

# State of Wisconsin



1997 Assembly Bill 44

Date of enactment: **April 28, 1998**  
Date of publication\*: **May 12, 1998**

## 1997 WISCONSIN ACT 213

AN ACT *to renumber and amend* 66.076 (1); *to amend* 66.36 (6) and 66.60 (6m) (c); and *to create* 66.076 (1) (b) of the statutes; **relating to:** the authority of towns and town sanitary districts to levy special assessments for water and sewage systems on certain farmland, and the methods used by cities, villages, towns and metropolitan sewerage districts to finance sewerage projects and granting rule-making authority.

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

**SECTION 1.** 66.076 (1) of the statutes is renumbered 66.076 (1) (a) and amended to read:

66.076 (1) (a) In addition to all other methods provided by law, any municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, transportation, storage, treatment and disposal of sewage, including the lateral, main and interceptor sewers necessary in connection therewith, and any town, village or city may arrange for such service to be furnished by a metropolitan sewerage district or joint sewerage system. Except as provided in s. 66.60 (6m), payment for the same a sewerage project described in this paragraph, or any part thereof of such project, may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal obligations, revenue bonds or from any combination of these enumerated methods of financing.

**SECTION 2.** 66.076 (1) (b) of the statutes is created to read:

66.076 (1) (b) If the extension of a sewer line or water main that is described under par. (a) is required because of a new subdivision, as defined in s. 236.02 (12), or com-

mercial development, the municipality may recoup some or all of the costs that it has incurred for the extension by a method described under par. (a) or by any other method of financing agreed to by the municipality and the developer. If a person, whose property is outside of the subdivision for which a developer is paying, or has paid, the costs of a sewerage project under this paragraph, connects an extension into the sewerage project after the amount is established that the developer is required to pay under this paragraph, that person shall pay to the developer an amount determined by the public service commission. The public service commission shall promulgate rules to determine the amount that such a person shall pay to a developer. The rules promulgated under this paragraph shall be based on the benefits accruing to the property that connects an extension into the sewerage project.

**SECTION 3.** 66.36 (6) of the statutes is amended to read:

66.36 (6) Payment as provided under s. 66.076 (1) (a).

**SECTION 4.** 66.60 (6m) (c) of the statutes is amended to read:

66.60 (6m) (c) 1. If any eligible farmland contains a structure that is connected to a sanitary sewer or public water system at the time, or after the time, that a town san-

\* Section 991.11, WISCONSIN STATUTES 1995-96: 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].

itary district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located, the town sanitary district or town may levy a special assessment for the construction of a sewerage or water system on the eligible farmland that includes that structure. If that connection is made after the first assessment, the town sanitary district or town may also charge interest, from the date that the connection is made, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland. That assessment may not exceed the equivalent of an assessment for that purpose on a square acre or, if the governing body of a town sanitary district or town so specifies by ordinance, the maximum size of any lot that is in that service area and that is not devoted exclusively to agricultural use.

2. If after an initial special assessment for the construction of a sewerage or water system is levied in a service area any eligible farmland subject to subd. 1. or exempted from a special assessment under par. (b) is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, the town sanitary district or town may levy on each parcel on which it has either levied a special assessment under subd. 1. or has not levied a special assessment for the construction of a sewerage or water system a special assessment for that purpose that does not exceed the amount of the special assessment for that purpose that would have been levied on the parcel if the parcel had not been exempt under par. (b) or that has already been levied under subd. 1. The special assessment shall be apportioned among the parcels resulting from the division in proportion to their area. The town sanitary district or town may also charge interest, from the date the eligible farmland is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland under this subdivision. This subdivision does not apply to any eligible farmland unless the town sanitary district or town records a lien on that eligible farmland in the office of the register of deeds within 90 days after it first levies a special assessment for the construction of a sewerage or water system for the service area in which the eligible farmland is located, describing either

the applicability of subd. 1. or the exemption under par. (b) and the potential for a special assessment under this subdivision.

3. If, after a town sanitary district or town first levies a special assessment for the construction of a sewerage or water system in a service area, the eligible farmland in that service area exempted from the special assessment under par. (b) is not devoted exclusively to agricultural use for a period of one year or more, the town sanitary district or town may levy on that eligible farmland the special assessment for the construction of a sewerage or water system that it would have levied if the eligible farmland had not been exempt under par. (b). The town sanitary district or town may also charge interest, from the date the eligible farmland has not been devoted exclusively to agricultural use for a period of at least one year, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland. This subdivision does not apply to any land unless the town or special purpose district records a lien on that eligible farmland in the office of the register of deeds within 90 days after it first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located, describing the exemption under par. (b) and the potential for a special assessment under this subdivision.

**SECTION 5. Nonstatutory provisions.**

(1) (a) The public service commission shall submit proposed rules required under section 66.076 (1) (b) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the public service commission shall promulgate rules required under section 66.076 (1) (b) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the commission need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this paragraph.

**SECTION 6. Initial applicability.**

(1) The treatment of section 66.60 (6m) (c) of the statutes first applies to special assessments levied on the effective date of this subsection.