



## 2013 ASSEMBLY BILL 623

January 15, 2014 - Introduced by Representatives GOYKE, JOHNSON, HULSEY, BERCEAU, HEBL, PASCH, ZEPNICK, KESSLER, SINICKI, OHNSTAD, BARNES and ZAMARRIPA, cosponsored by Senators HARRIS and L. TAYLOR. Referred to Committee on Housing and Real Estate.

1     **AN ACT** *to amend* 943.14; and *to create* 814.61 (1) (f), 846.095, 943.13 (4m) (e)  
2             and 943.15 (1r) of the statutes; **relating to:** a program for installing lighting  
3             on tax delinquent properties and properties in foreclosure and charging an  
4             additional fee for filing a foreclosure action to be used for lighting installation.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the board of each county (board) to establish a program for installing lighting on certain eligible properties located in the county. A property is eligible to have lighting installed if 1) the property is the subject of a foreclosure action or the county holds a tax certificate with respect to the property for delinquent property taxes; 2) the property has one or more buildings or other improvements; and 3) the board determines that the property is abandoned or blighted. The board must develop criteria, which take into consideration all of the circumstances of the property, for determining whether lighting should be installed on an eligible property.

The board must contract with an electrician or electrical contractor to install the lighting on the exterior of any buildings or other improvements on an eligible property. The lighting must be powered by solar energy and just sufficient for securing the improvements on the property. The bill provides the contractor with immunity from civil and criminal liability for acts or omissions related to installing the lighting under the contract.

The board may delegate any of its responsibilities under the program to any committee created by the board or any county employee, agency, or department.

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Funding for the program comes from a \$50 fee that is paid by the plaintiff in each foreclosure action that is commenced in the county. The fee is in addition to the usual fee for commencing a foreclosure action, which under current law is \$75.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 814.61 (1) (f) of the statutes is created to read:

2           814.61 (1) (f) In addition to the fee under par. (a), at the commencement of a  
3 mortgage foreclosure action under ch. 846, a fee of \$50 to be deposited by the county  
4 treasurer in a separate account to be used by the county exclusively for purposes of  
5 the program under s. 846.095.

6           **SECTION 2.** 846.095 of the statutes is created to read:

7           **846.095 Installing lighting on properties that are tax delinquent or in**  
8 **foreclosure. (1) DEFINITION.** In this section, “board” means a county board and  
9 includes any person to which a county board delegates its responsibilities under sub.  
10 (3).

11           **(2) PROGRAM FOR INSTALLATION OF SECURITY LIGHTING.** The board of each county  
12 shall, no later than the first day of the 7th month beginning after the effective date  
13 of this subsection .... [LRB inserts date], establish a program for installing lighting  
14 on properties located in the county that are tax delinquent or in foreclosure. The  
15 program shall include at least all of the following features and requirements:

16           (a) The board shall enter into a contract with an electrical contractor or  
17 electrician to install the lighting. The lighting shall be installed for security purposes  
18 on the exterior of any buildings or other improvements on the property and must be  
19 powered by solar energy.

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1 (b) Subject to par. (c), a property is eligible to have lighting installed if it is  
2 located in the county and satisfies all of the following criteria:

3 1. The property is the subject of a foreclosure action under ch. 846 or the county  
4 holds a tax certificate under s. 74.57 with respect to the property.

5 2. The property has one or more buildings or other improvements.

6 3. The board determines that the property is blighted property, as defined in  
7 s. 32.22 (1) (a), or, using the criteria listed in s. 846.102 (2) (a) to (f), determines that  
8 the property has been abandoned.

9 (c) The board shall develop criteria to use for determining whether to install  
10 lighting on a property that is eligible under par. (b). The criteria shall take into  
11 consideration the totality of the circumstances of each eligible property.

12 (d) Lighting installed on a property shall not be more than is sufficient, as  
13 determined by the board, to secure the improvements on the property.

14 **(3) DELEGATION PERMISSIBLE.** The board may delegate any of its responsibilities  
15 under the program to a committee established by the board or to a county employee,  
16 department, or agency.

17 **(4) OBTAINING INFORMATION.** The clerk of circuit court in the county, the county  
18 treasurer, and the county register of deeds shall cooperate with and assist the board  
19 in obtaining any information that the board needs to administer the program under  
20 this section.

21 **(5) IMMUNITY FROM LIABILITY FOR CONTRACTOR.** An electrical contractor or  
22 electrician that contracts to install lighting under a program under this section is  
23 immune from civil liability for acts or omissions related to carrying out  
24 responsibilities under a contract under sub. (2) (a).

25 **SECTION 3.** 943.13 (4m) (e) of the statutes is created to read:

