

State of Wisconsin



2005 Senate Bill 362

Date of enactment: **March 21, 2006**

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2005 WISCONSIN ACT 146

AN ACT relating to: amending and revising s. 86.21 (2) (a) of the statutes for the purpose of eliminating ambiguities (Revisor's Revision Bill).

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

SECTION 1. 86.21 (2) (a) of the statutes is amended to read:

86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section, a resolution authorizing the construction or acquisition thereof, and specifying the method of payment therefor, shall be adopted by a majority of the members of the governing body of such county, town, village or city at a regular meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The resolution shall include a general description of the property it is proposed to acquire or construct. Any county, town, village or city constructing or acquiring a toll bridge under this section may provide for the payment of the same or any part thereof from the general fund, from taxation, or from the proceeds of either municipal bonds, revenue bonds or as otherwise provided by law. Such resolution shall not be effective until 15 days after its passage and publication. If within said 15 days a petition conforming to the requirements of s. 8.40 is filed with the clerk of such municipality, and filed as provided in s. 8.37, signed by at least 20% of the electors thereof requesting that the question of acquiring such toll bridge be submitted to the said electors, such question shall be submitted at any the next general or regular municipal election that is held not sooner than 42

days from the date of filing such petition. ~~In case no such general or regular municipal election is to be held within such stated period, then the governing body of such municipality shall order a special election to be held within 30 days from the filing of such petition upon the question of whether such toll bridge shall be acquired by said municipality.~~ The question submitted to the electors shall specify the method of payment for such toll bridge as provided in the resolution for the acquisition thereof. If no such petition is filed, or if the majority of votes cast at such referendum election are in favor of the acquisition of such toll bridge, then the resolution of the governing body for the acquisition of such toll bridge shall be in effect.

NOTE: The sentence shown as stricken is deleted because it was rendered obsolete by 1999 Wis. Act 182. The sentence is part of a description of the procedure governing a municipal referendum for acquiring a toll bridge. It requires the referendum to be held at a special election in the eventuality that "... general or regular municipal election is to be held within such stated period." Prior to Act 182, the "stated period" referred to was "not less than 10 nor more than 40 days from the date of filing [the referendum petition]." Act 182 changed this language to "not sooner than 42 days from the date of filing [the referendum petition]." As a result, the "stated period" now has no end point, and the eventuality can never occur of there being no general or regular election within this open-ended period.

The analysis provided by the Legislative Reference Bureau for Act 182 confirms that the deletion of this sentence is consistent with the intent of the act. The sentence requires

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

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a referendum held at a special election to be held “within 30 days from the filing [of the referendum petition].” The analysis, however, states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

“Any” is changed to “the next” to eliminate an ambiguity caused by [1999 Wis. Act 182](#). Prior to Act 182, the phrase “any general or regular election” referred to one specific election because it was qualified by the phrase “that may be held not less than 10 nor more than 40 days from the date of filing such petition.” As the provision currently stands, “any general or regular election” is not qualified in this way and could mean the next general or regular election or some future general or regular election occurring after the next one.
