

State of Wisconsin



1995 Assembly Bill 865

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1995 WISCONSIN ACT 378

AN ACT to amend 20.370 (2) (bL), 29.52 (2) (c), 29.535 (title), 29.535 (1) (c) to (e), 32.51 (1) (b), 36.25 (11) (c), 46.06 (2), 60.70 (10), 60.72 (4), 60.77 (4) and (5) (e) and (g), 60.79 (2) (b) 1. and 2., (c), (d) 1. and (e), 60.79 (3) and (4) (intro.), 61.34 (3), 62.175 (2), 62.22 (1), 65.06 (1), 65.06 (8), 65.06 (17), 66.061 (1) (a), 66.066 (1a), 66.071 (1) (title), 66.071 (1) (c), 66.071 (1) (f), 66.071 (1) (g), 66.071 (1) (j), 66.077 (2), 66.077 (3), 66.60 (6m) (c) 1., 67.05 (5) (b), 70.327, 87.305 (1) (intro.), 87.305 (1) (c) (intro.), 97.34 (2) (c), 97.34 (2) (d), 101.143 (4) (b) 10., 144.01 (9), 144.01 (15), 144.02 (1), 144.025 (2) (b) 1., 144.025 (2) (h), 144.025 (2) (L), 144.0255 (1) and (2), 144.442 (6) (c), 144.77 (6) (a), 145.04 (title) and (1), 145.05, 160.27 (5), 160.34, 196.58 (7) (a), 254.36 (3) (intro.), 301.24 (2) and 560.08 (2) (b); and **to repeal and recreate** 29.535 (1) (a) and 29.535 (2) of the statutes; **relating to:** eliminating obsolete terminology regarding water systems, authorizing the department of natural resources to utilize moneys for removal of abandoned containers and introducing, stocking and planting fish, spawn and other wild animals (suggested as remedial legislation by the department of natural resources).

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

PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of natural resources and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 20.370 (2) (bL) of the statutes is amended to read:

20.370 (2) (bL) *Wastewater management — fees.* All moneys received under s. 144.025 (2) (L) for the certification of operators of ~~waterworks~~ water systems, wastewater treatment plants and septage servicing vehicles and under s. 146.20 (4s) (a) and (b) for wastewater management activities.

NOTE: This amendment deletes the obsolete term “waterworks” from an appropriations statute governing wastewater

management fees and replaces it with the term “water systems”.

SECTION 2. 29.52 (2) (c) of the statutes is amended to read:

29.52 (2) (c) A description of the water supply system to be used in the operation of the hatchery.

NOTE: This amendment deletes the term “water supply” from the statute relating to private fish hatcheries and replaces it with the term “water system”.

SECTION 3. 29.535 (title) of the statutes is amended to read:

29.535 (title) Introducing fish and game Introduction of wild animals.

SECTION 4. 29.535 (1) (a) of the statutes is repealed and recreated to read:

29.535 (1) (a) A person must be issued a permit from the department before doing any of the following:

1. Importing into the state any fish, spawn or any other wild animal for the purpose of introducing, stocking or planting that fish, spawn or wild animal.

* 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].

2. Introducing, stocking or planting any fish, spawn or other wild animal.

SECTION 5. 29.535 (1) (c) to (e) of the statutes are amended to read:

29.535 (1) (c) Permits for introducing, stocking or planting under par. (a) 2. shall be issued by the department only after investigation and inspection of the fish, ~~birds or spawn or other wild~~ animals as ~~it~~ the department determines is necessary.

(d) Permits ~~that are issued under par. (a) 1.~~ to import into the state fish or spawn ~~thereof~~ of the family salmonidae, including trout, char or salmon, may be issued only if the source of the fish or eggs is certified free of such diseases as are designated by the department.

(e) Fish or spawn ~~thereof~~ imported under a permit issued under par. (a) 1. are subject to inspection by the department and such inspection may include removal of reasonable samples of fish or eggs for biological examination.

SECTION 6. 29.535 (2) of the statutes is repealed and recreated to read:

29.535 (2) Nothing in this section shall prohibit the department or its duly authorized agents from doing any of the following:

(a) Importing into the state any fish, spawn or any other wild animal for the purpose of introducing, stocking or planting that fish, spawn or wild animal.

(b) Introducing, stocking or planting any fish, spawn or other wild animal.

NOTE: These amendments repeal and recreate s. 29.535 (1) (a) and make related changes in other portions of s. 29.535. The repeal and recreation of this provision clarifies that a person must have a permit for stocking or introducing fish, spawn or a wild animal, regardless of whether the person brought the fish, spawn or wild animal into the state or the person obtained the fish, spawn or wild animal from within the state. The department of natural resources states that this repeal and recreation is necessary because the current statute causes confusion over the applicability and intent of this section. The current language states clearly that the permit requirement applies to the importation into this state of fish, spawn or wild animals for the purpose of introducing or stocking them, but is somewhat confusing with respect to stocking or introduction that does not involve importation into this state.

SECTION 7. 32.51 (1) (b) of the statutes is amended to read:

32.51 (1) (b) Public alleys, grounds, harbors, libraries, museums, school sites, vehicle parking areas, airports, markets, hospitals, ward yards, bridges, viaducts, ~~waterworks~~ water systems and water mains.

NOTE: This amendment deletes the obsolete term "waterworks" from the eminent domain statute which lists the types of purposes for which condemned property may be used and replaces it with the term "water systems".

SECTION 8. 36.25 (11) (c) of the statutes is amended to read:

36.25 (11) (c) The laboratory shall provide analytical support to the appropriate state agencies charged with water supply system evaluation. The support service shall include an evaluation from a public health stand-

point and analytical support to ascertain the water's suitability for manufacturing, commercial and recreational purposes as determined by the rules promulgated by the department of health and social services, the department of natural resources and the department of agriculture, trade and consumer protection.

NOTE: This amendment deletes the term "water supply" from the statute governing the state laboratory of hygiene and replaces it with the term "water system".

SECTION 9. 46.06 (2) of the statutes is amended to read:

46.06 (2) EASEMENTS. The department may grant easements for the extension of municipal and public utilities onto the lands of the institutions under its jurisdiction, for the purpose of connecting railroads, roads, ~~waterworks~~ water systems, sewers, electric lines and similar facilities, to serve such institutions.

NOTE: This amendment deletes the obsolete term "waterworks" from the statute relating to grants of easements by the department of natural resources and replaces it with the term "water systems".

SECTION 10. 60.70 (10) of the statutes is amended to read:

60.70 (10) "Water ~~supply~~ system" means all structures, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served and service pipes from building to street main.

NOTE: This amendment updates the term "water supply system" to "water system" in the section of the statutes relating to town sanitary districts.

SECTION 11. 60.72 (4) of the statutes is amended to read:

60.72 (4) FINDING. Following the public hearing, the department shall determine if private sewage systems or private domestic ~~water supply~~ systems, or both, in the affected towns constitute a threat to public health, safety, convenience or welfare or of pollution of waters of the state, and that there is no local action to correct the situation. The department shall issue its determination as written findings.

NOTE: This amendment updates the term "water supply system" to "water system" in the statute relating to a finding of the department of natural resources as to whether a town sanitary district should be established.

SECTION 12. 60.77 (4) and (5) (e) and (g) of the statutes are amended to read:

60.77 (4) GENERAL POWERS AND DUTIES. The commission may project, plan, construct and maintain a ~~system of water supply, solid waste collection and disposal of sewage sewerage system,~~ including drainage improvements, sanitary sewers, surface sewers or storm water sewers, or all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the district. The commission may provide chemical or mechanical treatment of waters for the suppression of swimmers' itch, algae and other nuisance-producing aquatic growths.

(5) (e) Fix and collect charges for solid waste collection and disposal, sewage service and water supply service. The commission may fix and collect sewage service charges under s. 66.076 and water supply service charges under s. 66.069.

(g) Provide for the operation as a single enterprise of its water supply, solid waste or sewerage system, or any part or combination of parts of the system.

NOTE: These amendments update terms relating to water and sewerage systems in the statute relating to general powers and duties of a town sanitary district commission.

SECTION 13. 60.79 (2) (b) 1. and 2., (c), (d) 1. and (e) of the statutes are amended to read:

60.79 (2) (b) 1. The territory is served by the town sanitary district with a water supply or sewerage system; or

2. The territory is not served by the town sanitary district with a water supply or sewerage system, but the district has obligations related to the territory subject to incorporation or annexation which require payment for longer than one year following the incorporation or annexation.

(c) The city or village and the town sanitary district shall divide the assets and liabilities of the town sanitary district under s. 66.03, except that the ownership of any water supply or sewerage system shall be determined under par. (dm).

(d) 1. Any water supply or sewerage system, including all mains and all property of the system, shall belong to and be operated by the district or the city or village, in whichever the major portion of the patrons reside on the date of annexation or incorporation, unless other provision is made by agreement of the governing body of the city or village and the commission. Express power is hereby granted to the governing body of the city or village and the commission to contract with each other relative to the operation and property of any water supply or sewerage system.

(e) Any special assessment levied before the incorporation or annexation shall continue to be collected by the district or city or village which is operating the water supply or sewerage system and shall be applied to the purpose for which the original assessment was made.

NOTE: These amendments update the term "water supply or sewerage system" to "water or sewerage system" in the statute governing incorporation or annexation of part of a town sanitary district.

SECTION 14. 60.79 (3) and (4) (intro.) of the statutes are amended to read:

60.79 (3) **SERVICE AREA.** No city or village which secures a water supply or sewerage system under this section is required to serve an area outside its corporate limits greater than that included in the town sanitary district at the time of annexation or incorporation. The city or village shall continue to serve the area previously included within the district.

(4) **CITY OR VILLAGE AUTHORITY.** (intro.) A city or village which obtains a water supply or sewerage system under this section may:

NOTE: These amendments update the term "water supply or sewerage system" to "water or sewerage system" in the statute governing service areas of water or sewerage systems.

SECTION 15. 61.34 (3) of the statutes is amended to read:

61.34 (3) **ACQUISITION AND DISPOSAL OF PROPERTY.** The village board may acquire property, real or personal, within or ~~without~~ outside the village, for parks, libraries, recreation, beautification, streets, ~~waterworks~~ water systems, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by ch. 32.

NOTE: This amendment updates the term "waterworks" to "water systems" in the statute relating to a village board's power to acquire and dispose of property.

SECTION 16. 62.175 (2) of the statutes is amended to read:

62.175 (2) If any 1st or 2nd class city has begun to plan, construct and establish, or has completed the planning, construction and establishment of, a sewage system and a sewage disposal works, any town, village or other city located in the same county where the 1st or 2nd class city is located and whose purified or unpurified sewage flows directly or indirectly into any lake which is the source of the water supply system of the 1st or 2nd class city shall, before constructing any sewers or sewerage system or extensions of any existing sewers or sewerage system for the purposes of connection with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, secure the written approval of the plans by the sewerage commission, or other board or body or official having charge and control of the planning, construction, establishment, operation and maintenance of the sewage disposal system of the 1st or 2nd class city. The sewerage commission, or other board, body or official of the 1st or 2nd class city, may approve the plans or approve them subject to recommended changes or substitutions in order that if the sewers or sewerage system, or extensions thereof, of any of the towns, villages or cities are connected with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, the sewers or sewerage system, or extensions thereof, will conform with the plan of the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city. If the town, village or city constructs in accordance with the approved

plans, the town, village or city may connect its sewers, sewerage system or extensions thereof with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, as specified in writing by the sewerage commission, or other board, body or official having charge and control of the sewage disposal system of the 1st or 2nd class city. Except as otherwise provided by statute, a 2nd class city may charge compensation as provided under sub. (3), for the use of its sewers, sewerage system and sewage disposal works for the transmission of the sewage of the towns, villages or cities.

NOTE: This amendment updates the term "water supply" to "water system" in the statute relating to approval of a 1st or 2nd class city's plans for sewer and water extensions.

SECTION 17. 62.22 (1) of the statutes is amended to read:

62.22 (1) PURPOSES. The governing body of any city may by gift, purchase or condemnation acquire property, real or personal, within or ~~without~~ outside the city, for parks, recreation, ~~waterworks~~ water systems, sewage or waste disposal, airports or approaches thereto, cemeteries, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property. The power of condemnation for any such purpose shall be as provided by ch. 32.

NOTE: This amendment updates the term "waterworks" to "water systems" in the statute relating to purposes for which a city may acquire property.

SECTION 18. 65.06 (1) of the statutes is amended to read:

65.06 (1) No money ~~shall~~ may be expended and no liabilities incurred by the city or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified or except as hereinafter provided for any other purpose than as designated therein, provided, however, that whenever a ~~waterworks~~ the city department of the city that is responsible for a water system desires to make a contract extending over a period of more than one year for additions to the plant in excess of the estimated revenue for the year, if in the opinion of the board of ~~estimate~~ estimates there will be money available to meet the payments on the contract as they may come due, then, by a majority vote of the board, they may authorize the comptroller to countersign such contract.

NOTE: This amendment updates the term "waterworks" to "water system", and makes other technical revisions, in the statute relating to city expenditure of funds for additions to water systems.

SECTION 19. 65.06 (8) of the statutes is amended to read:

65.06 (8) Any department charged by law with the construction, extension, operation and maintenance of a ~~waterworks or water system~~, lighting system or any pub-

lic utility may spend money from the surplus revenue of ~~such waterworks or~~ the water system, lighting system or utility in addition to the sum specified in the budget when deemed necessary to maintain the service, upon being authorized so to do by a three-fourths vote of all the aldermen of the common council, specifying by resolution the purpose for which and the sum appropriated. Before any money shall be so expended a copy of the resolution authorizing it shall be certified to the comptroller.

NOTE: This amendment updates the term "waterworks" to "water system" in the statute relating to expenditures of surplus revenue from a water system for maintenance of the water system.

SECTION 20. 65.06 (17) of the statutes is amended to read:

65.06 (17) Subsections (13), (14), (15) and (16) ~~shall do not~~ apply to the expenditure of funds, the proceeds of bonds or mortgage certificates, nor the surplus revenues of any ~~waterworks or water system~~, lighting system or municipally owned utility. In establishing the budget format with respect to funds and accounts related to proprietary operations, the common council may authorize accounting procedures which follow the uniform system of accounts authorized by the public service commission in the case of municipal utilities or accepted commercial accounting practices in other instances.

NOTE: This amendment updates the term "waterworks" to "water system" in the statute relating to the applicability of certain municipal budget provisions to revenues of water systems, lighting systems or municipally owned utilities.

SECTION 21. 66.061 (1) (a) of the statutes is amended to read:

66.061 (1) (a) Any city, village or town may grant to any person or corporation the right to construct and operate therein a water system ~~of waterworks~~ or to furnish light, heat or power subject to ~~such~~ reasonable rules and regulations ~~as the proper municipal authorities prescribed~~ by ordinance ~~may from time to time prescribe~~.

NOTE: This amendment updates the term "waterworks" to the term "water system" and makes other technical revisions to the statute relating to the grant by a city, town or village of the right to construct a water system or other utility.

SECTION 22. 66.066 (1a) of the statutes is amended to read:

66.066 (1a) Nothing herein shall be construed to limit the authority of any municipality to acquire, own, operate and finance in the manner provided in this section, a source of water ~~supply~~ and necessary transmission facilities (including all real and personal property) beyond its corporate limits, and a source of water ~~supply~~ 50 miles beyond ~~such those~~ limits shall be ~~deemed to be~~ within ~~such that~~ authority.

NOTE: This amendment deletes the redundant term "supply" and makes other technical revisions in a statute relating to revenue obligations of a municipality.

SECTION 23. 66.071 (1) (title) of the statutes is amended to read:

66.071 (1) (title) ~~WATERWORKS~~ WATER SYSTEMS.

SECTION 24. 66.071 (1) (c) of the statutes is amended to read:

66.071 (1) (c) When the city owns its ~~waterworks~~ water system, the commissioner of public works shall have power, from time to time, to may make and enforce by-laws, rules and regulations in relation to the ~~said waterworks~~ water system, and, before the actual introduction of water, the commissioner shall make bylaws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the ~~said waterworks~~ water system, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off ~~the same water~~ for cause, ~~and the~~. ~~The~~ commissioner shall have power, from time to time, to may alter, modify or repeal ~~such~~ the bylaws, rules and regulations.

SECTION 25. 66.071 (1) (f) of the statutes is amended to read:

66.071 (1) (f) The commissioner of public works of ~~any such a~~ city may issue a permit to the county in which it is located, to any national home for disabled soldiers, or to any other applicant to obtain water from the ~~waterworks in the said city~~ city's water system for use outside of the limits of ~~such~~ the city; and for that purpose to connect any pipe that ~~shall be~~ is laid outside of the city limits with water pipe in ~~such~~ the city. No ~~such~~ permit shall may be issued until the applicant ~~shall first file~~ files with the commissioner of public works a bond in such sum and with such surety as the ~~said~~ commissioner shall approve, conditioned that the ~~said~~ applicant will obey the rules and regulations that ~~may from time to time be~~ prescribed by the commissioner of public works for the use of ~~such~~ the water; that the applicant will pay all charges fixed by ~~said~~ the commissioner for the use of ~~such~~ the water as measured by a meter to be approved by ~~said~~ the commissioner, which charges shall include the proportionate cost of ~~fluorinating~~ fluoridating the water and, except as to water furnished directly to county or other municipal properties, shall not be less than one-quarter more than those charged to the inhabitants of the city for like use of water; that the applicant will pay to ~~any such~~ the city a water pipe assessment if the property to be supplied with water has frontage on any thoroughfare forming the city boundary line in which a water main has been or shall be laid, and at the rate prescribed by the commissioner of public works; if the property to be supplied does not front on a city boundary but is distant therefrom, that a main pipe of the same size, class and standard as terminates at the city boundary shall be extended, and the entire cost shall be paid by the applicant for the extension; that ~~such~~ the water main shall be laid according to city specifications and under city inspection; that ~~such~~ the water main and appliances shall become the absolute property of ~~such~~ the city, without any compensation therefor, whenever the property supplied with water by ~~said~~ the extension or any part thereof shall be annexed to or in any manner become

a part of ~~such~~ the city; and that the applicant will pay to ~~any such~~ the city all damages whatever that it may sustain, arising in any way out of the manner in which ~~such~~ the connection is made or water supply is used. In case of granting a permit to any county or to any national home for disabled soldiers, the commissioner of public works may waive the giving of ~~such~~ a bond. Every ~~such~~ permit shall be issued upon the understanding that ~~such~~ the city shall in no event ever be liable for any damage in case of failure to supply water by reason of any condition beyond its control.

SECTION 26. 66.071 (1) (g) of the statutes is amended to read:

66.071 (1) (g) The commissioner of public works shall prescribe and regulate the kind of water meters to be used in ~~such~~ the city and the manner of attaching and connecting the ~~same~~ water meters, and may ~~in like manner~~ make ~~such~~ other rules for the use and control of water meters ~~attached and connected as herein provided as shall be~~ are necessary to secure reliable and just measurement of the quantity of water used; and may alter and amend ~~such~~ the rules from time to time as shall be necessary for the purposes named. If the owner or occupant of any premises, where the attaching and connection of a water meter may lawfully be required, ~~shall neglect or fail~~ neglects or fails to attach and connect ~~such~~ a water meter, as is required according to the rules established by the commissioner of public works, for 30 days after the expiration of the time within which ~~such~~ the owner or occupant ~~shall have been~~ is notified by ~~said~~ the commissioner of public works to attach and connect ~~such~~ a meter, the commissioner of public works may cause the water supply supplied by the city to be cut off from the premises, and it shall not be restored except upon ~~such~~ the terms and conditions as prescribed by the commissioner of public works ~~shall prescribe~~.

SECTION 27. 66.071 (1) (j) of the statutes is amended to read:

66.071 (1) (j) The commissioner of public works shall make an annual report to the council of the commissioner's doings under this section ~~and~~, the state of the water fund and the general condition of the ~~waterworks, and the~~ water system. ~~The~~ report, after being submitted to the council, shall be filed in the office of the comptroller.

NOTE: These amendments change the term "waterworks" to "water system", and make other technical revisions, in statutes governing water systems in 1st class cities.

SECTION 28. 66.077 (2) of the statutes is amended to read:

66.077 (2) ~~All of the~~ The provisions of this chapter and chs. 196 and 197 ~~as the same shall have been and from time to time may be amended or recreated,~~ relating to a ~~waterworks~~ water system, including, but not limited to, those provisions relating to the regulation of a ~~waterworks~~ water system by the public service commission, shall apply to ~~such combined waterworks~~ a consolidated

water and sewage disposal system as a single public utility. In prescribing rates, accounting and engineering practices, extension rules, service standards or other regulations for ~~such combined waterworks~~ a consolidated water and sewage disposal system, the public service commission shall treat the ~~waterworks~~ water system and the sewage disposal system separately, unless ~~such~~ the commission ~~shall find~~ finds that the public interest requires otherwise.

SECTION 29. 66.077 (3) of the statutes is amended to read:

66.077 (3) Any town, village, or 4th class city of the ~~fourth class~~ which ~~now owns or hereafter may acquire a waterworks plant and~~ acquires a water system and a plant or system for the treatment or disposal of sewage may by ordinance ~~combine such system~~ consolidate the systems into a single public utility. After the effective date of ~~such~~ the ordinance ~~such combined~~ the consolidated utility shall be is subject to all of the provisions of this section with the same force and effect as though originally acquired as a single public utility.

NOTE: These amendments update terminology referring to water systems, and make other technical revisions, in statutes governing combining water and sewer systems.

SECTION 30. 66.60 (6m) (c) 1. 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 supply system at the time, or after the time, that a town sanitary 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 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.

NOTE: This amendment updates terminology relating to water systems in the statute governing special assessments for constructing water or sewer systems.

SECTION 31. 67.05 (5) (b) of the statutes is amended to read:

67.05 (5) (b) No city or village may issue any bonds for any purposes other than for ~~waterworks~~ water sys-

tems, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. 66.38, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or for university of Wisconsin system centers until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low-interest mortgage loans under s. 66.38 without calling a special election to submit the question of bonding to the city or village electors for their approval.

NOTE: This amendment updates terminology relating to water systems in the statute which relates to town, village and city referenda regarding bonds issued for water systems and other types of facilities.

SECTION 32. 70.327 of the statutes is amended to read:

70.327 Valuation and assessment of property with contaminated wells. In determining the market value of real property with a contaminated well or water supply system, the assessor shall take into consideration the time and expense necessary to repair or replace the well or pri-

vate water ~~supply system~~ in calculating the diminution of the market value of real property attributable to the contamination.

NOTE: This amendment updates terminology regarding water systems in the statute relating to valuation and assessment of property with contaminated wells.

SECTION 33. 87.305 (1) (intro.) of the statutes is amended to read:

87.305 (1) DEPARTMENT APPROVAL. (intro.) Notwithstanding s. 87.30 or any rule promulgated, order issued or ordinance adopted under that section, the department shall authorize the connection of a sanitary sewer line from the sewerage treatment plant in the city of Prairie du Chien and connection of the public water ~~supply system~~ of the city of Prairie du Chien to the railroad depot and the Dousman hotel on St. Feriole island and shall authorize historic use of the Dousman hotel as a hotel, as defined under s. 254.61 (3), if all of the following conditions are met:

SECTION 34. 87.305 (1) (c) (intro.) of the statutes is amended to read:

87.305 (1) (c) (intro.) The department informs the U.S. army corps of engineers, the department of transportation, the division of emergency government and the state historical society of its intention to authorize connection of sewer service and a water ~~supply system~~ to the railroad depot and the Dousman hotel and occupancy of the hotel and either:

NOTE: These amendments update terminology regarding water systems in the statutes relating to authorizing the connection of the public water system in the city of Prairie du Chien to certain facilities on St. Feriole island.

SECTION 35. 97.34 (2) (c) of the statutes is amended to read:

97.34 (2) (c) The department may require testing of bottled drinking water for substances subject to any standard under par. (b) and for any other substance if the department determines that the water ~~supply system~~ used as the source of the bottled drinking water has a potential of being contaminated, based on contamination of other water ~~supplies systems~~ or groundwater in the vicinity. The department shall adopt by rule requirements for periodic sampling and analysis for the purposes of this subsection. The department shall require all analyses to be conducted by a laboratory certified under s. 144.95.

SECTION 36. 97.34 (2) (d) of the statutes is amended to read:

97.34 (2) (d) No person may manufacture or bottle bottled drinking water for sale or distribution in this state unless the location and construction of the water ~~supply and the pump installation water system~~ used by the manufacturer or bottler ~~comply~~ complies with ~~ch. 162 and~~ rules promulgated by the department of natural resources under ~~s. 162.03 that chapter.~~

NOTE: These amendments update terminology relating to water systems in the statutes relating to bottled drinking water standards.

SECTION 37. 101.143 (4) (b) 10. of the statutes is amended to read:

101.143 (4) (b) 10. Restoration or replacement of a private or public potable water ~~supply system~~.

NOTE: This amendment updates terminology relating to water systems in the statute relating to reimbursement for eligible costs incurred because of a petroleum products discharge.

SECTION 38. 144.01 (9) of the statutes is amended to read:

144.01 (9) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution or individual owning or operating any ~~water supply~~, sewerage or water system or sewage and refuse disposal plant.

SECTION 39. 144.01 (15) of the statutes is amended to read:

144.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water ~~supply~~ treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, or source material, as defined in s. 254.31 (10), special nuclear material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (3).

NOTE: These amendments revise terminology relating to water systems in the definitions section of ch. 144, relating to water, sewage, refuse, mining and air pollution.

SECTION 40. 144.02 (1) of the statutes is amended to read:

144.02 (1) ~~The department is authorized to act~~ Act with the U.S. geological survey in determining the sanitary and other conditions and nature of the natural water ~~supplies of the state of Wisconsin, such water survey to have for its objects~~ sources in this state, for the following purposes:

(a) To determine the nature and condition of the unpolluted natural water ~~supplies of the state~~ sources.

(b) To determine to what extent the natural ~~waters~~ water sources are being contaminated by sewage from cities, villages and towns.

(c) To determine to what extent the natural ~~waters~~ water sources are being polluted by ~~industrial other wastes, and in what way these wastes might be utilized for beneficial purposes.~~

(e) To assist in determining the best ~~source~~ sources of water ~~supplies.~~

NOTE: These amendments revise terminology relating to water sources, and make other technical revisions, in the statute governing a sanitary survey conducted by the department of natural resources.

SECTION 41. 144.025 (2) (b) 1. of the statutes is amended to read:

144.025 (2) (b) 1. The department shall promulgate rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Water quality standards shall consist of the designated uses of the waters or portions thereof and the water quality criteria for those waters based upon the designated use. Water quality standards shall protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water ~~supplies systems~~, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.

NOTE: This amendment updates terminology relating to water systems in the statute providing rule-making authority for water quality standards.

SECTION 42. 144.025 (2) (h) of the statutes is amended to read:

144.025 (2) (h) The department, upon request, shall consult with and advise owners ~~having who have~~ installed or ~~are~~ about to install systems or plants, as to the most appropriate water ~~supply source~~ and the best method of providing for its purity, or as to the best method of disposing of wastewater, including operations and maintenance, taking into consideration the future needs of the community for protection of its water supply. The department ~~shall is~~ not be required to prepare plans.

NOTE: This amendment updates terminology regarding water systems in the statute relating to the department of natural resources' duty to provide consultation regarding wastewater disposal.

SECTION 43. 144.025 (2) (L) of the statutes is amended to read:

144.025 (2) (L) The department shall promulgate rules establishing an examining program for the certification of operators of ~~waterworks water systems~~, wastewater treatment plants and septage servicing vehicles operated under a license issued under s. 146.20 (3), setting such standards as the department finds necessary to accomplish the purposes of this chapter, including requirements for continuing education. The department may charge applicants a fee for certification. All moneys collected under this paragraph for the certification of operators of ~~waterworks water systems~~, wastewater treatment plants and septage servicing vehicles shall be credited to the appropriation under s. 20.370 (2) (bL). No person may operate a ~~waterworks water systems~~, wastewater treatment plant or septage servicing vehicle without a valid certificate issued under this paragraph. The department may suspend or revoke a certificate issued under this paragraph for a violation of any statute or rule relat-

ing to the operation of a ~~waterworks water system~~ or wastewater treatment plant or to septage servicing, for failure to fulfill the continuing education requirements or as provided under s. 145.245 (3). The owner of any wastewater treatment plant shall be, or shall employ, an operator certified under this paragraph who shall be responsible for plant operations, unless the department by rule provides otherwise. In this paragraph, "wastewater treatment plant" means a system or plant used to treat industrial wastewater, domestic wastewater or any combination of industrial wastewater and domestic wastewater.

NOTE: This amendment deletes the obsolete term "waterworks" and replaces it with the term "water systems" in the statute requiring the department of natural resources to promulgate rules for certification of operators of wastewater treatment plants and septage servicing vehicles.

SECTION 44. 144.0255 (1) and (2) of the statutes are amended to read:

144.0255 (1) The department may award a municipal clean drinking water grant, from the appropriation under s. 20.866 (2) (tb), to a municipality for capital costs to achieve compliance with standards for contaminants established by the department by rule under the safe drinking water program under s. 144.025 (2) (t), if the municipality is not in compliance with those standards on or after April 1, 1990, if the municipality incurs the capital costs after January 1, 1989, and if the violation of the standards for contaminants occurs in a public water ~~supply system~~ owned by the municipality.

(2) The department shall approve grants under this section equal to 90% of the amount by which the reasonable and necessary capital costs of achieving compliance with the standards for contaminants exceed an amount equal to \$25 times the population that is served by the contaminated public water ~~supply system~~ for which a grant is sought if the reasonable and necessary capital costs of achieving compliance with ~~such those~~ standards are an amount equal to an amount that is greater than \$150 times the population that is served by the contaminated water ~~supply system~~.

NOTE: This amendment updates terminology relating to water systems in the statute governing municipal clean drinking water grants.

SECTION 45. 144.442 (6) (c) of the statutes is amended to read:

144.442 (6) (c) *Sequence of remedial action.* In determining the sequence for taking remedial action under this subsection, the department shall consider the hazard ranking of each site or facility, the amount of funds available, the information available about each site or facility, the willingness and ability of an owner, operator or other responsible person to undertake or assist in remedial action, the availability of federal funds under 42 USC 9601, et seq., and other relevant factors. The department shall give the highest priority to remedial action at sites or facilities which have caused contamination of a municipal

water supply system in a town with a population greater than 10,000. If any such site or facility is eligible for federal funds under 42 USC s. 9601 to 9675, but the federal funds will not be available before January 1, 2000, the department shall proceed with remedial action using state funds.

SECTION 46. 144.77 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

144.77 (6) (a) The department may utilize moneys appropriated under s. 20.370 (2) (dv) and (my) in taking action under sub. (3) (4). The department shall utilize these moneys to provide for the procurement, maintenance and storage of necessary equipment and supplies, personnel training and expenses incurred in locating, identifying, removing and disposing of abandoned containers.

NOTE: This amendment corrects a cross-reference in current law regarding the department of natural resources' authority to utilize moneys appropriated under the abandoned container law. Currently, the statute authorizes the department to utilize moneys appropriated in the development of a contingency option for taking emergency actions related to abandoned containers. The amendment deletes the reference to the contingency plan, and instead, authorizes utilizing the moneys for removal or other emergency actions related to abandoned containers.

SECTION 47. 145.04 (title) and (1) of the statutes are amended to read:

145.04 (title) **Waterworks Water and sewerage systems.** (1) **ORDINANCE RULES.** A ~~city of the 1st, 2nd or 3rd class having a system of waterworks~~ city with a water system or sewerage system shall, and a village ~~of city of the 4th class or any city, town or county or metropolitan sewerage commission may, by ordinance, prescribe rules relating to local permits for the installation, alteration and inspection of plumbing to safeguard the public health.~~

SECTION 48. 145.05 of the statutes is amended to read:

145.05 Plumbing supervisors, supervision. (1) The ~~common~~ council of a ~~1st, 2nd or 3rd class city of the first, second or third class, having a with a water system or sewerage system of waterworks or sewerage,~~ or the officer or board in charge, shall appoint one or more plumbing supervisors, who shall be licensed plumbers, and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance when first appointed, but need not renew their licenses while they continue in office. The ~~common~~ council of a ~~4th class city of the fourth class and,~~ the board of a village, town, or county or the commissioner in charge of any metropolitan sewerage district may appoint one or more plumbing supervisors who shall be practical plumbers, skilled sanitarians, or competent persons familiar with plumbing and unless under civil service shall serve for a term of 4 years or more subject to removal for just cause except as otherwise provided by ordinance. They shall supervise all

plumbing, new or alterations or repairs, and report to the appointing body violations of regulations, and perform such other appropriate duties as may be required. Their compensation shall be fixed by the council, board or commission.

(2) ~~Where a~~ If a water system or sewerage system of waterworks or sewerage has been or shall be is established in any city, village, town or metropolitan sewerage district which has not provided for a board or officer to supervise plumbing, drainage and sewerage, the department shall take immediate and entire control of plumbing, drainage and sewerage intended to be connected with ~~public sewer or waterworks~~ the water system or sewerage system, and exercise all the powers conferred by this section until such municipalities or district provides for such supervision.

NOTE: These amendments delete the obsolete term "waterworks" and replaces it with the term "water system" in the statutes relating to plumbing permits and plumbing supervisors.

SECTION 49. 160.27 (5) of the statutes is amended to read:

160.27 (5) Notwithstanding subs. (1) to (3), a regulatory agency may develop and operate a system for monitoring and sampling groundwater to determine compliance with this chapter. This section does not affect the authority of the department to require groundwater monitoring by owners or operators of solid or hazardous waste facilities ~~or~~ water supply systems or wastewater systems under ch. 144, 147 or 162.

NOTE: This amendment deletes the term "water supply" and replaces it with the term "water systems" in the statute relating to requiring groundwater monitoring.

SECTION 50. 160.34 of the statutes is amended to read:

160.34 No mandatory well repair as a condition for testing. No regulatory agency may require as a condition for the testing of a private water supply system at the request of the owner that the owner agree to institute changes necessary to bring the construction or design of the water supply system into compliance with administrative rules in effect at the time of testing but not in effect prior to 1954.

NOTE: This amendment deletes the term "water supply" and replaces it with the term "water systems" in the statute prohibiting mandatory well repair as a condition for testing.

SECTION 51. 196.58 (7) (a) of the statutes is amended to read:

196.58 (7) (a) If a municipality operating a ~~waterworks~~ water system seeks to serve consumers of an area which is part of the municipality and in the same county, but in order to serve such consumers it is necessary or economically prudent for the municipality to install mains, transmission lines, pipes or service connections through, upon or under a public street, highway, road, public thoroughfare or alley located within the boundaries of any adjacent municipality, the municipality seeking the installation may file a petition with the clerk of the

legislative body of the adjacent municipality requesting approval for the installation of the mains, transmission lines, pipes or service connections. The governing body of the adjacent municipality shall act on the petition within 15 days after the petition is filed. If the governing body of the adjacent municipality fails to act within the 15-day period, the petition shall be deemed approved and the municipality may proceed with the installations required for service to its consumers. If, however, the governing body of the adjacent municipality rejects the petition, the municipality may make application to the commission for authority to install within the boundaries of the adjacent municipality the installations necessary to provide service to its consumers. The commission shall hold a hearing upon the application of the municipality. If the commission determines that it is necessary or economically prudent that the municipality seeking to serve its consumers make the installations within the boundaries of the adjacent municipality, the commission shall promptly issue an order authorizing the municipality to proceed to make the installation. In the order, the commission may establish the manner of making the installation.

NOTE: This amendment deletes the term “waterworks” and replaces it with the term “water system” in the statute governing installations by a water system in a municipality.

SECTION 52. 254.36 (3) (intro.) of the statutes is amended to read:

254.36 (3) (intro.) The council shall monitor the development and implementation of private and local, state and federal government radiation-related policies and programs which may affect the health or well-being of the citizens of the state. These policies and programs include those involving ionizing radiation from X-rays or radioactive materials, nonionizing radiation such as lasers and microwaves, radioactive waste handling and disposal, the transportation of radioactive materials, radioactive air and water pollutants, radiation emergency response planning, the contamination of drinking water supplies systems by radioactive materials, the environ-

mental monitoring of radioactive materials and radon or its products of radioactive decay. As a result of monitoring these policies and programs, the council may:

NOTE: This amendment deletes the term “water supplies” and replaces it with the term “water systems” in the statute relating to monitoring of government policies and programs by the radiation protection council.

SECTION 53. 301.24 (2) of the statutes is amended to read:

301.24 (2) EASEMENTS. The department may grant easements for the extension of municipal and public utilities onto the lands of the institutions under its jurisdiction, for the purpose of connecting railroads, roads, ~~waterworks~~ water systems, sewers, electric lines and similar facilities, to serve the institutions.

NOTE: This amendment deletes the term “waterworks” and replaces it with the term “water systems” in the statute relating to the power of the department of natural resources to grant easements for the extension of utilities onto the lands of institutions under its jurisdiction.

SECTION 54. 560.08 (2) (b) of the statutes is amended to read:

560.08 (2) (b) Assemble and correlate information relating to all facets of the state’s economic resources, including without limitation, the labor supply, markets for Wisconsin products, power development, highways, watersheds, waterways, waterfront and harbor developments, water freight rates, tariffs, demurrage charges and state and federal regulations affecting ports, river basins, flood prevention, parks, reservations, river valleys, forests, wildlife refuges, aviation facilities, drainage and sanitary systems, waste disposal, waterworks, soil conservation, railroad rights-of-way, power transmission facilities, urban development, food, housing and water ~~supplies systems~~, and factors which influence the development of new economic enterprises such as taxes and the regulation of industry.

NOTE: This amendment deletes the term “water supplies” and replaces it with the term “water systems” in the statute relating to the duty of the department of development to assemble and correlate information relating to all facets of the state’s economic resources.