch. 985, on or before February 1 of the same year, which contains the names and last-known addresses of the owners of ~~such the~~ the unclaimed money or security, and shall state that unless the owners call for and prove their ownership of the money or security, within 6 months from the time of the completed publication, the treasurer will take possession or control of the money or security.

**SECTION 461.** 59.90 (1) (b) and (1m) to (3) of the statutes are renumbered 59.66 (2) (a) 2. and (am) to (c) and amended to read:

59.66 (2) (a) 2. In counties with a population of 500,000 or more, the treasurer shall distribute to as many community-based newspapers as possible, that are published in the county, a copy of the notice that is described in ~~par. (a)~~ subd. 1. The treasurer shall distribute these

copies of notices at the same time that he or she causes the notices to be published.

(am) Any money or security of which the treasurer has taken possession or control under ~~sub. (1)(a) par. (a) 1.~~ and has had in his or her possession or control for more than ~~1~~ one year shall, to the extent possible, be deposited in the county's general revenue fund. Money or security that is deposited under this ~~subsection paragraph~~ may remain in the county's general revenue fund or may be used by the county until the money or security is paid or delivered to its owner, or becomes the property of the county, under ~~sub. (2) par. (b).~~

(b) If within ~~ten~~ 10 years from the time any such money or security is delivered to the treasurer the owner of the money or security proves to the satisfaction of the treasurer the owner's right to the possession of the money or security, it shall be paid or delivered to the owner. If no such proof is made, then at the end of the ~~ten-year~~ 10-year period the money or property shall become the property of the county. Nothing in this ~~section subsection~~ shall be construed to deprive the owner of any such property of the owner's right to proceed by court action for the recovery of such money or security from the treasurer.

(c) Any person violating ~~the provisions of this section subsection~~ shall, upon conviction, be ~~punished by a fine of fined~~ not less than ~~fifty dollars \$50~~ nor more than ~~two hundred dollars,~~ or by imprisonment in the county jail ~~\$200 or imprisoned for~~ not less than 30 days nor more than 6 months.

**SECTION 462.** 59.903 of the statutes is renumbered 59.66 (3) and amended to read:

59.66 (3) DISPOSITION OF UNCLAIMED PERSONAL PROPERTY OTHER THAN MONEY OR SECURITIES HELD BY: COUNTY INSTITUTIONS, CORONER, MEDICAL EXAMINER, SHERIFF. All personal property other than money or securities of deceased persons who at the time of their death are patients at any county institution or whose body is taken in charge by the coroner or medical examiner, shall be preserved by the superintendent of the institution ~~or,~~ the coroner or the medical examiner for one year unless ~~sooner~~ the property is claimed sooner by a person having the legal right ~~there- to to the property.~~ Annually on July 1 the superintendent ~~or,~~ coroner or medical examiner shall make a verified written report listing all personal property which has remained in that person's custody for one year without being claimed and giving all facts as to ownership ~~thereof of the property~~ as that person's records contain. The superintendent, coroner or medical examiner shall file the report with the sheriff of the county and deliver the property to the sheriff, who shall issue a receipt therefor for the property. Thereupon the superintendent ~~or,~~ coroner or medical examiner shall be discharged from further liability for the property, title to which shall then vest in the county. Any property which is left at the county jail for a period of one year after the prisoner has been discharged, transferred or committed and any property,

found or stolen, which comes into the hands of the sheriff and in any case remains unclaimed for a period of one year, shall be sold as prescribed in this ~~section subsection.~~ The sheriff shall, on or before August 1 annually, post a notice in 3 public places in the county, briefly describing the property and stating that the sheriff will sell the ~~same property~~ property at public auction on a certain date and at a named place, which auction shall be held accordingly. Any of the property which is not disposed of at the auction shall be sold for the best price obtainable, and if the ~~same prop- erty~~ cannot be disposed of by sale, shall be destroyed in the presence of the sheriff. The sheriff shall, on or before September 1 annually, remit the proceeds of the auction or general sale to the ~~county~~ treasurer and shall file a verified report of the sheriff's action in connection therewith. The proceeds shall become a part of the general fund of the county.

**SECTION 463.** 59.94 of the statutes is renumbered 59.76 and amended to read:

**59.76 Registration of farms.** (1) The owner of any farm or country estate, or that person's authorized agent, may register the name of the farm or estate in the office of the register of deeds of the county in which the farm or estate is situated. The owner or purchaser of the farm or any part of the farm may change or release the name from that person's respective interest in the farm by recording a certificate stating that the original registered name is released. A new name of the farm or any parts of the farm may then be registered. Every register of deeds shall index all registrations of farm documents and make the index available upon request. The index shall contain the name of the owner of the farm or estate and the name for the farm or estate that the owner or agent may designate, if no other farm or estate in the county has been previously registered under the same name. The fee for recording an instrument under this subsection shall be the fee specified under s. ~~59.57(1) 59.43 (2) (ag).~~

(2) Any register of deeds who fails or refuses to register farms under sub. (1), or who charges or collects more than the fee specified under s. ~~59.57(1) 59.43 (2) (ag)~~ for recording any such registration, or recording such certificate, or who knowingly registers a farm or estate under a name previously adopted and registered for some other farm or estate in the county, or any person who uses, by way of advertisement or otherwise, the name of any farm or estate registered as provided in this section, to designate or as the name of any farm or estate in the county other than the farm or estate for which the name was registered, unless the name was adopted for and used as the name of the other farm or estate prior to April 6, 1905, shall be fined not less than \$5 nor more than \$25 or imprisoned for not less than 10 days nor more than 30 days, or both.

**SECTION 464.** 59.965 of the statutes is renumbered 59.84 and amended to read:

**59.84 Expressways and mass transit facilities in populous counties.** (1) DEFINITIONS. ~~As used in~~ In this section, unless the context indicates otherwise:

(a) “Board” means the county board of supervisors in any county having with a population of 500,000 or more.

(b) “Expressway” means a divided arterial highway for through traffic with full or partial control of access and, generally, with grade separations at intersections.

~~(bm)~~ “Full control of access” means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

~~(em)~~ “Partial control of access” means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections. ~~The board shall have power to determine whether full or partial control of access shall be exercised.~~

(c) “Expressway project” means an integral portion of the expressway that may be put to public use independently of other expressway projects.

(d) “Expressway project budget” means the plan of financial operation embodying an estimate of proposed expenditures for ~~the an~~ an expressway project and the proposed means of financing them.

(e) “Mass transit” includes, without limitation because of enumeration, exclusive or preferential bus lanes if those lanes are limited to abandoned railroad rights-of-way or existing expressways constructed before May 17, 1978, highway control devices, bus passenger loading areas and terminal facilities, including shelters, and fringe and corridor parking facilities to serve bus and other public mass transportation passengers, together with the acquisition, construction, reconstruction and maintenance of lands and facilities for the development, improvement and use of public mass transportation systems for the transportation of passengers.

(f) “Prior expressway project expenditures” means obligations incurred and expenditures financed from funds obtained from local tax levy sources, or from the proceeds of the sale of bonds, by a municipality in the county for the acquisition and clearing of the right-of-way and construction of expressway projects which are incomplete and have not been substantially put to public use at the time the county expressway commission was created and the transfer of the function to the commission was effectuated under s. 59.965, 1977 stats., together with any funds so financed in the state treasury under control of the department of transportation to the credit of an expressway project, any funds which the municipality, subsequent to the creation of the county expressway commission under s. 59.965, 1977 stats., and prior to May 17, 1980, transmitted to the department of

transportation for credit to an expressway project that is authorized by the county expressway commission and any funds which the municipality may, subsequent to May 17, 1980, transmit to the department of transportation for credit to an expressway project authorized by the board.

(2) POWERS AND DUTIES. ~~In any county having a population of 500,000 or more, the~~ The board is charged with the duty and vested with all powers necessary to plan, acquire the right-of-way for and construct an expressway system and mass transit facilities in the county and to administer each expressway and mass transit project until it is certified as completed; to coordinate planning of expressways and mass transit facilities by other public agencies to the extent required to ensure that an acceptable general plan of expressways and mass transit facilities to serve the entire county will be achieved; to determine whether full control of access or partial control of access shall be exercised; to cooperate with public and private agencies in mass transit and expressway applications; including, without limitation ~~by reason because~~ of enumeration, the power to contract and the following powers and duties:

(a) *Plans for expressways.* The board shall consider and tentatively adopt a general plan of expressways to serve the entire county. The plan shall be presented to the governing body of each municipality through which a part of the expressway system is routed for its consideration and approval. The board may by formal action modify the general plan to meet objections raised by the governing body of any municipality through which a route of the expressway passes. If the approval of the governing body is not granted within 60 days from the date of submission, the board shall present the general plan to the department of transportation, which shall hold a public hearing on that part of the plan which is located in such municipality. After the hearing, the department of transportation shall make recommendations to the board with reference to the matters objected to by the municipal governing body. Thereafter the board shall incorporate the recommendations in its general plan. When the approval of the necessary local governing bodies has been obtained or the recommendation of the department of transportation has been obtained in lieu thereof, the general plan shall be finally adopted by the board. Thereafter, the board may amend the general plan as it deems considers proper.

(b) *Procedure upon adoption of plan.* The board shall adopt tentative expressway project budgets for the units of the comprehensive plan adopted under par. (a) and in order of construction as the board ~~deems~~ considers proper. Each budget shall give reasonably detailed estimates of expenditures required to complete the expressway project and shall also give an estimate of the state and federal aid which will become available for the project. The board shall determine the amount of the county’s share of

the cost of the project and the financing thereof, either from the authorization of county expressway bonds under s. 67.04, or by determining the amounts to be included in the budgets during the construction years, or by transfer from unappropriated surplus under s. 59.84 ~~59.60~~ (5), or by any combination of the foregoing. When the board determines that county funds for an expressway project shall be financed in whole or in part from current budgets, the county auditor shall include such amounts in the proper proposed budget under s. 59.84 ~~59.60~~ (5). The ~~county~~ board shall adopt expressway project budgets with such changes as it ~~deems~~ considers proper. When adopted, the county contribution to the expressway project shall constitute a legal appropriation and shall be expendable to the extent that expressway bonds have been authorized or money otherwise provided. The board may amend any expressway project budget and may transfer appropriations from one expressway project to another.

(c) *Acceptance of gifts.* The board may accept, ~~in the name of the county,~~ grants, conveyances and devises of land, improvements thereon and ~~any~~ and all interests whatsoever therein and bequests and donations of money to be used for expressway purposes.

(d) *Acquisition of lands and interests therein.* 1. The board may acquire in the name of the county or in the name of the state when so directed by the department of transportation, by donation, purchase, condemnation or otherwise, such lands, including any improvements ~~thereon~~ on the lands, and any interests, easements, franchises, rights and privileges in or pertaining to lands, of whatever nature and by whomsoever owned, as the board ~~deems~~ are considers necessary and required for expressway purposes, and to dispose of the ~~same~~ such lands. The board may use expressway lands for the location or relocation of any facility for mass transportation, including private or public utilities. The board may purchase or accept donation of remnants of tracts or parcels of land remaining at the time or after it has acquired by condemnation or after or coincident with its acquisition by purchase or donation portions of such tracts or parcels for expressway purposes where in the judgment of the board such action would assist in rendering just compensation to a landowner, a part of whose lands are required for expressway purposes, and would serve to minimize the overall cost of such necessary taking by the public. The county may dispose of such remnants. No lands or interest ~~of any kind therein~~ in lands that are acquired as provided in this paragraph shall be disposed of by the county without the consent of the board, and all ~~moneys~~ money that is received for any such lands, improvements ~~thereon~~ or interests ~~of any kind therein~~ in land, so disposed of, shall be credited to the land acquisition account as an abatement of expense. No lands acquired by the board, as provided in this subsection, in the name of or in trust for the state, shall be disposed of by the county without prior approval of the state, and the proceeds of the sale shall be remitted

to the state or retained and used for expressway purposes when so directed by the department of transportation.

2. After the general plan of expressways has been adopted, the board may, for specific approved highway projects or otherwise, acquire lands and interests therein of the nature and in the manner specified in this paragraph for the right-of-way of the expressways in advance of the time of the adoption of an expressway project budget including the lands and interests. Such power may be exercised when in the judgment of the board the public interest will be served and economy effected by forestalling development of the lands which will entail greater acquisition costs ~~to~~ if acquired at a later date. Upon such acquisition the board may improve, use, maintain or lease the lands until the same are required for expressway construction. It is recognized that there may necessarily be a period of time between the acquisition of needed lands for right-of-way and the commencement of actual site clearance and construction, but such fact shall not minimize the public purpose of the acquisition. The owners of the lands at the time of the acquisition shall have the first right to enter into lease thereof with the county until the lands are needed for expressway construction. ~~Any lands~~ Lands so leased for more than one year shall be subject to general property taxation during the term of the lease. All rentals shall be credited to the project or to the expressway land acquisition account. The board may provide out of funds acquired by bond issue or otherwise a land acquisition fund not in excess of \$5,000,000 of expendable funds at any one time, to be used primarily for the acquisition of lands, improvements thereon and interests therein as specified in this subsection prior to the approval of the specific expressway project for which the lands or interests will be required. The fund shall be adjusted to reflect acquisition costs for lands and interests therein thereafter incorporated in specific approved expressway projects by transferring both the appropriations and the acquisition costs therefor to the proper expressway improvement expenditures account.

3. When an expressways project for which lands, improvements thereon and ~~any~~ or all interests therein have been paid for from any expressway land acquisition fund or account becomes activated by the board, the department of transportation may reimburse the expressway land acquisition fund by allocation of funds which may be made available under any state or federal statute to reimburse prior disbursements from the land acquisition fund to acquire the lands, improvements thereon or interests therein or appurtenant thereto. All state or federal funds thus received shall be used for expressway purposes.

4. The board, in acquiring lands, improvements ~~thereon~~ on lands and interests ~~therein~~ in lands and appurtenant ~~thereto~~ to lands, as provided in this subsection, may acquire the ~~same~~ lands in fee simple or by easement for highway purposes as it may by order determine. In

any such acquisition, the board may, and shall when requested by the department of transportation, act in the name of the state as the agent of the department of transportation and in other cases shall act in the name of the county. The board in making the acquisition may proceed under ch. 32.

5. Whenever, ~~prior to~~ before actual expressway project construction, a saving is shown to be probable in the cost of constructing a proposed new municipal or privately owned public utility (which, if presently installed in a public way in a proposed normal manner, would ultimately be interfered with by expressway construction) by initially constructing the municipal or privately owned public utility in other than a normal manner to accommodate future expressway construction, in order to effect savings by avoiding reconstruction and relocating at a later date, the board may contract with the municipal government or utility company involved for the construction of the public utility in such other than normal manner and to pay to it the portion of the cost of the special construction in excess of the cost if constructed in the proposed normal manner. Funds for such purpose may be taken from the land acquisition fund authorized in subd. 2.

6. When the board has acquired title to lands in fee either for the county or the state, the county or a person authorized by the county may use and develop any portion of the lands not directly needed for expressway–roadway purposes and which do not interfere with the primary expressway purpose, and without ~~exclusion limitation~~ because of enumeration ~~the power to~~ may use the subsoil beneath the ground, the ground level area or air space above the ground, for parking, storage or building purposes subject to municipal land use zoning regulations except as to parking, but if the expressway right–of–way area is either on the federal interstate system or on a state trunk highway, the county shall obtain the consent of the department of transportation to the development and use prior to construction or initiation of that use. The state shall receive a share of the rentals or sale price derived from the use in the proportion that the amount of federal or state funds used in the purchase of the site bears to the total cost of the land and improvement which is the subject of the sale or rental. Such sharing shall not be made until the county or the person authorized by the county has been reimbursed for all sums expended by it, in the developments referred to in this paragraph, and such sharing shall terminate when the fair proportion of the federal and state funds allocable to the purchase of the area so developed has been reimbursed. In lieu of sharing in the proportion of the amount of federal or state funds used in the purchase of the site to the total cost of the land and improvement which is the subject of the sale or rental, the state and the county or the person authorized by the county may share the rentals or sale price on the basis of a different formula for such sharing if the department of

transportation and the county agree to a different formula.

7. Before the county authorizes any person to use or develop lands under subd. 6., the county shall make a reasonable effort to determine whether any institution of higher education in the vicinity of the lands has demonstrated to the county an interest in the use or development of the lands. The county shall give preference to proposals for the use or development of lands under subd. 6. which are submitted by a an institution of higher education in the vicinity of those lands and which provide for reasonable payment to the county under a lease of or other authority to use or develop those lands.

(e) *Contracts.* The board may construct and administer projects under its jurisdiction, and may contract in the name of the county with the department of transportation as may be necessary under state and federal statutes to secure state and federal aid on expressway projects.

(f) *Vacation, relocation, reconstruction of streets, alleys, etc.* 1. Whenever the board determines that it is necessary for the proper construction of an expressway project that streets or alleys be vacated in whole or in part, or be dead–ended at the expressway right–of–way line; that existing streets or alleys be relocated; that new streets or alleys be laid out and opened; that accessory streets or ramps to serve as approaches to the expressway be constructed; that existing streets leading to or ~~off~~ from expressway ramps be designated as one–way streets for such reasonable distance as is necessary for the proper operation of the facility; that the grade of existing streets be changed or that the traveled portion of existing streets be widened and improved so as to facilitate entrance to the expressway, it shall formulate a tentative order evidencing such requirement and file a certified copy thereof with the municipal clerk of each ~~town, city or village~~ municipality affected by the tentative order for consideration thereof by the governing body of the ~~town, city or village~~ municipality.

2. The governing body or the committee which the governing body designates shall hold a public hearing ~~in~~ considering to consider the tentative order and shall publish in the county a class 2 notice, under ch. 985, of ~~such~~ the hearing.

3. If the tentative order is not approved within 90 days from the date of the filing, the board shall present the tentative order to the department of transportation, which shall hold a public hearing ~~thereon~~ on the order, of which hearing the municipality in question shall be given notice. The department of transportation shall have jurisdiction to pass upon the necessity and reasonableness of the proposed tentative order, and it may approve, modify and approve or disapprove the order. The department's decision ~~thereon~~ shall be final, with no review allowed under ch. 227.

4. If the tentative order is approved by the governing body of the municipality affected, or if it is approved or

modified and approved by the department of transportation, the board may thereafter issue a final order identical with the original tentative order as modified by the department's decision. A certified copy of the final order shall be filed with the municipal clerk of the ~~town, village or city~~ municipality affected. Notice of the making of the order shall be published in the county as a class 1 notice, under ch. 985.

5. The governing body of the ~~town, village or city~~ municipality shall, within 30 days after filing, take the necessary action to comply with the order and in so doing shall not be limited by the objections of ~~any an~~ abutting owner, and s. 80.32 (4) shall not be applicable to any vacation or discontinuance required by the order, and any such ~~town, village or city~~ municipality may act upon the initiative of its governing body without the necessity of obtaining the consent of ~~any an~~ abutting owners ~~owner~~, notwithstanding chs. 60, 61, 62 and 66 and s. 80.32 (4) and any other provisions of law to the contrary.

6. If the ~~town, village or city~~ municipality does not comply with the order within a reasonable time, the board may perform the work required by the order with its own forces or by contract and in so doing and for such purpose shall have the same powers and freedom from limitations as are vested by chs. 60, 61, 62 and 66 and this subsection in the governing body of the ~~town, village or city~~ municipality.

7. The plans, specifications, proposed contracts and the appraisal of damages, if any, caused to abutting owners by compliance with the order shall be subject to approval by the board ~~prior to~~ before the commencement of any work under the order but ~~such~~ the requirement for approval of the order shall not affect the abutting property owners' rights of appeal from the determination of damages by the commissioner of public works of the city or by any other authorized person or body.

8. The cost of performing such work as may be required by any order of the board under this subsection, including damages granted for changes of legally established grade or necessary acquisition of lands, shall be paid by the county from expressway funds as an item of the particular expressway project budget upon presentation of vouchers which have been approved for payment by the governing body of the ~~town, village or city~~ municipality and the board. If the payment made by the county has been increased by reason of the ~~town, city or village~~ municipality requesting an expenditure in excess of replacement or termination costs, the ~~town, village or city~~ municipality shall reimburse the county for the excess cost. The reimbursement shall be credited by the county to abatement of the respective expense for which it was received.

(g) *Relocation of municipal utilities.* 1. The board, subject to approval by the public service commission after public hearing to all interested parties in cases in which the public service commission would have juris-

diction, may by order require any ~~town, village or city~~ municipality through which an expressway project is to be constructed to remove, relocate and replace in kind or with equal facilities, or if the ~~town, village or city~~ municipality shall so request by enlarged facilities, any sewer, street lighting or other like utility service the location of which interferes with construction of an expressway project. If enlarged facilities are requested the ~~town, village or city~~ municipality shall bear that part of the cost of the improvement which exceeds the cost of the replacement of the existing facility in kind or with equal materials or facilities. However the board shall bear the excess cost where the installation of the enlarged facility is caused by designed construction and use of the expressway. A certified copy of the order shall be filed with the municipal clerk of each ~~town, village or city~~ municipality affected and upon the filing each such ~~town, village or city~~ municipality shall within 30 days take the necessary action to comply with the order. All plans, specifications and contracts for any of the work shall be subject to approval by the board. When the work under specific contracts has been completed and approved by the governing body of the ~~town, village or city~~ municipality and the board, the county shall pay for the work from expressway funds as an item of the particular expressway project budget. If the payments made by the county exceed the replacement costs and the additional cost was incurred at the specific request of the ~~town, village or city~~ municipality, the ~~town, village or city~~ municipality shall reimburse the county therefor. The reimbursement shall be credited by the county as an abatement of the ~~respective~~ expenses for which it ~~the reimbursement~~ is received. If ~~deemed~~ considered feasible and desirable by the board any work provided for in this paragraph may be performed by the board or directly by contract. In such cases the ~~town, village or city~~ municipality in which the work is performed shall cooperate with the board.

2. With respect to any water utility of any ~~city, town or village~~ municipality which utility, in addition to providing water for human consumption, performs governmental functions in the way of providing water for fire protection, sewerage operation, street sanitation, park bathing pools and the like, the board shall have the same powers and be subject to the same obligations as are provided in subd. 1. However, water storage tanks, water pumping stations and water reservoirs may be removed, relocated and replaced by the board only with the consent and approval of the ~~city, town or village~~ municipality owning and operating the facilities.

(h) *Private occupancy of streets; relocation.* 1. All persons other than those mentioned in par. (g) lawfully having buildings, structures, works, conduits, mains, pipes, wires, poles, tracks or any other physical facilities in, over or under the public lands, streets, highways, alleys, parks or parkways of the county, or of any ~~town, village or city~~ municipality therein, which in the opinion of

the board in any manner interfere with the construction of ~~any an~~ expressway project or the relocation or maintenance ~~thereof of such a project~~, shall upon order by the board promptly so accommodate, relocate or remove the ~~same as may be ordered by the board so as to remove such interference~~ interfering physical facilities.

2. Whenever the board proposes to consider adoption of an expressway project, it shall give notice ~~thereof of~~ the proposal to each privately owned public utility or other person affected by the project indicating in the notice the action which it desires the utility or person to take, and the utility or person shall within 90 days after receipt of the notice furnish to the board its plan to comply with the request.

3. When the utility, ~~pursuant to~~ under the board's order, proceeds with the work in a manner satisfactory to the board, the county shall pay the utility from expressway funds upon monthly estimates of work performed and submitted for payment by the utility, two-thirds of the net cost incurred by the utility in performing the work, after deducting reasonable and fair credits for items salvaged, for any betterments made at the option of the company and for the value as carried on the utility's books, of the used life of a facility retired from use if the service life of the new facility will extend beyond the expectancy of the one removed. The county shall not be liable to pay any value ~~whatever~~ for utility facilities where use of the ~~same~~ facilities has been abandoned for reasons other than the construction or proposed construction of an expressway project even though the installation is intact.

4. The board and any utility that is required to accommodate, relocate or remove a utility facility described in subd. 1. may by agreement provide for the respective amounts of the cost to be borne by each so as to resolve ~~any a~~ dispute as to the allowance of charges and credits as set forth in this paragraph. When the agreement has been concluded, the county shall pay out of expressway funds its share of the cost upon monthly estimates of work performed and submitted for payment by the utility.

5. If the board and any privately owned public utility are unable to agree as to the division of the costs, either may appeal to the public service commission, which ~~body~~ shall determine the proper amounts of reimbursement according to the provisions expressed in this paragraph. Either party may ~~have a~~ petition the circuit court for review of the public service commission's decision in the manner provided in ~~ch. 227 s. 227.53~~. If it is determined upon such review that the county has paid more than two-thirds of the net cost of compliance by a utility with the board's order, any overage shall be reimbursed to the county by the utility.

6. No appeal shall delay the construction of the expressway project or compliance by the privately owned public utilities with the orders of the board. Compliance shall not prejudice the rights of either the board or the utilities in any pending appeal.

7. If ~~any a~~ person refuses to comply with an order of the board as promulgated under this paragraph, the board may ~~have a writ of assistance from~~ apply to the circuit court for a writ of assistance to compel compliance, and the person shall be liable for all damages caused to the board by the delay.

8. If a railroad track ~~crosses or is crossed by~~ and an expressway project cross, ss. 195.28 to 195.29 shall apply.

9. The reimbursement ~~to of~~ private utilities ~~provided in~~ under this paragraph shall be limited to expressway projects as provided in this section.

(i) *Entry on private lands.* The board, its agents or servants, may enter ~~upon~~ any land in the county for the purpose of making surveys, test borings or any other type of examination necessary in the performance of its duties and shall be liable to restore the surface of ~~said the~~ lands to the same or as good condition as existed at the time of ~~such the~~ entry and for any other actual and demonstrable damage caused to ~~said the~~ lands by ~~such the~~ entry.

(j) *Traffic types and speed limits.* After an expressway project has been certified as completed, the public body having jurisdiction over the maintenance thereof shall have the power to regulate the type of vehicular use of such portion of the expressway except as limited by federal and state laws and regulations, and the power to fix speed limits thereon not in excess of the maximum speed limits for state trunk highways, and to provide and enforce reasonable penalties for infraction of such vehicular use regulation or speed limits. Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds, motor bicycles, motor scooters, bicycles, funeral processions, animals on foot and the hauling of oversized equipment without special permit shall be prohibited when an ordinance in conformity ~~herewith is adopted~~ with this section is enacted by the ~~county~~ board, but ~~any a~~ forfeiture provided therein shall not exceed the maximum forfeiture under s. 346.17 (2). The ~~county~~ board may not prohibit the towing of disabled vehicles on expressways, except that the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except that the board may establish procedures for and may contract for the towing of vehicles which have become disabled on the expressway.

(k) *Building permits on lands in expressway routes.* Each ~~town, village or city~~ municipality through which a route of the approved expressway plan, as amended from time to time, shall pass, shall be given a formal notice of the route and a map thereof. Thereafter, when an owner of land within the ~~right-of-way~~ of an expressway indicated on the map applies for a building permit affecting such lands, final action on the application shall be deferred for a reasonable time not exceeding 60 days and the municipality shall within 5 days after receipt of the application notify the board thereof.

(L) *Forces to construct expressway projects.* The board may use its own ~~forces~~ employees to construct expressway projects in whole or in part ~~or may use county highway forces for such purposes.~~

(m) *Rules and regulations.* The board shall have power to make all rules and regulations concerning its work.

(n) *Meetings; reports.* The board shall hold meetings for the transaction of business under this section and all such meetings shall be open to the public. The board shall prepare annually a report of its official transactions and expenditures under this section and shall mail the statement to the governor, to the mayor of the largest city in the county and to the chief executive ~~head~~ officer of the governing boards bodies of all ~~cities, towns and villages~~ municipalities in the county.

(o) *Applicability of pars. (a) to (n).* Paragraphs (a) to (n) also apply ~~insofar~~, as far as applicable, to the exercise of the powers and duties of the board in the planning and construction of mass transit facilities.

(4) TRANSFER OF PRIOR EXPRESSWAY STUDIES AND REPORTS. The county expressway and transportation commission that is created under s. 59.965 (2), 1977 stats., and the governmental authorities of the largest city in the county shall transfer and deliver to the board the original or certified copy of all maps and engineering studies and reports pertaining to an expressways system in the city and county, together with all contracts pertaining to the creation and construction of expressways. Upon demand by the board the largest city in the county with the approval of the common council shall execute and deliver to the county quitclaim deeds of all lands ~~acquired or~~ dedicated or owned by the city and needed for the purpose of right-of-way for the expressways, if the cost ~~thereof~~ of the lands was included in the determination of prior expressway expenditures.

(6) REIMBURSEMENT FOR PRIOR EXPRESSWAY FINANCING. Municipalities shall be reimbursed for prior expressway project expenditures. ~~Any expressway~~ Expressway projects under construction at the time the county expressway and transportation commission was created and the transfer of functions to the commission was effectuated under s. 59.965, 1977 stats., shall be completed by the board. Such municipalities shall be reimbursed for prior expressway expenditures and ~~obligation~~ obligations incurred for the cost of right-of-way acquisition and clearance, construction engineering, and actual construction to the extent of the municipalities' contribution from tax levy or bond funds. Each such municipality shall calculate its contribution and certify the contribution with full data to the board. It shall then be subject to consideration, audit and approval by the board. If approved by the board, reimbursement shall be made on a 10-year instalment basis by levying a tax against all the municipalities of the county on an equalized valuation

basis, and offsetting the amount thereof to the municipalities entitled to reimbursement.

(7) AGREEMENTS FOR USE OF FEDERAL AID TO RETIRE MATURITIES. The department of transportation and ~~any county having a population of 500,000 or more~~ the board may enter into an agreement providing that when the proceeds of bonds issued by the county are expended in the improvement of a portion of the federal aid highway system as a part of the comprehensive expressway system in the county, and are so expended under ch. 84, and in compliance with section 5 of the federal aid highway act of 1950, or acts amendatory ~~of or supplementary~~ to such section, and regulations applicable thereto, the sum of money derived from federal aid for highways which may be authorized by the congress and apportioned to this state for any fiscal year as shall be stipulated in the agreement may be applied to aid in retirement of annual maturities of the principal indebtedness of such bonds, and that to the extent that federal aid can be claimed and received by the state for such purpose, it will upon receipt be paid to the county. Any money so paid shall be deposited by the county in the sinking fund provided for the retirement of the bond issue of which the bonds formed a part.

(8) AGREEMENTS FOR STATE AID TO RETIRE MATURITIES. The department of transportation may enter into a contract with ~~a county containing a population of 500,000 or more~~ the board providing that, to the extent that the proceeds of bonds issued by the county are expended under ch. 84 in the improvement of state trunk highways or connecting highways, in addition to the agreed county share of the improvement and for which the county has not been or will not be reimbursed with federal funds, such sum as may be approved by the department of transportation in any fiscal year will be paid to the county to aid in retirement of the annual maturities of the principal indebtedness of the bonds from funds appropriated and available to the department of transportation for the improvement of state trunk highways or connecting highways. Payments may be made ~~pursuant to~~ under the agreement, before or after the bonds mature, from funds appropriated and available to the department of transportation for the improvement of state trunk highways or connecting highways after making provision for adequate maintenance and traffic service, but this section or the agreement shall not constitute a commitment on the part of this state or the county to provide the funds. Any money so paid shall be deposited by the county in its sinking fund created for the purpose of payment of the bond issue of which the bonds formed a part.

(9) STAFF. (a) *Other departments and officers.* The staff of the county highway department, under the direction of the county highway commissioner, shall perform all technical work required by the board. Any municipality having an expressway staff shall, upon request of the

county board, transfer the staff to the county, and the agents and employes of the municipal staff shall thereupon become integrated into county civil service in the county highway department. The ~~county~~ board may hire upon a contract basis such expert consultant services as it ~~deems~~ considers necessary to assist in the planning of the expressway system.

(b) *Records and equipment.* The board shall provide a suitable place where the maps, plans, documents, and records of the board ~~under that relate to~~ this section shall be kept, subject to public inspection at all reasonable hours and under ~~such~~ reasonable regulations as that the board may prescribe.

(10) MAINTENANCE AND OPERATION. (a) *Maintenance and operation.* Whenever any expressway project is opened to traffic, the certification of such fact shall be filed with the clerk of the municipality in which the project is located. The notice shall be filed by the department of transportation in all cases where the construction contract has been awarded by the department of transportation, or by the board where the construction contract has been awarded by the board. Thereafter the portion of the expressway system included in such opening shall be operated and maintained by the county, but if ~~any~~ an expressway project is selected and designated as a state trunk or interstate highway that portion of the expressway shall be maintained by the state. The maintenance responsibility of the county or state shall include all areas within the right-of-way fence lines and between the right-of-way fence lines and the curb lines of adjacent streets, except that connecting ramps constructed as a part of the expressway system shall be included in such maintenance to the near curb lines of the street with which they connect. All areas not specifically included within these described limits shall be maintained by the municipality in which the expressway is located, except that the state or county shall maintain the structural parts of bridges carrying local traffic over the expressway, including generally the footings, piers, columns, abutments and structural girders.

(b) *Policing of expressways.* Expressways shall be policed by the sheriff who may, when necessary, request and shall receive cooperation and assistance from the police departments of each municipality in which expressways are located, but nothing ~~contained herein in this paragraph~~ shall be construed to deprive such police departments of the power of exercising law enforcement on such expressways within their respective jurisdictions.

(11) DESIGNATED STANDING COMMITTEE. The board may designate a standing committee to perform ~~all of~~ the duties and to exercise ~~all of~~ the powers of the board under this section, except those powers and duties in sub. (2) (a) and (b). All actions of the standing committee under this section may be modified and shall be approved or disapproved by the board.

**SECTION 465.** 59.966 of the statutes is renumbered 59.58 (6), and 59.58 (6) (a) (intro.) and 2., (b) 1. and 3., (c), (e) (intro.) and 5. (intro.) and (f), as renumbered, are amended to read:

59.58 (6) (a) (intro.) In this section subsection:

2. “Region” means the geographic region area composed of the counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

(b) 1. Except as provided in ~~sub. (6) par. (f)~~, 7 members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms, with each member designated to represent one of the counties in the region.

3. Three other members who are nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms.

(c) The authority shall be responsible for the coordination of highway and transit programs in the region and for other responsibilities as specified for the authority by the legislature.

(e) (intro.) By November 15, 1992, the authority shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the activities of the authority. The report shall include all of the following:

5. (intro.) A proposal that specifically identifies a permanent regional funding source to provide local funds for highway improvements in the region that have a demonstrably regional impact, and for the local portion of operating and capital costs of public transit that are not covered by passenger fares. In making its proposal, the authority shall consider at least the following funding sources:

(f) After June 30, 1993, any county board in the region may, by resolution, withdraw from the authority. In the event of such withdrawal, the county shall not be represented by a member under ~~sub. (2) (a) par. (b) 1.~~ This ~~subsection~~ paragraph does not apply after December 31, 1993.

**SECTION 466.** 59.967 (title), (1), (2) and (3) (intro.) of the statutes are renumbered 59.58 (2) (title), (a), (b) and (c) (intro.) and amended to read:

59.58 (2) COUNTY TRANSIT COMMISSION. (a) ~~Any A~~ county in this state may ~~enact an ordinance for the establishment, maintenance and operation of~~ establish, maintain and operate a comprehensive unified local transportation system, the major portion of which is or is to be located within or the major portion of the service of which is or is to be supplied to the inhabitants of such county, and which system is ~~used or is~~ to be used chiefly for the transportation of persons and freight.

(b) The transit commission shall be designated “Transit Commission” preceded by the name of the ~~enacting~~ establishing county.

(c) (intro.) In this section subsection:

**SECTION 467.** 59.967 (3) (a) of the statutes is renumbered 59.58 (2) (c) 2. and amended to read:

59.58 (2) (c) 2. "Comprehensive unified local transportation system" means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portions of which are within the county.

**SECTION 468.** 59.967 (3) (b) of the statutes is renumbered 59.58 (2) (c) 1. and amended to read:

59.58 (2) (c) 1. "~~Transit commission~~" or "~~commission~~" "Commission" means the local transit commission created hereunder.

**SECTION 469.** 59.967 (4) of the statutes is renumbered 59.58 (2) (d) and amended to read:

59.58 (2) (d) The ~~transit~~ commission shall consist of not less than 7 members to be appointed by the ~~county~~ board, one of whom shall be designated chairperson, except that in ~~any a~~ county having a county executive, the executive shall make the appointments.

**SECTION 470.** 59.967 (5) (a) and (c) of the statutes are renumbered 59.58 (2) (e) 1. and 2. and amended to read:

59.58 (2) (e) 1. The first members of the ~~transit~~ commission shall be appointed for staggered 3-year terms. The term of office of each member thereafter appointed shall be 3 years.

2. No person holding stocks or bonds in ~~any a~~ corporation subject to the jurisdiction of the ~~transit~~ commission, or who is in any other manner ~~directly or indirectly~~ pecuniarily interested in any such corporation, shall be a member of ~~the~~, nor ~~be~~ employed by, the ~~transit~~ commission.

**SECTION 471.** 59.967 (6) to (12) of the statutes are renumbered 59.58 (2) (f) to (L) and amended to read:

59.58 (2) (f) The ~~transit~~ commission may appoint a secretary and employ such accountants, engineers, experts, inspectors, clerks and other employees and fix their compensation, and purchase such furniture, stationery and other supplies and materials, as are reasonably necessary to enable it properly to perform its duties and exercise its powers.

(g) 1. The ~~transit~~ commission may adopt rules relative to the calling, holding and conduct of its meetings, the transaction of its business, the regulation and control of its agents and employees, the filing of complaints and petitions and the service of notices thereof and conduct hearings.

2. For the purpose of receiving, considering and acting upon any complaints or applications which may be presented to it or for the purpose of conducting investigations or hearings on its own motion the ~~transit~~ commission shall hold regular meetings at least once a week except in the months of July and August in each year and special meetings on the call of the chairperson or at the request of the ~~county~~ board.

3. The ~~transit~~ commission may adopt a seal, of which judicial notice shall be taken in all courts of this state.

Any process, writ, notice or other instrument which the commission may be authorized by law to issue shall be ~~deemed~~ considered sufficient if signed by the secretary of the commission and authenticated by such seal. All acts, orders, decisions, rules and records of the commission, and all reports, schedules and documents filed with the commission may be proved in any court in this state by a copy thereof certified by the secretary under the seal of the commission.

(h) The jurisdiction, powers and duties of the ~~transit~~ commission shall extend to the comprehensive unified local transportation system for which the commission is established including any portion of such system extending into adjacent or suburban territory within this state lying outside of the county not more than 30 miles from the nearest point marking the corporate limits of the county.

(i) ~~Initial~~ The initial acquisition of the properties for the establishment of, and to comprise, the comprehensive unified local transportation system shall be subject to s. 66.065 or ch. 197.

(j) 1. Any county may by contract under s. 66.30 establish a joint municipal transit commission, in cooperation with any ~~county, city, village, town~~ municipality, county or federally recognized Indian tribe or band.

2. Notwithstanding any other provision of this ~~section~~ subsection, no joint municipal transit commission under ~~par. (a) subd. 1.~~ may provide service outside the corporate limits of the parties to the contract under s. 66.30 which establish the joint municipal transit commission unless the joint municipal transit commission receives financial support for the service ~~pursuant to~~ under a contract with a public or private organization for ~~such~~ the service. This ~~paragraph~~ subdivision does not apply to service provided by a joint municipal transit commission outside the corporate limits of the parties to the contract under s. 66.30 which establish the joint municipal transit commission if the joint municipal transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such~~ the service.

(k) 1. In lieu of providing transportation services, a county may contract with a private organization for ~~such~~ the services.

2. Notwithstanding any other provision of this ~~section~~ subsection, no county may contract with a private organization to provide service outside the corporate limits of ~~such~~ the county unless the county receives financial support for the service ~~pursuant to~~ under a contract with a public or other private organization for ~~such~~ the service. This ~~paragraph~~ subdivision does not apply to service provided under ~~par. (a) subd. 1.~~ outside the corporate limits of a county if a private organization is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and the county elects to continue ~~such~~ the service.

(L) Notwithstanding any other provision of this ~~section~~ subsection, no transit commission may provide service outside the corporate limits of the county which establishes the transit commission unless the transit commission receives financial support for the service ~~pursuant to~~ under a contract with a public or private organization for ~~such~~ the service. This ~~subsection~~ paragraph does not apply to service provided by a transit commission outside the corporate limits of the county which establishes the transit commission if the transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such~~ the service.

**SECTION 472.** 59.968 (intro.) and (1) to (7) of the statutes are renumbered 59.58 (3) (intro.) and (a) to (g), and 59.58 (3) (intro.), (a) to (c), (d) (intro.), 2. and 3., (e), (f) and (g) 1. to 4., as renumbered, are amended to read:

59.58 (3) PUBLIC TRANSIT IN COUNTIES. (intro.) ~~Any county~~ A board may:

(a) Purchase and lease buses to private transit companies ~~operating~~ that operate within and outside the county.

(b) Apply for federal aids ~~for~~ to purchase of such buses or other facilities ~~deemed~~ considered essential for operation.

(c) Make grants and provide subsidies to private transit companies ~~operating~~ that operate bus lines principally within the county to stabilize, preserve or enhance levels of transit service to the public.

(d) (intro.) Acquire a transportation system by purchase, condemnation under s. 32.05 or otherwise and provide funds for the operation and maintenance of such a system. "Transportation system" means all land, shops, structures, equipment, property, franchises and rights of whatever nature required for transportation of passengers or freight within the county, or between counties, ~~including, without limitation and includes, but is not limited to,~~ elevated railroads, subways, underground railroads, motor vehicles, motor buses and any combination thereof, and any other form of mass transportation. Such acquisition and operation between counties shall be subject to ch. 194 and whenever the proposed operations between such counties would be competitive with the urban or suburban operations of another existing common carrier of passengers or freight, the county shall coordinate proposed operations with such carrier to eliminate adverse financial impact for such carrier. This coordination may include, but is not limited to, route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service and acquisition of route and corollary equipment. If such coordination does not result in mutual agreement, the proposals shall be submitted to the department of transportation for arbitration. The following forms of transportation are excepted from the definition of "transportation system":

2. School bus transportation businesses or systems that are engaged primarily in the transportation of children to or from school, and which are subject to the regulatory jurisdiction of the department of transportation and the department of education.

3. Charter or contract operations to, from or between points that are outside the county or contiguous or cornering counties.

(e) Acquire all of the capital stock of a corporation ~~owning and operating~~ that owns and operates a transportation system.

(f) Use ~~any~~ a public road or street or highway for the transportation of passengers for hire without obtaining a permit or license from ~~any city, village or town~~ a municipality for the operation of a transportation system within such municipality but such use shall be subject to approval by the department of transportation.

(g) 1. Operate and maintain it or lease it to ~~any~~ an operator or contract for its use by ~~any~~ an operator.

2. Contract for superintendence of the system with ~~any~~ an organization which has personnel with the experience and skill necessary.

3. Delegate responsibility for the operation and maintenance of the system to ~~any~~ an appropriate administrative officer, board or commission of the county notwithstanding s. ~~59.965~~ 59.83 or any other statute.

4. Maintain and improve a railroad right-of-way and improvements ~~thereon~~ on the right-of-way for future use.

**SECTION 473.** 59.968 (7m), (8) and (9) of the statutes are renumbered 59.58 (3) (h), (i) and (j) and amended to read:

59.58 (3) (h) 1. A county may contract under s. 66.30 to establish a joint transit commission with other municipalities, as defined under s. 66.30 (1).

2. Notwithstanding any other provision of this ~~section~~ subsection, no joint transit commission under ~~par. (a) subd. 1.~~ may provide service outside the corporate limits of the parties to the contract under s. 66.30 which establish the joint transit commission unless the joint transit commission receives financial support for the service ~~pursuant to~~ under a contract with a public or private organization for ~~such~~ the service. This ~~paragraph~~ subdivision does not apply to service provided by a joint transit commission outside the corporate limits of the parties to the contract under s. 66.30 which establish the joint transit commission if the joint transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such~~ the service.

(i) ~~Subsections (4) to (7m)-(a) Paragraphs (d) to (h) 1.~~ shall only apply if a ~~county~~ board by a two-thirds vote of its membership so authorizes.

(j) 1. Notwithstanding any other provision of this ~~section~~ subsection, no county which acquires a transporta-

tion system under this ~~section~~ subsection may provide service outside the corporate limits of ~~such the~~ county unless the county receives financial support for the service pursuant to under a contract with a public or private organization for ~~such the~~ service. This ~~subsection~~ paragraph does not apply to service provided by a county outside the corporate limits of ~~such the~~ county if the county is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such the~~ service.

2. Notwithstanding any other provision of this ~~section~~ subsection, no county which establishes a transportation system under this ~~section~~ subsection may contract with an operator to provide service under ~~sub. (7) (a) par. (g) 1.~~ outside the corporate limits of ~~such the~~ county unless the county receives financial support for the service pursuant to under a contract with a public or private organization for ~~such the~~ service. This ~~paragraph~~ subdivision does not apply to service provided under ~~sub. (7) (a) par. (g) 1.~~ outside the corporate limits of a county pursuant to under a contract between the county and an operator if an operator is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and the county elects to continue ~~such the~~ service.

**SECTION 474.** 59.969 of the statutes is renumbered 59.58 (4), and 59.58 (4) (a), (b) (intro.), 1., 2. and 4. to 6., (c) and (d), as renumbered, are amended to read:

59.58 (4) (a) ~~Any county A~~ board acquiring a transportation system under ~~s. 59.968 (4) sub. (3) (d)~~ shall assume all the employer's obligations under any contract between the employees and management of the system.

(b) (intro.) ~~Any county A~~ board acquiring, constructing, controlling or operating a transportation system under ~~s. 59.968 (4) sub. (3) (d)~~ shall negotiate an agreement protecting the interests of employees affected by the acquisition, construction, control or operation. Such agreements shall include, but are not limited to, provisions for:

1. The preservation of rights, privileges and benefits under ~~any an~~ existing collective bargaining agreement or other agreement.

2. The preservation of rights and benefits under ~~any~~ existing pension plans covering prior service, and continued participation in social security.

4. The protection of individual employees against a worsening of their positions with respect to their employment to the extent provided by section 13 (c) of the urban mass transportation act, as amended (49 USC 1609 (c)).

5. Assurances of employment to employees of ~~such the~~ transportation systems and priority of reemployment of employees who are terminated or laid off.

6. Assurances of first opportunity of employment in order of seniority to employees of any nonacquired system, affected by ~~any a~~ new, competitive or supplemental public transportation system, in ~~any~~ unfilled nonsupervi-

sory positions for which they can qualify after a reasonable training period.

(c) ~~Any An~~ agreement under ~~sub. (2) par. (b)~~ may include provisions for the submission of labor disputes to final and binding arbitration by an impartial umpire or board of arbitration acceptable to the parties.

(d) In all negotiations under this ~~section~~ subsection, the county executive, if such office exists in the county, shall be a member of the county negotiating body.

**SECTION 475.** 59.97 of the statutes is renumbered 59.69, and 59.69 (1), (2), (3) (a), (b) 1. and 2. and (c) to (e), (4) (intro.), (c), (f) and (k) and (4c) to (15), as renumbered, are amended to read:

59.69 (1) PURPOSE. It is the purpose of this section to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. To accomplish this purpose the ~~county~~ board of ~~any county~~ may plan for the physical development and zoning of territory within the county as set forth in this section and shall incorporate therein the master plan adopted under s. 62.23 (2) or (3) and the official map of any city or village in the county adopted under s. 62.23 (6).

(2) PLANNING AND ZONING AGENCY OR COMMISSION.  
(a) 1. Except as provided under subd. 2., the ~~county~~ board of ~~any county~~ may create a planning and zoning committee as a county board agency or may create a planning and zoning commission consisting wholly or partially of persons who are not members of the ~~county~~ board, designated the county zoning agency. In lieu of creating a committee or commission for this purpose, the ~~county~~ board may designate a previously established committee or commission as the county zoning agency, authorized to act in all matters pertaining to county planning and zoning.

2. If the ~~county~~ board in ~~any a~~ county with a county executive authorizes the creation of a county planning and zoning commission, designated the county zoning agency, the county executive shall appoint the commission, subject to confirmation by the ~~county~~ board.

3. If a county planning and zoning commission is created under subd. 2., the county executive may appoint, for staggered 3-year terms, 2 alternate members of the commission, who are subject to confirmation by the board. Annually, the county executive shall designate one of the alternate members as first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the commission refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the commission refuses to vote because of a conflict of interest or is absent.

(b) From its members, the county zoning agency shall elect a chairperson whose term shall be for 2 years, and the county zoning agency may create and fill ~~such~~ other offices ~~as it determines~~.

(bm) The head of the county zoning agency appointed under ~~s. 59.97~~ sub. (10) (b) 2. shall have the administrative powers and duties specified for the county zoning agency under this section, and the county zoning agency shall be only a policy-making body determining the broad outlines and principles governing such administrative powers and duties and shall be a quasi-judicial body with decision-making power ~~including that includes~~ but is not limited to conditional use, planned unit development and rezoning. The building inspector shall enforce all laws, ordinances, rules and regulations under this section.

(c) Subject to change by the ~~county~~ board, the county zoning agency may adopt such rules and regulations governing its procedure as it considers necessary or advisable. The county zoning agency shall keep a record of its planning and zoning studies, its resolutions, transactions, findings and determinations.

(d) The county may accept, review and expend funds, grants and services and may contract with respect thereto and may provide such information and reports as may be necessary to secure such financial aid and services, and within such funds as may be made available, the county zoning agency may employ, or contract for the services of, such professional planning technicians and staff as are ~~deemed~~ considered necessary for the discharge of the duties and responsibilities of the county zoning agency.

(e) Wherever a public hearing is specified under this section, the hearing shall be conducted by the county zoning agency in the county courthouse or in such other appropriate place as may be selected by the county zoning agency. The county zoning agency shall give notice of the public hearing by publication in the county as a class 2 notice, under ch. 985.

(f) Whenever a county development plan, part thereof or amendment thereto is adopted by, or a zoning ordinance or amendment thereto is adopted enacted by, the ~~county~~ board, a duplicate copy shall be certified by the

~~county~~ clerk and sent to the municipal clerks of the ~~cities, towns or villages~~ municipalities affected thereby.

(3) (a) The county zoning agency shall direct the preparation of a county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. ~~Such~~ The plan may be adopted in whole or in part and may be amended by the ~~county~~ board and ~~indorsed~~ endorsed by the governing bodies of ~~any~~ incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan.

(b) 1. Comprehensive surveys, studies and analyses of the history, existing land use, population and population density, economy, soil characteristics, forest cover, wetland and floodplain conditions and other human and natural features of the county and shall include the master plan, if any, of any city or village, which was adopted ~~pursuant to~~ under s. 62.23 (2) or (3) and the official map, if any, of such city or village which was adopted ~~pursuant to~~ under s. 62.23 (6) in such county, without change.

2. Based on ~~such~~ the comprehensive surveys, studies and analyses, the plan may identify goals and objectives for the future physical development of the county with respect to: public and private use of land and other natural resources; highways including bridges, viaducts, parkways and other public ways; parks, playgrounds, hunting and fishing grounds, forests and other facilities of a recreational nature; public buildings and institutions including schools; sanitary and storm sewers, drainage and measures for disposal of refuse and waste; reducing and preventing stream and lake pollution; flood control; public and private utilities including water, light, heat, transportation, pipelines and other services; industrial and commercial sites; historic districts; and other factors which will improve the physical and economic situation of the county.

(c) The development plan may be in the form of descriptive material, reports, charts, diagrams or maps. Each element of the development plan shall describe its relationship to other elements of the plan and to statements of goals, objectives, principles, policies or standards.

(d) The county zoning agency shall hold a public hearing on the development plan before approving it. After approval of the plan the county zoning agency shall submit the plan to the ~~county~~ board for its approval and adoption. The plan shall be adopted by resolution and when adopted it shall be certified as provided in sub. (2)

(f). The development plan shall serve as a guide for public and private actions and decisions to assure the development of public and private property in appropriate relationships.

(e) A master plan adopted under s. 62.23 (2) and (3) and an official map that is established under s. 62.23 (6) shall control in unincorporated territory in a county affected thereby, whether or not such action occurs ~~prior to~~ before the adoption of a development plan.

(4) EXTENT OF POWER. (intro.) For the purpose of promoting the public health, safety and the general welfare the ~~county board of any county~~ may by ordinance effective within the areas within such county outside the limits of incorporated villages and cities establish districts of such number, shape and area, and adopt such regulations for each such district as the ~~county board shall deem~~ considers best suited to carry out the purposes of this section. The powers granted by this section shall be exercised through an ordinance which may, subject to sub. (4e), determine, establish, regulate and restrict:

(c) The areas in and along, or in or along, natural watercourses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.

(f) The location of buildings and structures that are designed for specific uses and designation of uses for which buildings and structures may not be used or altered.

(k) The percentage of a lot which may be occupied, size of yards, courts and other open spaces.

(4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. 101.1205 (5m), an ordinance that is enacted under sub. (4) may only include provisions that are related to construction site erosion control if those provisions are limited to sites where the construction activities do not include the construction of a building.

(4d) ANTENNA FACILITIES. The board may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

(b) The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.

(c) The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

(4e) MIGRANT LABOR CAMPS. The board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule that is promulgated by the department

of industry, labor and job development under ss. 103.90 to 103.97. An ordinance or resolution of the county that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

(4g) AIRPORT AREAS. In ~~any a~~ county which has created a county zoning agency under sub. (2) (a), the county's development plan shall include the location of any part of an airport, as defined in s. 62.23 (6) (am) 1. a., that is located in the county and of any part of an airport affected area, as defined in s. 62.23 (6) (am) 1. b., that is located in the county.

(4m) HISTORIC PRESERVATION. ~~Any A~~ county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. The county may create a landmarks commission to designate historic landmarks and establish historic districts. The county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

(5) FORMATION OF ZONING ORDINANCE; PROCEDURE.  
(a) When the county zoning agency has completed a draft of a proposed zoning ordinance, it shall hold a public hearing thereon, following publication in the county of a class 2 notice, under ch. 985. After such hearing the agency may make such revisions in the draft as it ~~shall deem~~ considers necessary, or it may submit the draft without revision to the ~~county board~~ with recommendations for adoption. Proof of publication of the notice of the public hearing held by such agency shall be attached to its report to the ~~county board~~.

(b) When the draft of ~~such the~~ ordinance, recommended for ~~adoption enactment~~ by the zoning agency, is received by the ~~county board~~, it may ~~adopt enact~~ the ordinance as submitted, or reject it, or return it to the agency with such recommendations as the ~~county board~~ may see fit to make. In the event of such return subsequent procedure by the agency shall be as if the agency were acting under the original directions. When ~~adopted enacted~~, duplicate copies of the ordinance shall be submitted by the ~~county clerk~~ by registered mail to each town clerk for consideration by the town board.

(c) A county ordinance enacted ~~as provided by~~ under this section shall not be effective in any town until it has been approved by the town board. If the town board approves an ordinance enacted by the county board, ~~as provided by~~ under this section, a certified copy of the approving resolution attached to one of the copies of such ordinance submitted to the town board shall promptly be filed with the county clerk by the town clerk. ~~Such The~~ ordinance shall become effective in ~~such the~~ town as of

the date of ~~such~~ the filing, which filing shall be recorded by the county clerk in the clerk's office, reported to the town board and the county board, and printed in the proceedings of the county board. ~~Such~~ The ordinance shall supersede any prior town ordinance in conflict therewith or which is concerned with zoning, except as provided by s. 60.62.

(d) The ~~county~~ board may by a single ordinance repeal an existing county zoning ordinance and reenact a comprehensive revision thereto in accordance with this section. "Comprehensive revision" as ~~used herein, in this paragraph,~~ means a complete rewriting of an existing zoning ordinance which changes numerous zoning provisions and alters or adds zoning districts. The comprehensive revision may provide that the existing ordinance shall remain in effect in a town for a period of up to one year or until the comprehensive revision is approved by the town board, whichever period is shorter. If the town board fails to approve the comprehensive revision within a year neither the existing ordinance nor the comprehensive revision shall be in force in that town. Any repeal and reenactment prior to November 12, 1965, which would be valid under this paragraph is hereby validated.

(e) The ~~county~~ board may amend ~~the regulations of~~ an ordinance or change the district boundaries. The procedure ~~with reference to~~ for such amendments or changes ~~shall be~~ is as follows:

1. A petition for amendment of ~~any a~~ county zoning ordinance may be made by ~~any a~~ property owner in the area to be affected by the amendment, by the town board of any town ~~wherein in which~~ the ordinance is in effect; by any member of the ~~county~~ board or by the agency designated by the ~~county~~ board to consider county zoning matters as provided in sub. (2) (a). The petition shall be filed with the ~~county~~ clerk who shall immediately refer it to the county zoning agency for its consideration, report and recommendations. Immediate notice of the petition shall be sent to the county supervisor of any affected district. A ~~reporting report~~ of all petitions referred under this paragraph shall be made to the county board at its next succeeding meeting.

2. Upon receipt of ~~such the~~ petition by ~~such the~~ agency it shall call a public hearing ~~thereon on the petition.~~ Notice of the time and place of ~~such the~~ hearing shall be given by publication in the county of a class 2 notice, under ch. 985. A copy of ~~such the~~ notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If ~~such the~~ petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of ~~such the~~ notice to the owner or operator of the airport bordered by the airport affected area.

3. Except as provided under subd. 3m., if a town affected by the proposed amendment disapproves of the proposed amendment, the town board of ~~such the~~ town

may file a certified copy of the resolution adopted by ~~such the~~ board disapproving of the petition with the agency ~~prior to before,~~ at or within 10 days after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

3m. ~~Any A~~ town may extend its time for disapproving any proposed amendment under subd. 3. by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the ~~county~~ clerk of the county in which the town is located. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the ~~county~~ clerk of the county in which the town is located.

4. As soon as possible after ~~such the~~ public hearing, the agency shall act, subject to subd. 3., on ~~such the~~ petition either approving, modifying and approving, or disapproving ~~of the same it.~~ If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit ~~such the~~ proposed ordinance directly to the ~~county~~ board with its recommendations. If the agency after its public hearing ~~shall recommend recommends~~ denial of the petition it shall report its recommendation directly to the ~~county~~ board with its reasons for ~~such the~~ action. Proof of publication of the notice of the public hearing held by ~~such the~~ agency and proof of the giving of notice to the town clerk of ~~such the~~ hearing shall be attached to either ~~such~~ report. Notification of town board resolutions filed under subd. 3. shall be attached to either ~~such~~ report.

5. Upon receipt of ~~such the~~ agency report the ~~county~~ board may ~~adopt enact~~ the ordinance as drafted by the zoning agency or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the agency in which case it shall refer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the ~~same ordinance~~ back to the ~~county~~ board which may then ~~adopt enact~~ or reject ~~such the~~ ordinance.

5g. If a protest against a proposed amendment is filed with the ~~county~~ clerk at least 24 hours prior to the date of the meeting of the ~~county~~ board at which the report of the zoning agency under subd. 4. is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on ~~such the~~ ordinance may be deferred until the zoning agency has had a reason-

able opportunity to ascertain and report to the ~~county~~ board as to the authenticity of ~~such~~ the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If ~~such~~ the statements are found to be true, ~~such~~ the ordinance shall ~~may~~ not be ~~adopted~~ enacted except by the affirmative vote of three-fourths of the members of the ~~county~~ board of ~~super-~~visors present and voting. If ~~such~~ the statements are found to be untrue to the extent that the required frontage or area ownership is not present ~~such~~ the protest may be disregarded.

5m. If a proposed amendment under this paragraph would make any change in an airport affected area, as defined under s. 62.23 (6) (am) 1. b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the ~~county~~ clerk at least 24 hours prior to the date of the meeting of the ~~county~~ board at which the report of the zoning agency under subd. 4. is to be considered, no ordinance which makes such a change may be ~~adopted~~ enacted except by the affirmative vote of two-thirds of the ~~county~~ members of the board of ~~super-~~visors present and voting.

6. If ~~any~~ ~~such~~ an amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, at or within 10 days under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by ~~such~~ the ordinance of ~~such~~ the effective date and also insert ~~such~~ the effective date in the proceedings of the county board. Any other ~~such~~ amendatory ordinance when ~~so~~ ~~adopted~~ enacted shall within 7 days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by ~~such~~ the ordinance are located. If after 40 days from the date of ~~such~~ ~~adop-~~tion the enactment a majority of ~~such~~ the towns have not filed certified copies of resolutions disapproving ~~such~~ the amendment with the county clerk, or if, within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall ~~thereupon~~ be in effect in all of the towns affected by the ordinance. Any ~~such~~ ordinance relating to the location of boundaries of districts shall within 7 days after ~~adoption~~ enactment by the county board be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by ~~such~~ the change are located and shall become effective 40 days after ~~the adoption~~ enactment of the ordinance by the county

board unless such town board prior to such date files a certified copy of a resolution disapproving of ~~such~~ the ordinance with the county clerk. If such town board approves the ordinance, ~~said~~ the ordinance shall become effective upon the filing of the resolution of the town board approving ~~same~~ the ordinance with the county clerk. The ~~county~~ clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

7. When any lands previously under the jurisdiction of a county zoning ordinance have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in sub. (7), the ~~county~~ board may, on the recommendation of its zoning agency, ~~adopt~~ ~~such~~ enact amendatory ordinances ~~as shall~~ ~~that~~ remove or delete ~~such~~ the annexed lands from the official zoning map or written descriptions without following any of the procedures provided in subs. 1. to 6., and such amendatory ordinances shall become effective upon passage enact-ment and publication. A copy of ~~such~~ the ordinance shall be forwarded by the ~~county~~ clerk to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede s. 80.64.

(6) OPTIONAL ADDITIONAL PROCEDURES. Nothing in this section shall be construed to prohibit the zoning agency ~~or~~ the ~~county~~ board or a town board from adopting any procedures, ~~formal or informal~~, in addition to those prescribed in this section and not in conflict therewith. Such procedures may, but are not required to, provide for public hearings before the county board. The public hearing provided by sub. (5) (a) and (e) 2. is deemed to be sufficient for the requirements of due process whether or not the county board holds a further public hearing thereafter.

(7) CONTINUED EFFECT OF ORDINANCE. Whenever ~~any~~ an area which has been subject to a county zoning ordinance petitions to become part of a city or village or city, the regulations imposed by ~~such~~ the county zoning ordinance shall continue in effect, without change, and shall be enforced by ~~such~~ the city or village or city until ~~such~~ the regulations have been changed by official action of the governing body of ~~such~~ the city or village or city, except that in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(8) EXCHANGE OF TAX DEEDED LANDS. When ~~any~~ a county acquires lands by tax deeds, the ~~county~~ board may exchange ~~any~~ such lands for other lands in the county for

the purpose of promoting the regulation and restriction of agricultural and forestry lands and may exchange such lands for other lands for the purpose of creating a park or recreational area.

(9) (title) ZONING OF COUNTY OWNED COUNTY-OWNED LANDS. (a) The county board may by ordinance zone and rezone any lands owned by the county without necessity of securing the approval of the town boards of the towns wherein such the lands are situated and without following the procedure outlined in sub. (5), provided that the county board shall give written notice to the town board of the town wherein such the lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such the hearing by posting in 5 public places in the town.

(b) This subsection does not apply to land that is subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility or hazardous waste storage or treatment facility, as these terms are defined under s. 144.43.

(10) NONCONFORMING USES. (a) An ordinance enacted under this section shall may not prohibit the continuance of the lawful use of any building or premises for any trade or industry for which such building or premises is used at the time such that the ordinances take effect, but the alteration of, or addition to, or repair in excess of 50% of its assessed value of any existing building or structure for the purpose of carrying on any prohibited trade or new industry within the district where such buildings or structures are located, may be prohibited. The continuance of the nonconforming use of a temporary structure may be prohibited. If such the nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the ordinance.

(b) 1. Except as provided under subd. 2., the county board shall designate an officer to administer the zoning ordinance, who may be the secretary of the zoning agency, a building inspector appointed under s. 59.07 (16) 59.698 or other appropriate person.

2. Notwithstanding subd. 1. and s. 59.07 (16) 59.698, in any a county with a county zoning agency and a county executive or county administrator, the county executive or county administrator shall appoint and supervise the head of the county zoning agency and the county building inspector, in separate or combined positions. The appointment is subject to confirmation by the county board unless the county board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) 59.52 (8) or ch. 63. The county board, by resolution or ordinance, may provide that, notwithstanding s. 17.10 (6), the head of the county zoning agency and the county building inspector, whether serving in a separate or combined position, if appointed under this subdivision, may not be removed from his or her position except for cause.

3. The officer designated under subd. 1. or 2. shall cause a record to be made immediately after the approval enactment of an ordinance or amendment thereto, or change in district boundary, approved by the town board, of all lands, premises and buildings in the town used for purposes not conforming to the regulations applicable to the district in which they are situated. Such The record shall include the legal description of the lands, the nature and extent of the uses therein, and the names and addresses of the owner or occupant or both. Promptly on its completion such the record shall be published in the county as a class 1 notice, under ch. 985. Such The record, as corrected, shall be on file with the register of deeds 60 days after the last publication and shall be prima facie evidence of the extent and number of nonconforming uses existing on the effective date of the ordinance in the town. Corrections prior to before the filing of the record with the register of deeds may be made on the filing of sworn proof in writing, satisfactory to the officer administering the zoning ordinance.

(c) The county board shall prescribe a procedure for the annual listing of nonconforming uses, discontinued or created, since the previous listing and for all other nonconforming uses. Discontinued and newly created nonconforming uses shall be recorded with the register of deeds immediately after the annual listing.

(d) Paragraphs (b) and (c) shall not apply to those counties issuing building permits or occupancy permits as a means of enforcing the zoning ordinance or to counties which have provided other procedures for this purpose.

(11) PROCEDURE FOR ENFORCEMENT OF COUNTY ZONING ORDINANCE. The county board shall prescribe such rules and regulations and administrative procedures, and provide such administrative personnel as it may deem considers necessary for the enforcement of the provisions of this section, and all ordinances enacted in pursuance thereof. Such The rules and regulations and the districts, setback building lines and regulations authorized by this section, shall be prescribed by ordinances which shall be declared to be for the purpose of promoting the public health, safety and the general welfare. Such The ordinances shall be enforced by appropriate fines and penalties forfeitures. Compliance with such ordinances may also be enforced by injunctive order at the suit of such the county or the an owner or owners of real estate within the district affected by such the regulation.

(12) PRIOR ORDINANCES EFFECTIVE. Nothing in this section shall invalidate any county zoning ordinance adopted pursuant to enacted under statutes in effect prior to before July 20, 1951.

(13) CONSTRUCTION OF SECTION. The powers herein granted in this section shall be liberally construed in favor of the county exercising them, and this section shall not be construed to limit or repeal any powers now possessed by any such a county.

(14) LIMITATION OF ACTIONS. A landowner, occupant or other person who is affected by a county zoning ordinance or amendment, who claims that the ordinance or amendment is invalid because procedures prescribed by the statutes or the ordinance were not followed, shall commence an action within the time provided by s. 893.73 (1), except this subsection and s. 893.73 (1) do not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless there has been held a public hearing on the ordinance or amendment at the time and place specified in the notice.

(15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. For purposes of this section, the location of a community living arrangement, as defined in s. 46.03 (22), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any ~~city, village or town~~ municipality, shall be subject to the following criteria:

(a) No community living arrangement may be established after March 28, 1978, within 2,500 feet, or any lesser distance established by an ordinance of a ~~city, town or village~~ municipality, of any other such facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the ~~local~~ municipality. Two community living arrangements may be adjacent if the ~~local~~ municipality authorizes that arrangement and if both facilities comprise essential components of a single program.

(b) 1. Community living arrangements shall be permitted in each ~~city, village or town~~ municipality without restriction as to the number of facilities, so long as the total capacity of the community living arrangements does not exceed 25 or ~~one percent~~ 1% of the municipality's population, whichever is greater. When the capacity of the community living arrangements in the municipality reaches that total, the municipality may prohibit additional community living arrangements from locating in the municipality. In any ~~city, village or town~~ municipality, when the capacity of community living arrangements in an aldermanic district in a city or a ward in a village or town reaches 25 or ~~one percent~~ 1% of the population, whichever is greater, of the district or ward, the municipality may prohibit additional community living arrangements from being located within the district or ward. Agents of a facility may apply for an exception to the requirements of this subdivision, and such exceptions may be granted at the discretion of the municipality.

2. No community living arrangement may be established after January 1, 1995, within 2,500 feet, or any lesser distance established by an ordinance of the ~~city, village or town~~ municipality, of any other such facility. Agents of a facility may apply for an exception to this requirement, and exceptions may be granted at the discretion of the ~~city, village or town~~ municipality. Two community living arrangements may be adjacent if the ~~city,~~

~~village or town~~ municipality authorizes that arrangement and if both facilities comprise essential components of a single program.

(bm) A foster home or a treatment foster home that is the primary domicile of a foster parent or treatment foster parent and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes and treatment foster homes operated by corporations, child welfare agencies, ~~churches~~ religious associations, as defined in s. 157.061 (15), associations or public agencies shall be subject to pars. (a) and (b).

(br) 1. No adult family home described in s. 50.01 (1) (b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the ~~city, town or village~~ municipality, of any other adult family home described in s. 50.01 (1) (b) or any community living arrangement. An agent of an adult family home described in s. 50.01 (1) (b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the ~~city~~ municipality.

2. An adult family home described in s. 50.01 (1) (b) that meets the criteria specified in subd. 1. and that is licensed under s. 50.033 (1m) (b) is permitted in the ~~city, town or village~~ municipality without restriction as to the number of adult family homes and may locate in any residential zone, without being required to obtain special zoning permission except as provided in par. (i).

(c) ~~In all cases where~~ Where the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in pars. (a) and (b), and is licensed, operated or permitted under the authority of the department of health and family services, that facility is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided in par. (i).

(d) ~~In all cases where~~ Where the community living arrangement has capacity for 9 to 15 persons being served by the program, meets the criteria listed in pars. (a) and (b), and is licensed, or operated or permitted under the authority of the department of health and family services, the facility is entitled to locate in any residential area except areas zoned exclusively for single-family or 2-family residences, except as provided in par. (i), but is entitled to apply for special zoning permission to locate in those areas. The ~~local~~ municipality may grant special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

(e) ~~In all cases where~~ Where the community living arrangement has capacity for serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is licensed, operated or permitted under the authority of the department of health and family services, that facility is entitled to apply for special zoning permission to locate

in areas zoned for residential use. The local municipality may grant special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

(f) The department of health and family services shall designate a single subunit within the department to maintain appropriate records indicating the location and the capacity of each community living arrangement, and such the information shall be available to the public.

(g) In this subsection, “special zoning permission” includes, but is not limited to, the following: special exception, special permit, conditional use, zoning variance, conditional permit and words of similar intent.

(h) The attorney general shall take all necessary action, upon the request of the department of health and family services, to enforce compliance with this subsection.

(i) Not less than 11 months nor more than 13 months after the first licensure of an adult family home under s. 50.033 or of a community living arrangement and every year thereafter, the common council, ~~town board~~ or village or town board of a ~~city, town or village~~ municipality in which a licensed adult family home or a community living arrangement is located may make a determination as to the effect of the adult family home or community living arrangement on the health, safety or welfare of the residents of the ~~city, town or village~~ municipality. The determination shall be made according to the procedures provided under par. (j). If the common council, ~~town board~~ or village or town board determines that the existence in the ~~city, town or village~~ municipality of a licensed adult family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the ~~city, town or village~~ municipality, the common council, ~~town board~~ or village or town board may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under s. 68.13, except that a free copy of the transcript may not be provided to the licensed adult family home or community living arrangement. The licensed adult family home or community living arrangement shall cease operation within 90 days after the date of the order, or the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.

(im) The fact that an individual with acquired immunodeficiency syndrome or a positive test for the presence of HIV, as defined in s. 252.01 (4) ~~(1m)~~, antigen or nonantigenic products of HIV or an antibody to HIV resides in a community living arrangement with a capacity for 8 or fewer persons may not be used under par. (i) to assert or prove that the existence of the community living arrangement in the ~~city, town or village~~ municipality poses a threat to the health, safety or welfare of the residents of the ~~city, town or village~~ municipality.

(j) A determination under par. (i) shall be made after a hearing before the common council, ~~town board~~ or village or town board. The ~~city, town or village~~ municipality shall provide at least 30 days’ notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the licensed adult family home or the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The common council, ~~town board~~ or village or town board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the common council, town board or village board. The common council, ~~town board~~ or village or town board shall take notes of the testimony and shall mark and preserve all exhibits. The common council, ~~town board~~ or village or town board may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the ~~city, town or village~~ municipality. Within 20 days after the hearing, the common council, ~~town board~~ or village or town board shall mail or deliver to the licensed adult family home or the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

**SECTION 476.** 59.971 of the statutes is renumbered 59.692, and 59.692 (1m), (2) (a) and (c), (3), (4), (5), (6) and (7) (a) (intro.) and 3., (ad) (intro.) and 3., (ag) and (c), as renumbered, are amended to read:

59.692 **(1m)** To effect the purposes of s. 144.26 and to promote the public health, safety and general welfare, each county shall zone by ordinance all shorelands in its unincorporated area. This ordinance may be enacted separately from ordinances enacted under s. ~~59.97~~ 59.69.

**(2)** (a) Except as otherwise specified, all provisions of s. ~~59.97~~ 59.69 apply to ordinances and their amendments enacted under this section whether or not enacted separately from ordinances enacted under s. ~~59.97~~ 59.69, but the ordinances and amendments shall not require approval or be subject to disapproval by any town or town board.

(c) Ordinances that are enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting counties, so far as practicable.

**(3)** All powers granted to a county under s. 236.45 may be exercised by it with respect to shorelands, but if the county must have or provide a planning agency as defined in s. 236.02 (3).

**(4)** (a) Section 66.30 applies to this section, except that for the purposes of this section ~~any~~ an agreement under s. 66.30 shall be effected by ordinance. If the municipalities as defined in s. 144.26 are served by a regional planning commission under s. 66.945, the commission

may, with its consent, be empowered by the ordinance of agreement to administer each ordinance enacted hereunder throughout its enacting municipality, whether or not the area otherwise served by the commission includes all of that municipality.

(b) Variances and appeals regarding shorelands within a county are for the board of adjustment for that county under s. ~~59.99~~ 59.694, and the procedures of that section apply.

(5) An ordinance enacted under this section supercedes all provisions of an ordinance enacted under s. ~~59.97~~ 59.69 that relate to shorelands.

(6) If ~~any~~ a county does not enact an ordinance by January 1, 1968, or if the department, after notice and hearing, determines that a county has enacted an ordinance that fails to meet the shoreland zoning standards, the department shall adopt such an ordinance for the county. As far as possible, s. 87.30 shall apply to this subsection.

(7) (a) (intro.) Provisions of a county shoreland zoning ordinance that are enacted under this section that were applicable, prior to annexation, to any shoreland area annexed by a city or village after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city or village unless any of the following occurs:

3. After annexation, the city or village requests that the county shoreland zoning ordinance, as it applies to the annexed area, ~~continue~~ continues to be in effect and enforced by the county and the county agrees to enforce the ordinance.

(ad) (intro.) Provisions of a county shoreland zoning ordinance that are enacted under this section that were applicable, prior to incorporation, to any shoreland area that is part of a town that incorporates as a city or village under s. 66.012, 66.014, 66.018 or 66.019 after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village unless any of the following occurs:

3. After incorporation, the city or village requests that the county shoreland zoning ordinance, as it applies to the incorporated area, ~~continue~~ continues to be in effect and enforced by the county and the county agrees to enforce the ordinance.

(ag) For purposes of pars. (a) 2. and (ad) 2., the types of provisions that may be deleted or modified are those that establish specified land uses or requirements that are associated with those uses and that are not necessary to effect the purposes of s. 144.26 (1) that relate to the protection of navigable waters.

(c) If the department determines that an amendment enacted by a county under par. (a) 2. or (ad) 2. does not meet the shoreland zoning standards, the department, after providing notice and conducting a hearing on the matter, shall issue an order declaring the amendment void and shall reinstate the applicability of the county shore-

land zoning ordinance, that was in effect ~~prior to~~ before amending the ordinance, to the annexed or incorporated area.

**SECTION 477.** 59.972 of the statutes is renumbered 59.695 and amended to read:

**59.695 Zoning of shorelands for Trenton island in Pierce county.** (1) An ordinance enacted under s. ~~59.971~~ 59.692 that applies to Trenton island in Pierce county may not limit the cost of any reconstruction, alteration or repair of, or addition to, any structure on the island that does not conform with the ordinance, except as provided in sub. (2).

(2) (a) For a structure not covered under par. (b), an ordinance enacted under s. ~~59.971~~ 59.692 may require that the cost of an alteration or repair of, or an addition to, a structure that does not conform with the ordinance may not exceed 50% of the structure's market value on the date on which the alteration, repair or addition begins.

(b) For structures that have been destroyed or that have been so severely damaged that they cannot be repaired, and that did not conform with the ordinance enacted under s. ~~59.971~~ 59.692, an ordinance under s. ~~59.971~~ 59.692 may require that the cost of the reconstruction of the structure may not exceed 150% of the structure's market value on the date immediately before the destruction or damage occurred.

(c) An ordinance enacted under s. ~~59.971~~ 59.692 may not impose the limitations under pars. (a) and (b) if, as a result of the alteration, repair, addition or reconstruction, the structure will conform with all of the provisions of the ordinance enacted under s. ~~59.971~~ 59.692.

**SECTION 478.** 59.974 of the statutes is renumbered 59.693 and amended to read:

**59.693 Construction site erosion control and storm water management zoning.** (1) **DEFINITION.** ~~As used in~~ In this section, "department" means the department of natural resources.

(2) **AUTHORITY TO ENACT ORDINANCE.** To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a county may enact a zoning ordinance, that is applicable to all of its unincorporated area, except as provided in s. 60.627 (2) (b), for construction site erosion control at sites where the construction activities do not include the construction of a building and for storm water management. This ordinance may be enacted separately from ordinances enacted under s. ~~59.97~~ 59.69.

(4) **APPLICABILITY OF COUNTY ZONING PROVISIONS; TOWN APPROVAL.** (a) Except as otherwise specified in this section, s. ~~59.97~~ 59.69 applies to any ordinance or amendment to an ordinance enacted under this section, but an ordinance or amendment to an ordinance enacted under this section does not require approval and is not subject to disapproval by any town or town board.

(b) Variances and appeals regarding construction site erosion control and storm water management regulations

under this section are to be determined by the board of adjustment for that county. Procedures under s. ~~59.99~~ 59.694 apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. ~~59.97~~ 59.69 that relate to construction site erosion control or storm water management regulation.

(6) **APPLICABILITY OF COMPREHENSIVE ZONING PLAN OR GENERAL ZONING ORDINANCE.** Ordinances that are enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting counties, so far as practicable.

(7) **APPLICABILITY OF LOCAL SUBDIVISION REGULATION.** All powers granted to a county under s. 236.45 may be exercised by ~~it~~ the county with respect to construction site erosion control at sites where the construction activities do not include the construction of a building or with respect to storm water management regulation if the county has or provides a county planning agency as defined in s. 236.02 (1).

(8) **APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES.** An ordinance that is enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance that is enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

(9) **INTERGOVERNMENTAL COOPERATION.** (a) Except as provided in par. (c), s. 66.30 applies to this section, but for the purposes of this section ~~any an~~ an agreement under s. 66.30 shall be effected by ordinance.

(b) If a county is served by a regional planning commission under s. 66.945 and if the commission consents, the county may empower the commission by ordinance to administer an ordinance that is enacted under this section throughout the county, whether or not the area otherwise served by the commission includes all of that county.

(c) If the board of commissioners of the Dane county lakes and watershed commission consents, Dane county may empower ~~it~~ the commission by ordinance to administer an ordinance that is enacted under this section whether or not the area otherwise served by the commission includes all of Dane county. Section 66.30 does not apply to this paragraph.

(10) **VALIDITY UPON ANNEXATION.** An ordinance that is enacted under this section by a county that is in effect in an area immediately before the area is annexed by a city or village continues in effect in the area after annexation unless the city or village enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the department and

which is at least as restrictive as the county ordinance enacted under this section. If, after providing notice and conducting a hearing on the matter, the department determines that an ordinance that is enacted by a city or village which is applicable to the annexed area does not meet these standards or is not as restrictive as the county ordinance, the department shall issue an order declaring the city or village ordinance void and reinstating the applicability of the county ordinance to the annexed area.

**SECTION 479.** 59.99 of the statutes is renumbered 59.694 and amended to read:

**59.694 County zoning, adjustment board.** (1) **APPOINTMENT, POWER.** The county board may provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted ~~pursuant to s. 59.97~~ under s. 59.69 may provide that ~~such~~ the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subsection shall ~~preclude~~ precludes the granting of special exceptions by the county zoning agency designated under s. ~~59.97~~ 59.69 (2) (a) or the county board in accordance with regulations and restrictions adopted ~~pursuant to s. 59.97~~ under s. 59.69 which were in effect on July 7, 1973, or adopted after that date.

(2) **PERSONNEL.** (a) In counties ~~having~~ with a population of less than 500,000, the board of adjustment shall consist of not more than 5 members as determined by resolution of the county board. The chairperson of the county board shall appoint the members with the approval of the county board for terms of 3 years beginning July 1. The incumbent members shall continue to serve until their terms expire. The county board resolution increasing the size of the board of adjustment shall indicate how many members shall be appointed for 1, 2 and 3 years prior to July 1 of the year in which the change takes effect in making the first appointments. If the county board, by resolution, determines to reduce the membership of the board of adjustment below 5 but not less than 3, one of the positions for which the term expires as determined by lot shall not be filled each year until the requisite number of positions has been reached.

(b) In counties ~~having~~ with a population of 500,000 or more, the board of adjustment shall consist of 3 members who are residents of the county, elected by the county board for terms of 1, 2 and 3 years, respectively, and until their successors are elected and qualify.

(bm) The chairperson of the county board may appoint, for staggered 3-year terms, 2 alternate members of the board of adjustment, who are subject to the approval of the county board. Annually, the chairperson of the county board shall designate one of the alternate members as the first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a

member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(c) The members of the board of adjustment, including alternate members, shall all reside within the county and outside of the limits of incorporated cities and villages; provided, however, that no 2 members shall reside in the same town. The board of adjustment shall choose its own chairperson. Office room shall be provided by the county board, and the actual and necessary expenses incurred by the board of adjustment in the performance of its duties shall be paid and allowed as in cases of other claims against the county. The county board may likewise compensate the members of the board of adjustment, including alternate members, and the assistants as may be authorized by the county board. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(3) RULES, MEETINGS, MINUTES. The county board shall adopt rules for the conduct of the business of the board of adjustment, in accordance with the provisions of any ordinance or ordinances adopted pursuant to s. 59.97 enacted under s. 59.69. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the county board. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

(4) APPEALS TO BOARD. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector or other administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(5) STAYS. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board

of adjustment after the notice of appeal shall have been filed with that officer that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by upon application to the board of adjustment or by petition to a court of record ~~on application on,~~ with notice to the officer from whom the appeal is taken ~~and on due cause shown.~~

(6) HEARING APPEALS. The board of adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing ~~any,~~ a party may appear in person or by agent or attorney. In ~~any~~ an action involving a historic property, as defined in s. 44.31 (3), the board of adjustment shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning and zoning committee or commission.

(7) POWERS OF BOARD. The board of adjustment shall have all of the following powers:

(a) To hear and decide appeals where it is alleged there is error in ~~any an~~ an order, requirement, decision or determination made by an administrative official in the enforcement of s. ~~59.97~~ 59.69 or of any ordinance ~~adopted~~ enacted pursuant thereto.

(b) To hear and decide special exceptions to the terms of the ordinance upon which ~~such the~~ the board is required to pass under such ordinance.

(c) To authorize upon appeal in specific cases ~~such~~ that variance from the terms of the ordinance as ~~that~~ will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(d) To grant special exceptions and variances for renewable energy resource systems. If the board denies an application for a special exception or variance for a ~~renewable energy resource~~ such a system, the board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource system" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system which relies on a renewable energy resource.

(8) ORDER ON APPEAL. In exercising the ~~above-mentioned~~ above-mentioned powers ~~such under this section,~~ under this section, the board of adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make ~~such the~~ the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(9) MAJORITY RULE. ~~The concurring vote of a~~ A majority vote of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(10) CERTIORARI. ~~Any person or persons, jointly or severally,~~ A person aggrieved by any decision of the board of adjustment, or ~~any a~~ taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari. The court shall not stay ~~proceedings upon~~ the decision appealed from, but may, ~~on application, on~~ with notice to the board and ~~on due cause shown,~~ grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

(14) COSTS. Costs shall not be allowed against the board of adjustment unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

**SECTION 480.** 59.997 (title) of the statutes is renumbered 59.08 (title).

**SECTION 481.** 59.997 (1) to (6) of the statutes are renumbered 59.08 (1) to (6) and amended to read:

59.08 (1) Any ~~two~~ 2 or more adjoining counties ~~in the state~~ may consolidate into a single county by complying with the requirements and procedure herein specified.

(2) ~~The county boards of supervisors~~ of any 2 or more adjoining counties desiring to consolidate their respective counties into a single county may enter into a joint agreement for the consolidation of the counties, setting forth in the consolidation agreement all of the following:

(a) ~~First, the~~ The names of the several counties which they propose to be consolidated;

(b) ~~Second, the~~ The name under which it is proposed to consolidate the ~~said~~ counties, which name shall be such as to distinguish it from the name of any other county in Wisconsin, other than the consolidating counties;

(c) ~~Third, the~~ The property, real and personal, belonging to each county, and the ~~fair~~ current fair market value thereof ~~in current money of the United States~~;

(d) ~~Fourth, the~~ The indebtedness, bonded and otherwise, of each county;

(e) ~~Fifth, the~~ The proposed name and location of the county seat of the consolidated county;

(f) ~~Sixth, if~~ If the ~~said~~ counties have different forms of county organization and government, the proposed form of county organization and government of the consolidated county;

(g) ~~And seventh, the~~ The terms of agreement.

(3) The ~~county board of supervisors~~ of each of the ~~counties~~ county may appoint an advisory committee composed of 3 persons to assist the board in the preparation of the agreement.

(4) The original of the consolidation agreement, together with a petition on behalf of the several ~~county boards of supervisors~~, signed by the chairperson of each of the boards, asking that a referendum on the question of consolidation of the several counties be ordered, shall be filed with the clerk of the circuit court of one of the counties and a copy of the consolidation agreement and of the petition shall be filed with the clerk of the circuit court of each of the other counties.

(5) The qualified electors of each county involved in the consolidation proposal whose ~~county board of supervisors~~ has not taken the initiative under sub. (2) may, by filing with the ~~county board of supervisors of the county~~ a petition conforming to the requirements of s. 8.40, signed by not less than 20% of the qualified electors of the county, based on the total vote cast for governor at the last general election, asking the board to effect a consolidation agreement with the county or counties named in the petition, and asking for a referendum on the question, require the board to so proceed. A copy of the petition of the electors shall also be filed with the clerk of the circuit court of the county. If the ~~county board of supervisors~~ is able within 6 months thereafter to effect the consolidation agreement, the procedure shall be the same as set forth in this section. If the board within that period of time is unable or for any reason fails to perfect the consolidation agreement, then the judge of the circuit court of the county shall appoint a committee of 5 representative citizens of the county, to act for and in lieu of the ~~county board of supervisors~~ in perfecting the consolidation agreement and in petitioning for a referendum.

(6) The ~~county board of supervisors~~ shall cause a copy of publish the consolidation agreement ~~thereafter to be published in each county~~ as a class 1 notice under ch. 985.

**SECTION 482.** 59.997 (7) of the statutes, as affected by 1995 Wisconsin Act 16, is renumbered 59.08 (7) and amended to read:

59.08 (7) When the publication of the ~~said~~ consolidation agreement in each of the ~~said~~ counties is completed, of which the certificate to the ~~judge~~ judges of the circuit court courts of the ~~said~~ counties from the owner–editor or

manager of each newspaper publishing the same shall be proof, the judge or judges of the circuit courts of the said counties shall, by order entered of record in each of such counties, require the several county clerks of the counties included in the consolidation agreement to submit such question to a vote of the qualified electors of such counties at the next election to be held on the first Tuesday in April, or the next regular election, or at a special election to be held on the day fixed in said order, which day shall be the same in each of the counties proposing to consolidate. A copy of said ~~the~~ order shall be filed with the county clerk of each of such counties. If ~~such the~~ question is submitted at a special election, it shall be held not less than ~~thirty 30~~ days nor more than ~~sixty 60~~ days from the completion of the consolidation agreement, but not within ~~sixty 60~~ days of any spring or general election.

**SECTION 483.** 59.997 (8) to (11) and (13) to (17) of the statutes are renumbered 59.08 (8) to (11) and (13) to (17) are amended to read:

59.08 (8) The county clerk shall notice such election as other elections. The ballots shall be provided by the county clerk and shall be in substantially the following form:

OFFICIAL REFERENDUM BALLOT

If you desire to vote for the consolidation of      (insert names of counties proposing to consolidate) counties pursuant to under a consolidation agreement, make a cross (X) in the square after the word "Yes", underneath the question; if you desire to vote against consolidation, make a cross (X) in the square after the word "No", underneath the question.

Shall      (here insert names of counties proposing to consolidate) counties consolidate pursuant to under a consolidation agreement?

YES       No

(9) The ballot shall have on the back or reverse side thereof the endorsements provided by law for ballots for general elections and shall be marked, punched or labeled by the elector and counted and canvassed as other ballots cast on questions in the county are counted and canvassed. The election shall be conducted by the same officers and in the same manner as are other elections in the county. The results of the election shall be certified to the judge or judges of the circuit ~~court~~ courts for the counties.

(10) If a majority of the votes cast in each county upon ~~such the~~ questions are in favor of the consolidation of ~~such the~~ counties, the judge or judges of said ~~the~~ circuit court shall enter ~~such the~~ fact of record in each such county. If in any one of ~~such the~~ counties less than a majority of the votes cast upon such question are in favor of the proposed consolidation, ~~said the~~ consolidation shall be declared to have failed for all purposes. If a majority of the votes cast upon ~~such the~~ question in any county are opposed to consolidation, the question of consolidation shall not be again submitted to the electors of ~~such the~~ county for a period of two 2 years.

(11) At the next succeeding regular November election, held at least 60 days after the election at which consolidation is approved by the voters, there shall be elected for the consolidated county all county officers provided for by law and the officers shall be nominated as provided in ch. 6. Their terms shall begin on the first Monday of January next succeeding their election, at which time they shall replace all elective county officers of the counties that are consolidated into the consolidated county whose terms shall on that day terminate. All appointive county officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other counties is conferred. The terms of the officers shall commence on the first Monday of January next succeeding the first election of officers for the consolidated county, and shall continue, unless otherwise removed, until their successors have been appointed and qualified. The successors of all ~~such~~ officers whose first election or appointment is provided for in this subsection shall thereafter be elected or appointed at the time, in the manner and for the terms provided by law.

(13) Upon the first Monday of January following the first election of county officers for the consolidated county, the several counties shall thereafter for all purposes be treated and considered as one county, under the name and upon the terms and conditions set forth in the ~~said consolidation agreement; and all.~~ All rights, privileges, and franchises of each of the ~~said several counties,~~ and all records, books, and documents, and all property, real and personal, and all debts due on whatever account, as well as other things in action, belonging to each of ~~such the~~ counties, shall be ~~deemed as considered~~ transferred to and vested in the said consolidated county, without further act or deed. All property, all rights-of-way, and all and every other interest shall be as effectually the property of the consolidated county as they were of the several counties ~~prior to said before the consolidation; and the.~~ The title to real estate, either by deed or otherwise, under the laws of this state vested in any of the ~~said counties,~~ shall not be ~~deemed considered~~ to revert or be in any way impaired by reason of this consolidation; ~~but the.~~ The rights of creditors and all liens upon the property of any of the ~~said counties shall be preserved unimpaired;~~ and the respective counties shall be ~~deemed considered~~ to continue in existence to preserve the same and all debts, liabilities and duties of any of the ~~said counties shall henceforth~~ attach to ~~said the~~ consolidated county and be enforced against it to the same extent as if the ~~said debts,~~ liabilities and duties had been incurred or contracted by it, unless by the terms of ~~said the~~ agreement the outstanding bonded indebtedness of the ~~said counties shall not be transferred and attached to said the consolidated county,~~ but shall remain as obligations of the ~~said counties which for such purpose shall be deemed considered~~ to continue in existence.

(14) Suits may be brought and maintained against the consolidated county in any of the courts of this state in the same manner as against any other county. Any action or proceeding pending by or against either any of the counties consolidated may be prosecuted to judgment as if the consolidation had not taken place, or the consolidated county may be substituted in its place. The towns, school districts, election districts and voting places in the consolidated county shall continue as in the several counties ~~prior to~~ before consolidation, unless and until changed in accordance with law.

(15) Until changed by law, the same circuit courts shall continue, though it may result in the consolidated county being a part of ~~two~~ 2 or more circuits. All such courts shall, however, be held at the place designated as the county seat of the consolidated county, and each such court and the judge ~~thereof of that court~~ shall continue to have and exercise the same jurisdiction as the court or the judge had and exercised ~~such~~ the consolidation. If ~~two~~ 2 or more judges have jurisdiction in any consolidated county they or a majority of them shall exercise the power to appoint officers and fill vacancies as is vested in judges of circuit courts of other counties.

(16) For the purpose of representation in congress and in the legislature the existing congressional, senatorial and assembly districts shall continue until changed in accordance with law. ~~Such~~ The consolidated county shall in all respects, except as otherwise provided ~~herein in this section~~, be subject to all the obligations and liabilities imposed, and shall possess all the rights, powers and privileges vested by law in other counties.

(17) The provisions of this section shall be ~~deemed considered~~ cumulative and the authority ~~herein granted in this section~~ to counties shall not be limited or made inoperative by any existing statute.

**SECTION 484.** 60.10 (2) (h) of the statutes is amended to read:

60.10 (2) (h) *Exercise of certain zoning authority.* In a town located in a county which has ~~adopted~~ enacted a zoning ordinance under s. ~~59.97~~ 59.69, authorize, under s. 60.62 (2), the town board to ~~adopt~~ enact town zoning ordinances under s. 61.35.

**SECTION 485.** 60.10 (3) (d) of the statutes is amended to read:

60.10 (3) (d) *Rural numbering systems.* Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under s. ~~59.07 (65)~~ 59.54 (4) and (4m).

**SECTION 486.** 60.23 (5) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

60.23 (5) COOPERATION IN COUNTY PLANNING. Cooperate with the county in rural planning under ss. 27.019, ~~59.07 (65)~~ 59.54 (4) and (4m) and ~~59.97~~ 59.69.

**SECTION 487.** 60.23 (20) of the statutes is amended to read:

60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ss. ~~59.07 (84)~~ 59.54 (21) and 95.50 (3), dispose of any dead animal within the town or contract for the removal and disposition with any private disposal facility. A town may enter into a contract with any other governmental unit under s. 66.30 to provide for the removal and disposition. A town may recover its costs under this subsection by levying a special assessment under s. 66.345.

**SECTION 488.** 60.23 (30) of the statutes is amended to read:

60.23 (30) RIDING HORSES, DOGS RUNNING AT LARGE. Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that are the same as or similar to ordinances that may be enacted by a county to regulate riding horses and commercial stables under s. ~~59.07 (50)~~ 59.54 (19) or to regulate dogs running at large under s. ~~59.07 (69)~~ 59.54 (20).

**SECTION 489.** 60.23 (31) of the statutes is amended to read:

60.23 (31) UNIFIED LOCAL TRANSPORTATION SYSTEM. Cooperate with a county under s. ~~59.967 (10)~~ 59.58 (2) (j) in the establishment of a comprehensive unified local transportation system, as defined in s. ~~59.967 (3) (a)~~ 59.58 (2) (c) 2.

**SECTION 490.** 60.305 (3) (b) of the statutes is amended to read:

60.305 (3) (b) If the town board and county board agree to combine a county and town office under this subsection, the election to fill the combined office shall be under s. ~~59.12~~ 59.20 (2). No separate election for the town office may be held until the county board, by resolution, revokes the combination and the town board, by resolution, concurs.

**SECTION 491.** 60.61 (2) (intro.) of the statutes is amended to read:

60.61 (2) EXTENT OF AUTHORITY. (intro.) Subject to subs. (3) and (3m), if a town is located in a county which has not ~~adopted~~ enacted a county zoning ordinance under s. ~~59.97~~ 59.69, the town board, by ordinance, may:

**SECTION 492.** 60.61 (3) (intro.) and (a) of the statutes are amended to read:

60.61 (3) EXERCISE OF AUTHORITY. (intro.) Before exercising authority under sub. (2), the town board shall petition the county board to initiate, at any regular or special meeting, action to ~~adopt~~ enact a county zoning ordinance under s. ~~59.97~~ 59.69. The town board may proceed under sub. (2) if:

(a) The county board fails or refuses, at the meeting, to direct the county zoning agency to proceed under s. ~~59.97~~ 59.69;

**SECTION 493.** 60.62 (2) of the statutes is amended to read:

60.62 (2) If the county in which the town is located has ~~adopted~~ enacted a zoning ordinance under s. ~~59.97~~ 59.69, the exercise of the authority under sub. (1) is sub-

ject to approval by the town meeting or by a referendum vote of the electors of the town held at the time of any regular or special election.

**SECTION 494.** 60.627 (2) (b) of the statutes is amended to read:

60.627 (2) (b) A county ordinance enacted under s. ~~59.974~~ 59.693 does not apply and has no effect in a town in which an ordinance enacted under this section is in effect.

**SECTION 495.** 60.65 (5) of the statutes is amended to read:

60.65 (5) EXERCISE OF COUNTY BOARD OF ADJUSTMENT POWERS. Boards of adjustment under town zoning ordinances shall have the powers and duties provided for boards of adjustment under s. ~~59.99~~ 59.694 and shall carry out their duties in the manner provided for boards of adjustment by s. ~~59.99~~ 59.694.

**SECTION 496.** 61.351 (1) (a) of the statutes is amended to read:

61.351 (1) (a) “Shorelands” has the meaning specified under s. ~~59.974 (1)~~ 59.692 (1) (b).

**SECTION 497.** 62.231 (1) (a) of the statutes is amended to read:

62.231 (1) (a) “Shorelands” has the meaning specified under s. ~~59.974 (1)~~ 59.692 (1) (b).

**SECTION 498.** 63.01 (2) of the statutes is amended to read:

63.01 (2) Except as provided under s. ~~59.034~~ 59.17 (2) (c), the chairperson of the board of supervisors of any county, within 30 days after ss. 63.01 to 63.16 become applicable thereto, shall appoint the members of the commission, designating the term of office of each. The appointment and designation shall be subject to confirmation by the board of supervisors. Of the persons first appointed one shall hold for one year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years from the first day of January next following appointment, and until a successor is appointed and qualifies. In the month of December of each year, immediately preceding the expiration of the term of office of any commissioner, the board of supervisors shall elect one member of the commission to hold office for the term of 5 years, from the first day of January next succeeding the appointment and until a successor is elected and qualifies.

**SECTION 499.** 63.02 (2) of the statutes is amended to read:

63.02 (2) The director of personnel shall cause the minutes of its proceedings to be taken and fully transcribed. The original transcribed copy shall be the official minutes of such proceedings and shall be open and available for public inspection. The director of personnel shall preserve all reports made to the commission, keep a record of all examinations held under its direction and perform such other duties as the commission may from time to time prescribe. The director of personnel shall be appointed by the county executive in the unclassified civ-

il service and is subject to confirmation by the county board, as provided in s. ~~59.034~~ 59.17 (2) (bm).

**SECTION 500.** 63.03 (2) (y) of the statutes is amended to read:

63.03 (2) (y) Any position of general manager under s. 27.03 (2), director under s. 46.21 (1m) (a), department director under s. ~~59.035~~ 59.52 (1), director of personnel under s. 63.02 (2) or county highway commissioner under s. 83.01 (1).

**SECTION 501.** 66.012 (7) (b) of the statutes is amended to read:

66.012 (7) (b) A county shoreland zoning ordinance enacted under s. ~~59.974~~ 59.692 that is in force in any part of the territory shall continue in force until altered under s. ~~59.974~~ 59.692 (7) (ad).

**SECTION 502.** 66.014 (10) of the statutes is amended to read:

66.014 (10) EXISTING ORDINANCES. A county shoreland zoning ordinance enacted under s. ~~59.974~~ 59.692 that is in force in any part of the territory shall continue in force until altered under s. ~~59.974~~ 59.692 (7) (ad).

**SECTION 503.** 66.019 (2) (b) of the statutes is amended to read:

66.019 (2) (b) A county shoreland zoning ordinance enacted under s. ~~59.974~~ 59.692 that is in force in any part of the territory shall continue in force until altered under s. ~~59.974~~ 59.692 (7) (ad).

**SECTION 504.** 66.021 (7) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

66.021 (7) (a) An ordinance for the annexation of the territory described in the annexation petition may be enacted by a two-thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (11) the governing body shall first review the reasons given by the department of development that the proposed annexation is against the public interest. Subject to s. ~~59.974~~ 59.692 (7), such an ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make such temporary classification shall not be effective when the county ordinance prevails during litigation as provided in s. ~~59.97~~ 59.69 (7).

**SECTION 505.** 66.023 (3) (e) of the statutes is amended to read:

66.023 (3) (e) *Content of plan; compatibility with existing law.* The cooperative plan shall describe how the plan is consistent with current state and federal laws, county shoreland zoning ordinances under s. ~~59.974~~

~~59.692~~, municipal regulations and administrative rules that apply to the territory affected by the plan.

**SECTION 506.** 66.023 (4) (a) 4. of the statutes is amended to read:

66.023 (4) (a) 4. Any county zoning agency under s. ~~59.97 59.69~~ (2) or regional planning commission whose jurisdiction includes a participating municipality.

**SECTION 507.** 66.023 (4) (c) of the statutes, as affected by [1995 Wisconsin Act 35](#), is amended to read:

66.023 (4) (c) *Comment on plan.* Any person may comment on the plan during the hearing and may submit written comments before, at or within 20 days following the hearing. All comments shall be considered by each participating municipality. Any county zoning agency under s. ~~59.97 59.69~~ (2) or regional planning commission whose jurisdiction includes any participating municipality shall comment in writing on the plan's effect on the master plan adopted by the regional planning commission under s. 66.945 (9), or development plan adopted by the county board or county planning agency under s. ~~59.97 59.69~~ (3), and on the delivery of municipal services, and may comment on any other aspect of the plan. Any county in the regional planning commission's jurisdiction may submit comments on the effect of the cooperative plan on the master plan adopted under s. 66.945 (9) and on the delivery of county services or on any other matter related to the plan.

**SECTION 508.** 66.024 (5m) of the statutes is amended to read:

66.024 (5m) **TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED.** An interim zoning ordinance to become effective only upon approval of the annexation at the referendum election may be enacted by the governing body of the city or village. Subject to s. ~~59.974 59.692~~ (7), the ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance shall be referred to and recommended by the plan commission prior to introduction. Authority to make such temporary classification shall not be effective when the county zoning ordinance prevails during litigation as provided in s. ~~59.97 59.69~~ (7).

**SECTION 509.** 66.025 of the statutes is amended to read:

**66.025 Annexation of owned territory.** In addition to other methods provided by law and subject to ss. ~~59.974 59.692~~ (7) and 66.023 (7), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of non-contiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description

of the territory annexed and the names of the towns from which detached, and shall operate to attach the territory to the village or city upon the filing of 6 certified copies thereof in the office of the secretary of state, together with 6 copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of education.

**SECTION 510.** 66.032 (1) (g) of the statutes is amended to read:

66.032 (1) (g) "Municipality" means any county with a zoning ordinance under s. ~~59.97 59.69~~, any town with a zoning ordinance under s. 60.61, any city with a zoning ordinance under s. 62.23 (7), any 1st class city or any village with a zoning ordinance under s. 61.35.

**SECTION 511.** 66.035 of the statutes is amended to read:

**66.035 Code of ordinances.** The governing body of any city, village, town or county may authorize the preparation of a code, or part thereof, of general ordinances of such municipality. Such code, or part thereof, may be ~~adopted~~ enacted by an ordinance referring thereto and may be published in book or pamphlet form and such publication shall be sufficient even though the ordinances contained therein were not published in accordance with ss. ~~59.09 59.14~~, 60.80, 61.50 (1) and 62.11 (4) (a). A copy of such code, or part thereof, shall be permanently on file and open to public inspection in the office of the clerk after its ~~adoption~~ enactment and for a period of not less than 2 weeks before its ~~adoption~~ enactment. A code ~~adopted~~ enacted by a county in accordance with the procedure provided in this section prior to April 30, 1965 shall be valid notwithstanding failure to comply with s. ~~59.09 59.14~~.

**SECTION 512.** 66.038 (3) (a) 1. of the statutes is amended to read:

66.038 (3) (a) 1. Except as provided under subd. 2., a county nonmetallic mining reclamation ordinance is applicable to each town within that county and does not require approval of the town board under s. ~~59.97 59.69~~ (5) (c).

**SECTION 513.** 66.058 (2) (c) of the statutes is amended to read:

66.058 (2) (c) In any town in which the town board ~~adopts~~ enacts an ordinance regulating trailers under the provisions of this section and has also ~~adopted~~ enacted and approved a county zoning ordinance under the provisions of s. ~~59.97 59.69~~, the provisions of the ordinance which is most restrictive shall apply with respect to the establishment and operation of any trailer camp in said town.

**SECTION 514.** 66.058 (3) (d) of the statutes is amended to read:

66.058 (3) (d) This section shall not apply where a mobile home park is owned and operated by any county under the provisions of s. ~~59.07(43)~~ 59.52(16) (b).

**SECTION 515.** 66.12 (3) (c) of the statutes is amended to read:

66.12 (3) (c) The entire amount in excess of \$150 of any forfeiture imposed for the violation of any traffic regulation in conformity with ch. 348 shall be transmitted to the county treasurer if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility. The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20(8n)~~ 59.25(3)(L).

**SECTION 516.** 66.192 (1) (a) of the statutes is amended to read:

66.192 (1) (a) With the office of village president in any village which has boundaries coterminous with the boundaries of any supervisory district established under s. ~~59.03~~ 59.10 (3).

**SECTION 517.** 66.192 (1) (b) of the statutes is amended to read:

66.192 (1) (b) With the office of alderperson or council member in any city in which the district from which such alderperson or council member is elected is coterminous with the boundaries of any supervisory district established under s. ~~59.03~~ 59.10 (3).

**SECTION 518.** 66.24 (8) of the statutes is amended to read:

66.24 (8) **SOLID WASTE MANAGEMENT.** The district may engage in solid waste management and shall for such purposes have all powers granted to county boards under s. ~~59.07(435)~~ 59.70(2), except acquisition of land by eminent domain, if each county board having jurisdiction over areas to be served by the district has adopted a resolution requesting or approving the involvement of the district in solid waste management. County board approval shall not be required for the management by the district of such solid wastes as are contained within the sewage or storm water transmitted or treated by the district or as are produced as a by-product of sewerage treatment activities.

**SECTION 519.** 66.30 (1) (a) of the statutes, as affected by [1995 Wisconsin Act 56](#), is amended to read:

66.30 (1) (a) 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, solid waste management system created under s. ~~59.07(435)~~ 59.70(2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract

under this section, taxation district or regional planning commission.

**SECTION 520.** 66.305 (1) of the statutes is amended to read:

66.305 (1) Upon the request of any law enforcement agency, including county law enforcement agencies as provided in s. ~~59.24~~ 59.28 (2), the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter’s jurisdiction, notwithstanding any other jurisdictional provision. For purposes of ss. 895.35 and 895.46, such law enforcement personnel while acting in response to such request, shall be deemed employees of the requesting agency.

**SECTION 521.** 66.31 (1) of the statutes is amended to read:

66.31 (1) The area which will be subject to ss. ~~59.97~~ 59.69 (4g) and (5) (e) 2. and 5m., 60.61 (2) (e) and (4) (c) 1. and 3. and 62.23 (7) (d) 2. and 2m. b. respectively, except that no part of the area may be more than 3 miles from the boundaries of the airport.

**SECTION 522.** 66.31 (2) of the statutes is amended to read:

66.31 (2) Any requirement related to permitting land use in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., which does not conform to the zoning plan or map under s. ~~59.97~~ 59.69 (4g), 60.61 (2) (e) or 62.23 (6) (am) 2. A county, town, city or village may adopt city, village, town or county may enact such requirement by ordinance.

**SECTION 523.** 66.433 (4) of the statutes is amended to read:

66.433 (4) **COMPOSITION OF COMMISSION.** The commission shall be nonpartisan and composed of citizens residing in the municipality, including representatives of the clergy and minority groups, and the composition thereof, number and method of appointing and removing the members thereof shall be determined by the governing body of the municipality creating or participating in the commission. Notwithstanding s. ~~59.03~~ 59.10 (4) or 66.11 (2), a member of such governing body may serve on the commission, except that a county board member in a county having a population over 500,000 may not accept compensation for serving on the commission. Of the persons first appointed, one-third shall hold office for one year, one-third for 2 years, and one-third for 3 years from the first day of February next following their appointment, and until their respective successors are appointed and qualified. All succeeding terms shall be for 3 years. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Every person appointed as a member of the commission shall take and file the official oath.

**SECTION 524.** 66.46 (14) of the statutes is amended to read:

66.46 (14) **USE OF TAX INCREMENTAL FINANCING FOR INLAND LAKE PROTECTION AND REHABILITATION PROHIB-**

ITED. Notwithstanding sub. (9), no tax incremental financing project plan may be approved and no payment of project costs may be made for an inland lake protection and rehabilitation district or a county acting under s. ~~59.07 (140)~~ 59.70 (8).

**SECTION 525.** 66.508 (14) of the statutes is amended to read:

66.508 (14) CONSTRUCTION. Nothing in this section shall be construed as relieving, modifying or interfering with the responsibilities for operating jails which are vested in sheriffs under s. ~~59.23~~ 59.27 (1) and chiefs of police under s. 62.09 (13) (b).

**SECTION 526.** 66.521 (11) (a) of the statutes is amended to read:

66.521 (11) (a) With respect to the enforcement of any construction lien or other lien under ch. 779 arising out of the construction of projects financed under this section, no deficiency judgment or judgment for costs may be entered against the municipality. Projects financed under this section shall not be deemed to be public works, public improvements or public construction within the meaning of ss. ~~59.08~~ 59.57 (3), 60.47, 61.55, 62.15, 779.14, 779.15 and 779.155 and contracts for the construction of such projects shall not be deemed to be public contracts within the meaning of ss. ~~59.08~~ 59.52 (29) and 66.29 unless factors such as and including municipal control over the costs, construction and operation of the project and the beneficial ownership of the project warrant such conclusion.

**SECTION 527.** 66.949 (3) of the statutes, as created by [1995 Wisconsin Act 27](#), is amended to read:

66.949 (3) NOTICE. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9) (a), ~~59.07 (134)~~, ~~59.08 (1)~~ 59.52 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155, 66.24 (5) (d), 66.299 (2), 66.431 (5) (a) 2., 66.47 (11), 66.505 (10), 66.508 (10) and 66.904 (2), before entering into a performance contract under this section, a local governmental unit shall solicit bids or competitive sealed proposals from qualified providers. A local governmental unit may only enter into a performance contract if the contract is awarded by the governing body of the local governmental unit. The governing body shall give at least 10 days' notice of the meeting at which the body intends to award a performance contract. The notice shall include a statement of the intent of the governing body to award the performance contract, the names of all potential parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract. At the meeting, the governing body shall review and evaluate the bids or proposals submitted by all qualified providers and may thereafter award the performance contract to the qualified provider that best meets the needs of the local governmental unit, which need not be the lowest cost provider.

**SECTION 528.** 67.025 of the statutes is amended to read:

**67.025 Certification of municipal obligations.** In any municipality, the officers charged with the negotiation and sale of its municipal obligations may, in their discretion, prior to the issuance thereof, submit to the attorney general or to an attorney employed under s. 67.10 (7) a certified copy of all its proceedings preliminary to such issue, and also a printer's proof or sample of or the unsigned obligations, for examination and certification. Such attorney shall examine the proceedings and, if found regular and valid, shall execute a certificate of such examination and validity. As soon as such certificate is returned, the clerk of the municipality shall cause such certificate to be recorded. This section applies to obligations issued under ss. ~~59.07 (149) (b) 3., 59.071~~ 59.57 (2), 59.82 (2) (c), 66.066, 66.46 (9) (b), 66.521 and 66.54.

**SECTION 529.** 69.03 (15) of the statutes is amended to read:

69.03 (15) Periodically provide to each county designee under s. ~~59.07 (97)~~ 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom no father's name has been inserted on the registrant's birth certificate within 6 months of birth.

**SECTION 530.** 69.07 (3) of the statutes is amended to read:

69.07 (3) Designate a deputy appointed under s. ~~59.50~~ 59.43 (3) to perform the register of deeds' duties under this section during the register of deeds' absence, illness or disability.

**SECTION 531.** 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department or its designee under s. ~~59.07 (97)~~ 59.53 (5) pursuant to the program responsibilities under s. 46.25 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a) to (e) and 767.62.

**SECTION 532.** 70.11 (2) of the statutes is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city

before January 2; but any residence located upon property owned by the county for park purposes which is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. ~~59.965~~ 59.83 (2) (d) this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

**SECTION 533.** 70.11 (26) of the statutes is amended to read:

70.11 (26) PROPERTY OF INDUSTRIAL DEVELOPMENT AGENCIES. All real and personal property owned by an industrial development agency formed under s. ~~59.071~~ 59.57 (2). Any such property subject to contract of sale or lease shall be taxed as personal property to the vendee or lessee thereof.

**SECTION 534.** 70.32 (1g) of the statutes is amended to read:

70.32 (1g) In addition to the factors set out in sub. (1), the assessor shall consider the effect on the value of the property of any zoning ordinance under s. ~~59.974~~ 59.692, 61.351 or 62.231, any conservation easement under s. 700.40, any conservation restriction under an agreement with the federal government and any restrictions under ch. 91.

**SECTION 535.** 70.32 (2) (c) 4. of the statutes is amended to read:

70.32 (2) (c) 4. “Swampland or wasteland” means bog, marsh, lowland brush, uncultivated land zoned as shoreland under s. ~~59.974~~ 59.692 and shown as a wetland on a final map under s. 23.32 or other nonproductive lands not otherwise classified under this subsection.

**SECTION 536.** 71.52 (6) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.52 (6) “Income” means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section [131](#) of the internal revenue code), support money, cash public assistance (not including credit granted under this subchapter and amounts under s. 46.27), cash benefits paid by counties under s. ~~59.07 (154)~~ 59.53 (21), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, nontaxable interest received on state or municipal bonds, worker’s compensation, unemployment compensation, the gross amount of “loss of time” insurance, compensation and other cash benefits received from the United States for

past or present service in the armed forces, scholarship and fellowship gifts or income, capital gains, gain on the sale of a personal residence excluded under section [121](#) of the internal revenue code, dividends, income of a non-resident or part-year resident who is married to a full-year resident, housing allowances provided to members of the clergy, the amount by which a resident manager’s rent is reduced, nontaxable income of an American Indian, nontaxable income from sources outside this state and nontaxable deferred compensation. Intangible drilling costs, depletion allowances and depreciation, including first-year depreciation allowances under section [179](#) of the internal revenue code, amortization, contributions to individual retirement accounts under section [219](#) of the internal revenue code, contributions to Keogh plans, net operating loss carry-forwards and capital loss carry-forwards deducted in determining Wisconsin adjusted gross income shall be added to “income”. “Income” does not include gifts from natural persons, cash reimbursement payments made under title XX of the federal social security act, surplus food or other relief in kind supplied by a governmental agency, the gain on the sale of a personal residence deferred under section [1034](#) of the internal revenue code or nonrecognized gain from involuntary conversions under section [1033](#) of the internal revenue code. Amounts not included in adjusted gross income but added to “income” under this subsection in a previous year and repaid may be subtracted from income for the year during which they are repaid. A marital property agreement or unilateral statement under ch. 766 has no effect in computing “income” for a person whose homestead is not the same as the homestead of that person’s spouse.

**SECTION 537.** 71.54 (2) (a) (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes accrued shall be reduced by one-twelfth for each month or portion of a month for which the claimant received relief from any county under s. ~~59.07 (154)~~ 59.53 (21) equal to or in excess of \$400, or received assistance under s. 49.19, except assistance received:

**SECTION 538.** 71.59 (1) (d) 2. of the statutes is amended to read:

71.59 (1) (d) 2. That the ordinance has been approved, where necessary, by the board of the town within which the lands are situated, as required by s. ~~59.97~~ 59.69, and shall indicate the date of approval.

**SECTION 539.** 75.35 (2) (d) of the statutes is amended to read:

75.35 (2) (d) The county board may delegate its power to manage and sell tax-deeded lands to a committee constituted of such personnel and in such manner and compensated at such rate as the county board may by ordinance determine, provided that the compensation and mileage of county board members serving on such com-

mittee shall be limited and restricted as provided in s. ~~59.06~~ 59.13 (2), or the county board may delegate the power of acquisition, management and sale of tax-deeded lands or any part of such power to such officer and departments of the county as the county board may by ordinance determine. Such ordinance shall prescribe the policy to be followed in the acquisition, management and sale of tax-deeded land and shall prescribe generally the powers and duties of such committee, officers, departments, employes and agents. The county board is authorized to engage licensed real estate brokers and salespersons to assist in selling such lands and pay a commission for such service and to advertise such sale in such manner as it deems proper. The county board may appropriate such sums of money as may be necessary to carry out the provisions of this section.

**SECTION 540.** 75.69 (2) of the statutes is amended to read:

75.69 (2) This section shall not apply to exchange of property under s. ~~59.97~~ 59.69 (8), to withdrawal and sale of county forest lands, nor to the sale or exchange of lands to or between municipalities or to the state.

**SECTION 541.** 77.02 (3) of the statutes is amended to read:

77.02 (3) **DECISION, COPIES.** After receiving all the evidence offered at any hearing held on the petition and after making such independent investigation as it sees fit the department shall make its findings of fact and make and enter an order accordingly. If it finds that the facts give reasonable assurance that a stand of merchantable timber will be developed on such descriptions within a reasonable time, and that such descriptions are then held permanently for the growing of timber under sound forestry practices, rather than for agricultural, mineral, shoreland development of navigable waters, recreational, residential or other purposes, and that all persons holding encumbrances against such descriptions have in writing agreed to the petition, the order entered shall grant the request of the petitioner on condition that all unpaid taxes against said descriptions be paid within 30 days thereafter; otherwise the department of natural resources shall deny the request of the petitioner. If the request of the petitioner is granted, a copy of such order shall be filed with the department of revenue, the supervisor of equalization and the clerk of each town, and the order shall be recorded with the register of deeds of each county, in which any of the lands affected by the order are located. The register of deeds shall record the entry, transfer or withdrawal of all forest croplands in a suitable manner on the county records. The register of deeds may collect recording fees under s. ~~59.57~~ 59.43 (2) from the owner. Any order of the department relating to the entry of forest croplands issued on or before November 20 of any year shall take effect on January 1 of the following calendar year, but all orders issued after November 20 shall take effect on January 1 of the calendar year following the calendar year in which or-

ders issued on or before November 20 would have been effective.

**SECTION 542.** 77.16 (3) of the statutes is amended to read:

77.16 (3) Upon filing of such application the department shall examine the land, and if it finds that the facts give reasonable assurance that the woodland is suitable for the growing of timber and other forest products and the lands are not more useful for other purposes and the landowner agrees to follow an approved management plan the department shall enter an order approving the application. A copy of such order shall be forwarded to the owner of the land, to the supervisor of equalization of the district wherein the land is located, to the clerk and the assessor of the town and to the clerk and register of deeds of the county wherein the land is located. The register of deeds shall record the entry and declassification of woodland tax lands in a suitable manner on the county record. The register of deeds may collect recording fees under s. ~~59.57~~ 59.43 (2) from the owner.

**SECTION 543.** 77.91 (5) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

77.91 (5) **RECORDING.** Each register of deeds who receives notice of an order under this subchapter shall record the action as provided under s. ~~59.51~~ 59.43 (1). The department shall pay the register of deeds the fee specified under s. ~~59.57~~ (1) (a) 59.43 (2) (ag) 1, from the appropriation under s. 20.370 (1) (cr). If the amount in the appropriation under s. 20.370 (1) (cr) in any fiscal year is insufficient to pay the full amount required under this subsection in that fiscal year, the department shall pay the balance from the appropriation under s. 20.370 (1) (mu).

**SECTION 544.** 80.39 (6) of the statutes is amended to read:

80.39 (6) **COMPENSATION TO COUNTY BOARD MEMBERS.** For services performed in laying out, widening, altering or discontinuing any highway every member of the county board or of its committee shall receive the per diem and mileage allowed them by ss. ~~59.03 and 59.06~~ 59.10 and 59.13.

**SECTION 545.** 80.64 of the statutes is amended to read:

**80.64 Widening of highways; establishment of excess widths.** With the approval of the governing body of the municipality in which a street or highway or part thereof is located, the county board may, to promote the general welfare, establish street and highway widths in excess of the widths in use; and likewise may adopt plans showing the location and width proposed for any future street or highway, which shall not be subject to s. 80.32 (2). Such streets or highways or plans therefor shall be shown on a map (showing present and proposed street or highway lines and also property lines and owners except in counties having a population of 500,000 or more) then recorded in the office of the register of deeds, and notice of the recording shall be published as a class 1 notice,

under ch. 985, in the territory in which such streets or highways are located. The notice shall briefly set forth the action of the county board. The county board, upon like approval, publication and notice, may from time to time supplement or change the same, and such supplements or changes shall be similarly recorded in the office of the register of deeds. The excess width for streets or highways in use for the right-of-way required for those planned, may be acquired at any time either in whole or in part by the state or county or municipality in which located; but no part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the same side of the street or highway, nor for less than the full length of such excess width lying within contiguous land owned by the same owner. Any land so acquired, whether the excess width is acquired for the full length of the street or highway or not, shall at once become available for highway purposes. The power to acquire such right-of-way or additional width in portions as provided herein may be exercised to acquire the land on advantageous terms. In counties containing a population of 500,000 or more if, subsequent to the establishment of widths on streets or highways by a county board with the approval of the governing body of the municipality in which such streets or highways lie, in conformity with this section or s. ~~59.97~~ 59.69, any area embracing a street or highway upon which a width has been so established is annexed to a city or village or becomes a city or village by incorporation, such city or such village shall thereafter adhere to such established width, and shall not, subsequent to any annexation or incorporation, except with the approval of the county board, alter or void such established width, nor shall any construction or development be permitted or sanctioned by such city or such village or any of its officers or representatives which will interfere with, prevent or jeopardize the obtaining of the necessary right-of-way to such established width.

**SECTION 546.** 83.01 (1) (b) of the statutes is amended to read:

83.01 (1) (b) In counties having a population of 500,000 or more, the county highway commissioner shall also be the director of public works. The person holding the position of county highway commissioner and director of public works, under the classified service, on June 16, 1974, shall continue in that capacity under civil service status until death, resignation or removal from such position. Thereafter the county executive shall appoint as successor a director of transportation who shall assume the duties of county highway commissioner and director of public works and is subject to confirmation by the county board, as provided in s. ~~59.034~~ 59.17 (2) (bm).

**SECTION 547.** 83.01 (1) (c) of the statutes is amended to read:

83.01 (1) (c) Except as provided under par. (b), in any county with a county executive or a county administrator,

the county executive or county administrator shall appoint and supervise the county highway commissioner. The appointment is subject to confirmation by the county board unless the county board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. Notwithstanding s. 83.01 (7) (a) and (b), the highway commissioner is subject only to the supervision of the county executive or county administrator.

**SECTION 548.** 83.01 (3) of the statutes is amended to read:

83.01 (3) SALARY. The salary of the county highway commissioner shall be as determined under s. ~~59.15~~ 59.22.

**SECTION 549.** 84.09 (3) (d) of the statutes is amended to read:

84.09 (3) (d) Section ~~59.07 (4)~~ 59.52 (6) (c) shall not apply to any conveyance or transfer made under this section.

**SECTION 550.** 84.09 (4) of the statutes is amended to read:

84.09 (4) The cost of the lands and interests acquired and damages allowed pursuant to this section, expenses incidental thereto and the customary per diem (or if on an annual salary, a per diem not to exceed the lawful rate permitted for members of county boards) and expenses of the county highway committee incurred in performing duties pursuant to this section shall be paid out of the available improvement or maintenance funds, and members of the highway committee on an annual salary basis shall be entitled to such per diem as compensation for their services in addition to their annual salary fixed pursuant to s. ~~59.03~~ 59.10 (3) (i).

**SECTION 551.** 84.09 (7) of the statutes is amended to read:

84.09 (7) When transportation funds or federal aid are involved in financing an expressway project under s. ~~59.965~~ 59.83, the department, proceeding under the general authority in this section, may order that all or certain parts of the required land or interests therein shall be acquired by the county board or its designated standing committee. When so ordered, the county board or its designated standing committee and the department shall appraise and agree on the maximum price, including all damages recoverable in condemnation proceedings, considered reasonable for the lands or interests to be so acquired. The county board or its designated standing committee shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, to the county or the state as grantee, all as directed in the department's order. The instrument of conveyance shall be subject to approval by the department, and shall be recorded in the office of the register of deeds and filed with the department. If the needed lands or interests therein cannot be purchased expeditiously within the agreed

appraised price, the county board or its designated standing committee may acquire them by condemnation under ch. 32, but any award by the county board or its designated standing committee in excess of the agreed appraisal price shall be subject to review by the department. For the purposes and in the manner provided in s. ~~59.965~~ 59.83 (2) (d) 1., when so directed in the department's order, the county board or its designated standing committee may acquire remnants, and with the approval of the department the county board may dispose of remnants and may improve, use, maintain or lease lands and interests acquired and held in trust for the state until they are actually needed for expressway construction. The net proceeds of the sales or rentals shall be remitted to the state or retained and used for expressway purposes when so directed by the department.

**SECTION 552.** 84.31 (9) of the statutes is amended to read:

84.31 (9) **OTHER LAWS.** Nothing in this section shall be construed to abrogate or affect any law or ordinance which is more restrictive than this section. The provisions of this section are in addition to and do not supersede the requirements under ss. ~~59.07 (38)~~ 59.55 (5), 144.435 to 144.44, 175.25 and 218.205 to 218.23, or rules or ordinances adopted thereunder which apply to junkyards. Provisions of this section apply to any junkyard licensed or permitted by a local unit of government or another state agency.

**SECTION 553.** 85.06 (1) (b) of the statutes is amended to read:

85.06 (1) (b) "Local governmental unit" has the meaning given in s. ~~59.88~~ 59.72 (1) (c).

**SECTION 554.** 85.08 (2) (i) of the statutes is amended to read:

85.08 (2) (i) To make and execute contracts with the federal government, any other state or any county, city, village, town, railroad, or any transit commission organized under s. ~~59.968~~ 59.58 (3), 66.30 or 66.943, to ensure the continuance and improvement of quality transportation service at reasonable rates or to provide for rail service on rail property owned by the state.

**SECTION 555.** 85.08 (4m) (b) 1. of the statutes is amended to read:

85.08 (4m) (b) 1. "Eligible applicant" means a county, municipality or town or agency thereof, a railroad, a current or potential user of freight rail service or a transit commission organized under s. ~~59.968~~ 59.58 (3), 66.30 or 66.943.

**SECTION 556.** 85.14 (2) of the statutes is amended to read:

85.14 (2) The department shall certify to the state treasurer the amount of charges associated with the use of credit cards that is assessed to the department on deposits accepted under s. 345.26 (3) (a) by state traffic patrol officers and state motor vehicle inspectors, and the state treasurer shall pay the charges from moneys under

s. ~~59.20 (8) and (8m)~~ 59.25 (3) (j) and (k) that are reserved for payment of the charges under s. 14.58 (21).

**SECTION 557.** 85.20 (3) (b) 4. of the statutes is amended to read:

85.20 (3) (b) 4. The eligible applicant complies with any applicable provisions of ss. ~~59.967 (10) (b), (11) (b) and (12), 59.968 (7m) (b) and (9)~~ 59.58 (2) (j) 2., (k) 2. and (L) and (3) (h) 2. and (j), 66.94 (30m) and 66.943 (10) (b), (11) (b) and (12) with respect to limitation on service.

**SECTION 558.** 87.30 (2) of the statutes is amended to read:

87.30 (2) **ENFORCEMENT AND PENALTIES.** Every structure, building, fill, or development placed or maintained within any floodplain in violation of a zoning ordinance adopted under this section, or s. ~~59.97~~ 59.69, 61.35 or 62.23 is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of any municipality, the state or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any floodplain in violation of a zoning ordinance adopted under this section, or s. ~~59.97~~ 59.69, 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during which such violation exists is a separate offense.

**SECTION 559.** 88.17 (2h) (a) of the statutes is amended to read:

88.17 (2h) (a) The committee on agriculture and extension education created under s. ~~59.87 (2)~~ 59.56 (3) (b), which shall recommend at least 3 persons for each position to be filled.

**SECTION 560.** 91.51 of the statutes is amended to read:

**91.51 Purpose.** The purpose of this subchapter is to specify standards for county agricultural preservation plans required to enable farmland owners to enter into farmland preservation agreements under this chapter. Agricultural preservation planning shall be undertaken in accordance with s. ~~59.97~~ 59.69 and agricultural preservation plans shall be a component of and consistent with any county development plan prepared under s. ~~59.97~~ 59.69 (3).

**SECTION 561.** 91.59 (2) of the statutes is amended to read:

91.59 (2) At least 60 days prior to the public hearing under s. ~~59.97~~ 59.69 (3) (d), copies of the agricultural preservation plan shall be submitted for review and comment to all cities, villages and towns within the county, all adjoining counties and the regional planning commission to which the county belongs.

**SECTION 562.** 91.73 (1) of the statutes is amended to read:

91.73 (1) Except as otherwise provided, exclusive agricultural zoning ordinances shall be adopted and administered in accordance with ss. ~~59.97 to 59.99~~ 59.69, 59.692, 59.693, 59.694 and 59.695, 61.35 or 62.23 or subch. VIII of ch. 60. No such ordinance may be

rescinded from May 17, 1988, to June 30, 1991, in any county with a population density of 100 or more persons per square mile.

**SECTION 563.** 91.73 (3) of the statutes is amended to read:

91.73 (3) A majority of towns in a county with a population density of 100 or more persons per square mile may reject adoption of a county exclusive agricultural use zoning ordinance under this subchapter for all towns within the county only by filing within 6 months after adoption of the ordinance by the county board certified copies of resolutions disapproving the ordinance with the county clerk. Notwithstanding s. ~~59.97~~ 59.69 (5) (c), the procedure established in this subsection shall be the only procedure by which a town in such a county may reject the application of a county exclusive agricultural use zoning ordinance in that town.

**SECTION 564.** 91.73 (4) of the statutes is amended to read:

91.73 (4) Amendments to the texts of existing county zoning ordinances to bring the ordinances into compliance with this chapter, which are adopted by the county board, shall be effective in any town which does not file a certified copy of a resolution disapproving of the amendment pursuant to s. ~~59.97~~ 59.69 (5) (e) 3. or 6. In those towns which disapprove of the amendment the former agricultural zoning remains in effect and shall be so designated on the official zoning map.

**SECTION 565.** 91.75 (2) (c) of the statutes is amended to read:

91.75 (2) (c) Preexisting residences located in areas subject to zoning under this section that do not conform to par. (b), but that were either permitted or continued residential uses under s. 91.75, 1989 stats., may be continued in residential use and may be exempted from any limitations imposed or authorized under s. ~~59.97~~ 59.69 (10).

**SECTION 566.** 91.75 (9) (a) 2. of the statutes is amended to read:

91.75 (9) (a) 2. If no nonmetallic mining reclamation ordinance applies to a proposed nonmetallic mining site, a reclamation plan that is approved by a county planning and zoning agency or commission created under s. ~~59.97~~ 59.69 (2) or a county land conservation committee created under s. 92.06, whichever is authorized to give the approval under the exclusive agricultural zoning ordinance.

**SECTION 567.** 92.06 (1) (b) 1. of the statutes is amended to read:

92.06 (1) (b) 1. The county board shall appoint to the land conservation committee at least 2 persons who are members of the committee on agriculture and extension education created under s. ~~59.87 (2)~~ 59.56 (3) (b).

**SECTION 568.** 92.07 (5) of the statutes is amended to read:

92.07 (5) EDUCATIONAL AND OTHER PROGRAMS. Each land conservation committee may encourage research and educational, informational and public service programs, advise the university of Wisconsin system on educational needs and assist the university of Wisconsin system and the department in implementing educational programs under ss. 36.25 (7), ~~59.87~~ 59.56 (3) and 92.05.

**SECTION 569.** 92.07 (15) of the statutes is amended to read:

92.07 (15) ADMINISTRATION AND ENFORCEMENT OF ORDINANCES. A land conservation committee may, if authorized by the county board, administer and enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion, a zoning ordinance enacted under s. ~~59.974~~ 59.693 or an ordinance enacted under authority granted under s. 101.1205.

**SECTION 570.** 95.50 (1) of the statutes is amended to read:

95.50 (1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under that person's control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than 24 hours in the months of April to November, or 48 hours during the months of December to March. The owner of such a carcass or any other person may report to the proper county officials or the contracting private rendering plant pursuant to s. ~~59.07 (84)~~ 59.54 (21) for removal and burial or other disposition of a carcass within the time specified in this subsection.

**SECTION 571.** 95.50 (3) of the statutes is amended to read:

95.50 (3) Any dead animal found upon a public highway or other public place shall, in case the owner of the animal cannot be found, be buried or otherwise disposed of at public expense by the local health department, as defined in s. 250.01 (4) (a) 1. or 3. or (b), in whose jurisdiction the animal is found. This subsection applies if a county does not exercise its authority under s. ~~59.07 (84)~~ 59.54 (21).

**SECTION 572.** 95.50 (4) of the statutes is amended to read:

95.50 (4) In a county which does not exercise its authority under s. ~~59.07 (84)~~ 59.54 (21), the owner of a carcass is obligated to dispose of it as specified in this section.

**SECTION 573.** 101.123 (1) (bg) of the statutes is amended to read:

101.123 (1) (bg) "Jail" means a county jail, rehabilitation facility established by s. ~~59.07 (76)~~ 59.53 (8), county house of correction under s. 303.16 or secure detention facility as defined in s. 48.02 (16).

**SECTION 574.** 102.85 (4) (d) of the statutes is amended to read:

102.85 (4) (d) The clerk of the court shall collect and transmit to the county treasurer the uninsured employer assessment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the uninsured employer assessment, together with any interest thereon, in the uninsured employers fund as provided in s. 102.80 (1).

**SECTION 575.** 106.21 (1) (g) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

106.21 (1) (g) “Public assistance” means relief provided by counties under s. ~~59.07 (154)~~ 59.53 (21), aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.385 and the food stamp program under [7 USC 2011](#) to [2029](#).

**SECTION 576.** 106.215 (1) (fm) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

106.215 (1) (fm) “Public assistance” means relief provided by counties under s. ~~59.07 (154)~~ 59.53 (21), aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.385, weatherization assistance under s. 16.39 and the food stamp program under [7 USC 2011](#) to [2029](#).

**SECTION 577.** 110.07 (2m) of the statutes is amended to read:

110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol shall have the powers of a peace officer under s. ~~59.24~~ 59.28, except that the officer shall have the arrest powers of a law enforcement officer under s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal penalty. A state traffic officer shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 948. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process. The department may assign state traffic officers to safeguard state officers or other persons.

**SECTION 578.** 110.07 (4) of the statutes is amended to read:

110.07 (4) In addition to the primary powers granted by sub. (3), any inspector shall have the powers of a peace officer under s. ~~59.24~~ 59.28, except that the inspector shall have the arrest powers of a law enforcement officer under s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal penalty. An inspec-

tor shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 948. The primary duty of an inspector shall be the enforcement of the provisions specified in sub. (3). No inspector may be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor may an inspector be required to serve civil process. The department may assign inspectors to safeguard state officers or other persons.

**SECTION 579.** 114.135 (intro.) of the statutes is amended to read:

**114.135 Airport protection.** (intro.) It is declared to be in the public interest that the navigable airspace over the state and the aerial approaches to any airport be maintained in a condition best suited for the safe operation of aircraft and to that end the bulk, height, location and use of any building or structure, or any other object, and the use of land, may be regulated, or any building, structure or other object may be removed. It is the legislative intent that this section shall not supersede s. ~~59.97~~ 59.69 (4), but that it shall be supplemental to such section.

**SECTION 580.** 115.86 (5) (c) of the statutes is amended to read:

115.86 (5) (c) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), the county handicapped children’s education board shall participate in an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), and may enter into written interagency agreements or contracts under the program.

**SECTION 581.** 115.86 (9) (c) of the statutes is amended to read:

115.86 (9) (c) Upon the adoption of a resolution by a majority of the school boards that are located in whole or in part in the county and are participating in the county program under sub. (2) (c), this subsection shall not apply commencing on the effective date of the resolution. A resolution adopted under this paragraph between January 1 and June 30 in any year shall be effective on January 1 of the year commencing after its adoption. A resolution adopted under this paragraph between July 1 and December 31 in any year shall be effective on January 1 of the 2nd year commencing after its adoption. In the year in which the resolution is effective, the county budget under s. ~~59.84~~ 59.60 or 65.90 shall include a line item for the special education program.

**SECTION 582.** 116.03 (13m) of the statutes is amended to read:

116.03 (13m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), participate in an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7) and may

enter into written interagency agreements or contracts under the program.

**SECTION 583.** 118.162 (1) (intro.) of the statutes is amended to read:

118.162 (1) (intro.) On July 1, 1988, in each county, the superintendent of the school district which contains the county seat designated under s. ~~59.11~~ 59.05, or his or her designee, shall convene a committee under this section. At its first meeting, the committee shall elect a chairperson, vice chairperson and secretary. Not later than February 1, 1989, the committee shall make recommendations to the school boards of all of the school districts in the county on the items to be included in the districts' truancy plans under sub. (4). The committee shall consist of the following members:

**SECTION 584.** 120.12 (19) of the statutes is amended to read:

120.12 (19) INTEGRATED SERVICE PROGRAM. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7), participate in an integrated service program for children with severe disabilities under s. ~~59.07 (147)~~ 59.53 (7) and may enter into written interagency agreements or contracts under the program.

**SECTION 585.** 132.04 (3) of the statutes is amended to read:

132.04 (3) The secretary of state shall receive a fee of \$15 and the register of deeds shall receive the fee specified in s. ~~59.57 (4) or (6a)~~ 59.43 (2) (ag) or (e) for each statement and certificate of publication filed or recorded and shall also receive the fee specified in s. ~~59.57 (4)~~ 59.43 (2) (b) for each certified copy of such statement and certificate of publication, to be paid for by the person filing, recording or applying for the same.

**SECTION 586.** 133.03 (4) of the statutes is amended to read:

133.03 (4) This section does not apply to ambulance service contracted for under ss. ~~59.07 (41)~~ 59.54 (1), 60.565, 61.64 and 62.133.

**SECTION 587.** 134.17 (4) of the statutes is amended to read:

134.17 (4) For each recording, the register of deeds shall receive the fee specified for filing under s. ~~59.57 (4)~~ 59.43 (2) (ag).

**SECTION 588.** 144.25 (4) (g) 5. of the statutes is amended to read:

144.25 (4) (g) 5. Determine whether any county, city, village or town within the area which is the subject of the plan, as a condition of a grant under this section, should be required to develop a construction site erosion control ordinance under s. ~~59.974~~ 59.693, 60.627, 61.354 or 62.234 or a manure storage ordinance under s. 92.16 in order to meet the water quality goals established in the plan.

**SECTION 589.** 144.25 (8m) of the statutes is amended to read:

144.25 (8m) If the department determines under sub. (4) (g) 5. that a county, city, village or town should be required to develop a construction site erosion control ordinance under s. ~~59.974~~ 59.693, 60.627, 61.354 or 62.234 or a manure storage ordinance under s. 92.16, that county, city, village or town shall make a commitment to develop and adopt the ordinance as a condition of receiving a grant under this section.

**SECTION 590.** 144.26 (2) (e) of the statutes is amended to read:

144.26 (2) (e) "Regulation" means ordinances enacted under ss. ~~59.974~~ 59.692, 61.351, 62.23 (7) and 62.231 and refers to subdivision and zoning regulations which include control of uses of lands under, abutting or lying close to navigable waters for the purposes specified in sub. (1), pursuant to any of the zoning and subdivision control powers delegated by law to cities, villages and counties.

**SECTION 591.** 144.26 (2) (f) of the statutes is amended to read:

144.26 (2) (f) "Shorelands" means the lands specified under par. (e) and s. ~~59.974~~ 59.692 (1) (b).

**SECTION 592.** 144.26 (2m) (intro.) of the statutes is amended to read:

144.26 (2m) (intro.) Notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. ~~59.974~~ 59.692, a construction site erosion control and storm water management zoning ordinance authorized under s. ~~59.974~~ 59.693, 60.627, 61.354 or 62.234 or a wetland zoning ordinance required under s. 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if:

**SECTION 593.** 144.26 (8) of the statutes is amended to read:

144.26 (8) This section and ss. ~~59.974~~ 59.692, 61.351 and 62.231 shall be construed together to accomplish the purposes and objective of this section.

**SECTION 594.** 144.266 (3) (a) 3. of the statutes is amended to read:

144.266 (3) (a) 3. Minimum standards for storm water management established under this paragraph are applicable to the state plan under sub. (2). The department shall encourage a city, village, town or county to comply with minimum standards established under this paragraph for any construction site erosion control and storm water management zoning ordinance enacted under s. ~~59.974~~ 59.693, 60.627, 61.354 or 62.234.

**SECTION 595.** 144.44 (7) (f) 3. of the statutes is amended to read:

144.44 (7) (f) 3. The department shall approve the requester's exemption proposal if the department finds that the proposal, as approved, will comply with this chapter and chs. 30, 31, 147, 160 and 162 and ss. 1.11, 23.40, ~~59.971, 59.974~~ 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234 and 87.30. If the proposal does not comply with one or more of the requirements specified in this

subdivision, the department shall provide a written statement describing how the proposal fails to comply with those requirements. The department shall respond to an application for an exemption under this paragraph within 90 days.

**SECTION 596.** 144.445 (3) (d) of the statutes is amended to read:

144.445 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. ~~59.065, 59.07, 59.083, 59.97, 59.971, 59.974 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12), (13), (14), (15), (19), (20), (51), (52) and (53), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (24), (25), (26), (28), (30), (31), (32) and (33), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 144.07, 196.58, 236.45 or 349.16 or subch. VIII of ch. 60.~~

**SECTION 597.** 144.46 of the statutes is amended to read:

**144.46 Shoreland and floodplain zoning.** Solid waste facilities are prohibited within areas under the jurisdiction of shoreland and floodplain zoning regulations adopted pursuant to ~~ss. 59.971~~ under ss. 59.692, 61.351, 62.231 and 87.30, except that the department may issue permits authorizing facilities in such areas.

**SECTION 598.** 144.9407 (3) (a) of the statutes is amended to read:

144.9407 (3) (a) *Requirement to enact and administer ordinance.* Within 6 months after the effective date of the rules under sub. (2) (a), each county shall enact a nonmetallic mining reclamation ordinance, the text of which is in strict conformity with the text of the ordinance established under sub. (2) (a) 3., except as provided in par. (b). This ordinance may be enacted separately from an ordinance enacted under s. ~~59.97~~ 59.69.

**SECTION 599.** 144.992 (4) of the statutes is amended to read:

144.992 (4) The clerk of the court shall collect and transmit to the county treasurer the environmental assessment and other amounts required under s. ~~59.395 (5)~~

~~59.40 (2) (m).~~ The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b) 59.25 (3) (f) 2.~~ The state treasurer shall deposit the amount of the assessment in the environmental fund.

**SECTION 600.** 145.20 (3) (c) of the statutes is amended to read:

145.20 (3) (c) If the governing body for a governmental unit responsible for the regulation of private sewage systems does not adopt a private sewage system ordinance meeting the requirements of s. ~~59.065~~ 59.70 (5) or if the governmental unit does not appoint personnel meeting the requirements of sub. (1) or if the governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department may conduct hearings in the county seat upon 30 days' notice to the county clerk. As soon as practicable after the public hearing, the department shall issue a written decision regarding compliance with s. ~~59.065~~ 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the department determines that there is a violation of these provisions, the governmental unit may not issue a sanitary permit for the installation of a private sewage system until the violation is corrected.

**SECTION 601.** 159.01 (9) of the statutes is amended to read:

159.01 (9) "Responsible unit" means a municipality, county, another unit of government, including a federally recognized Indian tribe or band in this state, or solid waste management system under s. ~~59.07 (135)~~ 59.70 (2), that is designated under s. 159.09 (1).

**SECTION 602.** 159.09 (1) (d) of the statutes is amended to read:

159.09 (1) (d) The governing body of a responsible unit designated under par. (a), (b) or (c) may by contract under s. 66.30 designate another unit of government, including a federally recognized Indian tribe or band in this state, or a solid waste management system created under s. ~~59.07 (135)~~ 59.70 (2) to be the responsible unit in lieu of the responsible unit designated under par. (a), (b) or (c). The contract shall cover all functions required under sub. (2), including provisions for financing and enforcing the recycling or other solid waste management program.

**SECTION 603.** 161.41 (5) (b) of the statutes is amended to read:

161.41 (5) (b) The clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b) 59.25 (3) (f) 2.~~

**SECTION 604.** 162.07 (1) (intro.) of the statutes is amended to read:

162.07 (1) ORDINANCES. (intro.) The department may authorize counties to adopt ordinances under s. ~~59.067 (2) and (3) 59.70 (6) (b) and (c)~~, relating to the enforcement of this chapter and rules of the department under this chapter. The department shall establish by rule

standards for approval of ordinances and enforcement programs. Among other things, the rules may:

**SECTION 605.** 162.07 (2) of the statutes is amended to read:

162.07 (2) PRIVATE WELLS. The department shall define by rule “private well” and “private wells” as used in this section and s. ~~59.067~~ 59.70 (6). The definition may not include wells for which plans and specifications must be submitted to the department for approval prior to construction or installation.

**SECTION 606.** 162.07 (3) of the statutes is amended to read:

162.07 (3) TRAINING. The department shall provide training and technical assistance to local government employes and agents for implementation of this section and s. ~~59.067~~ 59.70 (6). The department may charge each county which receives training and technical assistance a fee for those services. Fees may not exceed the department’s actual costs of providing the services.

**SECTION 607.** 162.07 (4) of the statutes is amended to read:

162.07 (4) REVIEW AND AUDIT. The department shall review and audit periodically each ordinance and program adopted under s. ~~59.067~~ 59.70 (6) to ascertain compliance with this chapter and with rules of the department under this chapter. If an ordinance or related program is not in compliance, the department may revoke the authority of the county to enforce the ordinance. Revocation may be made only pursuant to written department findings made after a public hearing held in the county upon 30 days advance notice to the clerk of the local unit of government.

**SECTION 608.** 162.07 (5) of the statutes is amended to read:

162.07 (5) CONCURRENT ENFORCEMENT. The department may enforce this chapter and rules of the department under this chapter that are covered by an ordinance adopted under s. ~~59.067~~ 59.70 (6), in the county with the ordinance, if the department is engaged in audit or review activities, if there is reasonable cause to believe that the ordinance or related enforcement program of the county is not in compliance under sub. (4) or if the department determines that there are special circumstances requiring concurrent enforcement. The department shall continue to enforce this chapter and rules of the department under this chapter that are not covered by an ordinance in counties with ordinances adopted under s. ~~59.067~~ 59.70 (6).

**SECTION 609.** 165.25 (8m) of the statutes is amended to read:

165.25 (8m) LOCAL EMERGENCY PLANNING COMMITTEES. In subs. (1), (6) and (6m), treat any local emergency planning committee appointed by a county board under s. ~~59.07 (146)~~ 59.54 (8) (a) as a department of state government and any member of such a committee as a state official, employe or agent.

**SECTION 610.** 165.85 (2) (bg) of the statutes is amended to read:

165.85 (2) (bg) “Jail” means a county jail, rehabilitation facility established by s. ~~59.07 (76)~~ 59.53 (8) or county house of correction under s. 303.16.

**SECTION 611.** 165.87 (2) (b) of the statutes is amended to read:

165.87 (2) (b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due, the clerk of the court shall collect and transmit such amount to the county treasurer as provided in s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 612.** 165.90 (1) of the statutes is amended to read:

165.90 (1) Any county that has one or more federally recognized Indian reservations within or partially within its boundaries may enter into an agreement in accordance with s. ~~59.07 (141)~~ 59.54 (12) with an Indian tribe located in the county to establish a cooperative county–tribal law enforcement program. To be eligible to receive aid under this section, a county and tribe shall develop and annually submit a joint program plan, by December 1 of the year prior to the year for which funding is sought, to the department of justice for approval. If funding is sought for the 2nd or any subsequent year of the program, the county and tribe shall submit the report required under sub. (4) (b) together with the plan.

**SECTION 613.** 165.92 (2) (a) of the statutes is amended to read:

165.92 (2) (a) A tribal law enforcement officer who meets the requirements of s. 165.85 (4) (b) 1., (bn) 1. and (c) shall have the same powers to enforce the laws of the state and to make arrests for violations of such laws that sheriffs have, including powers granted to sheriffs under ss. ~~59.23 and 59.24~~ 59.27 and 59.28 and under the common law, and shall perform the duties accepted under s. 165.85 (3) (c).

**SECTION 614.** 165.92 (4) of the statutes is amended to read:

165.92 (4) DEPUTIZATION BY SHERIFF. Nothing in this section limits the authority of a county sheriff to depute a tribal law enforcement officer under s. ~~59.21~~ 59.26 (5), including the authority to grant law enforcement and arrest powers outside the territory described in sub. (2) (b). Deputization of a tribal law enforcement officer by a sheriff shall not limit the powers and duties granted to the officer by sub. (2).

**SECTION 615.** 166.03 (4) (b) of the statutes is amended to read:

166.03 (4) (b) In counties having a county executive under s. ~~59.031~~ 59.17, the county board shall designate the county executive or confirm his or her appointee as county head of emergency government services.

**SECTION 616.** 166.03 (4) (c) of the statutes is amended to read:

166.03 (4) (c) Each county board shall designate a committee of the board as a county emergency government committee whose chairperson shall be a member of the committee designated by the chairperson of the county board. The committee, in counties having a county executive under s. ~~59.034~~ 59.17, shall retain policy-making and rule-making powers in the establishment and development of county emergency government plans and programs.

**SECTION 617.** 166.04 of the statutes is amended to read:

**166.04 State traffic patrol and conservation warden duties during civil disorder.** Without proclaiming a state of emergency, the governor may, in writing filed with the secretary of state, determine that there exists a condition of civil disorder or a threat to the safety of persons on state property or damage or destruction to state property. Upon such filing, he or she may call out the state traffic patrol or the conservation warden force or members thereof for use in connection with such threat to such life or property. For the duration of such threat, as determined by the governor, such officers shall have the powers of a peace officer as set forth in s. ~~59.24~~ 59.28, except that such officers shall not be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions.

**SECTION 618.** 166.20 (1) (b) of the statutes is amended to read:

166.20 (1) (b) “Committee” means a local emergency planning committee created under s. ~~59.07 (146)~~ 59.54 (8) (a).

**SECTION 619.** 166.20 (2) (f) of the statutes is amended to read:

166.20 (2) (f) If the composition of a county’s committee does not conform to 42 USC 11001 (c), inform the county board of that fact and of the county board’s duty, under s. ~~59.07 (146)~~ 59.54 (8) (a) 1., to create a committee with members as specified in 42 USC 11001 (c).

**SECTION 620.** 167.31 (5) (d) of the statutes is amended to read:

167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons assessment as required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370 (3) (mu).

**SECTION 621.** 175.20 (1) of the statutes is amended to read:

175.20 (1) No person may conduct any dance to which the public is admitted, or conduct, establish or manage any public dance hall or pavilion, amusement

park, carnival, concert, street fair, bathing beach or other like place of amusement in any county in which the board of supervisors has enacted an ordinance, adopted a resolution or enacted bylaws in accordance with the provisions of s. ~~59.07 (18)~~ 59.56 (12) (b) or (br), subject to s. ~~59.07 (18) (d)~~ 59.56 (12m), without first securing a license as provided in s. ~~59.07 (18)~~ 59.56 (12) (b) or (br) or 60.23 (10). No person required to have such a license may conduct a dance to which the public is admitted except in the presence and under the supervision of a county dance supervisor.

**SECTION 622.** 181.67 (1) (c) of the statutes is amended to read:

181.67 (1) (c) Separate checks in the amount of the recording fee prescribed under s. ~~59.57 (1) (a)~~ 59.43 (2) (ag) 1. payable to the register of deeds of each county in which the document is required to be recorded.

**SECTION 623.** 185.42 (2) of the statutes is amended to read:

185.42 (2) The register of deeds, upon payment of the fee specified under s. ~~59.57 (6a)~~ 59.43 (2) (e), shall number each contract consecutively and shall record it. The register of deeds shall enter the name of every member-maker of such a contract alphabetically in a book to be kept for that purpose. He or she shall place members and cooperatives under a separate head and shall state in separate columns, opposite each name, the number of the contract, the date of the filing, and a brief description of the products, goods or services covered by such contract.

**SECTION 624.** 185.42 (5) of the statutes is amended to read:

185.42 (5) Whenever the contract has been terminated in any such manner, the association shall give, upon demand, a statement of termination to the member-maker of the contract. Such member may record such statement in the office of the register of deeds where the contract was originally filed or recorded. At least once each year the association shall record in the office of the register of deeds where the contract was originally [filed] or recorded, a sworn list of the names of all member-makers whose contract has been terminated in any manner specified by sub. (4) (b) and (c). For any recording under this subsection the register of deeds shall receive the fee specified under s. ~~59.57 (1)~~ 59.43 (2) (ag).

**SECTION 625.** 185.82 (1) (c) of the statutes is amended to read:

185.82 (1) (c) Separate checks in the amount of the recording fee prescribed under s. ~~59.57 (1) (a)~~ 59.43 (2) (ag) 1. payable to the register of deeds of each county in which the document is required to be recorded.

**SECTION 626.** 194.05 (1) of the statutes is amended to read:

194.05 (1) This chapter shall not apply to motor vehicles owned by the United States, any state, or any political subdivision thereof, except in the case of transportation systems acquired and operated between counties

under s. ~~59.968 (4)~~ 59.58 (3) (d) but in such a case the political subdivision is exempt from the annual permit fee under s. 194.04 (4) (a).

**SECTION 627.** 228.01 of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

**228.01 Recording of documents and public records by mechanical process authorized.** Whenever any officer of any county having a population of 500,000 or more is required or authorized by law to file, record, copy, recopy or replace any document, court order, plat, paper, written instrument, writings, record or book of record, on file or of record in his or her office, notwithstanding any other provisions in the statutes, the officer may do so by photostatic, photographic, microphotographic, microfilm, optical imaging, electronic formatting or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original document, court order, plat, paper, written instrument, writings, record or book of record in accordance with the standards specified under ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such processes or transfer from optical disk or electronic storage any document, court order, plat, paper, written instrument, writings, record or book of record which has previously been filed, recorded, copied or recopied. Optical imaging or electronic formatting of any document is subject to authorization under s. ~~59.145 (4)~~ 59.52 (14) (a).

**SECTION 628.** 234.49 (1) (i) of the statutes is amended to read:

234.49 (1) (i) “Sponsor” means any town, city, village or county in this state, or any community action agency or housing authority under s. ~~59.075~~ 59.53 (22), 61.73, 66.395 or 66.40. A community action agency or housing authority may be a sponsor for the unincorporated area of a county if the board of supervisors of that county adopts a resolution authorizing it to be a sponsor. A community action agency or housing authority may be a sponsor for an incorporated municipality if the governing body of the municipality adopts a resolution authorizing it to be a sponsor.

**SECTION 629.** 234.49 (2) (a) 4. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

234.49 (2) (a) 4. To designate as an authorized lender the authority or any local government agency, housing authority under s. ~~59.075~~ 59.53 (22), 61.73, 66.395 or 66.40, bank, savings bank, savings and loan institution, mortgage banker registered under s. 224.72 or credit union, if the designee has a demonstrated history or potential of ability to adequately make and service housing rehabilitation loans.

**SECTION 630.** 236.02 (3) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

236.02 (3) “County planning agency” means a rural county planning agency authorized by s. 27.019, a county park commission authorized by s. 27.02 except that in a county with a county executive or county administrator,

the county park manager appointed under s. 27.03 (2), a county zoning agency authorized by s. ~~59.97~~ 59.69 or any agency created by the county board and authorized by statute to plan land use.

**SECTION 631.** 251.06 (4) (b) of the statutes is amended to read:

251.06 (4) (b) In any county with a county executive that has a single county health department, the county executive shall appoint and supervise the county health officer. The appointment is subject to confirmation by the county board unless the county board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. ~~59.07 (20)~~ 59.52 (8) or ch. 63. The county health officer appointed under this paragraph is subject only to the supervision of the county executive. In a county with such a county health officer, the local board of health shall be only a policy-making body determining the broad outlines and principles governing the administration of the county health department.

**SECTION 632.** 252.073 (3) of the statutes is amended to read:

252.073 (3) **COMPENSATION OF TRUSTEES.** The trustees of the sanatorium shall receive compensation as determined under the provisions of s. ~~59.15~~ 59.22.

**SECTION 633.** 301.37 (1) of the statutes is amended to read:

301.37 (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of houses of correction, reforestation camps maintained under s. 303.07, jails as defined in s. 302.30, extensions of jails under s. ~~59.68 (7)~~ 59.54 (14) (g), rehabilitation facilities under s. ~~59.07 (76)~~ 59.53 (8), lockup facilities as defined in s. 302.30, Huber facilities under s. 303.09 and, after consulting with the department of health and family services, secure detention facilities, with respect to their adequacy and fitness for the needs which they are to serve.

**SECTION 634.** 302.30 of the statutes is amended to read:

**302.30 Definition of jail.** In ss. 302.30 to 302.43, “jail” includes municipal prisons and rehabilitation facilities established under s. ~~59.07 (76)~~ 59.53 (8) by whatever name they are known. In s. 302.37 (1) (a) and (3) (a), “jail” does not include lockup facilities. “Lockup facilities” means those facilities of a temporary place of detention at a police station which are used exclusively to hold persons under arrest until they can be brought before a court, and are not used to hold persons pending trial who have appeared in court or have been committed to imprisonment for nonpayment of fines or forfeitures. In s. 302.365, “jail” does not include rehabilitation facilities established under s. ~~59.07 (76)~~ 59.53 (8).

**SECTION 635.** 302.36 (1) of the statutes is amended to read:

302.36 (1) All jails shall be provided with suitable wards or buildings or cells in the case of jail extensions under s. ~~59.68 (7)~~ 59.54 (14) (g) for the separation of criminals from noncriminals; persons of different sexes; and persons alleged to be mentally ill. All prisoners shall be kept segregated accordingly.

**SECTION 636.** 302.45 (3) of the statutes is amended to read:

302.45 (3) Any county jail, reforestation camp established under s. 303.07, county house of correction or rehabilitation facility established under s. ~~59.07 (76)~~ 59.53 (8), whether operated by one county or more than one county, may be a state–local shared correctional facility.

**SECTION 637.** 302.46 (1) (b) of the statutes is amended to read:

302.46 (1) (b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due for the jail assessment, the clerk of the court shall collect and transmit the jail assessment to the county treasurer as provided in s. ~~59.395 (5m)~~ 59.40 (2) (n). The county treasurer shall place the amount in the county jail fund as provided in s. ~~59.20 (5m)~~ 59.25 (3) (g).

**SECTION 638.** 302.46 (1) (c) of the statutes is amended to read:

302.46 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a determination by the court of the amount due for the jail assessment, the court shall collect and transmit the jail assessment to the county treasurer under s. 800.10 (2). The county treasurer shall place the amount in the county jail fund as provided in s. ~~59.20 (5m)~~ 59.25 (3) (g).

**SECTION 639.** 343.10 (6) of the statutes is amended to read:

343.10 (6) FEE. No person may file a petition for an occupational license unless he or she first pays a fee of \$40 to the clerk of the circuit court if the petition is to a judge of the circuit court, to the municipal court if the petition is to a judge of the municipal court or to the department if the petition is to the department under sub. (10). The clerk of the circuit court or the municipal court official shall give the person a receipt and forward the fee to the county or municipal treasurer, respectively. That treasurer shall pay 50% of the fee to the state treasurer under s. ~~59.20 (8f)~~ 59.25 (3) (m) and retain the balance for the use of the county or municipality, respectively. The department shall give the person a receipt.

**SECTION 640.** 346.655 (2) (a) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and transmit the amount under sub. (1) to the county treasurer as provided in s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment of 29.2% of the amount to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 641.** 349.02 (2) (b) 4. of the statutes is amended to read:

349.02 (2) (b) 4. Local ordinances enacted under s. ~~59.07 (107)~~ 59.54 (25), 60.23 (21) or 66.051 (1) (bm).

**SECTION 642.** 350.115 (1) (d) of the statutes is amended to read:

350.115 (1) (d) The clerk of the court shall collect and transmit to the county treasurer the snowmobile registration restitution payment and other amounts required under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 643.** 448.03 (3) (f) 1. of the statutes is amended to read:

448.03 (3) (f) 1. Any person employed as an occupational therapist by a federal agency, as defined under s. ~~59.071 (3) (a)~~ 59.57 (2) (c) 1, if the person provides occupational therapy solely under the direction or control of the federal agency by which he or she is employed.

**SECTION 644.** 448.03 (3) (g) 1. of the statutes is amended to read:

448.03 (3) (g) 1. Any person employed as an occupational therapy assistant by a federal agency, as defined under s. ~~59.071 (3) (a)~~ 59.57 (2) (c) 1, if the person provides occupational therapy solely under the direction or control of the federal agency by which he or she is employed.

**SECTION 645.** 560.60 (6) of the statutes is amended to read:

560.60 (6) “Governing body” means a county board, city council, village board, town board, regional planning commission or transit commission under s. ~~59.967~~ 59.58 (2) or 66.943.

**SECTION 646.** 601.41 (1) of the statutes is amended to read:

601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 153 and 600 to 655 and ss. ~~59.07 (2)~~ 59.52 (11) (c), 66.184 and 120.13 (2) (b) to (g) and shall act as promptly as possible under the circumstances on all matters placed before the commissioner.

**SECTION 647.** 612.81 of the statutes is amended to read:

**612.81 Register of deeds.** No town mutual need file any corporate documents with any register of deeds for corporation law or regulatory purposes. All such documents held by registers of deeds on May 24, 1973, may be disposed of under s. ~~59.51 (14m)~~ 59.43 (12) (b).

**SECTION 648.** 632.895 (10) (a) of the statutes is amended to read:

632.895 (10) (a) Except as provided in par. (b), every disability insurance policy and every health care benefits plan provided on a self–insured basis by a county board under s. ~~59.07 (2)~~ 59.52 (11), by a city or village under s. 66.184 or by a school district under s. 120.13 (2) shall provide coverage for blood lead tests for children under 6 years of age, which shall be conducted in accordance with any recommended lead screening methods and intervals contained in any rules promulgated by the

department of health and family services under s. 254.158.

**SECTION 649.** 632.897 (10) (am) 2. of the statutes is amended to read:

632.897 (10) (am) 2. Provide family coverage under the group policy or individual policy for the individual's child, if eligible for coverage, upon application by the individual, the child's other parent, the department of health and family services or the county designee under s. ~~59.07 (97)~~ 59.53 (5).

**SECTION 650.** 703.365 (2) (d) of the statutes is amended to read:

703.365 (2) (d) Commercial activity is permitted in a small residential condominium only to the extent that commercial activity is permitted in residences in a zoning ordinance adopted under s. ~~59.97~~ 59.69, 60.61, 61.35 or 62.23.

**SECTION 651.** 706.05 (1) of the statutes, as affected by **1995 Wisconsin Act 110**, is amended to read:

706.05 (1) Subject to s. ~~59.517~~ 59.43 (2m), every conveyance, and every other instrument which affects title to land in this state, shall be entitled to record in the office of the register of deeds of each county in which land affected thereby may lie.

**SECTION 652.** 706.057 (7) of the statutes is amended to read:

706.057 (7) STATEMENT OF CLAIM; RECORDING; REGISTER OF DEEDS' DUTY. The register of deeds shall provide copies of the uniform form for statements of claim under subs. (4), (5) and (6). Upon receipt of a statement of claim under sub. (4), (5) or (6) in the office of the register of deeds, the register of deeds shall record the claim in a manner which will permit the existence of an interest in minerals to be determined by reference to the parcel or parcels of land above the interest in minerals. The claimant shall pay the recording fee under s. ~~59.57~~ 59.43 (2).

**SECTION 653.** 753.016 (2) of the statutes is amended to read:

753.016 (2) COURT ROOM: OFFICES. The county board shall provide suitable court rooms and offices, the sheriff shall provide the necessary deputy sheriffs as attending officers under s. ~~59.23~~ 59.27 (3) and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of the court.

**SECTION 654.** 753.30 (1) of the statutes is amended to read:

753.30 (1) The clerk of circuit court shall keep the books and records under s. ~~59.39~~ 59.40 (2) (a) to (i) and ch. 799 and perform the duties under s. ~~59.395~~ 59.40 (2) (j) to (q) for all matters in the circuit court except those under chs. 48 and 851 to 880. In counties having only one circuit judge, the circuit judge, with the approval of the chief judge of the judicial administrative district, may appoint the clerk of court register in probate. The appointments are revocable at the pleasure of the circuit judge. Appointments and revocations shall be in writing and

shall be filed in the office of the register in probate. If appointed for this purpose, the clerk has the powers and duties of registers in probate. In prosecutions of ordinance violations in the circuit court in counties having a population of 500,000 or more, an assistant chief deputy clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.

**SECTION 655.** 753.34 (7) of the statutes is amended to read:

753.34 (7) All fines and all costs and fees collected in circuit court for Menominee and Shawano counties in causes of action arising out of Menominee county shall be accounted for and paid over under s. ~~59.395 (5)~~ 59.40 (2) (m) to the county treasurer of Menominee county and in causes of action arising out of Shawano county shall be accounted for and paid over under s. ~~59.395 (5)~~ 59.40 (2) (m) to the county treasurer of Shawano county.

**SECTION 656.** 756.24 of the statutes is amended to read:

**756.24 Jurors, how paid.** Within 30 days of the day that a juror has completed the service specified in s. 756.04, the clerk of the court shall prepare an order under s. ~~59.77 (8) (a)~~ 59.64 (1) (g) 1.

**SECTION 657.** 758.19 (5) (a) 1. of the statutes is amended to read:

758.19 (5) (a) 1. Juror fees under s. ~~59.77 (8)~~ 59.64 (1) (g).

**SECTION 658.** 766.56 (2) (a) of the statutes is amended to read:

766.56 (2) (a) The recording, under s. ~~59.51 (18)~~ 59.43 (1) (r), of a marital property agreement or a unilateral statement or revocation under s. 766.59 does not constitute actual or constructive notice to 3rd parties. This paragraph does not affect the application of ch. 706.

**SECTION 659.** 766.58 (11) of the statutes is amended to read:

766.58 (11) Married persons or persons intending to marry each other may record a marital property agreement in the county register of deeds office under s. ~~59.51 (18)~~ 59.43 (1) (r).

**SECTION 660.** 766.59 (2) (c) of the statutes is amended to read:

766.59 (2) (c) The executing spouse may record the statement in the county register of deeds office under s. ~~59.51 (18)~~ 59.43 (1) (r).

**SECTION 661.** 766.59 (4) of the statutes is amended to read:

766.59 (4) A statement may be revoked in writing by the executing spouse. The revoking spouse shall notify the other spouse of the revocation by personally deliver-

ing a copy to the other spouse or by sending a copy by certified mail to the other spouse's last-known address. The revoking spouse may record the revocation in the county register of deeds office under s. ~~59.51 (18)~~ 59.43 (1) (r).

**SECTION 662.** 767.045 (1) (c) (intro.) of the statutes is amended to read:

767.045 (1) (c) (intro.) The attorney responsible for support enforcement under s. ~~59.458 (1)~~ 59.53 (6) (a) may request that the court or family court commissioner appoint a guardian ad litem to bring an action or motion on behalf of a minor who is a nonmarital child whose paternity has not been adjudicated for the purpose of determining the paternity of the child, and the court or family court commissioner shall appoint a guardian ad litem, if any of the following applies:

**SECTION 663.** 767.075 (2) (a) of the statutes is amended to read:

767.075 (2) (a) Except as provided in par. (b), in any action affecting the family under a child support enforcement program, an attorney acting under s. 46.25 or ~~59.07 (97)~~ 59.53 (5), including any district attorney or corporation counsel, represents only the state. Child support services provided by an attorney as specified in sub. (1) do not create an attorney-client relationship with any other party.

**SECTION 664.** 767.075 (2) (b) of the statutes is amended to read:

767.075 (2) (b) Paragraph (a) does not apply to an attorney who is employed by the department of health and family services under s. 46.25 or a county under s. ~~59.07 (97) or 59.458 (1)~~ 59.53 (5) or (6) (a) to act as the guardian ad litem of the minor child for the purpose of establishing paternity.

**SECTION 665.** 767.08 (3) of the statutes is amended to read:

767.08 (3) If the state or any subdivision thereof furnishes public aid to a spouse or dependent child for support and maintenance and the spouse, person with legal custody or nonlegally responsible relative fails or refuses to institute an appropriate court action under this chapter to provide for the same, the person in charge of county welfare activities, the county child support program designee under s. ~~59.07 (97)~~ 59.53 (5) or the state department of health and family services is a real party in interest under s. 767.075 and shall initiate an action under this section, for the purpose of obtaining support and maintenance. Any attorney employed by the state or any subdivision thereof may initiate an action under this section. The title of the action shall be "In re the support or maintenance of A.B. (Child)".

**SECTION 666.** 767.085 (1) (g) of the statutes is amended to read:

767.085 (1) (g) Whenever the petitioner requests an order or judgment affecting a minor child, that the petitioner requests the department of health and family services to provide services on behalf of the minor child un-

der s. 46.25, except that this application does not authorize representation under s. 46.25 or ~~59.458 (2)~~ 59.53 (6) (b), or intervention as a party in any action, by the department of health and family services.

**SECTION 667.** 767.085 (5) of the statutes is amended to read:

767.085 (5) RESPONSE, CONTENTS. Whenever the respondent requests an order or judgment affecting a minor child, the response shall state that the respondent requests the department of health and family services to provide services on behalf of the minor child under s. 46.25, except that this application does not authorize representation under s. 46.25 or ~~59.458 (2)~~ 59.53 (6) (b), or intervention as a party in any action, by the department of health and family services.

**SECTION 668.** 767.15 (1) of the statutes is amended to read:

767.15 (1) In any action affecting the family in which either party is a recipient of aid under s. 49.19 or 49.45, each party shall, either within 20 days after making service on the opposite party of any motion or pleading requesting the court or family court commissioner to order, or to modify a previous order, relating to child support, maintenance or family support, or before filing the motion or pleading in court, serve a copy of the motion or pleading upon the child support program designee under s. ~~59.07 (97)~~ 59.53 (5) of the county in which the action is begun.

**SECTION 669.** 767.25 (4m) (d) 2. of the statutes is amended to read:

767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department of health and family services or the county designee under s. ~~59.07 (97)~~ 59.53 (5).

**SECTION 670.** 767.262 (4) (b) of the statutes is amended to read:

767.262 (4) (b) The court may order payment of costs under this section by a county in an action in which the court finds that the record of payments and arrearages kept by the clerk of court under s. ~~59.39 (9m)~~ 59.40 (2) (h) is substantially incorrect and that the clerk of court has failed to correct the record within 30 days after having received information that the court determines is sufficient for making the correction.

**SECTION 671.** 767.27 (2m) of the statutes is amended to read:

767.27 (2m) In every action in which the court has ordered a party to pay child support under s. 767.25 or 767.51 or family support under s. 767.261 and the circumstances specified in s. 767.075 (1) apply, the court shall require the party who is ordered to pay the support to annually furnish the disclosure form required under this section and may require that party to annually furnish a copy of his or her most recently filed state and federal income tax returns to the designee under s. ~~59.07 (97)~~

59.53 (5) for the county in which the order was entered. In any action in which the court has ordered a party to pay child support under s. 767.25 or 767.51 or family support under s. 767.261, the court may require the party who is ordered to pay the support to annually furnish the disclosure form required under this section and a copy of his or her most recently filed state and federal income tax returns to the party for whom the support has been awarded. A party who fails to furnish the information as required by the court under this subsection may be proceeded against for contempt of court under ch. 785.

**SECTION 672.** 767.27 (3) (b) of the statutes is amended to read:

767.27 (3) (b) The clerk of circuit court shall provide information from court records to the department of health and family services under s. ~~59.395 (7)~~ 59.40 (2) (p).

**SECTION 673.** 767.293 (1) of the statutes is amended to read:

767.293 (1) If an order for child support under this chapter or s. 948.22 (7), an order for family support under this chapter or a stipulation approved by the court or the family court commissioner for child support under this chapter requires a payer to pay child or family support in an amount that is expressed as a percentage of parental income, the payee, including the state or its designee under s. ~~59.07 (97)~~ 59.53 (5) if the state is a real party in interest under s. 767.075 (1), may establish an arrearage by filing an affidavit in the action in which the order for the payment of support was entered or the stipulation for support was approved. The affidavit shall state the amount of the arrearage and the facts supporting a reasonable basis on which the arrearage was determined and may state the payer's current income and the facts supporting a reasonable basis on which the payer's current income was determined. Not later than 60 days after filing the affidavit, the payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1) (a) or (b) or by sending the affidavit by registered or certified mail to the last-known address of the payer. After the payee files a proof of service on the payer, the court shall send a notice to the payer by regular, registered or certified mail to the payer's last-known address. The notice shall provide that, unless the payer requests a hearing to dispute the arrearage or the amount of the arrearage not later than 20 days after the date of the notice, the court or family court commissioner may enter an order against the payer in the amount stated in the affidavit and may provide notice of assignment under s. 767.265. The notice shall include the mailing address to which the request for hearing must be mailed or delivered in order to schedule a hearing under sub. (2).

**SECTION 674.** 767.32 (1) (a) of the statutes, as amended by [1995 Wisconsin Act 77](#), is amended to read:

767.32 (1) (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,

938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department of health and social services, a county department under s. 46.215, 46.22 or 46.23 or a child support program designee under s. ~~59.07 (97)~~ 59.53 (5) if an assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under ch. 49, and upon notice to the family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

**SECTION 675.** 767.45 (6) (a) of the statutes is amended to read:

767.45 (6) (a) The attorney responsible for support enforcement under s. ~~59.458 (4)~~ 59.53 (6) (a) shall provide the representation for the state as specified under s. 767.075 (1) in cases brought under this section.

**SECTION 676.** 767.45 (6) (b) of the statutes is amended to read:

767.45 (6) (b) The attorney under s. ~~59.458 (4)~~ 59.53 (6) (a) is the only county attorney who may provide representation when the state delegates its authority under sub. (1) (g).

**SECTION 677.** 767.45 (6) (c) of the statutes is amended to read:

767.45 (6) (c) The attorney under s. ~~59.458 (4)~~ 59.53 (6) (a) or any state attorney acting under par. (b) may not represent the state as specified under s. 767.075 (1) in an action under this section and at the same time act as guardian ad litem for the child or the alleged child of the party.

**SECTION 678.** 767.51 (3m) (d) 2. of the statutes is amended to read:

767.51 (3m) (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department of health and family services or the county designee under s. ~~59.07 (97)~~ 59.53 (5).

**SECTION 679.** 767.52 (3) of the statutes is amended to read:

767.52 (3) This section does not prevent an attorney responsible for support enforcement under s. ~~59.458 (4)~~ 59.53 (6) (a) or any other attorney employed under s. 46.25 or ~~59.07 (97)~~ 59.53 (5) from appearing in any paternity action as provided under s. 767.45 (6).

**SECTION 680.** 767.53 (2) of the statutes is amended to read:

767.53 (2) The clerk of circuit court shall provide information from court records to the department of health and family services under s. ~~59.395 (7)~~ 59.40 (2) (p).

**SECTION 681.** 779.97 (4) (c) 2. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

779.97 (4) (c) 2. If a certificate of release is presented for filing with any other filing officer specified in sub. (2), the officer shall enter the certificate with the date of filing in any alphabetical federal lien index on the line where the original notice of lien is entered and may then remove the notice of federal lien and any related refiling of a notice of lien, certificate of nonattachment, discharge or subordination from the files, provided that the officer shall keep the certificate of release or a microfilm or other photographic record, or in the case of the department of financial institutions, or a register of deeds if authorized under s. ~~59.512~~ 59.43 (4), a microfilm or other photographic record or optical disk or electronic record, of the certificate of release in a file, separate from those containing currently effective notices of federal liens, for a period of 30 years after the date of filing of the certificate of release.

**SECTION 682.** 786.36 of the statutes is amended to read:

**786.36 Changing names, court procedure.** Any resident of this state, whether a minor or adult, may upon petition to the circuit court of the county where he or she resides and upon filing a copy of the notice, with proof of publication, as required by s. 786.37, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court. If the person whose name is to be changed is a minor under the age of 14 years, the petition may be made by: both parents, if living, or the survivor of them; the guardian or person having legal custody of the minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; or the mother, if the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60, except that the father must also make the petition unless his rights have been le-

gally terminated. The order shall be entered at length upon the records of the court and a certified copy of the record shall be recorded in the office of the register of deeds of the county, who shall make an entry in a book to be kept by the register. The fee for recording a certified copy is the fee specified under s. ~~59.57 (4)~~ 59.43 (2) (ag). If the person whose name is changed or established was born or married in this state, the clerk of the court shall send to the state registrar of vital statistics, on a form designed by the state registrar of vital statistics, an abstract of the record, duly certified, accompanied by the fee prescribed in s. 69.22, which fee the clerk of court shall charge to and collect from the petitioner. The state registrar of vital statistics shall then correct the birth record, marriage record or both, and direct the register of deeds and local registrar to make similar corrections on their records. No person engaged in the practice of any profession for which a license is required by the state may change his or her given name or his or her surname to any other given name or any other surname than that under which the person was originally licensed in the profession in this or any other state, in any instance in which the state board or commission for the particular profession, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or misleads the public as to identity or otherwise results in detriment to the profession or the public. This prohibition against a change of name by a person engaged in the practice of any profession does not apply to any person legally qualified to teach in the public schools in this state, nor to a change of name resulting from marriage or divorce, nor to members of any profession for which there exists no state board or commission authorized to issue licenses or pass upon the qualifications of applicants or hear complaints respecting conduct of members of the profession. Any change of name other than as authorized by law is void.

**SECTION 683.** 809.105 (3) (b) of the statutes is amended to read:

809.105 (3) (b) *Forwarding to court of appeals.* The clerk of the trial court shall forward to the court of appeals within 3 calendar days after the filing of the notice of appeal a copy of the notice of appeal and a copy of the trial court case record maintained as provided in s. ~~59.39 (2)~~ 59.40 (2) (b), using the name "Jane Doe" instead of the minor's name, and the record on appeal, assembled as provided in sub. (4).

**SECTION 684.** 809.11 (2) of the statutes is amended to read:

809.11 (2) **FORWARDING TO COURT OF APPEALS.** The clerk of the trial court shall forward to the court of appeals within 3 days of the filing of the notice of appeal, a copy of the notice of appeal, the docketing fee, and a copy of the trial court record (docket entries) of the case in the trial court maintained pursuant to s. ~~59.39 (2) or (3)~~ 59.40 (2) (b) or (c).

**SECTION 685.** 812.30 (9) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

812.30 (9) “Need–based public assistance” means aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. ~~59.07 (154)~~ [59.53 \(21\)](#), medical assistance, supplemental security income, food stamps, or benefits received by veterans under s. 45.351 (1) or under [38 USC 501 to 562](#).

**SECTION 686.** 814.29 (1) (d) 1. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

814.29 (1) (d) 1. That the person is a recipient of means–tested public assistance, including aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. ~~59.07 (154)~~ [59.53 \(21\)](#), medical assistance, supplemental security income, food stamps or benefits received by veterans under s. 45.351 (1) or under [38 USC 501 to 562](#).

**SECTION 687.** 814.61 (12) (b) (intro.) of the statutes is amended to read:

814.61 (12) (b) *Maintenance payments and support.* (intro.) For receiving and disbursing money deposited as payment for maintenance payments, child support or family support payments, under interim or final orders in an action affecting the family, and for maintaining the records required under s. ~~59.39 (9m)~~ [59.40 \(2\) \(h\)](#), an annual fee of up to \$25 to be paid by each party ordered to make payments. The court shall order each party ordered to make payments to pay the annual fee at the time of, and in addition to, the first payment to the clerk in each year for which payments are ordered. At the time of ordering the payment of an annual fee, the court shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee is not paid when due, the clerk shall not deduct the annual fee from the maintenance or support payment, but:

**SECTION 688.** 814.634 (2) of the statutes is amended to read:

814.634 (2) The clerk shall pay the moneys collected under sub. (1) to the county treasurer under s. ~~59.395 (5)~~ [59.40 \(2\) \(m\)](#). The county treasurer shall pay those moneys to the state treasurer under s. ~~59.20 (11)~~ [59.25 \(3\) \(p\)](#).

**SECTION 689.** 814.635 (2) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

814.635 (2) The clerk shall pay the moneys collected under subs. (1) and (1m) to the county treasurer under s. ~~59.395 (5)~~ [59.40 \(2\) \(m\)](#). The county treasurer shall pay those moneys to the state treasurer under s. ~~59.20 (11)~~ [59.25 \(3\) \(p\)](#).

**SECTION 690.** 851.73 (1) (d) of the statutes is amended to read:

851.73 (1) (d) Has, when appointed for this purpose, the powers of deputy clerks as provided in s. ~~59.38~~ [59.40 \(1\)](#).

**SECTION 691.** 889.04 of the statutes is amended to read:

**889.04 County and municipal ordinances.** Matter entered or recorded in any ordinance or record book under ss. ~~59.17 (2)~~ [59.23 \(2\) \(b\)](#), 60.33 (1) and (2), 61.25 (3) and 62.09 (11) (c) or printed in any newspaper, book, pamphlet, or other form purporting to be so published, entered or recorded by any county, town, city or village in this state as a copy of its ordinance, bylaw, resolution or regulation, is prima facie evidence thereof; and after 3 years from the date of such publication, entry or recording such book or pamphlet shall be conclusive proof of the regularity of the adoption and publication of the ordinance, bylaw, resolution or regulation.

**SECTION 692.** 893.73 (1) (a) of the statutes is amended to read:

893.73 (1) (a) An action to contest the validity of a county zoning ordinance or amendment, if s. ~~59.97~~ [59.69 \(14\)](#) applies to the action.

**SECTION 693.** 893.82 (2) (d) 2. of the statutes is amended to read:

893.82 (2) (d) 2. A member of a local emergency planning committee appointed by a county board under s. ~~59.07 (146)~~ [59.54 \(8\) \(a\)](#).

**SECTION 694.** 895.46 (1) (e) of the statutes is amended to read:

895.46 (1) (e) Any nonprofit corporation operating a museum under a lease agreement with the state historical society, and all officers, directors, employes and agents of such a corporation, and any local emergency planning committee appointed by a county board under s. ~~59.07 (146)~~ [59.54 \(8\) \(a\)](#) and all members of such a committee, are state officers, employes or agents for the purposes of this subsection.

**SECTION 695.** 895.483 (3) of the statutes, as created by [1995 Wisconsin Act 13](#), is amended to read:

895.483 (3) A local emergency planning committee created under s. ~~59.07 (146)~~ [59.54 \(8\) \(a\)](#) 1. that receives a grant under s. 166.21 is immune from civil liability for acts or omissions related to carrying out responsibilities under s. 166.21.

**SECTION 696.** 946.87 (3) of the statutes is amended to read:

946.87 (3) The attorney general or any district attorney may institute civil proceedings under this section. Notwithstanding s. ~~59.456 (5)~~ [59.42 \(2\) \(b\) 4.](#), in counties having a population of 500,000 or more, the district attorney or the corporation counsel may proceed under this section. A corporation counsel in a county having a population of 500,000 or more or a district attorney may institute proceedings under this section only with the prior written approval of the attorney general. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination of any action under this section, the circuit court may at any time enter such

injunctions, prohibitions or restraining orders or take such actions, including the acceptance of satisfactory performance bonds, as the court deems proper. At any time pending final determination of a forfeiture action under sub. (2), the circuit court may order the seizure of property subject to forfeiture and may make such orders as it deems necessary to preserve and protect the property.

**SECTION 697.** 973.045 (2) of the statutes is amended to read:

973.045 (2) After the clerk determines the amount due, the clerk of court shall collect and transmit the amount to the county treasurer under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer under s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 698.** 973.046 (2) of the statutes is amended to read:

973.046 (2) After the clerk of court determines the amount due, the clerk shall collect and transmit the amount to the county treasurer under s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer under s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 699.** 973.055 (2) (a) of the statutes is amended to read:

973.055 (2) (a) If the assessment is imposed by a court of record, after the court determines the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. ~~59.395 (5)~~ 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. ~~59.20 (5) (b)~~ 59.25 (3) (f) 2.

**SECTION 700.** 978.05 (6) (a) of the statutes, as affected by [1995 Wisconsin Act 77](#), is amended to read:

978.05 (6) (a) Institute, commence or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ss. 17.14, 30.03 (2), 48.09 (5), ~~59.073, 59.77~~ 59.55 (1), 59.64 (1), 70.36, 103.50 (8), 103.92 (4), 109.09, 161.55

(5), 343.305 (9) (a), 453.08, 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under chs. 48 and 938 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority of the county board to designate, under s. 48.09 (5), that the corporation counsel provide representation as specified in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the interests of the public under s. 48.14 or 938.14.

**SECTION 701.** 978.06 (6) of the statutes is amended to read:

978.06 (6) No district attorney, deputy district attorney or assistant district attorney may appear in a civil action or proceeding under s. 46.25 (7), ~~59.07 (97)~~ 59.53 (5), 767.075, 767.08 or 767.45 or ch. 769.

**SECTION 702.** 979.11 of the statutes is amended to read:

**979.11 Compensation of officers.** The sole compensation of the coroner and deputy coroners for attendance at an inquest and for any preliminary investigation under this chapter at the direction of the district attorney shall be a reasonable sum set by the county board for each day actually and necessarily required for the purpose, and a sum set by the county board for each mile actually and necessarily traveled in performing the duty. Any coroner or deputy coroner may be paid an annual salary and allowance for traveling expenses to be established by the county board under s. ~~59.15~~ 59.22 which shall be in lieu of all fees, per diem and compensation for services rendered.

**SECTION 703. Effective dates.** This act takes effect on September 1, 1996, except as follows:

(1) The renumbering of section 59.517 (4) (a) (by SECTION 353) of the statutes takes effect on June 1, 1997.