



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 44**

May 1, 1997 - Offered by Representatives PORTER, WARD, OWENS, JOHNSRUD,
ALBERS, LORGE, GOETSCH and HAHN.

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

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

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

9 66.076 (1) (a) In addition to all other methods provided by law, any
10 municipality may construct, acquire or lease, extend or improve any plant and
11 equipment within or without its corporate limits for the collection, transportation,
12 storage, treatment and disposal of sewage, including the lateral, main and

1 interceptor sewers necessary in connection therewith, and any town, village or city
2 may arrange for such service to be furnished by a metropolitan sewerage district or
3 joint sewerage system. Except as provided in s. 66.60 (6m), payment for ~~the same~~
4 a sewerage project described in this paragraph, or any part thereof of such project,
5 may be provided from the general fund, from taxation, special assessments,
6 sewerage service charges, or from the proceeds of either municipal obligations,
7 revenue bonds or from any combination of these enumerated methods of financing.

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

9 66.076 (1) (b) If the extension of a sewer line or water main that is described
10 under par. (a) is required because of a new subdivision, as defined in s. 236.02 (12),
11 or commercial development, the municipality may recoup some or all of the costs that
12 it has incurred for the extension by a method described under par. (a) or by any other
13 method of financing agreed to by the municipality and the developer. If a person,
14 whose property is outside of the subdivision for which a developer is paying, or has
15 paid, the costs of a sewerage project under this paragraph, connects an extension into
16 the sewerage project after the amount is established that the developer is required
17 to pay under this paragraph, that person shall pay to the developer an amount
18 determined by the public service commission. The public service commission shall
19 promulgate rules to determine the amount that such a person shall pay to a
20 developer. The rules promulgated under this paragraph shall be based on the
21 benefits accruing to the property that connects an extension into the sewerage
22 project.

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

24 66.36 (6) Payment as provided under s. 66.076 (1) (a).

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

1 66.60 (6m) (b) Except as provided in ~~par.~~ par. (c) and (d), no town sanitary
2 district or town may levy any special assessment on eligible farmland for the
3 construction of a sewerage or water system.

4 **SECTION 5.** 66.60 (6m) (c) of the statutes is amended to read:

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

22 2. If Subject to par. (d), if after an initial special assessment for the construction
23 of a sewerage or water system is levied in a service area any eligible farmland subject
24 to subd. 1. or exempted from a special assessment under par. (b) is divided into 2 or
25 more parcels at least one of which is not devoted exclusively to agricultural use, the

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

22 3. If, after a town sanitary district or town first levies a special assessment for
23 the construction of a sewerage or water system in a service area, the eligible
24 farmland in that service area exempted from the special assessment under par. (b)
25 is not devoted exclusively to agricultural use for a period of one year or more, the town

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

16 **SECTION 6.** 66.60 (6m) (d) of the statutes is created to read:

17 66.60 (6m) (d) 1. Except as provided in subd. 2., if a special assessment is levied
18 on eligible farmland under par. (c) 1. or 2., the special assessment shall be deferred
19 without interest until the eligible farmland is divided into 2 or more parcels at least
20 one of which is not devoted exclusively to agricultural use or is rezoned to a
21 nonagricultural use, if the assessment is levied for the construction of a sanitary
22 sewer or public water supply in a new subdivision, as defined in s. 236.02 (12), or
23 commercial development.

24 2. For a special assessment levied under subd. 1. on eligible farmland that
25 contains a residence that is connected to a sanitary sewer or public water supply, the

1 special assessment will be deferred only to the extent that it exceeds the special
2 assessment on 208.7 feet of land.

3 3. When eligible farmland no longer qualifies for a deferment under subd. 1.,
4 the special assessment is due within 90 days after the action taken by the owner of
5 the eligible farmland that caused the farmland to no longer qualify for the deferment
6 or on the date of the actual connection of a sanitary sewer or public water supply to
7 a building or other structure on the formerly eligible farmland, whichever is later.
8 The town sanitary district or town may also charge interest, from the date that the
9 connection is made, on the special assessment at an annual rate that does not exceed
10 the average interest rate paid by the district or town on its obligations between the
11 time the district or town levies the special assessment to which the deferment
12 applied and the time the eligible farmland no longer qualifies for the deferment. The
13 amount of frontage on which the special assessment is calculated may not exceed
14 208.7 feet of land.

15 **SECTION 7. Nonstatutory provisions.**

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

20 (b) Using the procedure under section 227.24 of the statutes, the public service
21 commission shall promulgate rules required under section 66.076 (1) (b) of the
22 statutes, as created by this act, for the period before the effective date of the rules
23 submitted under paragraph (a), but not to exceed the period authorized under section
24 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2)
25 (b) of the statutes, the commission need not provide evidence of the necessity of

