



## 1995 ASSEMBLY BILL 865

February 7, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Natural Resources.

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

1 and other wild animals (suggested as remedial legislation by the department  
2 of natural resources).

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***Analysis by the Legislative Reference Bureau***

Under current law, no person may bring into this state for the purpose of stocking or introduction, or stock or introduce, any fish, spawn or other wild animal without a permit. This bill changes current law by clarifying that a person must have a permit for stocking or introduction, 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 bill also makes technical changes to make the language in the provisions regarding introduction and stocking of wild animals more consistent.

This bill updates terminology related to water systems and makes other technical changes in the statutes relating to water systems. The bill also corrects a cross-reference in the statute related to funding emergency actions concerning abandoned containers.

For further information, see the NOTES provided by the law revision committee of the legislative council.

For further information see the **state** 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:***

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.

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

4 20.370 (2) (bL) *Wastewater management — fees.* All moneys received under s.  
5 144.025 (2) (L) for the certification of operators of ~~waterworks~~ water systems,  
6 wastewater treatment plants and septage servicing vehicles and under s. 146.20 (4s)  
7 (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”.

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

1           29.52 (2) (c) A description of the water ~~supply system~~ to be used in the operation  
2 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".

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

4           **29.535 (title) ~~Introducing fish and game~~ Introduction of wild animals.**

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

6           29.535 (1) (a) A person must be issued a permit from the department before  
7 doing any of the following:

- 8           1. Importing into the state any fish, spawn or any other wild animal for the  
9 purpose of introducing, stocking or planting that fish, spawn or wild animal.
- 10           2. Introducing, stocking or planting any fish, spawn or other wild animal.

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

12           29.535 (1) (c) Permits for introducing, stocking or planting under par. (a) 2.  
13 shall be issued by the department only after investigation and inspection of the fish,  
14 ~~birds or~~ spawn or other wild animals as ~~it~~ the department determines is necessary.

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

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

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

1           29.535 (2) Nothing in this section shall prohibit the department or its duly  
2 authorized agents from doing any of the following:

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

5           (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.

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

7           32.51 (1) (b) Public alleys, grounds, harbors, libraries, museums, school sites,  
8 vehicle parking areas, airports, markets, hospitals, ward yards, bridges, viaducts,  
9 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".

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

11          36.25 (11) (c) The laboratory shall provide analytical support to the appropriate  
12 state agencies charged with water supply system evaluation. The support service  
13 shall include an evaluation from a public health standpoint and analytical support  
14 to ascertain the water's suitability for manufacturing, commercial and recreational  
15 purposes as determined by the rules promulgated by the department of health and  
16 social services, the department of natural resources and the department of  
17 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”.

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

2           **46.06 (2) EASEMENTS.** The department may grant easements for the extension  
3 of municipal and public utilities onto the lands of the institutions under its  
4 jurisdiction, for the purpose of connecting railroads, roads, ~~waterworks~~ water  
5 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”.

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

7           **60.70 (10)** “Water ~~supply~~ system” means all structures, conduits and  
8 appurtenances by means of which water is delivered to consumers except piping and  
9 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.

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

11          **60.72 (4) FINDING.** Following the public hearing, the department shall  
12 determine if private sewage systems or private domestic water ~~supply~~ systems, or  
13 both, in the affected towns constitute a threat to public health, safety, convenience  
14 or welfare or of pollution of waters of the state, and that there is no local action to  
15 correct the situation. The department shall issue its determination as written  
16 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.

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

18          **60.77 (4) GENERAL POWERS AND DUTIES.** The commission may project, plan,  
19 construct and maintain a ~~system of water supply~~, solid waste collection and ~~disposal~~

1 of sewage sewerage system, including drainage improvements, sanitary sewers,  
2 surface sewers or storm water sewers, or all of the improvements or activities or any  
3 combination of them necessary for the promotion of the public health, comfort,  
4 convenience or welfare of the district. The commission may provide chemical or  
5 mechanical treatment of waters for the suppression of swimmers' itch, algae and  
6 other nuisance-producing aquatic growths.

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

10 (g) Provide for the operation as a single enterprise of its water ~~supply~~, solid  
11 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.

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

14 60.79 (2) (b) 1. The territory is served by the town sanitary district with a water  
15 ~~supply~~ or sewerage system; or

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

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

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

9 (e) Any special assessment levied before the incorporation or annexation shall  
10 continue to be collected by the district or city or village which is operating the water  
11 supply or sewerage system and shall be applied to the purpose for which the original  
12 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.

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

14 **60.79 (3) SERVICE AREA.** No city or village which secures a water supply or  
15 sewerage system under this section is required to serve an area outside its corporate  
16 limits greater than that included in the town sanitary district at the time of  
17 annexation or incorporation. The city or village shall continue to serve the area  
18 previously included within the district.

19 **(4) CITY OR VILLAGE AUTHORITY.** (intro.) A city or village which obtains a water  
20 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.

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

1           61.34 (3) ACQUISITION AND DISPOSAL OF PROPERTY. The village board may acquire  
2 property, real or personal, within or ~~without~~ outside the village, for parks, libraries,  
3 recreation, beautification, streets, ~~waterworks~~ water systems, sewage or waste  
4 disposal, harbors, improvement of watercourses, public grounds, vehicle parking  
5 areas, and for any other public purpose; may acquire real property within or  
6 contiguous to the village, by means other than condemnation, for industrial sites;  
7 may improve and beautify the same; may construct, own, lease and maintain  
8 buildings on such property for instruction, recreation, amusement and other public  
9 purposes; and may sell and convey such property. Condemnation shall be as  
10 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.

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

12           62.175 (2) If any 1st or 2nd class city has begun to plan, construct and establish,  
13 or has completed the planning, construction and establishment of, a sewage system  
14 and a sewage disposal works, any town, village or other city located in the same  
15 county where the 1st or 2nd class city is located and whose purified or unpurified  
16 sewage flows directly or indirectly into any lake which is the source of the water  
17 supply system of the 1st or 2nd class city shall, before constructing any sewers or  
18 sewerage system or extensions of any existing sewers or sewerage system for the  
19 purposes of connection with the sewers, sewerage system and sewage disposal works  
20 of the 1st or 2nd class city, secure the written approval of the plans by the sewerage  
21 commission, or other board or body or official having charge and control of the  
22 planning, construction, establishment, operation and maintenance of the sewage  
23 disposal system of the 1st or 2nd class city. The sewerage commission, or other board,



1 body or official of the 1st or 2nd class city, may approve the plans or approve them  
2 subject to recommended changes or substitutions in order that if the sewers or  
3 sewerage system, or extensions thereof, of any of the towns, villages or cities are  
4 connected with the sewers, sewerage system and sewage disposal works of the 1st  
5 or 2nd class city, the sewers or sewerage system, or extensions thereof, will conform  
6 with the plan of the sewers, sewerage system and sewage disposal works of the 1st  
7 or 2nd class city. If the town, village or city constructs in accordance with the  
8 approved plans, the town, village or city may connect its sewers, sewerage system or  
9 extensions thereof with the sewers, sewerage system and sewage disposal works of  
10 the 1st or 2nd class city, as specified in writing by the sewerage commission, or other  
11 board, body or official having charge and control of the sewage disposal system of the  
12 1st or 2nd class city. Except as otherwise provided by statute, a 2nd class city may  
13 charge compensation as provided under sub. (3), for the use of its sewers, sewerage  
14 system and sewage disposal works for the transmission of the sewage of the towns,  
15 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.

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

17 62.22 (1) PURPOSES. The governing body of any city may by gift, purchase or  
18 condemnation acquire property, real or personal, within or ~~without~~ outside the city,  
19 for parks, recreation, ~~waterworks~~ water systems, sewage or waste disposal, airports  
20 or approaches thereto, cemeteries, vehicle parking areas, and for any other public  
21 purpose; may acquire real property within or contiguous to the city, by means other  
22 than condemnation, for industrial sites; may improve and beautify the same; may  
23 construct, own, lease and maintain buildings on such property for public purposes;

1 and may sell and convey such property. The power of condemnation for any such  
2 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.

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

4 65.06 (1) No money shall may be expended and no liabilities incurred by the  
5 city or any department unless otherwise specially authorized by law during the fiscal  
6 year, in excess of the amounts specified or except as hereinafter provided for any  
7 other purpose than as designated therein, provided, however, that whenever a  
8 ~~waterworks~~ the city department of ~~the city~~ that is responsible for a water system  
9 desires to make a contract extending over a period of more than one year for additions  
10 to the plant in excess of the estimated revenue for the year, if in the opinion of the  
11 board of ~~estimate~~ estimates there will be money available to meet the payments on  
12 the contract as they may come due, then, by a majority vote of the board, they may  
13 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.

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

15 65.06 (8) Any department charged by law with the construction, extension,  
16 operation and maintenance of a ~~waterworks or~~ water system, lighting system or any  
17 public utility may spend money from the surplus revenue of ~~such waterworks or the~~  
18 water system, lighting system or utility in addition to the sum specified in the budget  
19 when deemed necessary to maintain the service, upon being authorized so to do by  
20 a three-fourths vote of all the aldermen of the common council, specifying by  
21 resolution the purpose for which and the sum appropriated. Before any money shall

1 be so expended a copy of the resolution authorizing it shall be certified to the  
2 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.

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

4 65.06 (17) Subsections (13), (14), (15) and (16) shall do not apply to the  
5 expenditure of funds, the proceeds of bonds or mortgage certificates, nor the surplus  
6 revenues of any ~~waterworks or water system~~, lighting system or municipally owned  
7 utility. In establishing the budget format with respect to funds and accounts related  
8 to proprietary operations, the common council may authorize accounting procedures  
9 which follow the uniform system of accounts authorized by the public service  
10 commission in the case of municipal utilities or accepted commercial accounting  
11 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.

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

13 66.061 (1) (a) Any city, village or town may grant to any person or corporation  
14 the right to construct and operate therein a water system ~~of waterworks~~ or to furnish  
15 light, heat or power subject to such reasonable rules and regulations as the proper  
16 ~~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.

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

18 66.066 (1a) Nothing herein shall be construed to limit the authority of any  
19 municipality to acquire, own, operate and finance in the manner provided in this  
20 section, a source of water ~~supply~~ and necessary transmission facilities (including all

1 real and personal property) beyond its corporate limits, and a source of water supply  
2 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.

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

4 66.071 (1) (title) ~~WATERWORKS~~ WATER SYSTEMS.

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

6 66.071 (1) (c) When the city owns its waterworks water system, the  
7 commissioner of public works ~~shall have power, from time to time, to~~ may make and  
8 enforce bylaws, rules and regulations in relation to the said ~~waterworks~~ water  
9 system, and, before the actual introduction of water, the commissioner shall make  
10 bylaws, rules and regulations, fixing uniform water rates to be paid for the use of  
11 water furnished by the said ~~waterworks~~ water system, and fixing the manner of  
12 distributing and supplying water for use or consumption, and for withholding or  
13 turning off ~~the same~~ water for cause, ~~and the.~~ The commissioner ~~shall have power,~~  
14 ~~from time to time, to~~ may alter, modify or repeal such the bylaws, rules and  
15 regulations.

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

17 66.071 (1) (f) The commissioner of public works of ~~any such~~ a city may issue  
18 a permit to the county in which it is located, to any national home for disabled  
19 soldiers, or to any other applicant to obtain water from the ~~waterworks in the said~~  
20 ~~city~~ city's water system for use outside of the limits of such the city; and for that  
21 purpose to connect any pipe that ~~shall be~~ is laid outside of the city limits with water  
22 pipe in such the city. No such permit shall may be issued until the applicant shall  
23 ~~first file~~ files with the commissioner of public works a bond in such sum and with such

1 surety as the ~~said~~ commissioner shall approve, conditioned that the ~~said~~ applicant  
2 will obey the rules and regulations ~~that may from time to time~~ be prescribed by the  
3 commissioner of public works for the use of ~~such~~ the water; that the applicant will  
4 pay all charges fixed by ~~said~~ the commissioner for the use of ~~such~~ the water as  
5 measured by a meter to be approved by ~~said~~ the commissioner, which charges shall  
6 include the proportionate cost of ~~fluorinating~~ fluoridating the water and, except as  
7 to water furnished directly to county or other municipal properties, shall not be less  
8 than one-quarter more than those charged to the inhabitants of the city for like use  
9 of water; that the applicant will pay to ~~any such~~ the city a water pipe assessment if  
10 the property to be supplied with water has frontage on any thoroughfare forming the  
11 city boundary line in which a water main has been or shall be laid, and at the rate  
12 prescribed by the commissioner of public works; if the property to be supplied does  
13 not front on a city boundary but is distant therefrom, that a main pipe of the same  
14 size, class and standard as terminates at the city boundary shall be extended, and  
15 the entire cost shall be paid by the applicant for the extension; that ~~such~~ the water  
16 main shall be laid according to city specifications and under city inspection; that ~~such~~  
17 the water main and appliances shall become the absolute property of ~~such~~ the city,  
18 without any compensation therefor, whenever the property supplied with water by  
19 ~~said~~ the extension or any part thereof shall be annexed to or in any manner become  
20 a part of ~~such~~ the city; and that the applicant will pay to ~~any such~~ the city all damages  
21 whatever that it may sustain, arising in any way out of the manner in which ~~such~~  
22 the connection is made or water supply is used. In case of granting a permit to any  
23 county or to any national home for disabled soldiers, the commissioner of public  
24 works may waive the giving of ~~such~~ a bond. Every ~~such~~ permit shall be issued upon

1 the understanding that ~~such~~ the city shall in no event ever be liable for any damage  
2 in case of failure to supply water by reason of any condition beyond its control.

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

4 66.071 (1) (g) The commissioner of public works shall prescribe and regulate  
5 the kind of water meters to be used in ~~such~~ the city and the manner of attaching and  
6 connecting the ~~same~~ water meters, and may ~~in like manner~~ make such other rules  
7 for the use and control of water meters ~~attached and connected as herein provided~~  
8 ~~as shall be~~ are necessary to secure reliable and just measurement of the quantity of  
9 water used; and may alter and amend ~~such~~ the rules ~~from time to time~~ as shall be  
10 necessary for the purposes named. If the owner or occupant of any premises, where  
11 the attaching and connection of a water meter may lawfully be required, ~~shall neglect~~  
12 ~~or fail~~ neglects or fails to attach and connect ~~such~~ a water meter, as is required  
13 according to the rules established by the commissioner of public works, for 30 days  
14 after the expiration of the time within which ~~such~~ the owner or occupant ~~shall have~~  
15 ~~been~~ is notified by said the commissioner of public works to attach and connect ~~such~~  
16 a meter, the commissioner of public works may cause the water ~~supply~~ supplied by  
17 the city to be cut off from the premises, and it shall not be restored except upon ~~such~~  
18 the terms and conditions as prescribed by the commissioner of public works shall  
19 ~~prescribe~~.

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

21 66.071 (1) (j) The commissioner of public works shall make an annual report  
22 to the council of the commissioner's doings under this section ~~and~~, the state of the  
23 water fund and the general condition of the ~~waterworks, and the~~ water system. The  
24 report, after being submitted to the council, shall be filed in the office of the  
25 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.

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

2           66.077 (2) ~~All of the~~ The provisions of this chapter and chs. 196 and 197 ~~as the~~  
3           ~~same shall have been and from time to time may be amended or recreated,~~ relating  
4           to a ~~waterworks~~ water system, including, but not limited to, those provisions relating  
5           to the regulation of a ~~waterworks~~ water system by the public service commission,  
6           shall apply to ~~such combined waterworks~~ a consolidated water and sewage disposal  
7           system as a single public utility. In prescribing rates, accounting and engineering  
8           practices, extension rules, service standards or other regulations for ~~such combined~~  
9           ~~waterworks~~ a consolidated water and sewage disposal system, the public service  
10          commission shall treat the ~~waterworks~~ water system and the sewage disposal  
11          system separately, unless ~~such~~ the commission shall ~~find~~ finds that the public  
12          interest requires otherwise.

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

14          66.077 (3) Any town, village, or 4th class city ~~of the fourth class~~ which now owns  
15          or hereafter may acquire a ~~waterworks plant and~~ acquires a water system and a  
16          plant or system for the treatment or disposal of sewage may by ordinance combine  
17          ~~such system~~ consolidate the systems into a single public utility. After the effective  
18          date of ~~such~~ the ordinance ~~such combined~~ the consolidated utility shall be is subject  
19          to ~~all of the provisions of this section with the same force and effect as though~~  
20          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.

21          **SECTION 30.** 66.60 (6m) (c) 1. of the statutes is amended to read:

1           66.60 (6m) (c) 1. If any eligible farmland contains a structure that is connected  
2 to a sanitary sewer or public water supply system at the time, or after the time, that  
3 a town sanitary district or town first levies a special assessment for the construction  
4 of a sewerage or water system in the service area in which the eligible farmland is  
5 located, the town sanitary district or town may levy a special assessment for the  
6 construction of a sewerage or water system on the eligible farmland that includes  
7 that structure. If that connection is made after the first assessment, the town  
8 sanitary district or town may also charge interest on the special assessment at an  
9 annual rate that does not exceed the average interest rate paid by the district or town  
10 on its obligations between the time the district or town first levies a special  
11 assessment for the construction of a sewerage or water system in the service area in  
12 which the eligible farmland is located and the time it levies the special assessment  
13 on that eligible farmland. That assessment may not exceed the equivalent of an  
14 assessment for that purpose on a square acre or, if the governing body of a town  
15 sanitary district or town so specifies by ordinance, the maximum size of any lot that  
16 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.

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

18           67.05 (5) (b) No city or village may issue any bonds for any purposes other than  
19 for ~~waterworks~~ water systems, lighting works, gas works, bridges, street lighting,  
20 street improvements, street improvement funding, hospitals, airports, harbor  
21 improvements, river improvements, breakwaters and protection piers, sewerage,  
22 garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or  
23 refuse or rubbish disposal, parks and public grounds, swimming pools and band



1 shells thereon, veterans housing projects, paying the municipality's portion of the  
2 cost of abolishing grade crossings, for the construction of police facilities and  
3 combined fire and police safety buildings, for the purchase of sites for engine houses,  
4 for fire engines and other equipment of the fire department, for construction of  
5 engine houses, and for pumps, water mains, reservoirs and all other reasonable  
6 facilities for fire protection apparatus or equipment for fire protection, for parking  
7 lots or other parking facilities, for school purposes, for libraries, for buildings for the  
8 housing of machinery and equipment, for acquiring and developing sites for industry  
9 and commerce as will expand the municipal tax base, for financing the cost of  
10 low-interest mortgage loans under s. 66.38, for providing financial assistance to  
11 blight elimination, slum clearance, community development, redevelopment and  
12 urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431,  
13 66.4325, 66.435 and 66.46 or for university of Wisconsin system centers until the  
14 proposition for their issue for the special purpose thereof has been submitted to the  
15 electors of the city or village and adopted by a majority vote. Except as provided  
16 under sub. (15), if the common council of any city or the village board of any village  
17 declares its purpose to raise money by issuing bonds for any purpose other than those  
18 above specified, it shall direct by resolution, which shall be recorded at length in the  
19 record of its proceedings, the clerk to call a special election for the purpose of  
20 submitting the question of bonding to the city or village electors. If a number of  
21 electors of a city or village equal to at least 15% of the votes cast for governor at the  
22 last general election in their city or village sign and file a petition conforming to the  
23 requirements of s. 8.40 with the city or village clerk requesting submission of the  
24 resolution, the city or village may not issue bonds for financing the cost of

1 low-interest mortgage loans under s. 66.38 without calling a special election to  
2 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.

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

4 **70.327 Valuation and assessment of property with contaminated wells.**

5 In determining the market value of real property with a contaminated well or water  
6 supply system, the assessor shall take into consideration the time and expense  
7 necessary to repair or replace the well or private water supply system in calculating  
8 the diminution of the market value of real property attributable to the  
9 contamination.

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

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

11 87.305 (1) DEPARTMENT APPROVAL. (intro.) Notwithstanding s. 87.30 or any rule  
12 promulgated, order issued or ordinance adopted under that section, the department  
13 shall authorize the connection of a sanitary sewer line from the sewerage treatment  
14 plant in the city of Prairie du Chien and connection of the public water supply system  
15 of the city of Prairie du Chien to the railroad depot and the Dousman hotel on St.  
16 Feriole island and shall authorize historic use of the Dousman hotel as a hotel, as  
17 defined under s. 254.61 (3), if all of the following conditions are met:

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

19 87.305 (1) (c) (intro.) The department informs the U.S. army corps of engineers,  
20 the department of transportation, the division of emergency government and the  
21 state historical society of its intention to authorize connection of sewer service and

1 a water supply system to the railroad depot and the Dousman hotel and occupancy  
2 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.

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

4 97.34 (2) (c) The department may require testing of bottled drinking water for  
5 substances subject to any standard under par. (b) and for any other substance if the  
6 department determines that the water supply system used as the source of the  
7 bottled drinking water has a potential of being contaminated, based on  
8 contamination of other water supplies systems or groundwater in the vicinity. The  
9 department shall adopt by rule requirements for periodic sampling and analysis for  
10 the purposes of this subsection. The department shall require all analyses to be  
11 conducted by a laboratory certified under s. 144.95.

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

13 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for  
14 sale or distribution in this state unless the ~~location and construction of the water~~  
15 ~~supply and the pump installation~~ water system used by the manufacturer or bottler  
16 ~~comply~~ complies with ch. 162 and rules promulgated by the department of natural  
17 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.

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

19 101.143 (4) (b) 10. Restoration or replacement of a private or public potable  
20 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.

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

2           144.01 (9) "Owner" means the state, county, town, town sanitary district, city,  
3 village, metropolitan sewerage district, corporation, firm, company, institution or  
4 individual owning or operating any ~~water supply~~, sewerage or water system or  
5 sewage and refuse disposal plant.

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

7           144.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste  
8 treatment plant, water ~~supply~~ treatment plant or air pollution control facility and  
9 other discarded or salvageable materials, including solid, liquid, semisolid, or  
10 contained gaseous materials resulting from industrial, commercial, mining and  
11 agricultural operations, and from community activities, but does not include solids  
12 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
13 return flows or industrial discharges which are point sources subject to permits  
14 under ch. 147, or source material, as defined in s. 254.31 (10), special nuclear  
15 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
16 (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.

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

18           144.02 (1) ~~The department is authorized to act~~ Act with the U.S. geological  
19 survey in determining the sanitary and other conditions and nature of the natural  
20 water ~~supplies of the state of Wisconsin, such water survey to have for its objects~~  
21 sources in this state, for the following purposes:

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

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

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

6 (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.

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

8 144.025 (2) (b) 1. The department shall promulgate rules setting standards of  
9 water quality to be applicable to the waters of the state, recognizing that different  
10 standards may be required for different waters or portions thereof. Water quality  
11 standards shall consist of the designated uses of the waters or portions thereof and  
12 the water quality criteria for those waters based upon the designated use. Water  
13 quality standards shall protect the public interest, which include the protection of  
14 the public health and welfare and the present and prospective future use of such  
15 waters for public and private water supplies systems, propagation of fish and aquatic  
16 life and wildlife, domestic and recreational purposes and agricultural, commercial,  
17 industrial and other legitimate uses. In all cases where the potential uses of water  
18 are in conflict, water quality standards shall be interpreted to protect the general  
19 public interest.

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

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

21 144.025 (2) (h) The department, upon request, shall consult with and advise  
22 owners ~~having~~ who have installed or are about to install systems or plants, as to the

1 most appropriate water supply source and the best method of providing for its purity,  
2 or as to the best method of disposing of wastewater, including operations and  
3 maintenance, taking into consideration the future needs of the community for  
4 protection of its water supply. The department shall is not be required to prepare  
5 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.

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

7 144.025 (2) (L) The department shall promulgate rules establishing an  
8 examining program for the certification of operators of waterworks water systems,  
9 wastewater treatment plants and septage servicing vehicles operated under a  
10 license issued under s. 146.20 (3), setting such standards as the department finds  
11 necessary to accomplish the purposes of this chapter, including requirements for  
12 continuing education. The department may charge applicants a fee for certification.  
13 All moneys collected under this paragraph for the certification of operators of  
14 waterworks water systems, wastewater treatment plants and septage servicing  
15 vehicles shall be credited to the appropriation under s. 20.370 (2) (bL). No person may  
16 operate a waterworks water systems, wastewater treatment plant or septage  
17 servicing vehicle without a valid certificate issued under this paragraph. The  
18 department may suspend or revoke a certificate issued under this paragraph for a  
19 violation of any statute or rule relating to the operation of a waterworks water  
20 system or wastewater treatment plant or to septage servicing, for failure to fulfill the  
21 continuing education requirements or as provided under s. 145.245 (3). The owner  
22 of any wastewater treatment plant shall be, or shall employ, an operator certified  
23 under this paragraph who shall be responsible for plant operations, unless the

1 department by rule provides otherwise. In this paragraph, “wastewater treatment  
2 plant” means a system or plant used to treat industrial wastewater, domestic  
3 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.

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

5 144.0255 (1) The department may award a municipal clean drinking water  
6 grant, from the appropriation under s. 20.866 (2) (tb), to a municipality for capital  
7 costs to achieve compliance with standards for contaminants established by the  
8 department by rule under the safe drinking water program under s. 144.025 (2) (t),  
9 if the municipality is not in compliance with those standards on or after April 1, 1990,  
10 if the municipality incurs the capital costs after January 1, 1989, and if the violation  
11 of the standards for contaminants occurs in a public water supply system owned by  
12 the municipality.

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

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

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

1           144.442 (6) (c) *Sequence of remedial action.* In determining the sequence for  
2 taking remedial action under this subsection, the department shall consider the  
3 hazard ranking of each site or facility, the amount of funds available, the information  
4 available about each site or facility, the willingness and ability of an owner, operator  
5 or other responsible person to undertake or assist in remedial action, the availability  
6 of federal funds under 42 USC 9601, et seq., and other relevant factors. The  
7 department shall give the highest priority to remedial action at sites or facilities  
8 which have caused contamination of a municipal water supply system in a town with  
9 a population greater than 10,000. If any such site or facility is eligible for federal  
10 funds under 42 USC s. 9601 to 9675, but the federal funds will not be available before  
11 January 1, 2000, the department shall proceed with remedial action using state  
12 funds.

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

15           144.77 (6) (a) The department may utilize moneys appropriated under s.  
16 20.370 (2) (dv) and (my) in taking action under sub. (3) (4). The department shall  
17 utilize these moneys to provide for the procurement, maintenance and storage of  
18 necessary equipment and supplies, personnel training and expenses incurred in  
19 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.

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



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

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

8           **145.05 Plumbing supervisors, supervision.** (1) The common council of a  
9 1st, 2nd or 3rd class city of the first, second or third class, having a with a water  
10 system or sewerage system of waterworks or sewerage, or the officer or board in  
11 charge, shall appoint one or more plumbing supervisors, who shall be licensed  
12 plumbers, and unless under civil service shall serve for a term of 4 years or more  
13 subject to removal for just cause except as otherwise provided by ordinance when  
14 first appointed, but need not renew their licenses while they continue in office. The  
15 common council of a 4th class city of the fourth class and, the board of a village, town,  
16 or county or the commissioner in charge of any metropolitan sewerage district may  
17 appoint one or more plumbing supervisors who shall be practical plumbers, skilled  
18 sanitarians, or competent persons familiar with plumbing and unless under civil  
19 service shall serve for a term of 4 years or more subject to removal for just cause  
20 except as otherwise provided by ordinance. They shall supervise all plumbing, new  
21 or alterations or repairs, and report to the appointing body violations of regulations,  
22 and perform such other appropriate duties as may be required. Their compensation  
23 shall be fixed by the council, board or commission.

24           (2) ~~Where a~~ If a water system or sewerage system of waterworks or sewerage  
25 ~~has been or shall be~~ is established in any city, village, town or metropolitan sewerage

1 district which has not provided for a board or officer to supervise plumbing, drainage  
2 and sewerage, the department shall take immediate and entire control of plumbing,  
3 drainage and sewerage intended to be connected with ~~public sewer or waterworks~~  
4 the water system or sewerage system, and exercise all the powers conferred by this  
5 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.

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

7 160.27 (5) Notwithstanding subs. (1) to (3), a regulatory agency may develop  
8 and operate a system for monitoring and sampling groundwater to determine  
9 compliance with this chapter. This section does not affect the authority of the  
10 department to require groundwater monitoring by owners or operators of solid or  
11 hazardous waste facilities ~~or~~, water supply systems or wastewater systems under ch.  
12 144, 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.

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

14 **160.34 No mandatory well repair as a condition for testing.** No  
15 regulatory agency may require as a condition for the testing of a private water ~~supply~~  
16 system at the request of the owner that the owner agree to institute changes  
17 necessary to bring the construction or design of the water ~~supply~~ system into  
18 compliance with administrative rules in effect at the time of testing but not in effect  
19 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.

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

1           196.58 (7) (a) If a municipality operating a ~~waterworks~~ water system seeks to  
2           serve consumers of an area which is part of the municipality and in the same county,  
3           but in order to serve such consumers it is necessary or economically prudent for the  
4           municipality to install mains, transmission lines, pipes or service connections  
5           through, upon or under a public street, highway, road, public thoroughfare or alley  
6           located within the boundaries of any adjacent municipality, the municipality seeking  
7           the installation may file a petition with the clerk of the legislative body of the  
8           adjacent municipality requesting approval for the installation of the mains,  
9           transmission lines, pipes or service connections. The governing body of the adjacent  
10          municipality shall act on the petition within 15 days after the petition is filed. If the  
11          governing body of the adjacent municipality fails to act within the 15-day period, the  
12          petition shall be deemed approved and the municipality may proceed with the  
13          installations required for service to its consumers. If, however, the governing body  
14          of the adjacent municipality rejects the petition, the municipality may make  
15          application to the commission for authority to install within the boundaries of the  
16          adjacent municipality the installations necessary to provide service to its consumers.  
17          The commission shall hold a hearing upon the application of the municipality. If the  
18          commission determines that it is necessary or economically prudent that the  
19          municipality seeking to serve its consumers make the installations within the  
20          boundaries of the adjacent municipality, the commission shall promptly issue an  
21          order authorizing the municipality to proceed to make the installation. In the order,  
22          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.

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

1           254.36 (3) (intro.) The council shall monitor the development and  
2 implementation of private and local, state and federal government radiation-related  
3 policies and programs which may affect the health or well-being of the citizens of the  
4 state. These policies and programs include those involving ionizing radiation from  
5 X-rays or radioactive materials, nonionizing radiation such as lasers and  
6 microwaves, radioactive waste handling and disposal, the transportation of  
7 radioactive materials, radioactive air and water pollutants, radiation emergency  
8 response planning, the contamination of drinking water supplies systems by  
9 radioactive materials, the environmental monitoring of radioactive materials and  
10 radon or its products of radioactive decay. As a result of monitoring these policies and  
11 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.

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

13           301.24 (2) EASEMENTS. The department may grant easements for the extension  
14 of municipal and public utilities onto the lands of the institutions under its  
15 jurisdiction, for the purpose of connecting railroads, roads, ~~waterworks~~ water  
16 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.

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

18           560.08 (2) (b) Assemble and correlate information relating to all facets of the  
19 state's economic resources, including without limitation, the labor supply, markets  
20 for Wisconsin products, power development, highways, watersheds, waterways,  
21 waterfront and harbor developments, water freight rates, tariffs, demurrage charges

1 and state and federal regulations affecting ports, river basins, flood prevention,  
2 parks, reservations, river valleys, forests, wildlife refuges, aviation facilities,  
3 drainage and sanitary systems, waste disposal, waterworks, soil conservation,  
4 railroad rights-of-way, power transmission facilities, urban development, food,  
5 housing and water ~~supplies~~ systems, and factors which influence the development  
6 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.

7

**(END)**