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AN ACT to repeal 30.13 (5), 60.51, 66.01 (14), 66.021 (2m) (title), 66.021 (13), 66.033 (title), 66.035, 66.04 (1m) (title), 66.0495 (1) (title), 66.0495 (1) (a) (title), 66.0495 (1) (b) (title), 66.0495 (1) (d) (title), 66.0495 (2) (title) and (a) (title), 66.0495 (2) (b) (title), 66.0495 (3) (title), 66.05 (1g) and (1m) (a), 66.05 (8) (d), 66.051 (1) (c), 66.06, 66.066 (2) (j), 66.067, 66.068 (1), 66.068 (5), 66.069 (1) (title), 66.071 (intro.), 66.074, 66.075, 66.081, 66.10, 66.111, 66.112 (1) (d), 66.123 (title), 66.13, 66.14 (title), 66.197, 66.29 (9) (a), 66.295, 66.30 (4), 66.30 (6) (a), 66.345, 66.37, 66.39, 66.395 (3) (q), 66.40 (3) (d), 66.40 (3) (r), 66.405 (3) (c), 66.41 (title), 66.421 (title), 66.424 (title), 66.425 (title), 66.43 (3) (b), 66.43 (16), 66.431 (2m) (f), 66.434 (title), 66.44, 66.47 (6), 66.51 (4), 66.54 (2), 66.54 (3) (title), 66.54 (8) (a) to (bm), 66.54 (9), 66.54 (12) (title), 66.55, 66.606, 66.609, 66.696 (title), 66.74, 66.75 (1m) (f) 3., 66.77, 66.905, 66.908, 66.914, 66.918, 66.925, 66.945 (8) (b), 66.948, chapter 200 (title), 200.01 to 200.05, 200.06 (title) and (1), 200.07 to 200.11, 200.13 and 200.15; to renumber and amend 66.01 (title) and (1) to (3), 66.01 (4) (to 8), 66.01 (9) (to 11), 66.01 (16), 66.012, 66.013, 66.014, 66.015, 66.016, 66.017, 66.018, 66.019, 66.02, 66.021 (title), 66.021 (1) (am) (to (e), 66.021 (2) (2m), 66.021 (3), 66.021 (4), 66.021 (5), 66.021 (6) (title), 66.021 (6), 66.021 (7) (title), (a), (b) and (d), 66.021 (8), 66.021 (9), 66.021 (10), 66.021 (11), 66.021 (12), 66.021 (15), 66.022, 66.023, 66.024, 66.025, 66.026, 66.027, 66.028, 66.029, 66.0295, 66.03, 66.031 (title), 66.031, 66.032, 66.033, 66.04 (1), 66.04 (2), (2m) and (2s), 66.04 (4), 66.041, 66.042, 66.044, 66.045, 66.046, 66.047, 66.048, 66.049, 66.0495 (1) (a), 66.0495 (1) (d), 66.0495 (2) (a), 66.0495 (2) (b), 66.0495 (3), 66.05 (title), 66.05 (1m) (b), 66.05 (1m) (c), 66.05 (1m) (d), 66.05 (2) (a), 66.05 (2) (b), 66.05 (2) (c), 66.05 (3), 66.05 (5), 66.05 (6), 66.05 (8) (a) to (bm), 66.05 (9), 66.051 (title) and (1) (a) to (bm), 66.052, 66.053, 66.057, 66.058 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7., 66.058 (3) (c) 8., 66.058 (3) (d) to (h) and (3m) to (8), 66.0585, 66.059, 66.061, 66.064, 66.065 (title), 66.065 (1), (2), (3), (4) and (4a), 66.065 (5), 66.066 (6), 66.066 (7), 66.066 (8) (title), (1) to (1m) and (2)

* Section 991.11, WISCONSIN STATUTES 1997–98: 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].
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: This bill is recommended by the joint legislative council’s special committee on general municipal law recodification. The special committee was directed to recodify chapter 66 of the statutes by the process of reorganization into logical subchapters, sections and subunits, repeal of unnecessary or archaic and obsolete language, relocation of those provisions more appropriately placed elsewhere in the statutes and modernization of language where appropriate. The special committee was directed to refrain from recommending substantive changes that would significantly affect relationships between governmental units or engender substantial controversy in the legislative process.

The basis of current ch. 66 was itself a recodification. [Chapter 396, laws of 1921, effective January 1, 1922.] The creation of ch. 66 was part of an ongoing effort by the revisor of statutes to revise and reorganize Wisconsin statutes relating to municipal law. That effort was the basis for the current organization, by chapter, of Wisconsin statutes relating to cities, villages, towns, counties and to local units of government generally. The original purpose of ch. 66 was to locate in one chapter those statutory provisions applicable to more than one general purpose unit of local government.

When first established, ch. 66 consisted of 11 individual statutory sections, comprising about 17 pages of Wisconsin statutes. When the special committee began the recodification process, ch. 66 consisted of 273 individual sections, comprising 160 pages of the statutes. The expansion of ch. 66 over time has resulted in a vast number of disparate statutory provisions, with little apparent thought given to the internal organization of the chapter. Consequently, the chapter is unwieldy and difficult to use.

This bill:
1. Reorganizes ch. 66 by:
   a. Internally reorganizing the chapter by creating 13 subchapters and relocating provisions within the chapter.
   b. Reorganizing some individual sections within ch. 66 by combining them with other sections, dividing single sections into 2 or more sections and internally reorganizing single sections.
   c. Relocating whole or partial provisions of ch. 66 outside of ch. 66 where appropriate (including the relocation of provisions dealing with metropolitan sewage districts into a new chapter, ch. 200, and moving whole sections of ch. 66 that pertain solely to 1st class cities to subch. II of ch. 62, relating to cities).
2. Makes nonsubstantive, editorial changes to modernize language and reflect modern drafting style, including, in a few instances, comprehensive editorial changes by entirely restating the current provision.
3. Repeals several entire sections and portions of sections that the special committee concluded are no longer necessary.
4. Makes substantive changes that the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, this bill makes no substantive changes in the statutory provisions treated by the bill. Substantive changes in the bill are identified in notes to the provisions substantively affected. If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in this bill be construed to have the same effect as the prior statutes.

For convenience, a table of contents listing all section numbers of reorganized ch. 66 and the newly created subchapters is included in this prefatory note. Also, a finding aid is included at the end of the bill which identifies the treatment by this bill of current statutory provisions within ch. 66.

The remainder of this note consists of a table of contents for reorganized ch. 66:

CHAPTER 66
GENERAL MUNICIPAL LAW

Subchapter I General Powers; Administration
Subchapter II Incorporation; Municipal Boundaries
Subchapter III Intergovernmental Cooperation
Subchapter IV Regulation
Subchapter V Officers and Employees
Subchapter VI Finance; Revenues
Subchapter VII Special Assessments
Subchapter VIII Public Utilities
Subchapter IX Public Works and Projects
Subchapter X Planning, Housing and Transportation
Subchapter XI Development
Subchapter XII Housing Authorities
Subchapter XIII Urban Redevelopment and Renewal
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GENERAL POWERS; ADMINISTRATION

66.0101  Home rule; manner of exercise.
66.0103  Code of ordinances.
66.0105  Jurisdiction of overlapping extraterritorial powers.
66.0107  Power of municipalities to prohibit criminal conduct.
66.0109  Penalties under county and municipal ordinances.
66.0111  Bond under municipal ordinances.
66.0114  Actions for violations of ordinances.
66.0113  Citations for certain ordinance violations.
66.0115  Outstanding unpaid forfeitures.
66.0117  Judgment against local governmental units.
66.0119  Special inspection warrants.
66.0121  Orders; action; proof of demand.
66.0123  Recreation authority.
66.0125  Community relations—social development commissions.
66.0127  Municipal hospital board.
66.0129  Hospital facilities lease from nonprofit corporation.
66.0131  Local government purchasing.
66.0133  Energy savings performance contracting.
66.0135  Interest on late payments.
66.0137  Provision of insurance.
66.0139  Disposal of abandoned property.
66.0141  Accident record systems.

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66.0201  Incorporation of villages and cities; purpose and definitions.
66.0203  Procedure for incorporation of villages and cities.
66.0205  Standards to be applied by the circuit court.
66.0207  Standards to be applied by the department.
66.0209  Review of incorporation-related orders and decisions.
66.0211  Incorporation referendum procedure.
66.0213  Powers of new village or city: elections; adjustment of taxes; reorganization as village.
66.0215  Incorporation of certain towns adjacent to 1st class cities.
66.0217  Annexation initiated by electors and property owners.
66.0219  Annexation by referendum initiated by city or village.
66.0221  Annexation of and creation of town islands.
66.0223  Annexation of territory owned by city or village.
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66.0227  Detachment of territory.
66.0229  Consolidation.
66.0231  Notice of certain litigation affecting municipal status or boundaries.
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66.0301  Intergovernmental cooperation.
66.0303  Municipal interstate cooperation.
66.0305 Municipal revenue sharing.
66.0307 Boundary change pursuant to approved cooperative change.
66.0309 Creation, organization, powers and duties of regional planning commissions.
66.0311 Intergovernmental cooperation in financing and undertaking housing projects.
66.0313 Law enforcement; mutual assistance.
66.0315 Municipal cooperation; federal rivers, harbors or water resources projects.

**SUBCHAPTER IV**

**REGULATION**

66.0401 Regulation relating to solar and wind energy systems.
66.0403 Solar and wind access permits.
66.0405 Removal of rubbish.
66.0407 Noxious weeds.
66.0409 Local regulation of firearms.
66.0411 Sound producing devices; seizure impoundment; forfeiture.
66.0413 Razing buildings.
66.0415 Offensive industry.
66.0417 Local enforcement of certain food and health regulations.
66.0419 Regulation of cable television by municipalities.
66.0421 Access to cable service.
66.0423 Transient merchants.
66.0425 Privileges in streets.
66.0427 Open excavations in populous counties.
66.0429 Street barriers; neighborhood watch signs.
66.0431 Prohibiting operators from leaving keys in parked motor vehicles.
66.0433 Licenses for nonintoxicating and soda water beverages.
66.0435 Mobile home parks.

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**OFFICERS AND EMPLOYES**

66.0501 Eligibility for office.
66.0503 Combination of municipal offices.
66.0505 Compensation of governing bodies.
66.0507 Automatic salary schedules.
66.0509 Civil service system; veteran’s preference.
66.0511 Law enforcement agency policies on use of force and citizen complaint procedures.
66.0513 Police, pay when acting outside county or municipality.
66.0515 Receipts for fees.
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**FINANCE; REVENUES**

66.0601 Appropriations.
66.0603 Investments.
66.0605 Local government audits and reports.
66.0607 Withdrawal or disbursement from local treasury.
66.0609 Financial procedure; alternative system of proving claims.
66.0611 Political subdivisions prohibited from levying tax on incomes.
66.0613 Assessment on racing prohibited.
66.0615 Room tax; forfeitures.
66.0617 Impact fees.
66.0619 Public improvement bonds; issuance.
66.0621 Revenue obligations.
66.0623 Refunding village, town, sanitary and inland lake bonds.
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66.0627 Special charges for current services.

**SUBCHAPTER VII**

**SPECIAL ASSESSMENTS**

66.0701 Special assessments by local ordinance.
66.0703 Special assessments, generally.
66.0705 Property of public and private entities subject to special assessments.
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66.0709 Preliminary payment of improvements funded by special assessments.
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66.0715 Deferral of special assessments; payment of special assessments in instalments.
66.0717 Lien of special assessment.
66.0719 Disposition of special assessment proceeds where improvement paid for out of general fund or municipal obligations.
66.0721 Special assessments on certain farmland for construction of sewerage or water system.
66.0723 Utilities, special assessments.
66.0725 Assessment of condemnation benefits.
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66.0809 Municipal public utility charges.
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66.0823 Joint local water authorities.
66.0825 Municipal electric companies.
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66.1301 Urban redevelopment.
66.1303 Urban redevelopment; plans, approval.
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66.1313 Urban redevelopment; condemnation for.
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66.1317 Urban redevelopment; borrowing; mortgages.
66.1319 Urban redevelopment; sale or lease of land.
66.1321 Urban redevelopment; city lease to, terms.
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**SECTION 1.** 20.155 (1) (g) of the statutes, as affected by 1997 Wisconsin Act 229, is amended to read:

20.155 (1) (g) Utility regulation. The amounts in the schedule for the regulation of utilities. Ninety percent of all moneys received by the commission under s. 196.85, 196.855 or 200.10 201.10 (3), except moneys received from mobile home park operators under s. 196.85 (2g), shall be credited to this appropriation. Ninety percent of all receipts from the sale of miscellaneous printed reports and other copied material, the cost of which was originally paid under this paragraph, shall be credited to this appropriation.

**SECTION 2.** 29.05 (6) of the statutes is amended to read:

29.05 (6) Access to storage places. For purposes of enforcing this chapter, the department and its wardens shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises subject to ss. 66.122 and 66.123 s. 66.0119; and the owner or occupant, or the agent, servant, or employe of the owner, shall deliver to any such officer any wild animal, or carcass or part thereof, in his or her possession during the closed season thereof, whether taken within or without the state.

**SECTION 3.** 30.13 (5) of the statutes is repealed.

**NOTE:** Replaced by s. 66.0495, which is renumbered s. 30.13 (5). See Sections 120 to 133 of this bill.

**SECTION 4.** 30.16 (2) of the statutes is amended to read:

30.16 (2) Removal of obstructions to navigation; wharves and piers; alternative. As an alternative to the procedure specified under sub. (1), the governing body of a city, village or town may remove that portion of a wharf or pier which constitutes an unlawful obstruction to navigation as provided under s. 66.0495 30.15 (5m).

**SECTION 5.** 30.772 (3) (f) of the statutes is amended to read:

30.772 (3) (f) In addition to, or as an alternative to, the penalties specified in par. (e), the governing body of a municipality may remove unlawful moorings as provided under and pursuant to the procedures of s. 66.0495 30.15 (5m).

**SECTION 6.** 33.47 (5) of the statutes is amended to read:
33.47 (5) Any special assessment or special charge levied shall be in accordance with s. 66.60 ss. 66.0627 and 66.0703 to the extent it is that those sections are applicable to and not in conflict with this subsection.

Section 7. 36.11 (19) (title) of the statutes is created to read:

36.11 (19) (title) Furnishing of Services to School Districts.

Section 8. 60.23 (20) of the statutes is amended to read:

60.23 (20) Disposition of Dead Animals. Notwithstanding ss. 59.54 (21) and 95.50 (3), dispose of any dead animal within the town or contract for the removal and disposition with any private disposal facility. A town may enter into a contract with any other governmental unit under s. 66.30 to 66.0301 to provide for the removal and disposition. A town may recover its costs under this subsection by levying a special assessment under s. 66.345 imposing a special charge under s. 66.0627.

Note: Reflects the repeal of s. 66.345 and the amendment of s. 66.0627, as renumbered. See Sections 170 and 372 of this bill.

Section 9. 60.23 (27) of the statutes is amended to read:

60.23 (27) Town Housing Authorities, Blighted Areas. Engage in certain housing and redevelopment activities. The provisions of ss. 66.40 to 66.1201 to 66.425, 66.43, 66.431, 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.345, except the provisions of s. 66.40 to 66.1201 (10) and any other provisions that conflict with statutes relating to towns and town boards, shall apply to towns, and the powers and duties conferred and imposed by ss. 66.40 to 66.1201 to 66.425, 66.43, 66.431, 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.345, except the powers and duties conferred and imposed by s. 66.40 to 66.1201 (10) and any other powers that conflict with statutes relating to towns and town boards, upon mayors, common councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such the specified city officials and common councils respectively. Any town housing authorities created under this subsection shall be entitled to may participate in any state grants—in aid for housing in the same manner as city housing authorities created under ss. 66.395 to 66.404.

Section 10. 60.24 (3) (j) of the statutes is amended to read:

60.24 (3) (j) Appoint, at his or her discretion, one or more commissioners of noxious weeds under s. 66.60 to 66.0517.

Note: Amends the reference to the town board chairperson’s duty to appoint one or more commissioners of noxious weeds to reflect that the appointment duty is made optional. See Section 154 of this bill.

Section 11. 60.51 of the statutes is repealed.

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Section 12. 61.73 of the statutes is amended to read:

61.73 Village Housing Authorities. The provisions of ss. 66.395 to 66.425, 66.1201 to 66.1201 to 66.1329 apply to villages, and the powers and duties conferred and imposed by ss. 66.395 to 66.425, 66.1201 to 66.1329 upon mayors, councils and specified city officials are conferred upon presidents, village boards and village officials performing duties similar to the duties of the specified city officials respectively. Any An ordinance or resolution herebefore passed before June 4, 1949, by any a village board or creating a housing authority in substantially the manner provided in ss. 66.40 to 66.404, 66.1201 to 66.1329 is valid, and any village housing authorities may participate in any state grants—in aid for housing in the same manner as city housing authorities created under ss. 66.395 to 66.404.

Section 13. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), 62.175 and 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class cities under special charter.

Note: Amended to reflect the relocation of s. 66.38, relating to housing loan assistance by cities, into subch. 1 of ch. 62. Section 66.38 applies to any city with a population over 75,000, including 1st class cities under special charter.

Section 14. Subchapter II (title) of chapter 62 [precedes 62.50] of the statutes is amended to read:

CHAPTER 62
SUBCHAPTER II
POLICE AND FIRE DEPARTMENTS
IN CITIES OF THE FIRST CLASS CITIES

Section 15. 62.63 (1) of the statutes is created to read:

62.63 (1) Establishment of Funds. By a majority vote of the members—elect, the common council of a 1st class city may create, establish, maintain and administer annuity and benefit funds for city officers and employees, including officers and employees of boards, agencies, departments and divisions of the city government and of a housing authority established under s. 66.1201.

Note: Restates s. 66.80 (1) and (3) repealed by Sections 570 and 572 of this bill.

Section 16. 62.69 (1) of the statutes is created to read:

62.69 (1) Application. This section applies to 1st class cities.

Note: Restates s. 66.071 (intro.), repealed by Section 196 of this bill.

Section 17. 62.69 (2) (b) of the statutes is created to read:
62.69 (2) (b) In this subsection, all acts authorized to be done by the commissioner of public works, except enforcement of regulations approved by the common council, shall be approved by the common council before the acts may take effect.

**Note:** Restates a portion of s. 66.071 (1) (b) that is repealed by Section 199 of this bill.

**Section 18.** 66.01 (title) and (1) to (3) of the statutes are renumbered 66.0101 (title) and (1) to (3), and 66.0101 (2) and (3), as renumbered, are amended to read:

66.0101 (2) (a) A “charter ordinance” is any ordinance which enacts, amends or repeals the whole or any part of the charter of a city or village, or makes the election mentioned in sub. (4). Such city or village may enact a charter ordinance. A charter ordinance shall be so designated, shall require as a charter ordinance, requires a two-thirds vote of the members-elect of the legislative body of such the city or village, and shall be is subject to referendum as hereinafter prescribed provided in this section.

(b) Every A charter ordinance which that amends or repeals the whole or any part of a city or village charter shall designate specifically the portion of the charter so that is amended or repealed and every A charter ordinance which makes the election mentioned in under sub. (4) shall designate specifically each enactment of the legislature or portion thereof of the enactment that is made inapplicable to such the city or village by the election mentioned in sub. (4).

(3) Every enactment, amendment or repeal of the whole or any part of the charter of any city or village A charter ordinance shall be published as a class 1 notice, under ch. 985, and shall be recorded by the clerk in a permanent book kept for that purpose, with a statement of the manner of its adoption, and a A certified copy thereof of the charter ordinance shall be filed by said the clerk with the secretary of state. The secretary of state shall keep a separate index of all charter ordinances, arranged alphabetically by city and village and summarizing each ordinance, and annually shall issue such a list the index of charter ordinances filed during the 12 months prior to July 1.

**Note:** “Charter ordinance” is now defined in a separate subsection. See Section 27 of this bill.

**Section 19.** 66.01 (3a) of the statutes is renumbered 66.0101 (12).

**Section 20.** 66.01 (4) to (8) of the statutes are renumbered 66.0101 (4) to (8) and amended to read:

66.0101 (4) Any A city or village may elect in the manner prescribed in under this section that the whole or any part of any law relating to the local affairs and government of such the city or village other than such those enactments of the legislature of statewide concern as shall with uniformity affect every city or every village shall not apply to such the city or village, and thereupon such laws or parts thereof shall cease when the election takes effect, the law ceases to be in effect in such the city or village.

(5) Any city or village by charter ordinance may make the election mentioned in sub. (4) of this section, or enact, amend or repeal the whole or any part of its charter, but such A charter ordinance shall does not take effect until 60 days after its passage and publication. If within such 60 days the 60−day period a petition conforming to the requirements of s. 8.40 and signed by a number of electors of the city or village equal to not less than 7% of the votes cast therein in the city or village for governor at the last general election shall be is filed in the office of the clerk of said the city or village demanding that such the ordinance be submitted to a vote of the electors, it shall may not take effect until it is submitted to a referendum and approved by a majority of the electors voting thereon. Said in the referendum. The petition and the proceedings for its submission shall be are governed by s. 9.20 (2) to (6).

(6) Any A charter ordinance may be initiated in the manner provided in under s. 9.20 (1) to (6), but alternative adoption thereof of the charter ordinance by the legislative body shall be is subject to referendum as provided in under sub. (5) of this section.

(7) Any A charter ordinance may be submitted to a referendum by the legislative body, in the manner prescribed in under s. 9.20 (4) to (6), without initiative petition, and shall shall becomes effective when approved by a majority of the electors voting thereon in the referendum.

(8) Every charter, charter amendment or A charter ordinance enacted or approved by a vote of the electors shall control and prevail controls over any prior or subsequent act of the legislative body of the city or village. Whenever If the electors of any city or village by a majority vote have adopted or determined to continue to operate under either ch. 62 or 64, or have determined the method of selection of members of the governing board, the question shall not again be submitted to the electors, nor action taken thereon on the question, within a period of 2 years. Any election to change or amend the charter of any city or village, other than a special election as provided in s. 9.20 (4), shall be held at the time provided by statute for holding the spring election.

**Section 21.** 66.01 (9) to (11) of the statutes are renumbered 66.0101 (9) (a), (b) and (d) and amended to read:

66.0101 (9) (a) The legislative body of any a city or village, by resolution adopted by a two−thirds vote of its members−elect may, and upon petition complying with s. 9.20 shall, submit to the electors in the manner prescribed in under s. 9.20 (4) to (6) the question of holding a charter convention under one or more plans proposed in said the resolution or petition.
(b) The ballot shall be in substantially the following form:

Shall a charter convention be held?

YES □ NO □

If a charter convention be is held what plan do you favor?

PLAN 1 □ PLAN 2 □

[Repeat for each plan proposed.]

Mark an [X] in the square to the RIGHT of the plan that you select.

(c) If a majority of the electors voting thereon vote for a charter convention, such the convention shall be held pursuant to the plan favored by a majority of the total votes cast for all plans. If no plan receives a majority, the 2 plans receiving the highest number of votes shall be again submitted to the electors and a convention shall thereafter be held pursuant to the plan favored by a majority of the votes cast.

(d) Such A charter convention shall have power to may adopt a charter or amendments to the existing charter. Such The charter or charter amendments adopted by such the convention shall be certified, as soon as may be practicable, by the presiding officer and secretary thereof of the convention to the city or village clerk and shall thereafter be submitted to the electors in the manner prescribed in as provided under s. 9.20 (4) to (6), without the alternative mentioned therein provided in s. 9.20 (4) to (6), and shall take effect only when approved by a majority of the electors voting thereon.

SECTION 22. 66.01 (12) of the statutes is renumbered 66.0101 (10).

SECTION 23. 66.01 (14) of the statutes is repealed.

Note: Repealed as obsolete. The subsection provides as follows:

"(14) All laws relating to public instruction, under article X, sections 1 to 5, of the constitution, remain and shall continue in force for the establishment, administration and government of the district schools as heretofore, until amended or repealed by the legislature. The term "district schools" as here used, in addition to common schools includes, among others, any and all public high schools, trade schools, technical colleges, auxiliary departments for instruction of pupils who are deaf or of impaired speech or blind, and truancy or parental schools."

Municipalities no longer enact general laws relating to public instruction.

SECTION 24. 66.01 (15) of the statutes is renumbered 66.0101 (11).

SECTION 25. 66.01 (16) of the statutes is renumbered 61.188 and amended to read:

61.188 Certain villages may become cities by charter ordinance. Any village having a population of 1,000 or more may proceed under this section s. 66.0101 to organize as a city of the appropriate class. The village may by charter or charter ordinance adopted under this section s. 66.0101 elect not to be governed by ch. 62 or this chapter 66 in whole or in part or may create such system of government as is deemed considered by the village to be most appropriate for its situation. The charter or charter ordinance may include provision for the following, without limitation because of enumeration: method of election of members of the council by districts, at-large or by a combination of methods, procedure for election of the first common council, creation and selection of all administrative officers, departments, boards and commissions, powers and duties of all officers, boards and commissions and terms of office. The charter or charter ordinance shall may not alter those provisions of ch. 62 dealing with police and fire departments or chs. 115 to 121 dealing with education. Any village incorporated after August 12, 1959, may not become a city under this subsection section unless it meets the standards for incorporation in ss. 66.015 and 66.016 and 66.0205.

SECTION 26. Subchapter I (title) of chapter 66 [precedes 66.0101] of the statutes is created to read:

CHAPTER 66

SUBCHAPTER I

GENERAL POWERS; ADMINISTRATION

SECTION 27. 66.0101 (1m) of the statutes is created to read:

66.0101 (1m) In this section, "charter ordinance" means an ordinance that enacts, amends or repeals the charter, or any part of the charter, of a city or village or that makes the election under sub. (4).

Note: Provides a general definition of "charter ordinance" for the statutory provision relating to home rule and charter ordinances. See the treatment of current s. 66.01 by sections 18 to 25 of this bill.

SECTION 28. 66.0103 of the statutes is created to read:

66.0103 Code of ordinances. (1) The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.

(2) Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of ss. 59.14, 60.80, 61.50 (1) and 62.11 (4) (a).

Note: Restates current s. 66.035.

SECTION 29. 66.0117 (1) of the statutes is created to read:

66.0117 (1) In this section:

(a) "Local governmental unit" means a city, village, town, county, school district, technical college district, town sanitary district or public inland lake protection and rehabilitation district.

(b) "Statement" means all of the following:

1. A certified transcript of a judgment.
2. A judgment creditor’s affidavit of the amount due on a judgment, of payments made on the judgment and that the judgment has not been appealed.

NOTE: Creates a definition for s. 66.0117, relating to judgments against local governmental units. The definition differs from the current language of s. 66.09 by removing a community center from the list of local governmental bodies to which the law applies. It appears that a community center is not treated as a local governmental unit anywhere else in the statutes. The term “community center” first appeared in this section when separate statutes were consolidated and revised in chapter 396, laws of 1921.

SECTION 30. 66.0119 (1) (c) of the statutes is created to read:

66.0119 (1) (c) “Public building” has the meaning given in s. 101.01 (12).

SECTION 31. 66.012 of the statutes is renumbered 66.0215 and amended to read:

66.0215 Towns may become Incorporation of certain towns adjacent to 1st class cities. (1) Petition. Whenever if the resident population of any a town exceeds 5,000 as shown by the last federal census or by a census herein provided for and under sub. (2), if the town is adjacent to a city of the first 1st class city and contains an equalized valuation in excess of $20,000,000 and if a petition has been presented and signed by 100 or more persons, each an elector and taxpayer of said the town, and, in addition thereto, said petition contains containing the signatures of at least one-half 50% of the owners of real estate in said the town which petition requests and requesting submission of the question to the electors of the town and, is filed with the clerk of the town, the procedure for becoming a fourth 4th class city is initiated.

(2) Referendum. At the next regular meeting of the town board, said town following the filing of the petition under sub. (1), the board by resolution shall provide for a referendum by the electors of said the town. The resolution shall observe conform to the requirements of s. 5.15 (1) and (2) and shall determine the numbers and boundaries of each ward of the proposed city, and the time of voting, which shall may not be earlier than 6 weeks after the adoption of said the resolution and said. The resolution may direct that a census be taken of the resident population of such the territory as it may be on some a day not more than 10 weeks previous to the date of the election, exhibiting the name of every head of a family and the name of every person who is a resident in good faith of such the territory on such that day, and the lot or quarter section of land on which that person resides, which shall be verified by the affixed affidavit of the person taking the same affixed thereto census.

(3) Notice of referendum. Notice of the referendum shall be given by publication in a newspaper published in such the town, if there be is one, otherwise in a newspaper designated in the resolution, once a week for 4 successive weeks, the first publication to be not more than 4 weeks before the referendum.

(4) Voting procedure. The referendum shall be conducted in the same manner as elections for supervisors of the town board. The question appearing on the ballot shall be “Shall the town of ... become a 4th class city?” Below the question shall appear 2 squares. To the left of one square shall appear the words “For a city” and to the left of the other square shall appear the words “Against a city”. The inspectors shall make a return to the clerk of such the town.

(5) Certificate of incorporation. If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census, if any, and 4 copies of a description of the legal boundaries of the town and 4 copies of a plat thereof, whereupon the of the town. The secretary of state shall then issue a certificate of incorporation, and record the same certificate in a book kept for that purpose. Two copies of the description and plat shall be forwarded by the secretary of state to the department of transportation and one copy to the department of revenue.

(6) City powers. Every A city thus incorporated shall thereafter be under this section a body corporate and politic, with the powers and privileges of a municipal corporation at common law and conferred by ch. 62.

(7) Existing ordinances. (a) Ordinances in force in the territory or any part thereof, so far as of the territory, to the extent not inconsistent with ch. 62, shall continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory shall continue continues in force until altered under s. 59.692 (7) (ad).

(8) Interim officers. All officers of the town embracing the territory thus incorporated as a city shall continue in their powers and duties as theretofore until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been is chosen and qualified all oaths of office and other papers shall be filed with the town clerk, with whom the petition was filed, who shall deliver them with the petition to the city clerk when the city clerk shall have is qualified.

(9) First city election. Within 10 days after incorporation of the city, the town board and the town clerk of which who received the petition was filed shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days’ previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in the city. Failure to give such notice does not invalidate the election. The election shall be conducted as is prescribed by chs. 5 to 12, except that no registration of voters shall may be required. The inspectors shall make returns to the board which shall, within one week
after the election, canvass the returns and declare the result. The clerk shall notify the officers—elect and issue certificates of election. If the first election is on the first Tuesday in April the officers so elected shall and their appointees commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within 10 days and hold until the regular city election and the qualification of their successors, and the term of their appointees shall expire as soon as successors qualify.

**SECTION 32.** 66.0123 (1) of the statutes is created to read:

66.0123 (1) In this section, “governmental unit” means a town board or school board.

**SECTION 33.** 66.013 of the statutes is renumbered 66.0201, and 66.0201 (1) and (2) (intro.), as renumbered, are amended to read:

66.0201 (1) PURPOSE. It is declared to be the policy of this state that the development of territory from town to incorporated status proceed in an orderly and uniform manner and that toward this end each proposed incorporation of territory as a village or city be reviewed as provided in ss. 66.013 to 66.019 66.0201 to 66.0213 to assure compliance with certain minimum standards which take into account the needs of both urban and rural areas.

(2) DEFINITIONS. (intro.) As used in ss. 66.013 66.0201 to 66.019 66.0213, unless the context requires otherwise:

**SECTION 34.** 66.0137 (title) and (1) of the statutes are created to read:

66.0137 (title) Provision of insurance. (1) DEFINITION. In this section, “local governmental unit” means a city, village, town, county, school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district and, without limitation because of enumeration, any other political subdivision of the state should be s. 345.05 (1) (c).

**SECTION 35.** 66.0139 (1) of the statutes is created to read:

66.0139 (1) In this section, “political subdivision” means a city, village, town or county.

**SECTION 36.** 66.014 of the statutes is renumbered 66.0203, and 66.0203 (1), (2) (a) to (e), (3), (4) (a), (7) (a), (8) (b), (9) (a), (d) to (f) and (h) and (10), as renumbered, are amended to read:

66.0203 (1) NOTICE OF INTENTION. At least 10 days and not more than 20 days before the circulation of an incorporation petition, a notice setting forth that the petition is to be circulated and including an accurate description of the territory involved shall be published within the county in which said the territory is located as a class 1 notice, under ch. 985.

(2) (a) The petition for incorporation of a village or city shall be in writing signed by 50 or more persons who are both electors and freeholders in the territory to be incorporated if the population of the proposed village or city includes 300 or more persons; otherwise by 25 or more such electors and freeholders persons who are both electors and freeholders in the territory to be incorporated.

(b) The petition shall be addressed to and filed with the circuit court of a county in which all or a major part of the territory to be incorporated is located, and the incorporation petition shall be is void unless filed within 6 months of the date of publication of the notice of intention to circulate.

(c) The petition shall designate a representative of the petitioners, and an alternate, who shall be an elector or freeholder in the territory, and state that person’s address; describe the territory to be incorporated with sufficient accuracy to determine its location and have attached thereto to the petition a scale map reasonably showing the boundaries thereof of the territory; specify the current resident population of the territory by number in accordance with the definition given in s. 66.013 66.0201 (2) (b); set forth facts substantially establishing the required standards for incorporation herein, and request the circuit court to order a referendum and to certify the incorporation of the territory when it is found that all requirements have been met.

(d) No person who has signed a petition shall be permitted to may withdraw his or her name therefrom from the petition. No additional signatures shall may be added after a petition is filed.

(3) HEARING; COSTS. (a) Upon the filing of the petition the circuit court shall by order fix a time and place for a hearing giving preference to such the hearing over other matters on the court calendar.

(b) The court may in its discretion by order allow costs and disbursements as provided for actions in circuit court in any proceeding under this subsection.

(c) The court may in its discretion, upon notice to all parties who have appeared in the hearing and after a hearing thereon on the issue of bond, order the petitioners or any of the opponents to post bond in such an amount as that it deems considers sufficient to cover such disbursements.

(d) Notice of the filing of the petition and of the date of the hearing thereon on the petition before the circuit court shall be published in the territory to be incorporated, as a class 2 notice, under ch. 985, and given by certified or registered mail to the clerk of each town in which the territory is located and to the clerk of each metropolitan municipality of the territory in which the territory is located. The mailing shall be not less than 10 days prior to before the time set for the hearing.

(7) (a) No action to contest the validity of an incorporation on any grounds whatsoever, whether procedural or jurisdictional shall may be commenced after 60 days from the date of issuance of the charter of incorporation by the secretary of state.
(8) (b) On the basis of the hearing the circuit court shall find if the standards under s. 66.016, 66.0205 are met. If the court finds that the standards are not met, the court shall dismiss the petition. If the court finds that the standards are met the court shall refer the petition to the department and thereupon the department shall determine whether or not the standards under s. 66.016, 66.0207 are met.

(9) (a) Upon receipt of the petition from the circuit court the department shall make such any necessary investigation as may be necessary to apply the standards under s. 66.016, 66.0207.

(d) Unless the court sets a different time limit, the department shall prepare its findings and determination, citing the supporting evidence in support thereof, within 90 days after receipt of the reference referral from the court. The findings and determination shall be forwarded by the department to the circuit court. Copies of the findings and determination shall be sent by certified or registered mail to the designated representative of the petitioners, and to all town and municipal clerks entitled to receive mailed notice of the petition under sub. (4).

(e) The determination of the department made in accordance with the standards under ss. 66.015, 66.016, 66.0205, 66.0207 and 66.021 (11) 66.0217 (6) (c) shall be either one of the following:

1. The petition as submitted shall be dismissed.
2. The petition as submitted shall be granted and an incorporation referendum held.
3. The petition as submitted shall be dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the department’s findings and determination.

(f) If the department determines that the petition shall be dismissed under par. (e) 1, the circuit court shall issue an order dismissing the petition. If the department grants the petition, the circuit court shall order an incorporation referendum as provided in s. 66.018, 66.0211.

(h) Except for an incorporation petition which describes the territory recommended by the department under s. 66.014, 66.0203 (9) (e) 3., no petition for the incorporation of 66.014, 66.0203 (9), no petition for the incorporation of the same or substantially the same territory may be entertained for one year following the date of the denial dismissal under par. (f) of the petition or the date of any election at which incorporation was rejected by the electors.

(10) EXISTING ORDINANCES. A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory shall continue in force until altered under s. 59.692 (7) (ad).

SECTION 37. 66.015 of the statutes is renumbered 66.0205, and 66.0205 (intro.) and (5), as renumbered, are amended to read:

66.0205 Standards to be applied by the circuit court. (intro.) Before referring the incorporation petition as provided in s. 66.014, 66.0203 (2) to the department, the court shall determine whether the petition meets the formal and signature requirements and shall further find that the following minimum requirements are met:

(5) STANDARDS WHEN NEAR FIRST, SECOND OR THIRD CLASS CITY. Where If the proposed boundary of a metropolitan village or city is within 10 miles of the boundary of a 1st class city of the first class or 5 miles of a 2nd or 3rd class city of the second or third class, the minimum area requirements shall be 4 and 6 square miles for villages and cities, respectively.

SECTION 38. 66.016 of the statutes is renumbered 66.0207, and 66.0207 (1) (a) and (b) (2) (intro.) and (b), as renumbered, are amended to read:

66.0207 (1) (a) Characteristics of territory. The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all of such features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

(b) Territory beyond the core. The territory beyond the most densely populated one-half square mile specified in s. 66.015, 66.0205 (1) or the most densely populated square mile specified in s. 66.015, 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.024, 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.015, 66.0205 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years. The department may waive these requirements to the extent that water, terrain or geography prevents such the development.

(2) (intro.) In addition to complying with each of the applicable standards set forth in sub. (1) and s. 66.015, any proposed incorporation 66.0205 in order to be approved for referendum, a proposed incorporation must be in the public interest as determined by the department upon consideration of the following:

(b) Level of services. The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.014, 66.0203 (6).
66.0209 (title) Review of the action incorporation-related orders and decisions. (1) The order of the circuit court made under s. 66.014 66.0203 (8) or (9) (f) may be appealed to the court of appeals.

(2) The decision of the department made under s. 66.014 66.0203 (9) shall be subject to judicial review under ch. 227.

(4) Where an incorporation referendum has been ordered by the circuit court under s. 66.014 66.0203 (9) (f), the referendum may not be stayed pending the outcome of further litigation, unless the court of appeals or the supreme court, upon appeal or upon the filing of an original action in supreme court, concludes that a strong probability exists that the order of the circuit court or the decision of the department will be set aside.

SECTION 40. 66.018 of the statutes is renumbered 66.0211, and 66.0211 (title), (2), (3) and (5), as renumbered, are amended to read:

66.0211 (title) Referendum Incorporation referendum procedure.

(2) Notice of referendum. Notice of the referendum shall be given by publication of the order of the circuit court in a newspaper having general circulation in the territory. Such publication shall be once a week for 4 successive weeks. The first publication may not be more than 4 weeks before the referendum.

(3) Return. An incorporation referendum shall be conducted in the same manner as an annexation referendum under s. 66.021 (5) insofar as the extent applicable except that the ballot shall contain the words “For a city [village]” and “Against a city [village]”. The inspectors shall make a return to the circuit court.

(5) Certification of incorporation. If a majority of the votes in an incorporation referendum are cast in favor of a village or city, the clerk of the circuit court shall certify the fact to the secretary of state and supply the secretary of state with a copy of a description of the legal boundaries of the village or city and the associated population and a copy of a plat thereof of the village or city. Within 10 days of receipt of the description and plat, the secretary of state shall forward 2 copies to the department of transportation, and one copy to the department of administration, and one copy to the department of revenue, and one copy to the department of commerce. The secretary of state shall issue a certificate of incorporation and record the same certificate.

SECTION 41. 66.019 of the statutes is renumbered 66.0213 and amended to read:

66.0213 Powers of new village or city: elections; adjustment of taxes; reorganization as village. (1) Village or city powers. Every village or city incorporated under this section shall be a body corporate and politic, with powers and privileges of a municipal corporation at common law and conferred by these statutes.

(2) Existing ordinances. (a) Ordinances in force in the territory incorporated or any part thereof, insofar as of the territory, to the extent not inconsistent with chs. 61 and 62, shall continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory shall continue in force until altered under s. 59.692 (7) (ad).

(3) Interim officers. All officers of the village or town embracing the territory that is incorporated as a village or city shall continue in their powers and duties until the first meeting of the board of trustees or common council at which a quorum is present. Until a village or city clerk is chosen and qualified all oaths of office and other papers shall be filed with the circuit court, with whose petition was filed, who. The court shall deliver the oaths and other papers with the petition to the village or city clerk when that clerk qualifies.

(4) First village or city election. (a) Within 10 days after incorporation of the village or city, the clerk of the circuit court with whom the petition was filed shall fix a time for the first election, and where appropriate designate the polling place or places, and name 3 inspectors of election for each place. The time for the election shall be fixed no less than 40 nor more than 50 days after the date of the certificate of incorporation issued by the secretary of state, irrespective of any other provision in the statutes. Nomination papers shall conform to ch. 8 insofar as to the extent applicable. Such nomination papers shall be signed by not less than 5% nor more than 10% of the total votes cast at the referendum election, and be filed no later than 15 days before the time fixed for the election. Ten days’ previous notice of the election shall be given by the clerk of the circuit court by publication in the newspapers selected under s. 66.018 66.0211 (2) and by posting notices in 3 public places in such the village or city, but failure to give such notice shall does not invalidate the election.

(b) The election shall be conducted as prescribed by ch. 6, except that no registration of voters may be required. The inspectors shall make returns to the clerk of the circuit court who shall, within one week after such the election, canvass the returns and declare the result. The clerk shall notify the officers–elect and issue certificates of election. If the first election is on the first Tuesday in April the officers so elected and their appointees shall commence and hold their offices for a regular term. Otherwise they shall commence within 10 days and hold their offices until the regular village or city election and the qualification of their successors and the terms of their appointees shall expire as soon as successors qualify.
(5) Taxes levied before incorporation; how collected and divided. Whenever if a village or city is incorporated from territory within any town or towns, after the assessment of taxes in any year and before the collection of such the taxes, the tax so assessed shall be collected by the town treasurer of the town or the town treasurers of the different towns of which such the village or city formerly constituted a part, and all moneys collected from the tax levied for town purposes shall be divided between the village or city and the town or the towns, as provided by s. 66.03 66.0235 (13) (a) 1., for the division of property owned jointly by towns and villages.

(6) Reorganization of city as village. If the population of the any city falls below 1,000 as determined by the United States census, the council may upon filing of a petition conforming to the requirements of s. 8.40 containing the signatures of at least 15% of the electors submit at any general or city election the question whether the city shall reorganize as a village. If three-fifths of the votes cast on the question are for reorganization the mayor and council shall record the return in the office of the register of deeds and file a certified copy with the clerk of the circuit court, and shall immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of such the officers, the board of trustees shall declare the city reorganized as a village, and the reorganization shall be effected is effective. The clerk shall certify a copy of the declaration to the secretary of state who shall file the declaration and endorse the memorandum thereof of the declaration on the record of the certificate of incorporation of the city. Rights and liabilities of the city shall continue in favor of or against the village. Ordinances, so far as within the power of the village, shall remain in force until changed.

NOTE: Expands the scope of sub. (6) to include any city, not just a city incorporated under ss. 66.013 to 66.019 (renumbered ss. 66.0201 to 66.0213), by changing the reference to “the” city to “any” city.

SECTION 42. 66.02 of the statutes is renumbered 66.0229 and amended to read:

66.0229 Consolidation. Subject to s. 66.023 66.0307 (7), any a town, village or city may be consolidated with a contiguous town, village or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, “for consolidation”, and “against consolidation”, and if a majority of the votes cast thereon in each municipality are for consolidation, the ordinances shall then be in take effect and have the force of a contract. The ordinance and the result of the referendum shall be certified as provided in s. 66.018 66.0211 (5); if a town the certification shall be preserved as provided in ss. 66.03 and 66.018 66.0211 (5) and 66.0235, respectively. Consolidation shall does not affect the preexisting rights or liabilities of any municipality and actions thereon on those rights or liabilities may be commenced or completed as though if there were no consolidation had been effected. Any A consolidation ordinance proposing the consolidation of a town and another municipality shall, within 10 days after its adoption and prior to its submission to the voters for ratification at a referendum, be submitted to the circuit court and the department of administration for a determination whether such the proposed consolidation is in the public interest. The circuit court shall determine whether the proposed ordinance meets the formal requirements of this section and shall then refer the matter to the department of administration, which shall find as prescribed in s. 66.014 66.0203 whether the proposed consolidation is in the public interest in accordance with the standards in s. 66.016 66.0207. The department’s findings shall have the same status as incorporation findings under ss. 66.014 66.0203 to 66.019 66.0213.

SECTION 43. Subchapter II (title) of chapter 66 [precedes 66.0201] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER II
INCORPORATION;
MUNICIPAL BOUNDARIES

SECTION 44. 66.021 (title) of the statutes is renumbered 66.0217 (title) and amended to read:

66.0217 (title) Annexation of territory initiated by electors and property owners.

SECTION 45. 66.021 (1) (intro.) and (a) of the statutes are renumbered 66.0217 (1) (intro.) and (a).

SECTION 46. 66.021 (1) (am) to (e) of the statutes are renumbered 66.0217 (1) (c) to (g), and 66.0217 (1) (d), (e) and (f), as renumbered, are amended to read:

66.0217 (1) (d) “Owner” means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract. A tenant in common or joint tenant shall be considered such is an owner to the extent of his or her interest.

(e) “Petition” includes the original petition and any counterpart thereof of the original petition.

(f) “Real property” means land and the improvements thereon to the land.

SECTION 47. 66.021 (2) of the statutes is renumbered 66.0217 (3), and 66.0217 (3) (intro.) and (a) (title), as renumbered, are amended to read:

66.0217 (3) Methods OTHER METHODS OF ANNEXATION. (intro.) Subject to s. 66.023 66.0307 (7), territory contiguous to any a city or village may be annexed thereto to the city or village in the following ways:

(a) (title) Direct annexation by one-half approval.
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Section 48. 66.021 (2m) (title) of the statutes is repealed.

Section 49. 66.021 (2m) of the statutes is renumbered 66.0217 (10) (b) and amended to read:
66.0217 (10) (b) Whenever for purposes of this section, if a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

Section 50. 66.021 (3) of the statutes is renumbered 66.0217 (4), and 66.0217 (4) (title), (a) (intro.) and (b), as renumbered, are amended to read:
66.0217 (4) (title) Notice of proposed annexation.
(a) (intro.) The annexation under sub. (3) shall be initiated by publishing in the territory proposed for annexation a class 1 notice, under ch. 985, of intention to circulate an annexation petition. The notice shall contain:

(b) The person who requests the notice to be published shall serve a copy of the notice, within 5 days after its publication, upon the clerk of each municipality affected, upon the clerk of each school district affected and upon each owner of land in a town if that land will be in a city or village after the annexation. Such service may be either by personal service or by registered certified mail with return receipt requested. If required under sub. (6) (a), a copy of the notice shall be mailed to the department as provided in that paragraph.

Note: Revises the required service of notice of intention to circulate an annexation petition to include the method of certified mail, rather than registered mail. Certified mail is less expensive than registered mail and there appears to be no policy reason to require registered mail.

Section 51. 66.021 (4) of the statutes is renumbered 66.0217 (5) and amended to read:
66.0217 (5) Petition annexation petition. (a) The annexation petition under this section shall state the purpose of the petition, contain a legal description of the territory proposed to be annexed and have attached thereto a scale map. The petition shall also specify the population, as defined in s. 66.013 (2) (b), of the territory. In this paragraph, “population” means the population of the territory as shown by the last federal census, by any subsequent population estimate certified as acceptable by the department or by an actual count certified as acceptable by the department.

Note: In addition to the current methods, authorizes the population of the territory to be determined by an actual count, certified as acceptable by the department.

(b) No person who has signed a petition shall be permitted to withdraw his or her name therefrom. No additional signatures shall be added after a petition is filed.

(c) The circulation of the petition shall commence not less than 10 days nor more than 20 days after the date of publication of the notice of intention to circulate. The annexation petition shall be void unless filed within 6 months of the date of publication of the notice.

Section 52. 66.021 (5) of the statutes is renumbered 66.0217 (7) and amended to read:
66.0217 (7) Referendum. (a) Notice. 1. Within 60 days after the filing of the petition under sub. (3), the common council or village board may accept or reject the petition and if rejected no further action shall take place on the petition. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition shall obligate obligates the city or village to pay the cost of any referendum favorable to annexation.

2. If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof of the petition by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request therefor with the clerk. Such notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.

3. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless, within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk signed by at least 20% of the electors residing in the area proposed to be annexed. If such a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days of the receipt of the petition and shall mail a copy of such notice to the clerk of the city or village to which the annexation is proposed. Any The referendum shall be held at some a convenient place within the town to be specified in the notice.

(b) Clerk to act. If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area proposed to be annexed and shall indicate in the notice required under par. (a) such determination. The clerk of the town so designated shall perform the duties required hereunder under this subsection and the election shall be conducted in such the town as are other elections conducted therein.

(c) Publication of notice. The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next pre-
ceding the referendum election and one week prior to such publication.

(d) How conducted. The referendum shall be conducted by the town election officials but the town board may reduce the number of such election officials for that election. The ballots shall contain the words “For annexation” and “Against annexation” and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other town elections in accordance with chs. 6 and 7 insofar as to the extent applicable.

(e) Canvass; statement to be filed. The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach thereto their affidavit to the statement and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.

(f) Costs. If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in such territory, voting in the referendum.

(g) Effect. If the result of the referendum is against annexation, all previous proceedings shall be are nullified. If the result of the referendum is for annexation, failure of any town official to perform literally any duty required by this section shall does not invalidate the annexation.

Section 53. 66.021 (6) (title) of the statutes is renumbered 66.0217 (10) (title) and amended to read:

66.0217 (10) (title) Qualifications and owners; elector determination.

Section 54. 66.021 (6) of the statutes is renumbered 66.0217 (10) (a) and amended to read:

66.0217 (10) (a) Qualifications. Under this section, qualifications as to electors and owners shall be determined as of the date of filing any a petition, except that all qualified electors residing in the territory proposed for annexation on the day of the conduct of a referendum election shall be entitled to may vote therein in the election. Residence and ownership must shall be bona fide and not acquired for the purpose of defeating or invalidating the annexation proceedings.

Section 55. 66.021 (7) (title), (a), (b) and (d) of the statutes are renumbered 66.0217 (8) (title), (a), (b) and (c), and 66.0217 (8) (a) and (c), as renumbered, are amended to read:

66.0217 (8) (a) An ordinance for the annexation of the territory described in the annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (6) the governing body shall first review the reasons given by the department of administration that the proposed annexation is against the public interest. Subject to s. 59.692 (7), such an ordinance under this subsection may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such a temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make such a temporary classification shall is not be effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

(c) The annexation shall be is effective upon enactment of the annexation ordinance. The board of school directors in any city of the first a 1st class shall city is not be required to administer the schools in any territory annexed to any such the city until July 1 following such the annexation.

Section 56. 66.021 (8) of the statutes is renumbered 66.0217 (9) and amended to read:

66.0217 (9) Filing requirements; surveys. (a) The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall also record the ordinance with the register of deeds a legal description of the total bound-

(c) Within 10 days of receipt of the ordinance, certificate and plat, the secretary of state shall forward 2 copies of the ordinance, certificate and plat to the department of transportation, one copy to the department of administration, one copy to the department of transportation, one copy to the department of public instruction, one copy to the department of commerce, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.
(c) Any city or village may direct a survey of its present boundaries to be made, and when properly attested the survey and plat may be filed in the office of the register of deeds in the county in which the city or village is located. Whereupon, upon filing, the survey and plat shall be prima facie evidence of the facts therein set forth in the survey and plat.

Section 57. 66.021 (9) of the statutes is renumbered 66.0217 (12) and amended to read:

66.0217 (12) Validity of Plats. Where any annexation is declared invalid but prior to such before the declaration and subsequent to such the annexation a plat has been submitted and has been approved as required in s. 236.10 (1) (a), such the plat shall be deemed is validly approved despite the invalidity of the annexation.

Section 58. 66.021 (10) of the statutes is renumbered 66.0217 (11), and 66.0217 (11) (title) and (a), as renumbered, are amended to read:

66.0217 (11) (title) Action to Contest Annexation. (a) An action on any grounds whatsoever, whether denominated procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by s. 893.73 (2). During the action, the application of, and jurisdiction over, any county zoning in the area annexed is as provided under s. 59.69 (7).

Section 59. 66.021 (11) of the statutes is renumbered 66.0217 (6), and 66.0217 (6) (title), (a) and (c) (intro.), as renumbered, are amended to read:

66.0217 (6) (title) Review Department Review of Annexations. (a) Annexations within populous counties. No annexation proceeding within a county having a population of 50,000 or more shall be valid unless the person causing publishing a notice of annexation to be published under sub. (4) shall within 5 days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the department of administration within 5 days of the publication. The department may within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than 10 days after mailing the notice, the department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed and that advises the clerks of the reasons the annexation is against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

Section 60. 66.021 (12) of the statutes is renumbered 66.0217 (2) and amended to read:

66.0217 (2) Unanimous Direct Annexation by Unanimous Approval. If a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (3) (b). In such annexations an annexation under this subsection, subject to sub. (4) (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department of administration and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance.

Section 61. 66.021 (13) of the statutes is renumbered 66.0221 and amended to read:

66.0221 Annexation of and Creation of Town Islands. Upon its own motion, a city or village by a two-thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 6 certified copies of the ordinance in the office of the sec-
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Section 63. 66.021 (16) of the statutes is renumbered 66.0217 (13).

Section 64. 66.0217 (1) (b) of the statutes is created to read:

66.0217 (1) (b) “Department” means the department of administration.

Section 65. 66.0217 (4) (a) 6. of the statutes is created to read:

66.0217 (4) (a) 6. A statement that a copy of the scale map may be inspected at the office of the town clerk for the territory proposed to be annexed and the office of the city or village clerk for the city or village to which the territory is proposed to be annexed.

NOTE: Requires that the notice of intent to circulate an annexation petition indicate that a copy of the scale map may be inspected in the town clerk’s or city or village clerk’s office.

Section 66. 66.022 of the statutes is renumbered 66.0227 and amended to read:

66.0227 Detachment of territory. Subject to s. 66.0223 66.0307 (7), territory may be detached from any a city or village and be attached to any a city, village or town, to which it is contiguous, in the following manner:

(1) A petition signed by a majority of the owners of three-fourths of the taxable land in area within such the territory to be detached or, if there is no taxable land therein in the territory, by all owners of such land in the territory, shall be filed with the clerk of the city or village from which detachment is sought, within 120 days after the date of publication of a class 1 notice, under ch. 985, of intention to circulate a petition of detachment.

(2) An ordinance detaching such the territory may be enacted within 60 days after the filing of such the petition, by a vote of three-fourths of all the members of the governing body of the detaching city or village and its terms accepted within 60 days after such enactment, by an ordinance enacted by a vote of three-fourths of all the members of the governing body of the city, village or town to which such the territory shall be annexed is to be attached. The failure of any a governing body to adopt the ordinance as provided herein shall be deemed under this subsection is a rejection of the petition and all proceedings thereunder shall be void.

(3) The governing body of any a city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors thereof to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum therefore for detachment, at a referendum election called for such that purpose within 30 days after the filing of such the petition, or after the enactment of either of the ordinances herein provided for under sub. (2) shall, cause the question to be submitted submit the question to the electors of the city, village or town whose electors petitioned therefore for detachment, at a referendum election called for such that purpose within 30 days after the filing of such the petition, or after the enactment of either ordinance. Whenever If a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who shall be are resident electors to supervise the referendum. The ballots shall contain the words “For Detachment” and “Against Detachment”. The inspectors shall certify the results of the election by their attached affidavits annexed thereto and file a copy with the clerk of each town, village or city involved, and none of the ordinances so provided for shall may take effect nor be in force unless a majority of the electors shall approve the same question. The referendum election shall be conducted in accordance with chs. 6 and 7 insofar as to the extent applicable.

(4) Whenever any, If an area which has been subject to a city or village zoning ordinance is detached from one municipality and attached to another in accordance with under this section, the regulations imposed by such the zoning ordinance shall continue in effect and shall be enforced by the attaching city, village or town until changed by official action of the governing body of such the municipality, except that if the detachment or attachment is contested in the courts, the zoning ordinance of the attaching municipality shall prevail prevails, and such the attaching city or village shall have has jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(5) The ordinance, certificate and plat shall be filed and recorded in the same manner as for annexations under s. 66.021 (8) 66.0217 (9) (a). The requirements for the secretary of state shall be are the same as in s. 66.021 (4) 66.0217 (9) (b).

(6) Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any detachment action that affects a tract of land that is the subject of an
ordinance enacted or resolution adopted by any a city during the period from January 1, 1990, to April 1, 1991, or any later date, expressing an intent to not exercise the city’s authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on June 30 of the year commencing after that census, is effective on July 1 of the year commencing after that census or at such a later date as may be specified in the detachment ordinance. This subsection first applies to detachments effective after March 31, 1991.

**SECTION 67.** 66.023 of the statutes is renumbered 66.0307, and 66.0307 (4) (c) and (10), as renumbered, are amended to read:

66.0307 (4) (c) Comment on plan. Any person may comment on the plan during the hearing and may submit written comments before, at or within 20 days following the hearing. All comments shall be considered by each participating municipality. The county zoning agency under s. 59.69 (2) or regional planning commission whose jurisdiction includes any participating municipality shall comment in writing on the plan’s effect on the master plan adopted by the regional planning commission under s. 66.0309 (9), or development plan adopted by the county board or county planning agency under s. 59.69 (3), and on the delivery of municipal services, and may comment on any other aspect of the plan. Any county in the regional planning commission’s jurisdiction may submit comments on the effect of the cooperative plan on the master plan adopted under s. 66.0309 (9) and on the delivery of county services or on any other matter related to the plan.

(10) Boundary change ordinance; filing and recording requirements. A boundary change under a cooperative plan shall be accomplished by the enactment of an ordinance by the governing body designated to do so in the plan. The filing and recording requirements under s. 66.021 (9) (a), as they apply to cities and villages under s. 66.021 (9) (a), apply to municipalities under this subsection. The requirements for the secretary of state shall be the same as those required in s. 66.021 (9) (a).

**SECTION 68.** 66.024 of the statutes is renumbered 66.0219, and 66.0219 (intro.), (1) to (3), (4) (a) and (b) and (5) to (9), as renumbered, are amended to read:

66.0219 Annexation by referendum; court order initiated by city or village. (intro.) As a complete alternative to any other annexation procedure, and subject to s. 66.023, 66.0307 (7), unincorporated territory which contains electors and is contiguous to a city or village may be annexed thereto in the manner hereafter provided to the city or village under this section. The definitions in s. 66.021 66.0217 (1) shall apply to this section.

(1) Procedure for annexation. (a) The governing body of the city or village to which it is proposed to annex territory shall, by resolution adopted by two-thirds of the members—elect, declare its intention to apply to the circuit court for an order for an annexation referendum, and shall publish the resolution in a newspaper having general circulation in the area proposed to be annexed, as a class 1 notice, under ch. 985, and shall cause to be made. The governing body shall prepare a scale map of such the territory to be annexed, showing it in relation to the annexing city or village. The resolution shall contain a description of the territory to be affected, sufficiently accurate to determine its location, the name of the municipalities directly affected and the name and post-office address of the municipal official causing responsible for the publication of the resolution to be published. The person who causes the resolution to be published shall serve a. A copy of the resolution together with the scale map shall be served upon the clerk of the town or towns from which the territory is to be detached within 5 days of the date of publication of the resolution. Such service Service may be either by personal service or by registered mail and if by registered mail an affidavit must shall be on file with the annexing body indicating the date and on which the resolution was mailed. The annexation shall be deemed is considered commenced upon publication of the resolution.

(b) Application to the circuit court shall be by petition subscribed by the officers designated by the governing body, and shall have attached a. A part thereof the scale map, a certified copy of the resolution of the governing body and any affidavit of the publication and filing required under par. (a). Such The petition shall be filed in the circuit court not less than 30 days but no more than 45 days after the publication of the notice of intention.

(2) Protest to court by electors; hearing. (a) If, prior to the date set for hearing upon such an application filed under sub. (1) (b), there is filed with the court a petition signed by a number of qualified electors residing in the territory equal to at least a majority of the votes cast for governor in the territory at the last gubernatorial election or the owners of more than one-half of the real property in assessed value in such the territory, protesting against the annexation of such the territory, the court shall deny the application for an annexation referendum. Whenever If a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

(b) If a petition protesting the annexation is found insufficient the court shall proceed to hear all parties interested for or against the application. The court may in its discretion adjourn such the hearing from time to time, direct a survey to be made and refer any question for examination and report thereon. Any A town whose territory is involved in the proposed annexation shall, upon application, be a party and is entitled to be heard on any relevant matter pertaining thereto.
(3) DISMISSAL. If for any reason the proceedings are
dismissed, the court may, in its discretion, order entry of
judgment against the city or village for such disburse-
ments or any part thereof as have been incurred by the parties opposing the annexation.

(4) (a) If the court, after the hearing, is satisfied
as to the correctness of that the description of the territory
or any survey is accurate and that the provisions of this section have been complied with, it shall make an order
so declaring and shall direct a referendum election within the
territory which shall be described in the order, on the
question of whether such the area should be annexed.
Such The order shall direct 3 electors named therein in the order residing in the town in which the territory proposed to be annexed lies, to perform the duties of inspectors of election.

(b) The referendum election shall be held within 30
days after the entry of the order, in the territory proposed
for annexation, by the electors of such that territory as
provided in s. 66.021 (5) 66.0217 (7), so far as applicable.
The ballots shall contain the words “For Annexation” and
Against Annexation”. The certification of the election inspectors shall be filed with the clerk of the court, and the clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

(5) DETERMINATION BY VOTE. (a) If a majority of the
votes cast at such the referendum election is against
annexation, no other proceeding under this section
affecting the same territory or part thereof, shall of the same territory may be commenced by the same municipality, until 6 months after the date of the referendum election.

(b) If a majority of the votes cast at such the referendum election is for annexation, the territory shall be
annexed to the petitioning city or village upon compliance with s. 66.021 (8) 66.0217 (9).

(6) TEMPORARY ZONING OF AREA PROPOSED TO BE
ANNEXED. An interim zoning ordinance to become effective only upon approval of the annexation at the referendum election may be enacted by the governing body of the city or village. Subject to s. 59.692 (7), the ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance shall be referred to and recommended by the plan commission prior to introduction. Authority to make such a temporary classification shall may not be filed with the secretary of state until the appeal has been determined.

(8) LAW APPLICABLE. Section 66.021 (10) shall apply
66.0217 (11) applies to annexations under this section.

(9) TERRITORY EXCEPTED. This section shall not apply to any territory located in an area for which a certificate of incorporation was issued prior to before February 24, 1959, by the secretary of state, even if the incorporation of the territory is later held to be invalid by a court.

SECTION 69. 66.025 of the statutes is renumbered
66.0223 and amended to read:

66.0223 Annexation of owned territory owned by
a city or village. In addition to other methods provided
by law and subject to ss. 59.692 (7) and 66.023 66.0307
(7), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached, and shall operate to attach attaches the territory to the village or city upon the filing of 67 certified copies thereof of the ordi-
ance in the office of the secretary of state, together with
67 copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of transportation, one copy to the department of administra-
tion, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of public instruction. Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county in which the annexed territory is located. Section 66.0217 (11) applies to annexations under this section.

NOTE. 1. Requires that a copy of the annexation ordi-
nance and the plat showing the boundaries of the attached territory be mailed or delivered to the department of admin-
istration and to the county clerk.
2. Provides, for consistency, that the 90−day statute of limitations that applies to challenges to annexations generally (see current ss. 66.021 (10), 66.024 (7) and 893.73 (2) (b)) applies to annexations of owned territory. The 90−day statute of limitations has been held not to apply to this sec-
tion. [Kaiser v. City of Madison, 99 Wis. 2d 341, 299
NW2d 237 (Ct. App. 1980).]

SECTION 70. 66.026 of the statutes is renumbered
66.0231 and amended to read:

66.0231 Notice of certain litigation affecting
municipal status or boundaries. Whenever any pro-
cedings If a proceeding under ss. 61.187, 61.189, 61.74,
62.075, 66.012, 66.013 to 66.019, 66.021, 66.023,
66.023, 66.025 66.0201 to 66.0213, 66.0215, 66.0217,
66.0221, 66.0223, 66.0227 or 66.0307 or other sections relating to an incorporation, annexation, consolidation,
dissolution or detachment of territory of a city or village are contested by instigation of legal proceedings, the clerk of the city or village involved in the proceedings shall file with the secretary of state 4 copies of a notice of the commencement of the action. The clerk shall also file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments that are required under this section may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the department of transportation 2 copies and to the department of revenue and the department of administration one copy each of any notice of action or judgment filed with the secretary of state under this section.

**SECTION 71.** 66.027 of the statutes is renumbered 66.0225 and amended to read:

66.0225 **Municipal boundaries, fixed by judgment.** Any 2 municipalities whose boundaries are immediately adjacent at any point and who are parties to any action, proceeding or appeal in court for the purpose of testing the validity or invalidity of any annexation, incorporation, consolidation or detachment, may enter into a written stipulation, compromising and settling any such the litigation and determining the common boundary line between the municipalities. The court having jurisdiction of the litigation, whether it is a the circuit court, the court of appeals or the supreme court, may enter a final judgment incorporating the provisions of the stipulation and fixing the common boundary line between the municipalities involved. Any a stipulation changing boundaries of municipalities shall be approved by the governing bodies of the detaching and annexing municipalities and s. 66.021 (8) and (10) 66.0217 (9) and (11) shall apply. Any A change of such municipal boundaries under this section is subject to a referendum of the electors residing within the territory annexed or detached, if within 30 days after the publication of the stipulation to change boundaries in a newspaper of general circulation in the area proposed to be annexed or detached, a petition for a referendum conforming to the requirements of s. 8.40 signed by at least 20% of the electors of the area to be annexed or detached, is filed with the clerk of the municipality from which the area is proposed to be detached. The referendum shall be conducted as are annexation referenda. If the referendum election is opposed to detachment from the municipality, all proceedings under this section are void. For the purposes of In this section, “municipalities” includes means cities, villages and towns.

**SECTION 72.** 66.028 of the statutes is renumbered 66.0305, and 66.0305 (4) (b), as renumbered, is amended to read:

66.0305 (4) (b) An agreement entered into under sub. (2) may address any other appropriate matters, including any agreements with respect to services or agreements with respect to municipal boundaries under s. 66.023 or 66.027 66.0225 or 66.0307.

**SECTION 73.** 66.029 of the statutes is renumbered 66.0233 and amended to read:

66.0233 **Town boundaries, participation in actions to test alterations of town boundaries.** In proceedings whereby a proceeding in which territory is may be attached to or detached from any a town, the town is an interested party, and the town board may institute, maintain or defend an action brought to test the validity of such the proceedings, and may intervene or be impaled in any such the action.

**SECTION 74.** 66.0295 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1001, and 66.1001 (1) (a) 3., (2) (g) and (3) (a) (f) and (o), as renumbered, are amended to read:

66.1001 (1) (a) 3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0245 66.0309 (8), (9) or (10).

2 (g) **Intergovernmental cooperation element.** A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.023, 66.30 or 66.945 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

3 (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014 66.0201, 66.0203 or 66.0215.

(b) Annexation procedures under s. 66.021, 66.024 or 66.025 66.0217, 66.0219 or 66.0223.

c) Cooperative boundary agreements entered into under s. 66.023 66.0307.

(d) Consolidation of territory under s. 66.02 66.0299.

(e) Detachment of territory under s. 66.022 66.0277.

(f) Municipal boundary agreements fixed by judgment under s. 66.027 66.0225.

(o) Impact fee ordinances that are enacted or amended under s. 66.55 66.0617.

**SECTION 75.** 66.03 of the statutes is renumbered 66.0235, and 66.0235 (1), (2), (2e) (a) 2., (2m) to (10), (11) (a) 4. and (b) and (13) (a) 1. and (aa) to (c), as renumbered, are amended to read:

66.0235 (1) **Definition.** In this section, “municipality local governmental unit” includes means town sanitary districts, school districts, technical college districts, towns, villages and cities.
(2) **Basis.** (a) Except as otherwise provided in this section or in s. 60.79 (2) (c) when territory is transferred, in any manner provided by law, from one municipality local governmental unit to another, there shall be assigned to such other municipality the latter local governmental unit such proportion of the assets and liabilities of the first municipality local governmental unit as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire municipality local governmental unit from which said the territory is taken according to the last assessment roll of such municipality the local governmental unit. The clerk of any municipality a local governmental unit to which territory is transferred as aforesaid, within 30 days of the effective date of such the transfer, shall certify to the clerk of the municipality local governmental unit from which such territory was transferred and to the clerk of the school district in which such the territory is located a metes and bounds description of the land area involved and upon. Upon receipt of such the description the clerk of the municipality local governmental unit from which such the territory was transferred shall certify to the department of revenue and to the clerk of the school district in which such the territory is located the latest assessed value of the real and personal property located within the transferred territory, and shall make such any further reports as may be needed by the department of revenue in the performance of duties required by law.

(b) When the transfer of territory from one municipality local governmental unit to another results from the incorporation of a new city or village, the proportion of the assets and liabilities assigned to such the new city or village shall be based on the average assessed valuation for the preceding 5 years of the property transferred in proportion to the average assessed valuation for the preceding 5 years of all the taxable property of the entire municipality local governmental unit from which said the territory is taken, according to the assessment rolls of such municipality the local governmental unit for said those years. In any such case the The certification by the clerk of the municipality local governmental unit from which territory was transferred because of the incorporation shall include the assessed value of the real and personal property within the territory transferred for each of the last 5 years. The preceding 5 years shall include the assessment rolls for the 5 calendar years prior to the incorporation.

(2c) (a) 2. The clerk of any school district to which territory is transferred, within 30 days of the effective date of the transfer, shall certify to the clerk of the municipality local governmental unit from which the territory was transferred a metes and bounds description of the land area involved. Upon receipt of the description the clerk of the municipality local governmental unit from which the territory was transferred shall certify to the department of revenue the latest assessed value of the real and personal property located within the transferred territory, file one copy of the certification with the school district clerk and one copy with the department of public instruction and make such any further reports as are needed by the department of revenue in the performance of duties required by law.

(2m) **Attachment and detachment within 5 years.** Whenever If territory is attached to or consolidated with a school district, and the territory or any part thereof of the territory is detached therefrom from the district within 5 years after the attachment or consolidation, the school district to which it is transferred shall be is entitled, in the apportionment of assets and liabilities, only to the assets or liabilities or proportionate part thereof apportioned to the school district as the result of the original attachment or consolidation.

(3) **Real estate.** (a) The title to real estate shall may not be transferred under this section except by agreement, but the value of the real estate transferred shall be included in determining the assets of the municipality local governmental unit owning the same real estate and in making the adjustment of assets and liabilities.

(b) The right to possession and control of school buildings and sites shall pass passes to the school district in which they are situated immediately upon the attachment or detachment of any school district territory becoming effective, except that in 1st class city school districts the right to possession and control of school buildings and sites shall pass passes on July 1 following the adoption of the ordinance authorized by s. 66.0217 (8). The asset value of school buildings and sites shall be the value of the use thereof of the buildings and sites, which shall be determined at the time of adjustment of assets and liabilities.

(c) When as a result of any an annexation whereby a school district is left without a school building, any money is received by such the school district as a result of the division of assets and liabilities required by s. 66.03 this section, which are derived from values that were capital assets, such the money shall be held in trust by such the school district and dispensed only for procuring new capital assets or remitted to an operating district as the remainder of the suspended district becomes a part of such the operating district, and shall in no case may not be used to meet current operating expenditures. This shall include any funds in the hands of any district officers on July 1, 1953, resulting from such action previously taken under s. 66.03. The boards involved shall, as part of their duties in division of assets and liabilities in school districts, make a written report of the allocation of assets and liabilities to the state superintendent of public instruction and any local superintendent of schools whose territory is involved in the division of assets.
(4) **Public Utilities.** Any public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection therewith shall belong with the plant, belongs to the municipality local governmental unit in which the major portion of the patrons of such utility reside. The value of such utility, unless fixed by agreement of all parties interested shall be determined and fixed by the public service commission upon notice to the municipalities local governmental units interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each municipality local governmental unit interested and said amount shall be used by the apportionment board or boards in adjusting assets and liabilities.

(5) **Apportionment Board.** The boards or councils of the municipalities local governmental units, or committees thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality a local governmental unit is dissolved by reason of because all of its territory being so is transferred the board or council thereof of the local governmental unit existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of such municipality the local governmental unit until there has been an apportionment of assets by agreement of the interested municipalities local governmental units or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities local governmental units, or an order of the circuit court becomes final, a copy of such the apportionment agreement, or of such the order, certified to by the clerks of the interested municipalities local governmental units, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the state superintendent of public instruction, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality local governmental unit, or with any other entity from which payment would have become due if such the dissolved municipality from which such territory was transferred local governmental unit had continued in existence, shall be paid to the interested municipality local governmental unit as provided by such the agreement for apportionment of assets or by any order of apportionment by the circuit court and such the payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred local governmental unit.

(6) **Meeting.** The board or council of the municipality local governmental unit to which the territory is transferred shall fix a time and place for meeting and cause give a written notice thereof of the meeting to be given the clerk of the municipality local governmental unit from which the territory is taken at least 5 days prior to the date of the meeting. The apportionment may be made only by a majority of the members from each municipality local governmental unit who attend, and in case of committees, the action must shall be affirmed by the board or council represented by the committee.

(7) **Adjustment, How Made.** (a) The apportionment board shall determine, except for public utilities, such assets and liabilities from the best information obtainable and shall assign to the municipality local governmental unit to which the territory is transferred its proper proportion thereof of assets and liabilities by assigning the excess of liabilities over assets, or by assigning any particular asset or liability to either municipality local governmental unit, or in such other another manner as will best meet the requirements of the particular case.

(b) If a proportionate share of any indebtedness existing by reason of municipal bonds or other obligations outstanding is assigned to any municipality a local governmental unit, that municipality local governmental unit shall cause to be levied and collected levy and collect upon all its taxable property, in one sum or in annual instalments, the amount necessary to pay the principal and interest thereof when due, and shall pay the amount so collected to the treasurer of the municipality local governmental unit which issued the bonds or incurred the obligations. The treasurer shall apply the moneys so received strictly to the payment of such the principal and interest.

(c) If the asset apportioned consists of an aid or tax to be distributed in the future according to population, the apportionment board shall certify to the officer, agency or department responsible for making the distribution each municipality’s local governmental unit’s proportionate share of such the asset as determined in accordance with sub. (2). The officer, agency or department shall thereafter distribute such the aid or tax directly to the several municipalities local governmental units according to such the certification until the next federal census.

(8) **Appeal to Court.** In case if the apportionment board is unable to agree, the circuit court of the county in
which either municipality local governmental unit is situated, may, upon the petition of either municipality local governmental unit, make the adjustment of assets and liabilities pursuant to under this section, including review of any alternative method provided for in sub. (2c) (b) and the correctness of the findings thereunder made under sub. (2c) (b).

(9) Transcript of records. When if territory shall be detached from a municipality by creation of a new municipality or otherwise local governmental unit, the proper officer of the municipality local governmental unit from which the territory was detached shall furnish, upon demand by the proper officer of the municipality local governmental unit created from the detached territory or to which it is annexed, an authenticated transcript of all public records in that officer’s office pertaining to the detached territory. The municipality local governmental unit receiving the transcript shall pay therefore for the transcript.

(10) State trust fund loans. When territory transferred in any manner provided by law from one municipality local governmental unit to another is liable for state trust fund loans secured under subch. II of ch. 24, the clerk of the municipality local governmental unit to which territory is transferred shall within 30 days of the effective date of such the transfer certify a metes and bounds description of the transferred area to the clerk of the municipality local governmental unit from which the land was transferred. Thereupon, the clerk of the municipality local governmental unit from which such territory was transferred shall then certify to the board of commissioners of public lands: (a) the effective date of such the transfer; (b) the last preceding assessed valuation of the territory liable for state trust fund loans prior to before transfer of a part of such the territory; (c) and the assessed valuation of the territory so transferred. Thereafter, the board shall in making its annual certifications of the amounts due on account of state trust fund loans distribute annual charges for interest and principal on any such outstanding loans covered by this subsection in the proportion that the assessed valuation of the territory so transferred shall bear bears to the assessed valuation of the area liable for state trust fund loans as constituted immediately before the transfer of territory, provided however, that any, A transfer of territory effective subsequent to January 1 of any year shall may not be considered until the succeeding year.

(11) (a) 4. The name of the school district to which the transfer was made immediately after the effective date of such the transfer.

(b) Thereafter in In making their the annual certifications of the amounts due on account of state trust fund loans the board of commissioners of public lands shall use the new name of the school district, provided that any, A transfer of territory effective subsequent to January 1 of any year shall may not be considered by it until the succeeding year.

(13) (a) 1. Subject to subd. 2., if any territory is annexed, detached or incorporated in any year, general property taxes levied against the territory shall be collected by the treasurer of the municipality local governmental unit in which the territory was located on January 1 of such year, and all moneys collected from the tax levied for local municipal purposes shall be allocated to each of the municipalities local governmental units on the basis of the portion of the calendar year the territory was located in each of the municipalities local governmental units, and paid accordingly.

(aa) Apportionment when town is nonexistent. If the town in which territory was located on January 1 is nonexistent when the city or village determines its budget, any taxes certified to the town or required by law to be levied against such the territory shall be included in the budget of the city or village and levied against such the territory, together with the city or village tax for local municipal purposes.

(b) Special taxes and assessments. Whenever If territory is transferred from one municipality local governmental unit to another by annexation, detachment, consolidation or incorporation, or returns to its former status by reason of court determination, any special tax or assessment outstanding against any property in the territory shall be collected by the treasurer of the municipality wherein local governmental unit in which the property is located, according to the terms of the ordinance or resolution levying such the tax or assessment. Special The special tax or assessment, when collected, shall be paid to the treasurer of the municipality local governmental unit which levied the special tax or assessment, or if the municipality local governmental unit is nonexistent, the collecting treasurer shall apply the collected funds to any obligation for which purpose the tax or assessment was levied and which remains outstanding, provided that if if no such obligation is outstanding, the collected funds shall be paid into the school fund of the school district in which the territory is located.

(bb) Apportionment when court returns territory to former status. Whenever If territory which has been annexed, consolidated, detached or incorporated returns to its former status by reason of a final court determination, there shall be an apportionment of general property taxes and current aids and shared revenues to adjust such assets between the municipalities local governmental units, and no other apportionment of assets and liabilities. The basis of the apportionment shall be determined by the apportionment board subject to appeal to the circuit court, but the. The apportionment shall insofar as to the extent practicable equitably adjust such assets the taxes, aids and revenues between the municipalities local governmental units involved on the basis of the portion of the
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calendar year the territory was located in the respective municipalities. Local governmental units.

certification by clerk. The clerk of the municipality local governmental unit which assessed such the special and general tax and special assessment shall certify to the clerk of the municipality local governmental unit to which the territory was attached or returned, a list of all the property located therein in the attached or returned territory to which is charged any uncollected taxes and assessments. The certification shall be made within 30 days after the effective date of the transfer of the property, but failure to so certify shall not affect the validity of the claim.

Section 76. Subchapter III (title) of chapter 66 [precedes 66.0301] of the statutes is created to read:

Chapter 66
Subchapter III
Intergovernmental cooperation

Section 77. 66.0303 (title) and (1) of the statutes are created to read:

66.0303 (title) Municipal interstate cooperation.

1. In this section, “municipality” has the meaning given in s. 66.0301 (1) (a).

Section 78. 66.031 (title) of the statutes is renumbered 66.0401 (title) and amended to read:

66.0401 (title) Regulation of relating to solar and wind energy systems.

Note: Amends the title to reflect the consolidation of current ss. 66.031 and 66.033.

Section 79. 66.031 of the statutes is renumbered 66.0401 (1), and 66.0401 (1) (intro.), as renumbered, is amended to read:

66.0401 (1) Authority to restrict systems limited. No county, city, town or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0415 (1) (m), unless the restriction satisfies one of the following conditions:

Section 80. 66.0311 (title) and (1) of the statutes are created to read:

66.0311 (title) Intergovernmental cooperation in financing and undertaking housing projects. (1) In this section, “municipality” has the meaning given in s. 66.0301 (1) (a).

Section 81. 66.0313 of the statutes is created to read:

66.0313 (1) In this section, “law enforcement agency” has the meaning given in s. 165.83 (1) (b).

Note: Creates a definition of the term “law enforcement agency” for use in renumbered s. 66.0313 (2) as shown in Section 363 of this bill.

Section 82. 66.032 of the statutes is renumbered 66.0403, and 66.0403 (1) (h), as renumbered, is amended to read:

66.0403 (1) (h) “Owner” means at least one owner, as defined under s. 66.021 (1) (b) 66.0217 (1) (c), of a property or the personal representative of at least one owner.

Section 83. 66.033 (title) of the statutes is repealed.

Section 84. 66.033 of the statutes is renumbered 66.0401 (2) and amended to read:

66.0401 (2) Authority to require trimming of blocking vegetation. Any A county, city, village or town may provide by ordinance for the trimming of vegetation which blocks solar energy, as defined in s. 66.032 66.0415 (1) (k), from a collector surface, as defined under s. 700.41 (2) (b), or which block blocks wind from a wind energy system, as defined in s. 66.0415 (1) (m). The ordinance may include, but is not limited to, a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

Section 85. 66.034 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1027.

Section 86. 66.035 of the statutes is repealed.

Note: The substance of the repealed section is restated in new s. 66.0103. See Section 28 of this bill.

Section 87. 66.036 of the statutes is renumbered 145.195.

Section 88. 66.037 of the statutes is renumbered 66.1111.

Section 89. 66.04 (title) of the statutes is renumbered 66.0601 (title).

Section 90. 66.04 (1) of the statutes is renumbered 66.0601 (1) (a) and amended to read:

66.0601 (1) (a) Bonus to state institution. No appropriation or bonus of any kind, except for a donation, may be made by any a town, village, or city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

Section 91. 66.04 (1m) (title) of the statutes is repealed.

Section 92. 66.04 (1m) (a) and (b) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0601 (1) (b) and (c).

Section 93. 66.04 (2), (2m) and (2s) of the statutes are renumbered 66.0603 (1), (2) and (3), and 66.0603 (1) (a) (intro.) and (b) to (d) and (2) (intro.), as renumbered, are amended to read:

66.0603 (1) (a) (intro.) Any A county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. 34.01 (1) may invest any of its funds not immediately needed in any of the following:

(b) Any A town, city or village may invest surplus funds in any bonds or securities issued under the authority of the municipality, whether the bonds or securities create a general municipality liability or a liability of the property owners of the municipality for special improve-
ments, and may sell or hypothecate the bonds or securities. Funds of any employer, as defined by s. 40.02 (28), in a deferred compensation plan may also be invested and reinvested in the same manner authorized for investments under s. 881.01 (1).

(c) Any local government, as defined under s. 25.50 (1) (d), may invest surplus funds in the local government pooled-investment fund. Cemetery care funds, including gifts where the principal is to be kept intact, may also be invested under ch. 881.

(d) Any county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. 34.01 (1) may engage in financial transactions in which a public depository, as defined in s. 34.01 (5), agrees to repay funds advanced to it by the local government plus interest, if the agreement is secured by bonds or securities issued or guaranteed as to principal and interest by the federal government.

(2) Delegation of investment authority. (intro.) Any county, city, village, town, school district, drainage district, technical college district or other governing board, as defined in s. 34.01 (1), may delegate the investment authority over any of its funds not immediately needed to a state or national bank, or trust company, which is authorized to transact business in this state if all of the following conditions are met:

SECTION 94. 66.04 (3) of the statutes is renumbered 66.0601 (2).

SECTION 95. 66.04 (4) of the statutes is renumbered 66.0603 (4) and amended to read:

66.0603 (4) Invested fund proceeds in populous cities, use. In any city of the first class, all interest derived from invested funds held by the city treasurer in a custodial capacity on behalf of any political entity, except for pension funds, shall be deemed general revenue of the city and shall revert to the city’s general fund conditioned upon the approval by the political entity evidenced by a resolution adopted for that purpose.

SECTION 96. Subchapter IV (title) of chapter 66 [precedes 66.0401] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER IV
REGULATION

SECTION 97. 66.041 of the statutes is renumbered 66.0605 and amended to read:

66.0605 Local government audits and reports. Notwithstanding any other statute, the governing body of any county, city, village or town may require or authorize a financial audit of any municipal or county officer, department, board, commission, function or activity financed in whole or part from municipal or county funds, or if any portion of the funds thereof are the funds of such the county, city, village or town. The governing body may likewise require submission of periodic financial reports by any such the officer, department, board, commission, function or activity.

SECTION 98. 66.0413 (1) (title) of the statutes is created to read:

66.0413 (1) (title) AUTHORITY AND PROCEDURE.

SECTION 99. 66.0413 (1) (a) and (b) of the statutes are created to read:

66.0413 (1) (a) Definitions. In this subsection:

1. “Building” includes any building or structure or any portion of a building or structure.

2. “Raze a building” means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

(b) Raze order. The governing body, building inspector or other designated officer of a municipality may:

1. If a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner’s option.

2. If there has been a cessation of normal construction of a building for a period of more than 2 years, order the owner of the building to raze the building.

NOTE: Paragraphs (a) and (b) restate s. 66.05 (1g) and a portion of sub. (1m) (a). See SECTION 135 of the bill.

SECTION 100. 66.0413 (1) (br) (title) of the statutes is created to read:

66.0413 (1) (br) (title) Notice of unfitness for occupancy or use; penalty.

SECTION 101. 66.0413 (1) (br) 1. of the statutes is created to read:

66.0413 (1) (br) 1. If a building subject to an order under par. (b) is unsanitary and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the building inspector or other designated officer shall post a placard on the premises containing the following notice: “This Building May Not Be Used For Human Habitation, Occupancy or Use.” The building inspector or other designated officer shall prohibit use of the building for human habitation, occupancy or use until necessary repairs have been made.

NOTE: Restates the last 2 sentences of current s. 66.05 (2) (a), deleted by SECTION 139.

SECTION 102. 66.0413 (1) (d) of the statutes is created to read:

66.0413 (1) (d) Service of order. An order under par. (b) shall be served on the owner of record of the building that is subject to the order or on the owner’s agent if the agent is in charge of the building in the same manner as a summons is served in circuit court. An order under par. (b) shall be served on the holder of an encumbrance of record by 1st class mail at the holder’s last-known address and by publication as a class 1 notice under ch.
985. If the owner and the owner’s agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class I notice under ch. 985 before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or owner’s agent or, if the owner and agent cannot be found, from the date that the order was posted on the building.

**NOTE:** Restates a portion of s. 66.05 (1m) (a).

**SECTION 103.** 66.0413 (1) (k) of the statutes is created to read:

66.0413 (1) (k) *Public nuisance procedure.* A building which is determined under par. (b) 1. to be old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair may be proceeded against as a public nuisance under ch. 823.

**NOTE:** Restates for convenience, in renumbered s. 66.0413, current s. 823.21.

**SECTION 104.** 66.0413 (1) (L) (title) of the statutes is created to read:

66.0413 (1) (L) (title) *Effect of subsection.*

**SECTION 105.** 66.0413 (2) (title) of the statutes is created to read:

66.0413 (2) (title) *Razing building that is a public nuisance; in rem procedure.*

**SECTION 106.** 66.0413 (2) (a) 2. and 3. of the statutes are created to read:

66.0413 (2) (a) 2. “Public nuisance” means a building that, as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures, or facilities or appurtenances of the building are damaged, destroyed or removed so that the building offends the aesthetic character of the immediate neighborhood and produces blight or deterioration.

3. “Raze a building” means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

**NOTE:** Restates s. 66.05 (8) (d), repealed by Section 147 of this bill.

**SECTION 107.** 66.0413 (3) (title) of the statutes is created to read:

66.0413 (3) (title) *Razing historic buildings.*

**SECTION 108.** 66.0413 (4) (title) of the statutes is created to read:

66.0413 (4) (title) *First class cities; other provisions.*

**SECTION 109.** 66.042 of the statutes is renumbered 66.0607 and amended to read:

66.0607 *Withdrawal or disbursement from local treasury.* (1) Except as otherwise provided in subs. (2) to (5), in every county, city, village, town and school district, all disbursements from the treasury shall be made by the treasurer thereof upon the written order of the county, city, village, town or school clerk after proper vouchers have been filed in the office of the clerk, and in all cases where, if the statutes provide for payment by the treasurer without an order of the clerk, it shall hereafter be the duty of the clerk to draw and deliver to the treasurer an order for payment before or at the time when such payment is required to be made by the treasurer. The provisions of this section shall apply to all special and general provisions of the statutes relative to the disbursement of money from the county, city, village, town or school district treasury except s. 67.10 (2).

(2) Notwithstanding other law, a county having a population of 500,000 or more may, by ordinance, adopt any other method of allowing vouchers, disbursing funds, reconciling outstanding county orders, reconciling depository accounts, examining county orders, and accounting therefor consistent with accepted accounting and auditing practices, provided that if the ordinance shall prior to its adoption be submitted to the department of revenue, which shall submit its recommendations on the proposed ordinance to the county board of supervisors.

(3) Except as provided in subs. (2), (3m) and (5), disbursements of the county, city, village, town or school district funds from demand deposits shall be by draft or check and withdrawals from savings or time deposits shall be by written transfer order. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the public depository in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No draft or check issued under this subsection may be released to the payee, nor is the draft or check valid, unless signed by the clerk and treasurer. No transfer order is valid unless signed by the clerk and the treasurer. Unless otherwise directed by ordinance or resolution adopted by the governing body, a certified copy of which shall be filed with each public depository concerned, the chairperson of the county board, mayor, village president, town chairperson or school district president, as the case may be, shall countersign all drafts or order checks and all transfer orders. The governing body may also, by ordinance or resolution, authorize additional signatures.

In lieu of the personal signatures of the clerk and treasurer and such any other required signature as may be required, the facsimile signature adopted by the person and approved by the governing body concerned may be affixed to the draft, order check or transfer order. The use of a facsimile signature does not relieve any an official from any liability to which the official is otherwise subject, including the unauthorized use of the facsimile signature. Any A public depository shall be is fully warranted and protected in making payment on any draft or order check or transferring pursuant to a transfer order bearing a facsimile signature affixed as provided by this
subsection notwithstanding that the facsimile signature may have been placed thereon affixed without the authority of the designated persons.

(3m) Any county, city, village, town or school district may process periodic payments through the use of money transfer techniques, including direct deposit, electronic funds transfer and automated clearinghouse methods. The county, municipal or school district treasurer shall keep a record of the date, payee and amount of each disbursement made by a money transfer technique.

(4) Except as provided in sub. (3m), if any board, commission or committee of any county, city, village, town or school district is vested with exclusive control and management of a fund, including the audit and approval of payments therefrom from the fund, independently of the governing body, such payments under this section shall be made by drafts or order checks issued by the county, city, village, town or school clerk upon the filing with him or her the clerk of certified bills, vouchers or schedules signed by the proper officers of such the board, commission or committee, giving the name of the claimant or payee, and the amount and nature of each payment.

(5) In cities of the first class city, municipal disbursements of public moneys shall be by draft, order, check, order check or as provided under sub. (3m). Checks or drafts shall be signed by the treasurer and countersigned by the comptroller. Orders shall be signed by the mayor and clerk and countersigned by the comptroller, as provided in the charter of such the city. Disbursements of school moneys shall be as provided by s. 119.50.

(6) Withdrawal or disbursement of moneys deposited in a public depository as defined in s. 34.01 (5) by a treasurer as defined in s. 34.01 (7), other than the elected, appointed or acting official treasurer of a county, city, village, town or school district, shall be by endorsement, written order, draft, share draft, check or other draft signed by the person or persons designated by written authorization of the governing board as defined in s. 34.01 (1). The authorization shall conform to any statute covering the disbursement of the funds. Any public depository shall be is fully warranted and protected in making payment in accordance with the latest authorization filed with it.

(7) No order may be issued by the a county, city, village, town, special purpose district, school district, cooperative education service agency or technical college district clerk in excess of funds available or appropriated for the purposes for which the order is drawn, unless authorized by a resolution adopted by the affirmative vote of two-thirds of the entire membership of the governing body.

Section 110. 66.0423 (1) of the statutes is created to read:

66.0423 (1) In this section:

(a) “Sale of merchandise” includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) “Transient merchant” means a person who engages in the sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of that place.

Note: Incorporates a definition from s. 130.065 (1m), 1987 stats., into the current statute regarding the regulation of transient merchants. See SECTION 251 of this bill.

SECTION 111. 66.0425 (10) of the statutes is created to read:

66.0425 (10) A privilege may be granted only as provided in this section.

SECTION 112. 66.0435 (10) of the statutes is created to read:

66.0435 (10) The powers conferred on licensing authorities by this section are in addition to all other grants of authority and are limited only by the express language of this section.

Note: Restates a provision of s. 66.058 (2) (b) that is deleted by SECTION 158.

SECTION 113. 66.044 of the statutes is renumbered 66.0609, and 66.0609 (1) to (4), as renumbered, are amended to read:

66.0609 (1) The governing body of any a city of the 2nd, 3rd or 4th class may by ordinance enact an alternative system of approving financial claims against the municipal treasury other than claims subject to s. 893.80. The ordinance shall provide that payments may be made from the city or village treasury after the comptroller or clerk of the city or village audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:

(a) That funds are available therefore for the claim pursuant to the budget approved by the governing body.

(b) That the item or service covered by such the claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with such the authorization described in par. (b).

(d) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of such proof and evidence to support the foregoing claim as in that officer’s discretion may be deemed the officer considers necessary.

(2) Such The ordinance under sub. (1) shall require that the clerk or comptroller shall file with the governing body not less than monthly a list of the claims approved,
showing the date paid, name of claimant, purpose and amount.

(3) The ordinance under sub. (1) shall require that the governing body of the city or village shall authorize obtain an annual detailed audit of its financial transactions and accounts by a public accountant licensed under ch. 442 and designated by the governing body.

(4) Such privilege shall be under sub. (1) is operative only if the comptroller or clerk is covered by a fidelity bond of not less than $5,000 in villages and $10,000 in cities of the fourth class cities, of not less than $10,000 in cities of the third class cities, and of not less than $20,000 in cities of the second class cities.

SECTION 114. 66.045 of the statutes is renumbered 66.0425 and amended to read:

66.0425 Privileges in streets. (1) Privilege for In this section, “privilege” means the authority to place an obstruction or excavation beyond the a lot line, or within highway in any a town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this section.

(2) Application therefor shall be made A person may apply to the a town or village board or the common council, and the of a city for a privilege. A privilege may be granted only on condition that by its acceptance if the applicant shall become primarily liable assumes primary liability for damages to person or property by reason of the granting of the privilege, he is obligated to remove the same obstruction or excavation upon 10 days’ notice by the state or the municipality and waive waives the right to contest in any manner the validity of this section or the amount of compensation charged and that the. The grantor of the privilege may require the applicant to file such a bond as the board or council require, not exceeding that does not exceed $10,000 running, that runs to the town, village, or city, and such third to 3rd parties as that may be injured, to secure; and that secures the performance of these the conditions. But if specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may make such impose any, conditions as they deem on the privilege that it considers advisable.

(3) Compensation for the special privilege shall be paid into the general fund and shall be fixed, in towns, by the chairperson, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor by the governing body of a city, village or town or by the designee of the governing body.

NOTE: Amends sub. (3) regarding compensation for the municipal award of a privilege. Current law states that compensation is determined by specified municipal officers. Section 66.0425 (3) now provides that compensation will be determined by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of such special a privilege shall be is not entitled to damages for removal of the an obstruction or excavation, and if the holder does not remove the same obstruction or excavation upon due notice, it shall be removed at the holder’s expense.

(5) Third parties whose rights are interfered with by the granting of such a privilege shall have a right of action against the holder of the special privilege only.

(6) Subsections (1) to (5) do not apply to telecommunication carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telecommunications service, gas, light, heat or power, but such the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and shall be liable for all injuries to person or property thereby caused by the obstructions or excavations.

(7) This section does not apply to such an obstruction or excavation that is in place for not longer than 3 months 90 days, and for which a permit has been granted by the proper official.

(8) Obstruction This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality is included in this section.

(9) Anyone causing any obstruction or excavation to Any person who violates this section may be made contrary to subsections (1) to (8) shall be liable to a fine of not more than $25 and not less than $500, or to imprisonment in the county jail for not less than 10 days nor more than 6 months, or to both such fine and imprisonment.

SECTION 115. 66.046 of the statutes is renumbered 66.0429, and 66.0429 (1) and (3) (a), as renumbered, are amended to read:

66.0429 (1) The governing body of a city, village or town may set aside streets or roads that are not a part of any federal, state or county trunk highway system for the safety of children in coasting or other play activities, and may obstruct or barricade such the streets or roads to safeguard the children from accidents. The governing body of the city, village or town shall may erect and maintain therefore on the streets or roads barriers or barricades, lights, or warning signs thereof and shall not be liable for any damage caused thereby by the erection or maintenance.

(3) (a) The governing body of a city may monitor or limit access to streets that are not part of any federal, state or county trunk highway system or connecting highway, as described in s. 84.02 (11), for the purposes of security or public safety. The governing body of a city may autho-
rize gates or security stations, or both, to be erected and maintained to monitor traffic or limit access on such these streets. The restriction of access to streets that is authorized under this subsection may not affect a city’s eligibility for state transportation aids.

SECTION 116. 66.047 of the statutes is renumbered 66.0831 and amended to read:

66.0831 Interference with public service structure. No contractor having with a contract for any work upon, over, along or under any a public street or the public utility shall may not interfere with, destroy or disturb the structures of any the public utility as defined under s. 196.01 (8m), and, including a telecommunications carrier as defined in s. 196.01 (8m), encountered in the performance of such the work so as to interrupt, impair or affect in a manner that interrupts, impairs or affects the public service for which such the structures may be used, without first procuring obtaining written authority from the commissioner of public works, or other properly constituted appropriate authority. It shall not be the duty of every every a public utility, whenever a if given reasonable notice by the contractor of the need for temporary protection of, or a temporary change in, the the utility’s structures, located upon, over, along or under the surface of any public street or highway is deemed determined by the commissioner of public works, or other such duly constituted appropriate authority, to be reasonably necessary to enable the accomplishment of such work, to so shall temporarily protect or change its said structures; provided, that such contractor shall give reasonable notice of such required temporary protection or temporary change to the public utility, and located upon, over, along or under the surface of a public street or highway. The contractor shall pay or assure to the public utility the reasonable cost thereof, except when of the temporary structure or change, unless the public utility is properly otherwise liable therefor under the law, but in all cases where such work is done by or for the state or by or for any county, city, village, town sanitary district, metropolitan sewerage district or district created under ss. 66.20 to 66.26 66.20 to 200.01 to 200.15 or 66.88 to 66.918 or other public place to be so connected. Whenever any of the lots or lands aforesaid If a lot or land is owned by the state, or by a county, city, village or town, or by a minor or incompetent person, or the title thereof to the lot or land is held in trust, as to all lots and lands so owned or held, said the petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any a private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and describing the location of the proposed viaduct, shall be given by the city council, village board or town board by publication of a class 3 notice, under ch. 985.

(2) Viaducts. Removal. Removal of private viaducts. A viaduct in any a city, village or town may be discontinued by the council, village board or town board, upon written petition of the owners of more than one-half of the frontage of the lots and lands abutting on the street or road approaching on each end of such the viaduct, which lies within 2,650 feet from the ends of such the viaduct. Whenever any of the lots or lands aforesaid If a lot or land is owned by the state, or by a county, city, village or town, or by a minor or incompetent person, or the title thereof to the lot or land is held in trust, as to all lots and lands so owned or held, said the petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any a private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and stating what viaduct is proposed to be discontinued, shall be given by the city council, village board or town board by publication of a class 1 notice, under ch. 985, not less than one year before the day fixed for the hearing and a class 3 notice, under ch. 985, within the 30 days before the date of the hearing.

(3) Title Lease of space over public places by cities, villages and towns. (a) Any A city, village or town may lease space over any street, road, alley or public place in the city, village or town which is more than 12 feet above the level of the street, road, alley or public place for any term not exceeding 99 years to the person who owns the fee in the property on both sides of the portion of the street, road, alley or other public place to be so leased, whenever if the governing body of the city, village or town is of the opinion determines that such the place is not needed for street, road, alley or other public
purpose, and that the public interest will be served by such leasing.

(c) The lease shall be signed on behalf of the city, village or town by the mayor, village president or town board chairperson and shall be attested by the city, village or town clerk under the corporate seal. The lease shall also be executed by the lessee in such a manner as necessary to bind that binds the lessee. After being duly executed and acknowledged the lease shall be recorded in the office of the register of deeds of the county in which is located the leased premises are located.

(d) If, in the judgment of such governing body, determines that the public interest requires that any building erected in the leased space be removed so that a street, road, alley or public place may be restored to its original condition, the lessor city, village or town may condemn the lessee’s interest in the leased space by proceeding under ch. 32. After payment of such any damages as may be fixed in the condemnation proceedings, the city, village or town may remove all buildings or other structures from the leased space and restore the buildings adjoining the leased space to their original condition.

(4) **Sale or Lease of Space Over or Below Public Place.** (a) Any A city, village or town may sell or lease the space over or below ground level of any street, road, alley or public place or municipally owned real estate or below ground level thereof to any person, if the governing body determines by resolution and states the reasons that such the action is in the best public interest and states the reasons therefor and the prospective purchaser or lessee has provided for the removal and relocation expense for any facilities devoted to a public use where such relocation is necessary for the purposes of the purchaser or lessee. Leases shall be granted by ordinance and shall not exceed 99 years in length. No lease shall may be granted nor use authorized hereunder which substantially interferes with the public purpose for which the surface of the land is used.

(b) Leases A lease shall specify purposes for which the leased space is to be used. If the purpose is to erect in the space a building or a structure attached to the lot, the lease shall contain a reasonably accurate description of the building to be erected and of the manner in which it shall be imposed will impose upon or around the lot. The lease shall also provide for use by the lessee of such those areas of the real estate that are essential for ingress and egress to the leased space, for the support of the building or other structures to be erected and for the connection of essential public or private utilities to the building or structure.

(c) Any building erected in the space leased shall be operated, as far as practicable, separately from the municipal use. Such The structure shall conform to all state and municipal regulations.

(d) Leases Any lease under this subsection shall be subject to sub. (3) (c) and (d).
SECTION 128. 66.0495 (2) (title) and (a) (title) of the statutes are repealed.

SECTION 129. 66.0495 (2) (a) of the statutes is renumbered 30.13 (5m) (b) 1. and amended to read:

30.13 (5m) (b) 1. If the owner or person responsible fails to comply with an order issued under sub. (4) par. (a), the governing body of a city, village or town or a designated officer may cause the wharf or pier to be removed through any available public agency or by a contract or arrangement by a private person. The cost of the removal may be charged against the real estate on which or adjacent to which the wharf or pier is located, constitutes a lien against that real estate and may be assessed and collected as a special tax. The governing body of the city, village or town or the designated officer may sell any salvage or valuable material resulting from the removal at the highest price obtainable. The governing body of the city, village or town or the designated officer shall remit the net proceeds of any sale, after deducting the expense of the removal, to the circuit court for use of the person entitled to the proceeds subject to the order of the court. The governing body of the city, village or town or the designated officer shall submit a report on any sale to the circuit court which shall include items of expense and the amount deducted. If there are no net proceeds, the report shall state that fact.

SECTION 130. 66.0495 (2) (b) (title) of the statutes is repealed.

SECTION 131. 66.0495 (2) (b) of the statutes is renumbered 30.13 (5m) (b) 2. and amended to read:

30.13 (5m) (b) 2. If the owner or person responsible fails to comply with an order issued under sub. (4) par. (a), the governing body of a city, village or town or a designated officer may commence an action in circuit court for a court order requiring the person to comply with the order issued under sub. (4) par. (a). The court shall give the hearing on this action precedence over other matters on the court’s calendar. Costs may be assessed in the discretion of the court and may assess costs.

SECTION 132. 66.0495 (3) (title) of the statutes is repealed.

SECTION 133. 66.0495 (3) of the statutes is renumbered 30.13 (5m) (c) and amended to read:

30.13 (5m) (c) A person affected by an order issued under sub. (4) par. (a) may apply to circuit court within 30 days after service of the order for a restraining order prohibiting the governing body of the city, village or town or the designated officer from removing the wharf or pier. The court shall conduct a hearing on the action within 20 days after application. The court shall give this hearing precedence over other matters on the court’s calendar. The court shall determine whether the order issued under sub. (4) par. (a) is reasonable. If the court finds that the order issued under sub. (4) par. (a) is unreasonable, it shall issue a restraining order or modify it as the circumstances require and the governing body of the city, village or town or the designated officer may not issue another order under sub. (4) par. (a) with respect to the wharf or pier unless its condition is substantially changed. Costs may be assessed in the discretion of the court and may assess costs. The remedy provided under this paragraph is exclusive and no person affected by an order issued under sub. (4) par. (a) may recover damages for the removal of a wharf or pier under this section.

SECTION 134. 66.05 (title) of the statutes is renumbered 66.0413 (title) and amended to read:

66.0413 (title) Razing buildings; excavations.

SECTION 135. 66.05 (1g) and (1m) (a) of the statutes are repealed.

Note: The repealed provisions are restated as s. 66.0413 (1) (a), (b) and (d) and the first sentence of par. (f). See Sections 98 to 102 of the bill.

SECTION 136. 66.05 (1m) (b) of the statutes is renumbered 66.0413 (1) (c) and amended to read:

66.0413 (1) (c) Reasonableness of repair; presumption. Except as provided in sub. (3), if a municipal governing body, building inspector of buildings or designated officer determines that the cost of such repairs of a building described in par. (b) 1., would exceed 50 percent of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the department of revenue for the municipality within which the building is located, such the repairs shall be are presumed unreasonable and it shall be presumed for the purposes of this section that such building is a public nuisance for purposes of par. (b) 1.

SECTION 137. 66.05 (1m) (c) of the statutes is renumbered 66.0413 (1) (L) 1. and amended to read:

66.0413 (1) (L) 1. Acts of municipal authorities under this section shall subsection do not increase the liability of an insurer.

SECTION 138. 66.05 (1m) (d) of the statutes is renumbered 66.0413 (1) (e) and amended to read:

66.0413 (1) (e) Effect of recording order. If a raze order issued under par. (a) (b) is recorded with the register of deeds in the county in which the building is located, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the building or the real estate as a result of a conveyance from the owner of record unless the conveyance was recorded before the recording of the raze order.

SECTION 139. 66.05 (2) (a) of the statutes is renumbered 66.0413 (1) (f) and amended to read:

66.0413 (1) (f) Failure to comply with order; razing building. An order under par. (b) shall specify the time within which the owner of the building is required to comply with the order and shall specify repairs, if any. If the owner fails or refuses to comply within the time prescribed, the building inspector of buildings or other designated officer may cause such building or part thereof to be razed and removed and may restore the site.
to a dust-free and erosion-free condition either proceed to raze the building through any available public agency or by contract or arrangement with private persons, or closed to secure the building and, if necessary, the property on which the building is located if unfit for human habitation, occupancy or use. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition or closing securing the building may be charged in full or in part against the real estate upon which such the building is located, and if that cost is so charged it is a lien upon such the real estate and may be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement may be assessed and collected as a special tax.

NOTE: 1. The first sentence is from s. 66.05 (1m) (a), repealed by Section 135.
2. Clarifies that an option upon failure to comply with an order is to secure the building and, if necessary, the property on which the building is located. The new language more accurately reflects current practice.

(i) Sale of salvage. When any building has been ordered razed and removed and if an order to raze a building has been issued to restore the site to a dust-free and erosion-free condition, the governing body or other designated officer under s. 66.05 (1m) (a) may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such the sale, after deducting the expenses of such razing, removal and restoration of the site to a dust-free and erosion-free condition the building shall be promptly remitted to the circuit court with a report of such the sale or transaction, including the items of expense and the amounts deducted, for the use of the any person who may be entitled thereto to the net proceeds subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall state. If the building or part thereof is insanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse the building inspector shall post a placard on the premises containing the following words: "This Building Cannot Be Used For Human Habitation, Occupancy or Use". And it is the duty of the building inspector or other designated officer to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made.

NOTE: The last 2 sentences are restated as s. 66.0413 (1) (br) 1. See Section 101.

SECTION 140. 66.05 (2) (b) of the statutes is renumbered 66.0413 (1) (g) and amended to read:

66.0413 (1) (g) Court order to comply. Any A municipality, building inspector of buildings or designated officer may, in his, her or its official capacity, commence and prosecute an action in circuit court for an order of the court requiring the owner to comply with an order to raze or remove any a building or part thereof issued under this section subsection if the owner fails or refuses to do so within the time prescribed in the order, or for an order of the court requiring any person occupying a building whose occupancy has been prohibited under this section subsection to vacate the premises, or any combination of the court orders. Hearing A hearing on such actions under this paragraph shall be given preference. Costs shall be Court costs are in the discretion of the court. Note: Clarifies that the costs referred to are court costs, not the cost of razing or securing a building.

SECTION 141. 66.05 (2) (c) of the statutes is renumbered 66.0413 (1) (br) 2. and amended to read:

66.0413 (1) (br) 2. Any person who rents, leases or occupies a building which has been condemned for human habitation, occupancy or use under subd. 1. shall be fined not less than $5 nor more than $50 or imprisoned not more than 30 days for each week of such the violation, or both.

SECTION 142. 66.05 (3) of the statutes is renumbered 66.0413 (1) (b) and amended to read:

66.0413 (1) (b) Restraining order. Anyone A person affected by any such an order shall issued under par. (b) may within the time provided by s. 893.76 apply to the circuit court for an order restraining the building inspector of buildings or other designated officer from razing and removing the building or part thereof and restoring the site to a dust-free and erosion-free condition or forever barred. The hearing shall be held within 20 days and shall be given preference. The court shall determine whether the raze order of the inspector of buildings is reasonable, and if. If the order is found reasonable the court shall dissolve the restraining order, and if the order is found not reasonable the court shall continue the restraining order or modify it as the circumstances require. Costs shall be in the discretion of the court. If the court finds that the order of the inspector of buildings is unreasonable, the building inspector of buildings or other designated officer shall issue no other order under this section subsection in regard to the same building or part thereof until its condition is substantially changed. The remedies provided in this subsection paragraph are exclusive remedies and anyone affected by such an order of the inspector shall issued under par. (b) is not be entitled to recover any damages for the razing and removal of any such of the building and the restoration of the site to a dust-free and erosion-free condition.

SECTION 143. 66.05 (5) of the statutes is renumbered 66.0413 (1) (i) and amended to read:

66.0413 (1) (i) Removal of personal property. If any a building ordered razed and removed and the site ordered restored to a dust-free and erosion-free condition or made safe and sanitary by repairs subject to an order under par. (b) contains personal property or fixtures which will unreasonably interfere with the razing or repair of such the building and restoration of such site or
if the razing and removal of the building and the restoration of the site to a dust−free and erosion−free condition makes necessary the removal, sale or destruction of such personal property or fixtures, the building inspector of buildings or other designated officer may order in writing the removal of such personal property or fixtures by a date certain. Such order shall be served as provided in sub. (1m) par. (d). If the personal property or fixtures are not removed by the time specified the inspector may store the same, or may, sell it, or, if it has no appreciable value, he or she may destroy the same. In case personal property or fixture. If the property is stored the amount paid for storage shall be a lien against such property and against the real estate and, to the extent that the amount is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement, shall be assessed and collected as a special tax against the real estate if the real estate is owned by the owner of the personal property and fixtures. If the property is stored the owner thereof of the property, if known, shall be notified of the place of its storage and if it be the property is not claimed by the owner it may be sold at the expiration of 6 months after it has been stored. In case of sale the handling of the sale and the distribution of the net proceeds after deducting the cost of storage and any other costs shall be handled as specified in sub. (2) par. (j) and a report made to the circuit court as therein specified. Anyone in par. (i). A person affected by any order made under this subsection paragraph may appeal as provided in sub. (3) par. (h).

SECTION 144. 66.05 (5m) of the statutes is renumbered 66.0413 (1) (L) 2. and amended to read:

66.0413 (1) (L) 2. This section shall not limit powers otherwise granted to municipalities by other laws of this state.

SECTION 145. 66.05 (6) of the statutes is renumbered 66.0427 and amended to read:

66.0427 Open excavations in populous counties. In any a town, city or village in any a county having with a population of 50,000 or more no excavation for building purposes, whether or not completed, shall be left open for more than 6 months without proceeding with the erection of a building thereon. In the event any such on the excavation. If an excavation remains open for more than 6 months, the building inspector of buildings or other designated officer in such of the town, village or city shall order that the erection of a building on the excavation begin forthwith or in the alternative that the excavation be filled to grade. The order shall be served upon the owner of the land or the owner’s agent and upon the holder of any encumbrance of record as provided in sub. (1m) s. 66.0413 (1) (d). If the owner of the land fails to comply with the order within 15 days after service thereof of the order upon the owner, the building inspector of buildings or other designated officer shall cause fill the excavation to be filled to grade and the cost shall be charged against the real estate as provided in sub. (2).

Subsection (3) shall also apply s. 66.0413 (1) (f). Section 66.0413 (1) (h) applies to orders issued under this subsection section. This shall not be construed to section does not impair the authority of any a city or village to enact ordinances in this field.

SECTION 146. 66.05 (8) (a) to (bn) of the statutes are renumbered 66.0413 (2) (a) to (e) and amended to read:

66.0413 (2) (a) Definitions. In this subsection “building”:

1. “Building” means a building, dwelling or structure.

(b) Notification of nuisance. Whenever an If the owner of any a building in any a city, village or town permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building are either deteriorated, damaged, destroyed or removed so that such building offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition building to become a public nuisance, the building inspector or other designated officer of such the city, village or town shall issue a written notice respecting the existence of such defect such that makes the building a public nuisance. The written notice shall be served on the owner of such the building as set forth in provided under sub. (1m) (a) (1) (d) and shall direct the owner of such building to promptly remedy the defect within 30 days following the service of such notice.

(c) Failure to remedy; court order to remedy or raze. 1. If an owner fails to remedy or improve the defect in accordance with the written notice furnished by the building inspector or other designated officer under par. (am) (b) within the 30−day period specified in the written notice, the building inspector or other designated officer shall apply to the circuit court of the county in which the building is located for an order determining that the building constitutes a public nuisance. A part of the application for such the order from the circuit court the building inspector or other designated officer shall file a verified petition which recites the giving of such written notice, the defect or defects in such the building, the owner’s failure to comply with the notice and such other pertinent facts as may be related thereto. A copy of the petition shall be served upon the owner of record or the owner’s agent if an agent is in charge of the building and upon the holder of any encumbrance of record under sub. (1m) (a) and the (1) (d). The owner shall have reply to the petition within 45 days following service upon the owner in which to reply to such petition. Upon application by the building inspector or other designated officer the circuit court shall set promptly the petition for hearing. Testimony shall be taken by the circuit court with respect to the allegations of the petition and denials contained in the
verified answer. If the circuit court after hearing the evidence with respect to the petition and the answer determines that the building constitutes a public nuisance, the court shall issue promptly an order directing the owner of the building to remedy the defect and to make such repairs and alterations as may be required. The court shall set a reasonable period of time in which the defect shall be remedied and the repairs or alterations completed. A copy of the order shall be served upon the owner as provided in sub. (1m) (a) (1) (d). The order of the circuit court shall state in the alternative that if the order of the court is not complied with within the time fixed by the court, the court will appoint a receiver or authorize the building inspector or other designated officer to proceed to raze and remove the building and restore the site to a dust-free and erosion-free condition under par. (bg) (d).

2. In an action under this subsection, the circuit court before which the action is commenced shall exercise jurisdiction in rem or quasi rem over the property which is the subject of the action. The owner of record of the property, if known, and all other persons of record holding or claiming any interest in the property shall be made parties defendant and service of process may be had upon them.

3. It shall not be a defense to an action under this subsection that the owner of record of the property is a different person, partnership or corporate entity than the owner of record of the property on or after the date the action was commenced or thereafter if a lis pendens was filed before the change of ownership.

(d) Failure to comply with court order. If the order of the circuit court under par. (bg) (c) is not complied with within the time fixed by the court under par. (bg) (c), the court shall authorize the building inspector or other designated officer to raze and remove the building and restore the site to a dust-free and erosion-free condition or shall appoint a disinterested person to act as receiver of the property to do either of the following within a reasonable period of time set by the court:

1. Remedy the defect and make any repairs and alterations necessary to meet the standards required by the building code or any health order. A receiver appointed under this subdivision, with the approval of the circuit court, may borrow money against and mortgage the property held in receivership as security in any amount necessary to remedy the defect and make the repairs and alterations. For the expenses incurred to remedy the defect and make the repairs and alterations necessary under this subdivision, the receiver shall have a lien upon the property. At the request of and with the approval of the owner, the receiver may sell the property at a price equal to at least the appraisal value of the property plus the cost of any repairs made under this subdivision. The selling owner shall be liable for such costs.

2. Secure and sell the building to a buyer who demonstrates to the circuit court an ability and intent to rehabilitate the building and to cause have the building to be reoccupied in a legal manner.

(e) Receiver, order to raze. 1. Any receiver appointed under par. (bg) (d) shall collect all rents and profits accruing from the property held in receivership and pay all costs of management, including all general and special real estate taxes or assessments and interest payments on first mortgages on the property. A receiver under par. (bg) (d) shall apply moneys received from sale of property held in receivership to pay all debts due on the property in the order set by law and shall pay any balance to the selling owner if the circuit court approves.

2. The circuit court shall set the fees and bond of a receiver appointed under par. (bg) (d) and may discharge the receiver as the court deems appropriate.

3. Nothing in this subsection relieves the owner of any property for which a receiver has been appointed under par. (bg) (d) from any civil or criminal responsibility or liability except that the receiver shall have civil and criminal responsibility and liability for all matters and acts directly under the receiver’s authority or performed at his or her discretion.

4. If a defect is not remedied and repairs and alterations are not made within the time limit set by the circuit court under par. (bg) (d), the court shall order that the building inspector or other designated officer proceed to raze and remove the building and restore the site to a dust-free and erosion-free condition.

5. All costs and disbursements with respect to razing, removing and restoration of the site raze a building under this subsection shall be as provided for under sub. (2) (a) (1) (f).

SECTION 147. 66.05 (8) (d) of the statutes is repealed.

NOTE: Restated as a definition under s. 66.0413 (2) (a)

2. See section 106 of this bill.

SECTION 148. 66.05 (9) of the statutes is renumbered 66.0413 (3), and 66.0413 (3) (d), as renumbered, is amended to read:

66.0413 (3) (d) If a municipal governing body, inspector of buildings or designated officer determines that the cost of repairs to a historic building would be less than 85% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the department of revenue for the municipality within which the historic building is located, such the repairs shall be are presumed reasonable.

SECTION 149. 66.05 (10) of the statutes is renumbered 66.0413 (4).

SECTION 150. Subchapter V (title) of chapter 66 [precedes 66.0501] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER V
OFFICERS AND EMPLOYEES

SECTION 151. 66.051 (title) and (1) (a) to (bm) of the statutes are renumbered 66.0107 (title) and (1) (a) to (bm), and 66.0107 (1) (b) and (bm), as renumbered, are amended to read:

66.0107 (1) (b) Cause the seizure of Seize anything devised solely for gambling or found in actual use for gambling and cause the destruction of any such thing destroy the device after a judicial determination that it was used solely for gambling or found in actual use for gambling; and

(bm) Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this paragraph; and

SECTION 152. 66.051 (1) (c) of the statutes is repealed.

NOTE: Section 66.051 (1) (c) is repealed as unnecessary given the general provision of s. 66.051 (2), renumbered s. 66.0107 (2), that nothing in the section may be construed to preclude cities, villages and towns from prohibiting conduct which is the same or similar to that prohibited by chs. 941 to 948. Under repealed par. (c), towns, villages and cities may: “Prohibit conduct which is the same as or similar to that prohibited by s. 947.01, 947.012 or 947.0125.”

SECTION 153. 66.051 (2) and (3) of the statutes are renumbered 66.0107 (2) and (3).

SECTION 154. 66.0517 of the statutes is created to read:

66.0517 Weed commissioner. (1) Definition. In this section, “noxious weeds” has the meaning given in s. 66.0407 (1) (b).

(2) Appointment. (a) Town, village and city weed commissioner. The chairperson of each town, the president of each village and the mayor of each city may appoint one or more commissioners of noxious weeds on or before May 15 in each year. A weed commissioner shall take the official oath and the oath shall be filed in the office of the town, village or city clerk. A weed commissioner shall hold office for one year and until a successor has qualified or the town chairperson, village president or mayor determines not to appoint a weed commissioner. If more than one commissioner is appointed, the town, village or city shall be divided into districts by the officer making the appointment and each commissioner shall be assigned to a different district. The town chairperson, village president or mayor may appoint a resident of any district to serve as weed commissioner in any other district of the same town, village or city.

(b) County weed commissioner. A county may by resolution adopted by its county board provide for the appointment of a county weed commissioner and determine the duties, term and compensation for the county weed commissioner. When a weed commissioner has been appointed under this paragraph and has qualified, the commissioner has the powers and duties of a weed commissioner described in this section. Each town chairperson, village president or mayor may appoint one or more deputy weed commissioners, who shall work in cooperation with the county weed commissioner in the district assigned by the appointing officer.

(3) Powers, duties and compensation. (a) Destruction of noxious weeds. A weed commissioner shall investigate the existence of noxious weeds in his or her district. If a person in a district neglects to destroy noxious weeds as required under s. 66.0407 (3), the weed commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner. A weed commissioner may enter upon any lands that are not exempt under s. 66.0407 (5) and cut or otherwise destroy noxious weeds without being liable to an action for trespass or any other action for damages resulting from the entry and destruction, if reasonable care is exercised.

(b) Compensation of weed commissioner. 1. Except as provided in sub. (2) (b), a weed commissioner shall receive compensation for the destruction of noxious weeds as determined by the board, village board or city council upon presenting to the proper treasurer the account for noxious weed destruction, verified by oath and approved by the appointing officer. The account shall specify by separate items the amount chargeable to each piece of land, describing the land, and shall, after being paid by the treasurer, be filed with the town, village or city clerk. The clerk shall enter the amount chargeable to each tract of land in the next tax roll in a column headed “For the Destruction of Weeds”, as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. 74, except in case of lands which are exempt from taxation, railroad lands or other lands for which taxes are not collected under ch. 74. A delinquent tax may be collected as is a delinquent real property tax under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case of railroad lands or other lands for which taxes are not collected under ch. 74, the amount chargeable against these lands shall be certified by the town, village or city clerk to the state treasurer who shall add the amount designated to the sum due from the company owning, occupying or controlling the lands specified. The state treasurer shall collect the amount chargeable as prescribed in subch. I of ch. 76 and return the amount collected to the town, city or village from which the certification was received.

2. For the performance of duties other than the destruction of noxious weeds, a weed commissioner shall
receive compensation to be determined by the town board, village board or city council.

NOTE: Creates s. 66.0517 of the statutes in order to combine the provisions regarding weed commissioners contained in ss. 66.97 to 66.99. The latter statutes are repealed in Section 620 of this bill. The new provision specifies that the appointment of a town, village or city weed commissioner is optional. The provision also differs from s. 66.97 by treating a 1st class city in the same manner as any other city. Otherwise, ss. 66.97 to 66.99 are restated.

SECTION 155. 66.052 of the statutes is renumbered 66.0415 and amended to read:

66.0415 Offensive industry.  (1)  Any council of a city or village board may direct the location, management and construction of, and license, regulate or prohibit, any industry, thing or place where any nauseous, offensive or unwholesome business is carried on, that is within the city or village or within 4 miles of the boundaries of the city or village, except that the Milwaukee, Menominee and Kinnickinnic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with said these rivers, together with the lands adjacent to said these rivers and canals or within 100 yards of them, are deemed to be within the jurisdiction of the city of Milwaukee. Any a town board shall have the same powers as are provided in this section for cities and villages, as to the area within the town that is not licensed, regulated or prohibited by any a city or village under this section. Any A business that is conducted in violation of any a city, village or town ordinance that is authorized to be enacted under this section is a public nuisance. An action for the abatement or removal of the business or to obtain an injunction to prevent operation of the business may be brought and maintained by the common council or village or town board in the name of this state on the relation of such the city, village or town as provided in ss. 823.01, 823.02 and 823.07, or as provided in s. 254.58. Section 97.42 may does not limit the powers granted by this section. Section 95.72 may does not limit the powers granted by this section to cities or villages but powers granted to towns by this section are limited by s. 95.72 and by any orders and rules promulgated under s. 95.72.

(2)  Any To prevent nuisance, a city or village may, subject to the approval of the appropriate town board of such town, by ordinance enact reasonable regulations governing areas where refuse, rubbish, ashes or garbage shall be are dumped or accumulated in any a town within one mile of the corporate limits of such the city or village, so as to prevent nuisance.

SECTION 156. 66.053 of the statutes is renumbered 66.0433, and 66.0433 (1) (a), (am) and (c) and (2), as renumbered, are amended to read:

66.0433 (1) (a)  Each A town board, village board and or common council shall may grant licenses to such persons as they deem it considers proper for the sale of beverages containing less than one-half of one per centum 0.5% of alcohol by volume to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of such these beverages, for which. The fee for a license shall be not less than $5 nor more than $50, to be fixed by the board or council, shall be paid, except that where such these beverages are sold, not to be consumed on for consumption off the premises, the license fee shall be $5. Such The license shall be issued by the town, village or city clerk, shall designate the specific premises for which granted and shall expire the thirtieth day of next June thereafter 30 after issuance. The full license fee shall be charged for the whole or a fraction of the year. No such beverages shall described in this paragraph may be manufactured, sold at wholesale or retail sold or for consumption on the premises, or kept for sale at wholesale or retail or for consumption on the premises where sold, without such a license issued under this paragraph.

(a)  In case of removal of the If a place of business moves from the premises designated in the license to another location in the town, village or city within the license period, the licensee shall give notice of the change of location, and the license shall be amended accordingly without payment of additional fee. No such A license, however, shall is not transferable from one person to another.

(c)  Each A town board, village board and or common council shall have authority may by resolution or ordinance to adopt reasonable and necessary regulations regarding the location of licensed premises, the conduct thereof of the licensed premises, the sale of beverages containing less than one-half of one per centum 0.5% of alcohol by volume and the revocation of any license or permit.

(2)  Soda water beverages. Each A town board, village board and or common council of any city may grant licenses to such persons as it considers proper for the sale of soda water beverages, as defined in s. 97.34, to be consumed on or off the premises where sold. Such A license fee shall be fixed by such the governing body of such the city, village or town but shall not exceed $5. The license shall be issued by the town, city or village clerk, shall designate the specific premises for which granted and shall expire on the thirtieth day of next June thereafter 30 after issuance. The governing body shall have authority may by resolution or ordinance to adopt reasonable and necessary regulations regarding the location of licensed premises, the conduct thereof of the licensed premises and the revocation of any such license.

SECTION 157. 66.057 of the statutes is renumbered 157.129, and 157.129 (title), as renumbered, is amended to read:

157.129 (title) Minimum acreage of cemeteries; local ordinance.
SECTION 158. 66.058 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7. of the statutes are renumbered 66.0435 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7., and 66.0435 (1) (intro.) and (e), (2) and (3) (a), (c) 1. (intro.), 2. and 4. to 7., as renumbered, are amended to read:

66.0435 (1) DEFINITIONS. (intro.) For the purposes of this section:

(e) “Mobile home park” means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(2) LICENSE AND REVOKING OR SUSPENDING THEREOF. (a) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of any city, town, or village, any mobile home park unless such the person shall first obtain a license from the city, town, or village a license therefor. All such parks in existence on August 9, 1953, shall within 90 days thereafter, obtain such license, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the city, town or village or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

(b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using or occupying trailers, mobile homes, trailer camps or mobile home parks for living, dwelling or sleeping purposes, each a city council, village board and town board may establish any of the following:

1. Establish and enforce by ordinance reasonable standards and regulations for every trailer and trailer camp and every mobile home and mobile home park; require...

2. Require an annual license fee to operate the same a trailer and trailer camp or mobile home and mobile home park and levy and collect special assessments to defray the cost of municipal and educational services furnished to such the trailer and trailer camp, or mobile home and mobile home park. They may limit...

3. Limit the number of units, trailers or mobile homes that may be parked or kept in any one camp or park, and limit...

4. Limit the number of licenses for trailer camps or parks in any common school district, if the mobile housing development would cause the school costs to increase above the state average or if an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal in the particular area. The power conferred on cities, villages and towns by this section is in addition to all other grants and shall be deemed limited only by the express language of this section.

(c) In any a town in which the town board enacts an ordinance regulating trailers under the provisions of this section and has also enacted and approved a county zoning ordinance under the provisions of s. 59.69, the provisions of the ordinance which is most restrictive shall apply with respect to the establishment and operation of any a trailer camp in said the town.

(d) Any A license granted under the provisions of this section shall be subject to revocation or suspension for cause by the common council, village board or town board licensing authority that issued the license upon complaint filed with the clerk of the city, village or town licensing authority, if the complaint is signed by any a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building inspector, after a public hearing upon the complaint, provided that the holder of the license shall be given 10 days’ written notice in writing of the hearing, and the holder of the license shall be entitled to appear and be heard as to why the license should not be revoked. Any A holder of a license that is revoked or suspended by the governing body of any city, village or town licensing authority may within 20 days of the date of the revocation or suspension appeal therefrom the decision to the circuit court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the city, village or town clerk of the licensing authority, together with a bond executed to the city, village or town licensing authority in the sum of $500 with 2 sureties or a bonding company approved by the said clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

(3) (a) The licensing authority shall exact collect from the licensee an annual license fee of not less than $25 and not more than $100 for each 50 spaces or fraction thereof of 50 spaces within each mobile home park within its limits, except that where the park lies in more than one municipality the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the municipality bears to the entire number of spaces in the park determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the park in a municipality and the denominator of which is the entire number of spaces in the park.

(c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each local taxing licensing authority shall collect from each mobile home occupying space or lots in a park in the city, town or village licensing authority, except from mobile homes that constitute improvements to real property under s. 70.043 (1) and from recreational mobile homes and camping trailers as defined in s. 70.111 (19), a monthly parking permit fee computed as follows:
2. The monthly parking permit fee shall be applicable to mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only continues for such the months as in which the mobile home remains in the tax district.

4. The valuation established shall be subject to review as are other values established under ch. 70. If the board of review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments.

5. The monthly parking permit fee shall be paid by the mobile home owner to the local taxing authority on or before the 10th of the month following the month for which the parking permit fee is due.

6. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein in the park as well as the owner and occupant thereof of the mobile home occupying space. A municipality, by ordinance, may require the mobile home park operator to collect the monthly parking permit fee from the mobile home owner.

7. No monthly parking permit fee may be imposed for any space occupied by a mobile home accompanied by an automobile for an accumulating period not to exceed 60 days in any 12 months if the occupants of the mobile home are tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the licensing authority from qualified tourists or vacationists in lieu of monthly mobile home parking permit fees.

Section 159. 66.058 (3) (c) 8. of the statutes, as affected by 1999 Wisconsin Act 5, is renumbered 66.0435 (3) (c) 8. and amended to read:

66.0435 (3) (c) 8. The credit under s. 79.10 (9) (bm), as it applies to the principal dwelling on a parcel of taxable property, shall apply to the estimated fair market value of a mobile home that is the principal dwelling of the owner. The owner of the mobile home shall file a claim for the credit with the treasurer of the municipality in which the property is located. To obtain the credit under s. 79.10 (9) (bm), the owner shall attest on the claim that the mobile home is the owner’s principal dwelling. The treasurer shall reduce the owner’s parking permit fee by the amount of any allowable credit. The treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under s. 79.10 (1m).

Section 160. 66.058 (3) (d) to (h) and (3m) to (8) of the statutes are renumbered 66.0435 (3) (d) to (h) and (3m) to (8), and 66.0435 (3) (d) to (h) and (5) to (8), as renumbered, are amended to read:

66.0435 (3) (d) This section does not apply where to a mobile home park that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

(e) If a mobile home is permitted by local ordinance to be located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands, and the owner of such the land shall be required to comply with the reporting requirements of par. (c). The owner of the land and mobile home and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(f) Nothing contained in this subsection prohibits the regulation thereof by local ordinance of a mobile home park.

(g) Failure to timely pay the tax hereunder prescribed in this subsection shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under chs. 70 and 74.

(h) Each local governing body is empowered to may enact an ordinance providing a forfeiture of up to $25 for the failure to comply with the reporting requirements of par. (c) or (e). Each failure to report shall be regarded as a separate offense.

(5) Plans and specifications to be filed. Accompanying, and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable city, town or village ordinances of the licensing authority and provisions of the department of health and family services shall be filed with an original application for a mobile home park.

The clerk, after approval of the application by the governing body, licensing authority and upon completion of the work according to the plans, shall issue the license. A mobile housing development harboring only nondependent mobile homes as defined in sub. (1) (f) shall not be required to provide a service building.

(6) Renewal of license. Upon application by any licensee and, after approval by the governing body of the city, town or village licensing authority and upon payment of the annual license fee, the clerk of the city, town or village licensing authority shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing,
signed by the applicant on forms furnished by the city, town or village licensing authority.

(7) **TRANSFER OF LICENSE; FEE.** Upon application for a transfer of license the clerk of the city, town or village licensing authority, after approval of the application by the governing body, licensing authority, shall issue a transfer upon payment of the required $10 fee.

(8) **DISTRIBUTION OF FEES.** The municipality licensing authority may retain 10% of the monthly parking permit fees collected in each month, without reduction for any amounts deducted under sub. (3m), to cover the cost of administration. The municipality licensing authority shall pay to the school district in which the park is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality licensing authority. If the park is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

**SECTION 161.** 66.0585 of the statutes is renumbered 66.0435 (9) and amended to read:

66.0435 (9) **Municipalities; parking fees on mobile homes.** Any municipality, licensing authority may assess parking fees at the rates under s. 66.0585 this section on mobile homes, as defined in s. 70.111 (19) except mobile homes which are located in campgrounds licensed under s. 254.47 and mobile homes which are located on land where the principal residence of the owner of the mobile home is located, regardless of whether or not the mobile home is occupied during all or part of any calendar year.

**SECTION 162.** 66.059 of the statutes is renumbered 66.0619, and 66.0619 (1) (intro.), (b) and (c), (2), (2m) (a) and (d), (4) (a) and (c) and (5) to (7), as renumbered, are amended to read:

66.0619 (1) (intro.) **Any county, town, sanitary district, public inland lake protection and rehabilitation district, city or village.** A municipality, in addition to any other authority to borrow money and issue its municipal obligations, may also borrow money and issue its public improvement bonds to finance the cost of construction or acquisition, including site acquisition, of any revenue-producing public improvement of such the municipality. In this section, unless the context or subject matter otherwise requires:

(b) “Deficiency” means the amount by which debt service required to be paid in any a calendar year exceeds the amount of revenues estimated to be derived from the ownership and operation of the public improvement for such the calendar year, after first subtracting from the estimated revenues the estimated cost of paying the expenses of operating and maintaining the public improvement for such the calendar year.

(c) “Municipality” means a county, sanitary district, public inland lake protection and rehabilitation district, town, city or village.

(2) The governing body of the municipality proposing to issue public improvement bonds shall adopt a resolution authorizing their issuance. The resolution shall set forth the amount of bonds authorized, or a sum not to exceed a stated amount, and the purpose for which the bonds are to be issued. The resolution shall prescribe the terms, form and contents of the bonds and such other matters as that the governing body deems necessary or advisable. The bonds may be in any denomination of not less than $1,000, shall bear interest payable annually or semiannually, shall be payable not later than 20 years from the date of the bonds, at such times and places as that the governing body determines, and may be subject to redemption prior to maturity on such terms and conditions as that the governing body determines. The bonds may be issued either payable to bearer with interest coupons attached thereto to the bonds or may be registered under s. 67.09. The bonds may be sold at public competitive sale or by private negotiation at the discretion of the governing body. Sections 67.08 and 67.10 apply to public improvement bonds, except insofar as they are in conflict herewith with this section, in which case this section controls.

(2m) (a) A resolution, adopted under sub. (2) by the governing body of a municipality, need not be submitted to the electors of the municipality for approval, unless within 30 days after the resolution is adopted there is filed with the clerk of the municipality a petition, conforming to the requirements of s. 8.40 and requesting a referendum thereon on the resolution, signed by electors numbering at least 10% of the votes cast in the municipality for governor at the last general election. Any A resolution, adopted under sub. (2) at the discretion of the municipal governing body, may be submitted by the governing body of the municipality to the electors without waiting for the filing of a petition.

(d) The election referendum shall be held and conducted and the votes cast thereto shall be canvassed as at regular municipal elections and the results certified to the municipal clerk. A majority of all votes cast in the municipality shall decide decides the question.

(4) (a) Gross revenues derived from the ownership and operation of the public improvement shall be first pledged to debt service on issued public improvement bonds. When in excess of such obligation debt service, the revenues shall be are subject to all of the following requirements set by resolution or ordinance of the governing body fixing:

1. The proportion of revenues of the public improvement necessary for the reasonable and proper operation and maintenance thereof and of the public improvement.
2. The proportion of revenues necessary for the payment of debt service on the public improvement bonds.
Such the revenues shall be paid into a special fund in the treasury of the municipality known as the “Public Improvement Bond Account”.

(c) All funds on deposit in a public improvement bond account, which are not immediately required for the purposes specified in this section, shall be invested in accordance with s. 66.04 66.0605.

(5) Annually, on or before August 1 the officer or department of the municipality responsible for the operation of the public improvement shall file with the governing body, or its designated representative, a detailed statement setting forth the amount of the debt service on the public improvement bonds issued for the public improvement for the succeeding calendar year and an estimate for such that year of the total revenues to be derived from the ownership and operation of the public improvement and the total cost of operating and maintaining the public improvement.

(6) (a) If it is determined that there will be a deficiency for the ensuing calendar year, the municipality shall make up the deficiency, but the obligation to do so shall be limited to a sum which shall not cause the municipality to exceed its municipal debt limits. The deficiency may be made up by the municipality from any revenues available therefor, including a tax levy. The amount contributed by the municipality shall be deposited in the public improvement bond account and applied to the payment of debt service. Taxes levied under this paragraph shall not be subject to statutory limitations of rate or amount.

(b) The amount of any deficiency determined under par. (a) for the ensuing calendar year shall be related to the total debt service for such year. Such the ratio shall determine the outstanding indebtedness of the issue to be reflected as part of the municipality’s indebtedness for the year.

(7) Whenever If revenue bonds have been issued by a municipality pursuant to law and an ordinance authorizing their issuance without limitation as to amount has been enacted by the governing body of the municipality, public improvement bonds may be issued under the ordinance with the same effect as though they were revenue bonds. Such the bonds shall be public improvement bonds and this section shall apply to the bonds, except that nothing contained in this subsection shall in any way impair the contract between the municipality and the holders of any outstanding revenue bonds. Whatever liens have been created in favor of any outstanding revenue bonds issued under the ordinance shall apply to public improvement bonds so issued under this subsection. The public improvement bonds shall be payable on a parity with the revenue bonds issued under the ordinance if the public improvement bonds are issued in compliance with the requirements of the ordinance for the issuance of parity bonds under the ordinance.

SECTION 163. 66.06 of the statutes is repealed.

NOTE: Replaced by s. 66.0725, created by Section 23.

SECTION 164. Subchapter VI (title) of chapter 66 [precedes 66.0601] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER VI
FINANCE; REVENUES

SECTION 165. 66.0601 (1) (title) of the statutes is created to read:

66.0601 (1) (title) Prohibited appropriations.

SECTION 166. 66.0601 (1) (b) (title) of the statutes is created to read:

66.0601 (1) (b) (title) Payments for abortions restricted.

SECTION 167. 66.0601 (1) (c) (title) of the statutes is created to read:

66.0601 (1) (c) (title) Payments for abortion-related activity restricted.

SECTION 168. 66.0603 (title) of the statutes is created to read:

66.0603 (title) Investments.

SECTION 169. 66.061 of the statutes is renumbered 66.0815, and 66.0815 (title), (1) (a), (c) and (d) and (2), as renumbered, are amended to read:

66.0815 (title) Franchises; Public utility franchises and service contracts. (1) (a) Any A city, village or town may grant to any person or corporation the right to construct and operate therein a water system or to furnish light, heat or power a public utility in the city, village or town, subject to reasonable rules and regulations prescribed by ordinance.

NOTE: Expands the franchise authority under sub. (1)

to include any public utility.

(c) No such ordinance shall be operative An ordinance under sub. (1) may not take effect until 60 days after passage and publication unless sooner approved by a referendum. Within that time the 60−day period 20% of the voting at the last regular municipal election, may demand petition for a referendum. The demand petition shall be in writing and filed with the clerk. Each signer shall state his or her occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within 90 days of the filing of the demand, and the petition. The ordinance shall not be effective take effect unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city or town.

(d) Whenever any If a city or village at the time of its incorporation included within its corporate limits territory in which a public utility, prior to such before the incorporation, had been lawfully engaged in rendering public utility service, such the public utility shall be
deemed to possess a franchise to operate in such the city or village to the same extent as though such if the franchise had been formally granted by ordinance duly adopted by the governing body of such the city or village. This paragraph shall not apply to any public utility organized under this chapter.

(2) SERVICE CONTRACTS. (a) Cities, villages and towns. A city, village or town may contract for furnishing light, heat, water, or motor bus or other systems of public transportation to the municipality or to the its inhabitants thereof for a period of not more than 30 years or for an indeterminate period if the prices are subject to adjustment at intervals of not greater than 5 years. The public service commission shall have has jurisdiction relative to over the rates and service to any city, village or town where light, heat or water is furnished to such the city, village or town under any contract or arrangement, to the same extent that the public service commission has jurisdiction where that service is furnished directly to the public.

(b) When a city, village or town has contracted for water, lighting service, or motor bus or other systems of public transportation to the municipality the cost may be raised by tax levy. In making payment to the owner of the utility a sum equal to the amount due the city, village or town from such the owner for taxes or special assessments may be deducted.

(c) This subsection shall apply applies to every city, village and town regardless of any charter limitations on the tax levy for water or light.

(d) When any If a privately owned motor bus or public transportation system in a city, village or town fails to provide service for a period in excess of 30 days, and the owner or stockholders of the privately owned motor bus or public transportation system have announced an intention to abandon service, the governing body of the affected municipality may without referendum furnish or contract for the furnishing of other motor bus or public transportation service to the municipality and its inhabitants and to the users of the defaulting prior service for a period of not more than one year. This section shall paragraph does not authorize a municipality to hire, directly or indirectly, any strikebreaker or other person for the purpose of replacing employees of said the motor bus or public transportation system engaged in a strike.

SECTION 170. 66.0627 of the statutes is created to read:

66.0627 Special charges for current services. (1) In this section, “service” includes snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under s. 60.23 (20), soil conservation work under s. 92.115, and snow removal under s. 86.105.

(2) Except as provided in sub. (5), the governing body of a city, village or town may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law.

(3) (a) Except as provided in par. (b), the governing body of the city, village or town may determine the manner of providing notice of a special charge.

(b) Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, a public hearing shall be held by the governing body on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. Notice of the hearing shall be by class 1 notice under ch. 985, published at least 20 days before the hearing. A copy of the notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice under this paragraph shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.

(4) A special charge is not payable in instalments. If a special charge is not paid within the time determined by the governing body, the special charge is delinquent. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74.

(5) Except with respect to storm water management, including construction of storm water management facilities, no special charge may be imposed under this section to collect arrearages owed a municipal public utility.

(6) If a special charge imposed under this section is held invalid because this section is found unconstitutional, the governing body may reassess the special charge under any applicable law.

NOTE: Restates s. 66.60 (16), relating to special charges, and renumbers the provision to make it a separate section within ch. 66.

In addition:

1. Expands the examples in the definition of “service” to expressly include removal and disposition of dead animals under s. 60.23 (20), conservation work under s. 92.115 [as renumbered by this bill] and snow removal under s. 86.105. Previously, these services were authorized to be funded by special assessment under s. 66.345, repealed by this bill. See SECTION 372 of this bill.

2. Expands the examples in the definition of “service” to expressly include “recycling” to reflect prevailing interpretation and current practice.

SECTION 171. 66.064 of the statutes is renumbered 66.0807 and amended to read:

66.0807 Joint operation of public utility or public transportation system. Any
(2) A city, village or town served by any a privately owned public utility, motor bus or other systems of public transportation rendering local service may contract with the owner thereof of the utility or system for the leasing, public operation, joint operation, extension and improvement of the utility or system by the municipality; or, with funds loaned by the municipality, may contract for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said the public utility or system which is operated within such the municipality and any territory immediately adjacent and tributary thereto to the municipality; or may contract for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such the utility or system property. The provisions of s. 66.07 relating to preliminary agreement, and approval by the department of transportation or public service commission, and ratification by the electors, shall be applicable apply to the contracts authorized by this section. The department of transportation or public service commission shall, when any such a contract under this section is approved by it and consummated, cooperate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such the contract to be made by it.

Note: In order to facilitate public−private cooperation, deletes the referendum requirement for preliminary contracts.

See also, Section 237.

Section 172. 66.065 (title) of the statutes is renumbered 66.0803 (title) and amended to read:

66.0803 (title) Acquisition of public utility or bus transportation system.

Section 173. 66.065 (1), (2), (3), (4) and (4a) of the statutes are renumbered 66.0803 (1) (a), (b), (c), (d) and (e), and 66.0803 (1) (a) and (c) to (e), as renumbered, are amended to read:

66.0803 (1) (a) Any A town, village or city may construct, acquire or lease any plant and equipment located within or without in or outside the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabitants; may acquire a controlling portion of the stock of any corporation owning private waterworks or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including the cases where the municipality shall in the franchise have has reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated, shall does not affect the power to acquire the same hereunder of the utility or utilities and so may contract to purchase or acquire the same hereunder at such that value, upon such those terms and conditions as may be mutually agreed upon between said the board or council and said the owner or owners.

(c) The notice of the referendum shall include a general statement of the plant and equipment of part thereof it is proposed to acquire or construct be constructed, acquired or leased and of the manner of payment.

(d) Referenda under this section may not be held oftener than once a year, except that a referendum so held for the acquisition, lease or construction of any of the types of property enumerated in sub. (1) shall par. (a) does not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.

(e) The provisions of subs. (2), (3) and (4) shall pars. (b) to (d) do not apply to the acquisition of any plant, equipment or public utility for furnishing water service when such the plant, equipment or utility is acquired by the municipality by dedication or without monetary or financial consideration. After a public utility is constructed, acquired or leased under this subsection, pars. (b) to (d) do not apply to any subsequent construction, acquisition or lease in connection with that public utility.

Note: The 2nd sentence of par. (e) clarifies that once a successful referendum is held on a public utility acquisition, construction or lease, no additional referenda are required for any subsequent construction, acquisition or lease in connection with that public utility.

Section 174. 66.065 (5), (6) and (7) of the statutes are renumbered 66.0803 (2) (a) to (c) and amended to read:

66.0803 (2) (a) Any A city, village or town may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail or other local transportation system exists in such the municipality. Any A city, village or town in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners thereof of the system, or pursuant to law, or upon securing a certificate from the department of transportation under s. 194.23.

(b) Any A street motor bus transportation company operating pursuant to ch. 194 shall, by acceptance of authority under that chapter, be deemed to have consented to a purchase of its property actually used and useful for the convenience of the public by the municipality...
in which the major part of such the property is situated or operated.

(c) Any A city, village or town providing or acquiring a motor or train transportation system under the provisions of this section may finance such the construction or purchase in any manner now authorized in respect of for the construction or purchase of a public utility.

SECTION 175. 66.066 (title), (1) to (1m) and (2) (intro.) and (a) to (i) of the statutes are renumbered 66.0621 (title), (1) to (3) and (4) (intro.) and (a) to (i), and 66.0621 (1) (a) and (b), (2), (3) and (4) (intro.) and (a) to (i), as renumbered, are amended to read:

66.0621 (1) (a) “Municipality” means any a city, village, town, county, commission created by contract under s. 66.30 or 66.0301, public inland lake protection and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district created under ss. 66.20 to 66.26 or 66.88 to 66.918, 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local professional baseball park district created under subch. III of ch. 229 or a municipal water district or power district under ch. 198 and any other public or quasi-public corporation, officer, board or other public body empowered to borrow money and issue obligations to repay the same money and obligations out of revenues. “Municipality” does not include the state or a local exposition district created under subch. II of ch. 229.

(b) For purposes of financing under this section, “public “Public utility” means any revenue producing facility or enterprise owned by a municipality and operated for a public purpose as defined in s. 67.04 (1) (b) or undertaken by a municipality under s. 66.062, including garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls, town halls, courthouses, jails, schools, cooperative educational service agencies, hospitals, homes for the aged or indigent, child care centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal operations, sewerage systems, local professional baseball park facilities and any other necessary public works projects undertaken by a municipality.

(2) Nothing in this This section shall be construed to does not limit the authority of any a a municipality to acquire, own, operate and finance in the manner provided in this section a source of water and necessary transmission facilities, including all real and personal property, beyond its corporate limits. A source of water 50 miles beyond a municipality’s corporate limits shall be within the municipality’s authority.

(3) Any A municipality may, by action of its governing body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, operating or managing a public utility, motor bus or other systems of public transportation from the general fund, or from the proceeds of municipal obligations, including revenue bonds. Any An obligation created pursuant to subs. (2) to (4) shall under sub. (4) or (5) is not be considered an indebtedness of such the municipality, and shall not be included in arriving at the constitutional debt limitation.

(4) (intro.) Where If payment of obligations is provided by revenue bonds, the following is the procedure for payment shall be in the manner following:

(a) 1. The governing body of the municipality, by ordinance or resolution, shall order the issuance and sale of bonds, executed as provided in s. 67.08 (1) and payable at such times not exceeding 40 years from the date thereof of issuance, and at such places, as that the governing body of such the municipality shall determine, which determines. The bonds shall be payable only out of the special redemption fund. Each such bond shall include a statement that it is payable only from the special redemption fund, naming the ordinance or resolution creating it, and that it does not constitute an indebtedness of such the municipality. The bonds may be issued either as registered bonds under s. 67.09 or as coupon bonds payable to bearer. Bonds shall be sold in such the manner and upon such the terms as determined by the governing body deems for the best interests of said the municipality.

2. Interest, if any, on bonds shall be paid at least annually to bondholders. Payment of principal on the bonds shall commence not later than 3 years after the date of issue or 2 years after the estimated date that construction will be completed, whichever is later. Thereafter After the commencement of the payment of principal on the bonds, at least annually, the municipality shall make principal payments and, if any, interest payments to bondholders or provide by ordinance or resolution that payments be made into a separate fund for payment to bondholders as specified in the ordinance or resolution authorizing the issuance of the bonds. The amount of the annual debt service payments made or provided for shall be reasonable in accordance with prudent municipal utility management practices.

3. All such revenue bonds may contain a provision authorizing redemption thereof of the bonds, in whole or in part, at stipulated prices, at the option of the municipality on any interest payment date. The governing body of a municipality may provide in any a contract for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, that payment thereof of the bonds shall be made in such the bonds at not less than 95% of the par value thereof of the bonds.

(b) All moneys received from any bonds issued under this section shall be applied solely for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, operating or managing a public utility, and in the payment of the cost of any, subsequent necessary additions, improvements and exten-
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Refunding bonds may be issued to refinance more than one issue of outstanding municipal obligations not-withstanding that such the outstanding municipal obligations may have been issued at different times and may be secured by the revenues of more than one public utility. Any such public Public utilities may be operated as a single public utility, subject however to contract rights vested in holders of bonds or promissory notes being refinanced. A determination by the governing body of a municipality that any refinancing is advantageous or necessary to the municipality shall be is conclusive.

4. The refunding bonds shall not be considered an indebtedness of such a municipality, and shall not be included in arriving at the constitutional debt limitation.

5. The governing body of a municipality may—In addition to other powers conferred by this section, include a provision in any ordinance or resolution authorizing the issuance of refunding bonds pledging all or any part of the revenues of any public utility or utilities or combination thereof originally financed or, extended or improved from the proceeds of any of the municipal obligations being refunded, and pledging all or any part of the surplus income derived from the investment of any a trust created in relation to the refunding.

6. This subsection, without reference to any other laws of this state, shall constitute constitutes full authority for the authorization and issuance of refunding bonds hereunder and for the doing of all other acts authorized by this subsection to be done or performed and such the refunding bonds may be issued hereunder under this subsection without regard to the requirements, restrictions or procedural provisions contained in any other law.

c) The governing body of a municipality shall, in the ordinance or resolution authorizing the issuance of bonds, establish a system of funds and accounts and provide for sufficient revenues to operate and maintain the public utility and to provide fully for annual debt service requirements of bonds issued under this section. The governing body of a municipality may establish a fund or account for depreciation of assets of the public utility.

d) If a governing body of a municipality creates a depreciation fund under par. (c) it shall use the funds set aside to restore any deficiency in the special redemption fund specified in par. (e) for the payment of the principal and interest due on the bonds and for the creation and maintenance of any reserves established by the bond ordinance or resolution to secure these payments. If the special redemption fund is sufficient for these purposes, moneys in the depreciation fund may be expended for repairs, replacements, new constructions, extensions or additions of the public utility. Any accumulations Accumulations of the depreciation fund may be invested, and if invested, the income from the investment shall be deposited in the depreciation fund.

e) The governing body of the a municipality shall by ordinance or resolution create a special fund in the treasury of the municipality to be identified as “the .... special redemption fund” into which shall be is set aside for the payment of the principal and interest due on the bonds and for the creation and maintenance of any reserves established by bond ordinance or resolution to secure these payments.

(f) At the close of the public utility’s fiscal year, if any surplus has accumulated in any of the above funds specified in this subsection, it may be disposed of in the order set forth under s. 66.069 (1) (e) 66.0811 (2).

(g) The reasonable cost and value of any service rendered to such a municipality by such a public utility shall be charged against the municipality and shall be paid by it in instalments.

(h) The rates for all services rendered by such a public utility to the a municipality or to other consumers, shall be reasonable and just, taking into account and consideration the value of the said public utility, the cost of
maintaining and operating the same public utility, the proper and necessary allowance for depreciation thereof of the public utility, and a sufficient and adequate return upon the capital invested.

(i) The governing body shall have full power to of a municipality may adopt all ordinances and resolutions necessary to carry into effect this subsection. Any An ordinance or resolution providing for the issuance of bonds may contain such provisions or covenants, without limiting the generality of the power to adopt such an ordinance or resolution, as are deemed necessary or desirable for the security of bondholders or the marketability of the bonds, including. The provisions or covenants may include but are not limited to provisions relating to the sufficiency of the rates or charges to be made for service, maintenance and operation, improvements or additions to and sale or alienation of the public utility, insurance against loss, employment of consulting engineers and accountants, records and accounts, operating and construction budgets, establishment of reserve funds, issuance of additional bonds, and deposit of the proceeds of the sale of the bonds or revenues of the public utility in trust, including the appointment of depositories or trustees. Any An ordinance or resolution authorizing the issuance of bonds or other obligations payable from revenues of a public utility shall constitute a contract with the holder of such bonds or other obligations issued pursuant to such an ordinance or resolution.

SECTION 176. 66.066 (2) (j) of the statutes is repealed.

NOTE: Repeals an archaic provision of the statutes regulating proceedings relating to a public utility that were begun prior to May 6, 1911.

SECTION 177. 66.066 (2) (k) to (m), (4) and (5) of the statutes are renumbered 66.0621 (4) (j) to (L), (5) and (6), and 66.0621 (4) (j) to (L) and (5), as renumbered, are amended to read:

66.0621 (4) (j) Under this paragraph, the The ordinance or resolution required under par. (c) may set apart bonds equal to the amount of any secured debt or charge subject to which a public utility may be purchased, acquired, leased, constructed, extended, added to or improved, and. The ordinance or resolution shall set aside for interest and debt service fund from the income and revenues of the public utility a sum sufficient to comply with the requirements of the instrument creating the lien, or, if the instrument does not make any provision for it, the ordinance or resolution shall fix the amount which shall be set aside into a secured debt fund from month to month for interest on the secured debt, and a fixed amount or proportion not exceeding a stated sum, which shall be not less than one percent 1% of the principal, to be set aside into the fund to pay the principal of the debt. Any surplus after satisfying the debt may be transferred to the special redemption fund. Public utility bonds set aside for the debt may from time to time be issued to an amount sufficient with the amount then in the debt service fund to pay and retire the debt or any portion of it.

The bonds may be issued at not less than 95% of the par value in exchange for, or satisfaction of, the secured debt, or may be sold in the manner provided in this paragraph, and the proceeds applied in payment of the secured debt at maturity or before maturity by agreement with the holder. The governing body of a municipality and the owners of any a public utility acquired, purchased, leased, constructed, extended, added to or improved under this paragraph may, upon such terms and conditions as are satisfactory, contract that public utility bonds providing for the secured debt or for the whole purchase price shall be deposited with a trustee or depository and released from deposit from time to time on the terms and conditions necessary to secure the payment of the debt.

(k) Any A municipality purchasing, acquiring, leasing, constructing, extending, adding to or improving, conducting, controlling, operating or managing a public utility subject to a mortgage or deed of trust by the vendor or the vendor’s predecessor in title to secure the payment of outstanding and unpaid bonds made by the vendor or the vendor’s predecessor in title, may readjust, renew, consolidate or extend the obligation evidenced by the outstanding bonds and continue the lien of the mortgage, securing the same mortgage by issuing bonds to refund the outstanding mortgage or revenue bonds at or prior to before their maturity which. The refunding bonds shall be payable only out of a special redemption fund to be created and set aside by ordinance or resolution under par. (e). The refunding bonds shall be secured by a mortgage lien upon the public utility, and the municipality is authorized to may adopt all ordinances or resolutions and take all proceedings, following the procedure under this subsection. The lien shall have has the same priority on the public utility as the mortgage securing the outstanding bonds, unless otherwise expressly provided in the proceedings of the governing body of the municipality.

(L) 1. If the governing body of any a municipality, by ordinance or resolution, declares its intentions to authorize the issuance or sale of revenue bonds under this section, the governing body may, prior to issuance of the bonds and in anticipation of their sale, authorize the issuance of bond anticipation notes by the adoption of a resolution or ordinance. The notes shall be named “bond anticipation notes.”. Bond anticipation notes may be issued for the purposes for which the municipality has authority to issue revenue bonds. The ordinance or resolution authorizing the bond anticipation notes shall state the purposes for which the bond anticipation notes are to be issued and shall set forth a covenant of the municipality to issue the revenue bonds in an amount sufficient to retire the outstanding bond anticipation notes. The ordinance or resolution may contain other covenants and pro-
visions, including a description of the terms of the revenue bonds to be issued. The municipality may pledge revenues of the public utility to payment of the principal and interest on the bond anticipation notes. Prior to issuance of the bond anticipation notes, the governing body may adopt an ordinance or resolution authorizing the revenue bonds.

2. Bond anticipation notes may be issued for periods of up to 5 years and pay, by ordinance or resolution of the governing body of a municipality, be refunded one or more times, if the refunding bond anticipation notes do not exceed 5 years in term and if they will be paid within 10 years after the date of issuance of the original bond anticipation notes. Bond anticipation notes shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. These notes shall state the sources from which they are payable. Bond anticipation notes are not an indebtedness of the municipality issuing them, and no lien may be created or attached with respect to any property of the municipality as a consequence of the issuance of such the notes.

3. Any funds derived from the issuance and sale of revenue bonds under this section and issued subsequent to the execution and sale of bond anticipation notes shall constitute a trust fund, and such the fund shall be expended first for the payment of principal and interest of such the bond anticipation notes, and then may be expended for such other purposes as are set forth in the ordinance or resolution authorizing the revenue bonds. No bond anticipation notes may be issued unless a financial officer of the municipality certifies to the governing body of the municipality that contracts with respect to additions, improvements and extensions are to be let and that the proceeds of such the notes shall be are required for the payment of such the contracts.

4. Following the issuance of the bond anticipation notes, revenues of the public utility may be paid into a fund to pay principal and interest on the bond anticipation notes, which moneys or any part of them may, by the ordinance or resolution authorizing the issuance of bond anticipation notes, be pledged for the payment of the principal of and interest on such the notes. The ordinance or resolution shall pledge to the payment of the principal of the notes the proceeds of the sale of the revenue bonds in anticipation of the sale of which the notes were authorized to be issued and may provide for use of revenue of the public utility or other available funds for payment of principal on the notes. The notes shall constitute are negotiable instruments.

5. Any A municipality authorized to issue or sell bond anticipation notes under this paragraph may, in addition to the revenue sources or bond proceeds, appropriate funds out of its annual tax levy for the payment of such the notes. The payment of such the notes out of funds from a tax levy shall is not be construed as constituting an obligation of such the municipality to make any other such appropriation.

7. Such Bond anticipation notes shall constitute are a legal form of investment for municipal funds under s. 66.04 (2) 66.0605 (1).

5. Any A municipality which may own, purchase, acquire, lease, construct, extend, add to, improve, conduct, control, operate or manage any public utility may also, by action of its governing body, in lieu of issuing bonds or levying taxes and in addition to any other lawful methods of paying obligations, provide for or secure the payment of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility by pledging, assigning or otherwise hypothecating, shares of stock evidencing a controlling interest therein in a public utility, or the net earnings or profits derived, or to be derived, from the operation of the public utility. The municipality may enter into the contracts and may mortgage the public utility and issue obligations to carry out this subsection. An A municipality may issue additional obligations under this subsection or elsewhere in this section, but those obligations shall be are subordinate to all prior obligations, except that the municipality may in the ordinance or resolution authorizing obligations under this subsection permit the issue of additional obligations on a parity with those previously issued.

SECTION 178. 66.067 of the statutes is repealed.

NOTE: Repeals s. 66.067, relating to permissible public works projects, since the substance of the section has been incorporated into s. 66.0621 (1) (b).

SECTION 179. 66.068 (title) of the statutes is renumbered 66.0805 (title) and amended to read:

66.0805 (title) Management of municipal public utility by commission.

SECTION 180. 66.068 (1) of the statutes is repealed.

NOTE: The repealed subsection is restated as s. 66.0805 (1), created by SECTION 236.

SECTION 181. 66.068 (2) to (4) of the statutes are renumbered 66.0805 (2) to (4), and 66.0805 (3) and (4), as renumbered, are amended to read:

66.0805 (3) The commissioners of the commission shall appoint and establish the compensation of a manager of the commission. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of such subordinates as shall be necessary. The commission may make rules for their own its proceedings and for the government of the department. The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.

NOTE: The 2nd sentence restates a portion of s. 66.068 (1), repealed by SECTION 180.
(4) (a) It may be provided that the governing body of the city, village or town may provide that departmental expenditures be audited by such the commission, and if approved by the president and the secretary of the commission, be paid by the city, village or town clerk and treasurer as provided by s. 66.042, 66.0607; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city, village or town treasurer at least once a month; and that the commission have such designated general powers in the construction, extension, improvement and operation of the utility as shall be designated. Where in any municipality, actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

(b) If water mains have been installed or extended in a municipality and the cost thereof of installation or extension has been in some instances assessed against the abutting owners and in other instances paid by the municipality or any utility therein, it may be provided by the governing body of such the municipality may provide that all persons who paid any such the assessment against any lot or parcel of land may be reimbursed the amount of such the assessment regardless of when such assessment was made or paid. Such reimbursement reimbursement may be made from such funds or earnings of said the municipal utility or from such funds of the municipality as the governing body determines.

NOTE: The new sentence at the end of par. (a) restates s. 66.068 (5), repealed by SECTION 182.

SECTION 182. 66.068 (5) of the statutes is repealed.

NOTE: The repealed provision is restated in renumbered s. 66.0805 (4) (a). See SECTION 181.

SECTION 183. 66.068 (6) and (7) of the statutes are renumbered 66.0805 (5) and (6) and amended to read:

66.0805 (5) Two or more public utilities acquired as a single enterprise hereunder may be operated under this section as a single enterprise.

66.0805 (6) In a 2nd, 3rd or 4th class city, a village or a town, the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission above provided for in this section.

SECTION 184. 66.069 (title) of the statutes is renumbered 66.0809 (title) and amended to read:

66.0809 (title) Charges; outside services Municipal public utility charges.

SECTION 185. 66.069 (1) (title) of the statutes is repealed.

SECTION 186. 66.069 (1) (a) to (bn) of the statutes are renumbered 66.0809 (1) to (5), and 66.0809 (1), (2), (3), (4) (intro.) and (a) and (5) (a) (intro.) and (b) to (d), as renumbered, are amended to read:

66.0809 (1) Except as provided in par. (am) sub. (2), the governing body of any a town, village or city operating a public utility may, by ordinance, fix the initial rates and shall provide for this collection monthly, bimonthly or quarterly in advance or otherwise. The rates shall be uniform for like service in all parts of the municipality and shall include the cost of fluorinating the water. The rates may also include standby charges to property not connected but for which such public utility facilities have been made available. The charges shall be collected by the treasurer or other officer of employee designated by the city, village or town.

Note: Authorizes, as an alternative to the treasurer collecting utility charges, a city, village or town to designate another officer to collect the charges. Apparently, in a number of municipalities, utility commissions have their own bonded clerk collect charges.

(2) If, on June 21, 1996, it is the practice of a governing body of a town, village or city operating a public utility to collect utility service charges using a billing period other than one permitted under par. (a) sub. (1), the governing body may continue to collect utility service charges using that billing period.

(3) Except as provided in pars. (bg) and (bn) subs. (4) and (5), on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by any a town, city or village and payment for which is owing and in arrears at the time of giving such the notice. The department in charge of the utility shall furnish the treasurer with a list of all such the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer, unless the governing body of the city, village or town shall authorize such authorizes notice to be given directly by the department. Such The notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such the utility; that unless the same amount is paid by November 1 thereafter a penalty of 10% of the amount of such arrears will be added thereto, and that unless such the arrears, with any such added penalty, shall be are paid by November 15 thereafter, the same arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent as above specified. Such The notice may be served by delivery to either such the owner or occupant personally, or by letter addressed to such the owner or occupant at the post-office address of such the lot or parcel of real estate. On November 16 the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description thereof to the owners or occupants of, for which notice of arrears in payment were was given as above specified and for which arrears still remain unpaid, and stating the amount of such arrears together with the added and penalty thereon as herein provided. Each such delinquent amount, including such the penalty, shall thereupon
become becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the same delinquent amount and penalty as a tax against such the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said the tax if the same it is not paid within the time required by law for payment of taxes upon real estate. Under this paragraph subsection, if an arrearage is for utility service furnished and metered by the utility directly to a mobile home unit in a licensed mobile home park, the notice shall be given to the owner of the mobile home unit and the delinquent amount shall become becomes a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2). This paragraph subsection does not apply to arrearages collected using the procedure under s. 66.60 (16) 66.0627.

(4) (intro.) A municipal utility may use the procedures under par. (b) sub. (3) to collect arrearages for electric service only if one of the following applies:

(a) The municipality has enacted an ordinance that authorizes the use of the procedures under par. (b) sub. (3) for the collection of arrearages for electric service provided by the municipal utility.

(b) If this paragraph subsection applies, a municipal public utility may use par. (b) sub. (3) to collect arrearages incurred after the owner of a rental dwelling unit has provided the utility with written notice under subd. 1. par. (a) only if the municipality complies with at least one of the following:

1. In order to comply with this subd. 2. a. subdivision, a municipal public utility shall send bills for water or electric service to a customer who is a tenant in the tenant’s own name. Each time that a municipal public utility notifies a customer who is a tenant that charges for water or electric service provided by the utility to the customer are past due for more than one billing cycle, the utility shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past−due notices to the customer at his or her forwarding address until the past−due charges are paid or until notice has been provided under par. (b) sub. (3).

2. In order to comply with this subd. 2. b. subdivision, if a customer who is a tenant who has charges for water or electric service provided by the utility that are past due, the municipal public utility shall serve notice of the past−due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant’s charges became past due. The municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

(c) A municipal public utility may demonstrate compliance with the notice requirements of subd. 2. a or b. par. (b) 1. or 2. by providing evidence of having sent the notice by U.S. mail.

(d) If this paragraph subsection applies and a municipal public utility is permitted to collect arrearages under par. (b) sub. (3), the municipal public utility shall provide all notices under par. (b) sub. (3) to the owner of the property.

SECTION 187. 66.069 (1) (c) and (d) of the statutes are renumbered 66.0811 (2) and (3) and amended to read:

66.0811 (2) The income of a municipal public utility owned by a municipality, shall first be used to make payments to meet operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements or indebtedness. Beginning with taxes levied in 1995, payable in 1996, payments for local and school tax equivalents shall at least be equal to the payment made on the property for taxes levied in 1994, payable in 1995, unless a lower payment is authorized by the governing body of the municipality. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acquisition of the utility, or bonds issued by the United States or any municipal corporation of this state, or insurance upon the life of an officer or manager of the utility, or may be paid into the general fund.

3. Any A city, town or village may use funds derived from its water plant above such as are necessary to meet operation, maintenance, depreciation, interest and debt service fund requirements, new construction or equipment or other indebtedness, for sewerage construction work other than that which is chargeable against abutting property, or they may turn such the funds may be placed into the general fund to be used for general city purposes, or may place such funds in a special fund to be used for special municipal purposes.

SECTION 188. 66.069 (1) (e) of the statutes is renumbered 66.0811 (1) and amended to read:

66.0811 (1) Any A city, village or town owning a public utility shall be entitled to the same rate of return as permitted for privately owned utilities.

SECTION 189. 66.069 (2) of the statutes is renumbered 66.0813, and 66.0813 (1), (2), (3) (a), (5) and (6), as renumbered, are amended to read:

66.0813 (1) Any A town, town sanitary district, village or city owning water, light or power plant or equipment may serve persons or places outside its corporate limits, including adjoining municipalities not owning or
operating a similar utility, and may interconnect with another municipality, whether contiguous or not, and for such purposes may use equipment owned by such the other municipality.

(2) So much of such plant or equipment, except water plant or equipment or interconnection property in any municipality so interconnected, as shall be situated in another municipality shall be taxable in such the other municipality pursuant to under s. 76.28.

(3) (a) Notwithstanding s. 196.58 (5), each a city, village or town may by ordinance fix the limits of such utility service in unincorporated areas. Such The ordinance shall delineate the area within which service will be provided and the municipal utility shall have has no obligation to serve beyond the area so delineated. Such area, The delineated area may be enlarged by a subsequent ordinance. No such ordinance shall be under this paragraph is effective to limit any obligation to serve which may have existed at the time that the ordinance was adopted.

(5) An agreement under par. (d) sub. (4) under which a city or village agrees to furnish sewerage service to a prison, which is located in an area which has been incorporated since that agreement was made, may be amended to provide that the city or village will also furnish water service to the prison. An agreement amended under this paragraph subsection fixes the nature and geographical limits of the water and sewer service unless altered by a change in the agreement, notwithstanding s. 196.58 (5). A change in use or ownership of property included under an agreement amended under this paragraph subsection does not alter the terms and limitations of that agreement.

(6) Any A town, village or city owning a public utility, or the board of any municipal public utility appointed under s. 66.065, 66.0805, may enter into agreements with any other such towns, villages or cities owning public utilities, or any other such boards of municipal public utilities, for mutual aid in the event of an emergency or disaster in any of their respective service areas. Such The agreements may include, but are not limited to, provisions for the movement of employees and equipment in and between the service areas of the various participating municipalities for the purpose of rendering such aid and, for the reimbursement of a municipality rendering such aid by the municipality receiving the aid.

Section 190. 66.07 of the statutes is renumbered 66.0817, and 66.0817 (intro.) and (1) to (6), as renumbered, are amended to read:

66.0817 Sale or lease of municipal public utility plant. (intro.) Any A town, village or city may sell or lease any complete public utility plant owned by it, in manner the following manner:

(1) A preliminary agreement with the prospective purchaser or lessee shall be authorized by a resolution or ordinance containing a summary of the terms proposed, of the disposition to be made of the proceeds, and of the provisions to be made for the protection of holders of obligations against such the plant or against the municipality on account thereof. Such of the plant. The resolution or ordinance shall be published at least one week before adoption, as a class 1 notice, under ch. 985. It The resolution or ordinance may be adopted only at a regular meeting and by a majority of all the members of the governing body.

(2) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the department of transportation or public service commission shall be larger is greater, the price shall be that fixed by the department or commission.

(3) The municipality shall submit the preliminary agreement when executed to the department of transportation or public service commission, which shall determine whether the interests of the municipality and of the its residents thereof will be best served by the sale or lease, and if it so determines, shall fix the price and other terms.

(4) The After the price and other terms are fixed under sub. (3), the proposal shall then be submitted to the electors of the municipality. The notice of the referendum shall include a description of the plant and a summary of the preliminary agreement, and of the price and terms as fixed by the department of transportation or public service commission. If a majority voting on the question shall vote votes for the sale or lease, the board or council shall be authorized to may consummate the same sale or lease, upon the terms and at a price not less than fixed by the department of transportation or public service commission, with the proposed purchaser or lessee or any other with whom better terms approved by the department of transportation or public service commission can be made.

(5) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the department of transportation or public service commission, the proceedings shall be void.

(6) If the municipality has revenue or mortgage bonds outstanding relating to such the utility plant and which by their terms may not be redeemed concurrently with the sale or lease transaction, an escrow fund with a domestic bank as trustee may be established for the purpose of holding, administering and distributing such that portion of the sales or lease proceeds as may be necessary to cover the payment of the principal, any redemption premium and interest which will accrue on the principal through the earliest retirement date of the bonds. During the period of the escrow arrangement such the funds may be invested in securities or other investments as described in s. 201.25 (1) (a), (b), (dm) and (j), 1969 stats., and in deposits or certificates of deposit with any state or national bank doing business in this state 66.0603 (1).
NOTE: 1. The references in sub. (1) to “resolution or ordinance” are affected by the treatment of s. 66.06 by Sections 163 and 235, which delete the current provision that the phrase “resolution or ordinance”, when used in specified sections, means “ordinance” only. Thus, the references to “resolution or ordinance” in sub. (1) will now include either kind of action, not just “ordinance”.

2. Revises, in sub. (6), the cross-reference to permitted investments in sub. (6) by replacing the reference to the 1969 statutes with the current provision setting forth authorized investments by municipalities.

SECTION 191. Subchapter VII (title) of chapter 66 [precedes 66.0701] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER VII
SPECIAL ASSESSMENTS

SECTION 192. 66.0707 (2) of the statutes is created to read:

66.0707 (2) A city, village or town may impose a special charge under s. 66.0627 against real property in an adjacent city, village or town that is served by current services rendered by the municipality imposing the special charge if the municipality in which the property is located approves the imposition by resolution. The owner of the property is entitled to the use and enjoyment of the service for which the special charge is imposed on the same conditions as the owner of property within the city, village or town.

NOTE: Expands the scope of s. 66.65, renumbered s. 66.0707, to include special charges. Currently, the provision is limited to special assessments against property in an adjacent city, village or town that abuts and benefits from a public work or improvement. See Sections 550 and 551 of this bill.

SECTION 193. 66.0709 (title) of the statutes is created to read:

66.0709 (title) Preliminary payment of improvements funded by special assessments.

SECTION 194. 66.0709 (1) of the statutes is created to read:

66.0709 (1) In this section:
(a) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).
(b) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

SECTION 195. 66.071 (title) of the statutes is renumbered 62.69 (title).

SECTION 196. 66.071 (intro.) of the statutes is repealed.

NOTE: The repealed provision is restated as s. 62.69 (1). See Section 16 of this bill.

SECTION 197. 66.071 (1) (title) of the statutes is renumbered 62.69 (2) (title).

SECTION 198. 66.071 (1) (a) of the statutes is renumbered 62.69 (2) (c) and amended to read:

62.69 (2) (c) Water rates shall be collected in the manner and by any one whom the common council may determine, and shall be accounted for and paid to the other officials in such the manner and at such the times as that the council may prescribe. Such persons prescribe.

Persons collecting water rates shall give a bond to cover all the duties in such an amount as may be prescribed by the council. Final accounting shall be made to the comptroller and final disposition of money shall be to the city treasurer.

SECTION 199. 66.071 (1) (b) of the statutes is renumbered 62.69 (2) (a) and amended to read:

62.69 (2) (a) The words “in this subsection, “commissioner of public works” in sub. (1) shall be construed to mean and have reference to includes any board of public works, or commissioner of public works, or other officer of the city having control of the city’s public works therein, and all acts authorized to be done by such commissioner except for the enforcement of regulations approved by the council shall require the approval of the council before they shall have any force or effect.

SECTION 200. 66.071 (1) (c) to (j) of the statutes are renumbered 62.69 (2) (d) to (L), and 62.69 (2) (e), (f), (g) 2. (intro.) and a., (h) and (k), as renumbered, are amended to read:

62.69 (2) (e) Water rates shall be are due and payable upon such date or dates as the common council may provide. To all water rates remaining unpaid 20 days thereafter after the due date, there shall be added a penalty of 5% of the amount of such rates due, and if such the rates shall remain unpaid for 10 days thereafter additional days, water may be turned off the premises subject to the payment of such delinquent rates, and in such cases where. If the supply of water is turned off as above provided, water shall be again turned on to the premises until all delinquent rates and penalties, and a sum not exceeding $2 as provided for by regulation for turning the water off and on, shall have been paid. The same penalty and charge may be made when payment is made to a collector sent to the premises. On or before each day when such the date on which rates become due and payable as aforesaid, a written or printed notice or bill shall be mailed or personally delivered to the occupant or, upon written request, to the owner wherever the at the location the owner shall state, of all premises subject to the payment of water rates, stating the amount due, the time when and the place where the rates can be paid, and the penalty for neglect of payment.

(f) All water rates for water furnished to any building or premises, and the cost of repairing meters, service pipes, stops or stop boxes, shall be a lien on the lot, part of lot or parcel of land on which such the building or premises shall be located. If any water rates or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on the first day of October, in any year, the same unpaid rates or bills shall be certified to the city comptroller of such city or before the first
the determination is
with such
the quantity used, and such
county or to any
the
that the quantity indicated by the meter is materi-
for the use of the water; that the
shall
the proportionate cost of fluoridating
that it may sustain
a
commisioner of public works of a city
charge for water supplied by the city in all
the commissioner shall approve, condi-
from a boundary
a lien on the mobile home unit rather than
is not
. Under this paragraph, if an
deter-
, arising in any
council of such city
city, which here-
property of the city, without
becomes
; if the prop-
penalties and punishment for disobedience of
. The commissioner of public works
(f) may also
that the applicant will
a part of
national home for disabled sol-
to collect
and for that
is conclusive.
sustains
that
rules and regulations, and may prescribe proper
out of the manner in which the connection is made,
that a main pipe of
be thereafter
for the main or
commissioner of public works shall determine
the determination is conclusive.
No water rate or rates duly assessed against any property
shall may be thereafter remitted or changed except by the
common council of such city. Under this paragraph, if an
unpaid charge or bill is for utility service furnished and
metered by the waterworks directly to a mobile home unit in a
licensed mobile home park, the delinquent amount
shall become is a lien on the mobile home unit rather than a
lien on the parcel of real estate on which the mobile
home unit is located. A lien on a mobile home unit may be
enforced using the procedures under s. 779.48 (2).
(g) 2. (intro.) If this paragraph applies, the commis-
ioner of public works may use par. (e) (f) to collect
unpaid charges and bills incurred after the owner of a
rental dwelling unit has provided the commissioner of
public works with written notice under subd. 1. only if the
commissioner of public works complies with at least one
of the following:

a. In order to comply with this subd. 2. a., the
commissioner of public works shall send bills for water ser-
vice to a customer who is a tenant in the tenant’s own
name. Each time that a commissioner of public works
notifies a customer who is a tenant that charges for water
service provided by the waterworks to the customer are
past due for more than one billing cycle, the commis-
ioner of public works shall also serve a copy of the
notice on the owner of the rental dwelling unit in the man-
er provided in s. 801.14 (2). If a customer who is a ten-
ant vacates his or her rental dwelling unit, and the owner
of the rental dwelling unit provides the commissioner of
public works, no later than 21 days after the date on which
the tenant vacates the rental dwelling unit, with a sworn
affidavit that contains a forwarding address for the ten-
ant, the date that the tenant vacated the rental dwelling
unit and a meter reading reflecting the service for which
the tenant is responsible, the commissioner of public
works shall continue to send past−due notices to the cus-
tomer at his or her forwarding address until the past−due
charges are paid or until the past−due charges have been
certified to the comptroller under par. (e) (f).

(h) The city commissioner of public works of a city
may issue a permit to the county in which if the city is
located, to any national home for disabled soldiers, or to
any other applicant to obtain water from the city’s water
system for use outside of the limits of the city and for that
purpose to connect any pipe that is laid outside of the city
limits with water pipe in the city. No permit may be
issued until the applicant files with the commissioner of
public works a bond in such the sum and with such the
surety as that the commissioner shall approve, condi-
tioned approves on the condition; that the applicant will
obey the rules and regulations prescribed by the commis-
sioner of public works for the use of the water; that the
applicant will pay all charges fixed by the commissioner
for the use of the water as measured by a meter to be
approved by the commissioner, which charges shall
include including the proportionate cost of fluoridating
the water and, except as to water furnished directly to
county or other municipal properties, shall which may
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 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 pre-
scribed by the commissioner of public works, if the prop-
erty to be supplied does not front on a city boundary but
is distant therefrom from a boundary, 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 the water
main shall be laid according to city specifications and
under city inspection; that the water main and appliances
shall become the absolute property of the city, without
any compensation therefore, whenever for the main or
appliances, if the property supplied with water by the
extension or any part thereof shall be of the property is
annexed to or in any manner become becomes a part of
the city; and that the applicant will pay to the city all dam-
gages whatever that it may sustain sustains, arising in any
way out of the manner in which the connection is made
or water supply is used. In case of granting a permit to
any a county or to any a national home for disabled sol-
diers, the commissioner of public works may waive the
giving of a bond. Every permit shall be issued upon the
understanding that the city shall in no event ever be is not
liable for any damage in case of failure to supply water
by reason of any condition beyond its control.

(k) The commissioner of public works may also
make rules and regulations for the proper ventilating and
trapping of all drains, soil pipes and fixtures hereafter
constructed to connect with or be used in connection with
the sewerage or water supply of the city. The common
council may provide by ordinance for the enforcement of
such the rules and regulations, and may prescribe proper
including penalties and punishment for disobedience of
the same. The commissioner of public works may also
make rules to regulate the use of vent, soil, drain, sewer
or water pipes in all buildings in said the city, which here-
after shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and, The commissioner may prohibit the introduction into any building of any style of water fixture, tap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the. The commissioner of public works shall require a rigid inspection by a skilled and competent inspector under the direction of the commissioner of public works of all plumbing and draining work and water and sewer connections, hereafter done or made in any building in the city, and unless the same work and connections are done or made according to rules of the commissioner of public works, no connection of the premises with the city sewerage or water supply shall be allowed may be made.

Section 201. 66.071 (2) of the statutes is renumbered 62.69 (3) and amended to read:

62.69 (3) Utility directors. (a) The term in this subsection, "electric plant" as used in this section shall mean a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

(b) If the city shall have determined decides to acquire an electric plant or any other public utility in accordance with the provisions of this section, the mayor of such city, prior to the city taking possession of such the property, shall appoint, subject to the confirmation of the council, 7 persons of recognized business experience and standing to act as the board of directors for such the utility. Two of such persons shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a term of 6 years, and 1 for a term of 8 years. Thereafter successors. Successors shall be appointed in like manner for terms of 10 years each. Any such a director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

(c) The Utility directors so appointed shall have power to may employ a manager experienced in the management of electric plants or other like public utilities and, fix his or her compensation and the other terms and conditions of employment and to remove him or her at pleasure, subject to the terms and conditions of his or her employment; advise and consult with the manager and other employees as to any matter pertaining to maintenance, operation or extension of such the utility; and perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under ch. 180 not inconsistent with this section and the laws governing 1st class cities. No money shall be or authorized to be raised by said the board of directors other than from revenues derived from the operation of the utility, except by action of the council.

(d) The manager appointed by the board of directors shall have complete management and control of may manage and control the utility, subject to the powers herein conferred upon the board of directors and the council under this subsection and shall have power to may appoint assistants and all other employees which the manager deems considers necessary and fix their compensation and other terms and conditions of employment, except that the board of directors may prescribe rules for determining the fitness of persons for positions and employment.

(e) The council shall fix the compensation, if any, of members of the board of directors and shall have the powers herein conferred upon it and such has other powers as it now possesses with reference to electric plants and other public utilities.

Section 202. 66.0711 (1) of the statutes is created to read:

66.0711 (1) In this section:

(a) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).

(b) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

Section 203. 66.0713 (10) (title) of the statutes is created to read:

66.0713 (10) (title) Legality of proceedings; conclusive evidence.

Section 204. 66.0715 (title) of the statutes is created to read:

66.0715 (title) Deferral of special assessments; payment of special assessments in instalments.

Section 205. 66.0715 (1) of the statutes is created to read:

66.0715 (1) Definitions. In this section:

(a) “Governing body” has the meaning given in s. 66.0713 (1) (b).

(b) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).

(c) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

Section 206. 66.0719 (1) of the statutes is created to read:

66.0719 (1) In this section:

(a) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).

(b) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

Section 207. 66.072 of the statutes is renumbered 66.0827, and 66.0827 (2) to (6), (a) and (b) and (6), as renumbered, are amended to read:

66.0827 (2) The fund of each utility district shall be provided by taxation of the property in such the district, upon an annual estimate by the department in charge of public works in cities and villages, and by the town chair-
person in towns, filed by October 1. Separate account shall be kept of each district fund.

(3) In towns a majority vote and in villages and cities a three-fourths vote of all the members of the governing body shall be required to thus establish utility districts and by a like vote district may be vacated, altered, or consolidated, vacate, alter or consolidate a utility district.

(4) Before the vote is effective to establish, vacate, alter or consolidate a utility district, a hearing shall be held as provided in s. 66.06 (7) and 66.07 (7) (a). In towns the notice may be given by posting in 3 public places in said the town, one of which shall be in the proposed district, at least 2 weeks prior to such the hearing.

(5) (a) When any If a town board establishes a utility district under this section the board may also, if a town sanitary district is in existence for the town, dissolve said the sanitary district in which case. If the sanitary district is dissolved, all assets, liabilities and functions of the sanitary district shall be taken over by the utility district.

(b) All functions performed by a sanitary district and assumed by a utility district under this subsection shall remain subject to regulation by the public service commission as if no transfer had occurred.

(6) Whenever If a municipality, within which a utility district is located, is consolidated with another municipality which provides the same or similar services for which the district was established, but on a municipality-wide basis rather than on a utility district basis as provided in this section, the fund of the utility district shall become part of the general fund of the consolidated municipality; thereupon said and the utility district shall be abolished. This section shall also apply to consolidations completed prior to on June 30, 1965.

Section 208. 66.0721 (title) of the statutes is created to read:

66.0721 (title) Special assessments on certain farmland for construction of sewerage or water system.

Section 209. 66.0727 (4) of the statutes is created to read:

66.0727 (4) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

Note: Restates s. 66.699, which is repealed by Section 561.

Section 210. 66.0729 (6) of the statutes is created to read:

66.0729 (6) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

Note: Restates s. 66.699, which is repealed by Section 561.

Section 211. 66.073 of the statutes is renumbered 66.0825, and 66.0825 (2), (3) (f), (g) and (h), (4) (a), (5) (b), (c), (e), (f) and (i), (6) (intro.), (a), (f), (g), (h) and (o), (7), (8) (a) 3. and 4., (b) and (c), (9), (10), (11), (12), (13) (intro.), (b), (d), (e), (g), (j), (k), (l), (m), (n) and (o), (14), (15), (16) (b), (17) and (18), as renumbered, are amended to read:

66.0825 (2) Finding and declaration of necessity. It is declared that the operation of electric utility systems by municipalities of this state and the improvement of the systems through joint action in the fields of the generation, transmission and distribution of electric power and energy is are in the public interest; that there is a need in order to ensure the stability and continued viability of the municipal systems to provide for a means by which municipalities which operate the systems may act jointly in all ways possible, including development of coordinated bulk power and fuel supply programs and efficient, community-based energy systems; and that, the necessity in the public interest for the provisions hereinafter enacted in this section is declared as a matter of legislative determination.

(3) (f) “Person” means a natural person, a public agency, cooperative or private corporation, limited liability company, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States.

(g) “Project” means any plant, works, system, facilities, and real and personal property of any nature whatsoever, together with all parts thereof, and appurtenances thereto, used or useful in the generation, production, transmission, distribution, purchase, sale, exchange, or interchange of electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such these purposes, including, but not limited to: the acquisition of fuel deposits and the acquisition or construction and operation of facilities for extracting fuel from natural deposits, for converting it for use in another form, for burning it in place, for transportation, storage and reprocessing or for any energy conservation measure which involves public education or the actual fitting and application of a device.

(h) “Public agency” means any municipality or other municipal corporation, political subdivision, governmental unit, or public corporation created under the laws of this state or of another state or of the United States, and any state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof of the state or the United States.

(4) (a) Any combination of municipalities of the state which operate facilities for the generation of, transmission or distribution of electric power and energy may, by contract with each other, establish a separate
governmental entity to be known as a municipal electric company to be used by such the contracting municipalities to effect joint development of electric energy resources or production, distribution and transmission of electric power and energy in whole or in part for the benefit of the contracting municipalities. The municipalities party to the contract may amend the contract as provided therein in the contract.

(5) (b) The establishment and organization of a governing body of the company which shall be a board of directors in which all powers of the company are vested. The contract may provide for the creation by the board of an executive committee of the board to which the powers and duties may be delegated as the board shall specify.

c) The number of directors, the manner of their appointment, terms of office and compensation, if any, and the procedure for filling vacancies on the board. Each contracting municipality shall have the power to may appoint one member to the board of directors and shall be entitled to may remove that member at will.

e) The voting requirements for action by the board; but, unless specifically provided otherwise, a majority of directors shall constitute constitutes a quorum and a majority of the quorum shall be necessary for any action taken by the board.

(f) The duties of the board which shall include the obligation to comply or to cause compliance with this section and the laws of the state and in addition, with each and every term, provision and covenant in the contract creating the company on its part to be kept or performed.

(i) The term of the contract, which may be a definite period or until rescinded or terminated, and the method, if any, by which the contract may be rescinded or terminated but that the. The contract may not be rescinded or terminated so long as while the company has bonds outstanding, unless provision for full payment of such the bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security instrument securing the bonds.

(6) POWERS. (intro.) The general powers of an electric company shall include the power to:

(a) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects within or outside the state and act as agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such the project.

(f) Contract with any person or public agency within or outside the state, for the construction of any project or for the sale or transmission of electric power and energy generated by any project, or for any interest therein in a project or any right to capacity thereof of a project, on such the terms and for such the period of time as that its board of directors shall determine determines.

(g) Purchase, sell, exchange, transmit or distribute electric power and energy within and outside the state in such the amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person or public agency with respect to such the purchase, sale, exchange, or transmission, on such the terms and for such the period of time as that its board of directors shall determine determines. A company may not sell power and energy at retail unless requested to do so by a municipal member within the service area of that municipal member.

(b) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein in any real or personal property, commodity or service, subject to s. 182.017 (7).

(o) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as that the company deems proper.

(7) PUBLIC CHARACTER. An electric company established by contract under this section shall constitute constitutes a political subdivision and body public and corporate of the state, exercising public powers, separate from the contracting municipalities. It shall have has the duties, privileges, immunities, rights, liabilities and disabilities of a public body politic and corporate but shall does not have taxing power.

(8) (a) 3. Purchase agreements entered into under subd. 2. may, in addition to the provisions authorized under subd. 2., contain other terms and conditions that the company and the purchasers determine, including provisions whereby obligating the purchaser is obligated to pay for power irrespective of whether energy is produced or delivered to the purchaser or whether any project contemplated by any such agreement under subd. 2. is completed, operable or operating, and notwithstanding suspension, interruption, interference, reduction or curtailment of the output of such the project.

4. Purchase agreements entered into under subd. 2. may be for a term covering the life of a project or for any other term, or for an indefinite period. The contract created under sub. (5) or a purchase agreement may provide that if one or more of the purchasers defaults in the payment of its obligations under a purchase agreement, the remaining purchasers which also have purchase agreements shall be required to accept and pay for and shall be are entitled proportionately to use or otherwise
dispose of the power and energy to be purchased by the defaulting purchaser.

(b) The obligations of a municipality under a purchase agreement with a company or arising out of the default by any other purchaser with respect to such an agreement shall not be construed to constitute are not debt of the municipality. To the extent provided in the purchase agreement, such the obligations shall constitute special obligations of the municipality, payable solely from the revenues and other moneys derived by the municipality from its municipal electric utility and shall be treated as expenses of operating a municipal electric utility.

(c) The contract also may provide for payments in the form of contributions to defray the cost of any purpose set forth in the contract and as advances for any such purpose in the contract subject to repayment by the company.

(9) Sale of Excess Capacity. (a) An electric company may sell or exchange, to any other person or public agency, excess power and energy produced or owned by it not required by any of the contracting municipalities for such the consideration and for such, period and upon such terms and conditions as it may determine to any other person or public agency that it determines.

(b) Notwithstanding any other provision of this section or any other statute, nothing shall prohib prohibits a company from undertaking any project in conjunction with or owning any project jointly with any person or public agency.

(10) Regulation. An electric company created under this section shall be deemed to be is a "public utility" for purposes of ch. 196, except that the terms and conditions and the rates at which a company sells power and energy for resale shall not be are not subject to regulation or alteration by the public service commission.

(11) Types of Bonds. (a) An electric company may issue such types of bonds as it may determine it determines, subject only to any agreement with the holders of particular bonds, including bonds as to which the principal and interest are payable exclusively from all or a portion of the revenues from one or more projects, or from one or more revenue producing contracts made by the company with any person or public agency, or from its revenues generally, or which may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency or other person, or a pledge of any income or revenues, funds, or moneys of the company from any source whatever.

(b) A company may from time to time issue its bonds in such principal amounts as that the company deems necessary to provide sufficient funds to carry out any of its corporate purposes and powers, including the establishment or increase of reserves, interest accrued during construction of a project and for a period not exceeding one year after the completion of construction of a project, and the payment of all other costs or expenses of the company incident to and necessary or convenient to carry out its corporate purposes and powers.

(c) Neither the members of the board of directors of a company nor any person executing the bonds shall be is liable personally on the bonds by reason of the issuance thereof of the bonds.

(d) The bonds of an electric company and such the bonds shall so state on their face shall, are not be a debt of the municipalities which are parties to the contract creating the company or of the state and neither the state nor any such municipality shall be is liable thereon on the bonds nor in any event shall such are the bonds be payable out of any funds or properties other than those of the company.

(12) Form and Sale of Bonds. (a) Bonds of an electric company shall be authorized by resolution of the board of directors and may be issued under such the resolution or under a trust indenture or other security instrument in one or more series and shall bear such date or the dates, mature at such time or the times, bear interest at such rate or the rates, be in such denomination or the denominations, be in the form of coupon bonds or registered bonds under s. 67.09, have such the rank or priority, be executed in such the manner, be payable in such the medium of payment, at such place or the places, and be subject to such the terms of redemption, with or without premium, as such that the resolution, trust indenture or other security instrument may provide provides, and without limitation by the provisions of any other law limiting amounts, maturities or interest rates.

(b) The bonds may be sold at public or private sale as the company may provide provides and at such price or the prices as that the company shall determine determines.

(c) In case any of the officers whose signatures appear on any bonds or coupons shall cease If an officer whose signature appears on a bond or coupon ceases to be such officers an officer before the delivery of such obligations, such signatures shall, nevertheless, be the obligation, the signature is valid and sufficient for all purposes, the same as if the officers officer had remained in office until such delivery.

(13) Covenants. (intro.) The company shall have power may in connection with the issuance of its bonds to:

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof of the redemption.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity, as to the terms and conditions upon which such the declaration and its consequences may be waived and as to the consequences of default and the remedies of bondholders.
(e) Covenant as to the mortgage or pledge of or the grant of a security interest in any real or personal property and all or any part of the revenues from any project or projects or any revenue producing contract or contracts made by the company with any person or public agency to secure the payment of bonds, subject to such existing agreements with the holders of bonds as may then exist.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds shall be applied, and the pledge of such the proceeds to secure the payment of the bonds.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto to amendment or abrogation, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon on the properties or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in a trustee or one or more trustees, within or outside the state, of such those properties, rights, powers and duties in trust as the company may determine determines.

(m) Covenant as to the appointing and providing for the duties and obligations of a paying agent or one or more paying agents or other fiduciaries within or outside the state.

(n) Make all other covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the company tend to make the bonds more marketable; notwithstanding that such the covenants, acts or things may not be enumerated herein; it being the intention hereof to give the in this subsection. A company power to may do all things in the issuance of bonds and in the provisions for security thereof of the bonds which are not inconsistent with the constitution of the state.

(o) Execute all instruments necessary or convenient in the exercise of the powers herein granted in this subsection or in the performance of covenants or duties, which may contain such covenants and provisions, as that any purchaser of the bonds of the company may reasonably require requires.

14. REFUNDING BONDS. A company may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such the time prior to the maturity or redemption of the refunded bonds as that the company deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon on the bonds, any interest accrued or to accrue to the date of payment of such the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such the reserves for debt service or other capital or current expenses from the proceeds of such the refunding bonds as may be required by the resolution, trust indenture or other security instruments. The issue of refunding bonds, the maturities and other details thereof of, the security therefore for, the rights of the holders thereof of, and the rights, duties and obligations of the company in respect of the same shall be refunding bonds are governed by the provisions of this section relating to the issue of bonds other than refunding bonds insofar as the same may be to the extent that the provisions are applicable.

15. BONDS ELIGIBLE FOR INVESTMENT. Bonds issued by a company under this section are hereby made securities in which all All public officers and agencies of the state and all political subdivisions, of the state and all insurance companies, trust companies, banks, savings banks, savings and loan associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such in bonds issued by a company under this section. The bonds are hereby made securities which may properly and legally be deposited with and received by any officer or agency of the state or any political subdivision for any purpose for which the deposit of bonds or obligation of the state or any political subdivision is now or may hereafter be authorized by law.

16. (b) The property of a company, including any proportional share of any property owned by a company in conjunction with any other person or public agency, is declared to be public property used for essential public and governmental purposes and such the property or proportional share, a company and its income shall be are exempt from all taxes of the state or any state public body except that for each project owned or partly owned by it, a company shall make payments—in—lieu—of—taxes to the state equal to the amount which would be paid to the state under ss. 76.01 to 76.26 for such the project or share thereof of the project if it were deemed to be owned by a company under s. 76.02 (2). The payment shall be determined, administered and distributed by the state in the same manner as the taxes paid by companies under ss. 76.01 to 76.26.

17. SUCCESSOR. A company shall, if the contract so provides, be the successor to any nonprofit corporation, agency or any other entity theretofore previously organized by such the contracting municipalities to provide the same or a related function, and the company shall be is entitled to all rights and privileges and shall assume all obligations and liabilities of the other entity under existing contracts to which the other entity is a party.
(18) OTHER STATUTES. The powers granted under this section do not limit the powers of municipalities to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.30 ss. 66.0301 to 66.0311 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions, nor shall such powers granted under this section limit the powers reserved to municipalities by state law.

SECTION 212. 66.0735 of the statutes is renumbered 66.0823, and 66.0823 (5) (q), as renumbered, is amended to read:

66.0823 (5) (q) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the authority deems proper in accordance with s. 66.04 (2) 66.0603 (1).

SECTION 213. 66.074 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.074 grants authority to cities, villages and towns in connection with ice plants, fuel depots and landing fields. Current municipal authority regarding airports is contained in ch. 114.

SECTION 214. 66.075 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.075 authorizes counties, cities, villages and towns of over 5,000 population to construct and maintain public slaughterhouses.

SECTION 215. 66.076 (title) of the statutes is renumbered 66.0821 (title) and amended to read:

66.0821 (title) Sewerage system, service charge and storm water systems.

SECTION 216. 66.076 (1) of the statutes is renumbered 66.0821 (2) (a) and amended to read:

66.0821 (2) (a) 1. In addition to all other methods provided by law, any a municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, transportation, storage, treatment and disposal of sewage or storm water and surface water, including the necessary lateral, main and interceptor sewers necessary in connection therewith, and any a town, village or city may arrange for such the service to be furnished by a metropolitan sewerage district or joint sewerage system. Except as provided in s. 66.60 (6m), payment for a sewerage project described in this paragraph, or any part of such project, may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal obligations, revenue bonds or from any combination of these enumerated methods of financing.

NOTE: The deleted sentence is restated as s. 66.0813 (3) (a) by SECTION 245.

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

SECTION 217. 66.076 (1m) of the statutes is renumbered 66.0821 (1) (intro.) and amended to read:

66.0821 (1) (intro.) In this section, “municipality”:

(a) “Municipality” means any a town, village, city or metropolitan sewerage district created under ss. 66.20 200.01 to 66.26 200.15 or under ss. 66.88 200.21 to 66.918 200.65.

SECTION 218. 66.076 (2) of the statutes is renumbered 66.0821 (3) (b) and amended to read:

66.0821 (3) (b) Where payment If funding under par. (a) in whole or in part is made by the issue and sale of revenue bonds, the payments shall be made as provided in s. 66.066. The provisions of s. 66.066 which are 66.0621 to the extent not inconsistent with this section are made a part of this section. The term, In this paragraph, “public utility” as used in s. 66.066 shall for this purpose include 66.0621 includes the sewerage system, accessories, equipment and other property, including land. The mortgage or revenue bonds or mortgage certificates shall do not constitute an indebtedness of the municipality but and may be secured only by the sewerage system and its revenue, and the franchise provided for in this section.

SECTION 219. 66.076 (3) of the statutes is renumbered 66.0821 (6) and amended to read:

66.0821 (6) In the event of If there is a sale of the mortgaged sewerage system premises on a judgment of foreclosure and sale, the price paid for the same shall premises may not exceed the amount of the judgment and the costs of sale to and including the recording of the sheriff’s deed. The purchaser on the foreclosure sale may operate and maintain said the sewerage system and collect sewerage service charges, and for that purpose shall is deemed to have a franchise from the municipality. The term “purchaser” shall include includes the purchaser’s successors or assigns. The rates to be charged, in addition to the contributions, if any, which the municipality has obligated itself to make toward the capital or operating costs of the plant, shall be sufficient to meet the requirements of operation, maintenance, repairs,
depreciation, interest and an amount sufficient to amortize the judgment debts and all additional capital costs which the purchaser contributes to the plan over a period not exceeding 20 years, and in addition to the foregoing, the purchaser of the premises shall be entitled to earn a reasonable amount, as determined by the public service commission, on the actual amount of the purchaser's investment in the premises represented by the purchase price of the premises, plus any additions made to the same investment by the purchaser or minus any payments made by the municipality on account of the investments. The municipality may at any time by payment reduce such the investment of the purchaser and after full payment of the purchase price plus the cost of subsequent improvements the premises shall revert to the municipality. So long as while the premises are owned by the private purchaser, the same premises shall be considered a public utility and be subject to ch. 196 so far as to the extent applicable.

**SECTION 220.** 66.076 (4) of the statutes is renumbered 66.0821 (4) (a) and amended to read:

66.0821 (4) (a) The governing body of the municipality may establish sewerage service charges in such an amount as to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including the replacement of funds advanced by or paid from the general fund of the municipality. Service charges made by a metropolitan sewerage district to any town, village or city shall in turn be levied by such the town, village or city against the individual sewer system users within the corporate limits of such the municipality, and the responsibility for collecting such the charges promptly shall collect the charges and promptly remitting same to the metropolitan sewerage district shall lie with such municipality. Delinquent charges shall be collected in accordance with sub. (7) (4) (c).  

**SECTION 221.** 66.076 (5) (a) of the statutes is renumbered 66.0821 (4) (b) and amended to read:

66.0821 (4) (b) For the purpose of making equitable charges for all services rendered by the sanitary sewerage system to the municipality or to citizens, corporations and other users, the property benefited thereby by the system may be classified, taking into consideration the volume of water, including surface or drain waters, the character of the sewage or waste and the nature of the use made of the sewerage system, including the sewage disposal plant. The charges may also include standby charges to property not connected but for which such sewerage system facilities have been made available.

**SECTION 222.** 66.076 (5) (b) of the statutes is renumbered 66.0821 (4) (c).
under sub. (5)(b) (4)(c), an order that a municipality
refund to the user any amount of the standby charges that
have been collected if the user has filed a complaint with
the public service commission not later than 60 days after
receiving a notice of charge that relates to an increased
standby charge. The proceedings under this subsection shall be paragraph are governed, as far as to the extent applicable, by ss. 196.26 to 196.40. The commission shall bill any expense of the commission attributable to a proceeding under this subsection paragraph to the town, village or city under s. 196.85 (1).

SECTION 227. 66.076 (10) of the statutes is renumbered 66.0821 (5) (b) and amended to read:

66.0821 (5) (b) Judicial review of the a determination of the public service commission under par. (a) may be had by any person aggrieved in the manner prescribed in ch. 227.

SECTION 228. 66.076 (11) of the statutes is renumbered 66.0821 (1) (b) and amended to read:

66.0821 (1) (b) The word “sewerage” as used in this section shall be considered “Sewerage” is a comprehensive term, including all constructions for collection, transportation, pumping, treatment and final disposition of sewage or storm water and surface water.

SECTION 229. 66.076 (12) of the statutes is renumbered 66.0821 (7) and amended to read:

66.0821 (7) The authority hereby given shall be under this section is in addition to any power which municipalities have with respect to sewerage or sewage disposal. Nothing in this section shall be construed as restricting or interfering with any powers and duties of the department of health and family services as prescribed by law.

SECTION 230. 66.077 of the statutes is renumbered 66.0819 and amended to read:

66.0819 Combining water and sewer utilities. (1) Any A town, village, or city of the fourth class may construct, acquire, or lease, or extend and improve, a plant and equipment within or without its corporate limits for the furnishing of water to the municipality or to its inhabitants, and for the collection, treatment, and disposal of sewage, including the lateral, main and intercepting sewers, and all necessary equipment necessary in connection therewith. Such The plant and equipment, whether the structures and equipment for the furnishing of water and for the disposal of sewage shall be combined or separate, may by ordinance be constituted a single public utility.

(2) The provisions of this chapter and chs. 196 and 197 relating to a water system, including, but not limited to, those provisions relating to the regulation of a water system by the public service commission, shall apply to 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 a consolidated water and sewage disposal system, the public service commission shall treat the water system and the sewage disposal system separately, unless the commission finds that the public interest requires otherwise.

(3) Any A town, village or 4th class city which owns or acquires a water system and a plant or system for the treatment or disposal of sewage may by ordinance consolidate the systems into a single public utility. After the effective date of the ordinance the consolidated utility is subject to this section with the same force and effect as though originally acquired as a single public utility.

Note: Extends authority under the section to any city, not just 4th class cities.

SECTION 231. 66.078 of the statutes is renumbered 66.0623 and amended to read:

66.0623 Refunding village, town, sanitary and inland lake district bonds. Any A village, town, town sanitary district established under s. 60.71 (1) or public inland lake protection and rehabilitation district established under ch. 33 which has undertaken to construct a combined sewer and water system and issued revenue bonds payable from the combined revenues of the system and which is unable to provide sufficient funds to complete the construction of the system and to meet maturing principal of the revenue bonds, may, with the consent of all of the holders of noncallable bonds, refund any part of its outstanding indebtedness, including revenue bonds, by issuing term bonds maturing in not more than 20 years, payable solely from the revenues of the combined sewer and water system and redeemable at par on any interest payment date. Such The bonds may be issued as provided in s. 66.066 66.0621 (2) and shall pledge income from hydrant rentals and all sewer and water charges and may contain any covenants authorized by law, except if bonds are issued under this section to refund floating indebtedness, the bonds shall be subject to the prior lien and claim of all bonds issued to refund revenue bonds issued prior to the refunding.

SECTION 232. 66.079 of the statutes is renumbered 66.0829 and amended to read:

66.0829 Parking systems. (1) Any A city, village or town without necessity of a referendum may purchase, acquire, rent from a lessor, construct, extend, add to, improve, conduct, operate or rent to a lessee a municipal parking system for the parking of vehicles, including parking lots and other parking facilities, upon its public streets or roads or public grounds and issue revenue bonds to acquire funds for any one or more of these purposes. The parking lots and other parking facilities may include space designed for leasing to private persons for purposes other than parking. The provisions of s. 66.066 66.0621 governing the issuance of revenue bonds apply, so far as to the extent applicable, to revenue bonds issued under this subsection. The municipal parking systems are public utilities under article XI, section 3, of the constitution. Revenue Principal and interest of revenue
bonds issued under this subsection are payable solely, both principal and interest, from the revenues to be derived from the parking system, including without limitation revenues from parking meters or other parking facilities. Any revenue derived from any facility financed by a revenue bond issued under this subsection shall may be used only to pay the principal and interest of that revenue bond, except that after the principal and interest of that revenue bond have been paid in full the revenue derived from the facility may be used for any purpose.

(2) Any municipality empowered to create part of a parking system under sub. (1) may finance and operate any part of such system be financed and operated in the following manner:

(a) The cost of constructing any parking system or facility, including the cost of the land, may be assessed against a benefited area, such the benefited area and assessments to be determined in the manner prescribed by either subch. II of ch. 32 or s. 66.60 s. 66.60, except that the number of annual instalments in which such the assessment is payable may shall not exceed 20.

(b) The cost of operating and maintaining any parking system or facility may be assessed not more than once in each calendar year against all property in a benefited area, such the area and such assessments to be determined in the manner prescribed by either subch. II of ch. 32 or by s. 66.60 s. 66.60. The costs may include a payment in lieu of taxes, operating, maintenance and replacement costs, and interest on any unpaid capital cost.

(c) The governing body may, in determining the amount of the assessment under par. (a) or (b), credit any portion of the revenues from the parking system or facility.

(d) No assessment, as authorized in par. (a) or (b), shall may be made against any property used wholly for residential purposes.

SECTION 233. 66.08 of the statutes is renumbered 66.0723 and amended to read:

66.0723 Utilities, special assessments.  (1) Whenever any If a city, village or town shall construct or acquire constructs, extends or acquires by gift, purchase or otherwise a distribution system or a production or generating plant for the furnishing of light, heat or power to any municipality or its inhabitants or shall make any extensions thereto, such the city, village or town may assess the whole or any part of the all or some of the cost thereof to the property benefited thereby, whether abutting or not, in the same manner as is provided for the assessment of benefits under s. 66.60 66.60, 66.0703.

(2) Such special Special assessments under this section may be made payable and certificates or bonds issued under s. 66.54 66.54, 66.0713. In a city, village or town where no official paper is published, notice may be given by posting the notice in 3 public places in the city, village or town.

SECTION 234. Subchapter VIII (title) of chapter 66 [precedes 66.0801] of the statutes is created to read:

CHAPTER 66

SUBCHAPTER VIII

PUBLIC UTILITIES

SECTION 235. 66.0801 of the statutes is created to read:

66.0801 Definitions; effect on other authority.  (1) In this subchapter:

(a) “Municipal public utility” means a public utility owned or operated by a city, village or town.

(b) “Public utility” has the meaning given in s. 196.01 (5).

(2) Sections 66.0803 to 66.0825 do not deprive the office of the commissioner of railroads, department of transportation or public service commission of any power under ss. 195.05 and 197.01 to 197.10 and ch. 196.

NOTE: Restates a portion of s. 66.06, repealed by this bill, and provides a definition of “municipal public utility” for purposes of the subchapter. The current provision stating that the phrase “resolution or ordinance”, when used in specified sections, means ordinances only is deleted as unnecessary.

SECTION 236. 66.0805 (1) of the statutes is created to read:

66.0805 (1) Except as provided in sub. (6), the governing body of a city shall, and the governing body of a village or town may, provide for the nonpartisan management of a municipal public utility by creating a commission under this section. The board of commissioners, under the general control and supervision of the governing body, shall be responsible for the entire management of and shall supervise the operation of the utility. The governing body shall exercise general control and supervision of the commission by enacting ordinances governing the commission’s operation. The board shall consist of 3, 5 or 7 commissioners.

NOTE: 1. Restates s. 66.068 (1), repealed by SECTION 180.

2. Provides that the “general control and supervision” of the utility commission by the municipal governing body is by means of ordinance governing the commission’s operation. Previous law was silent on the issue.

SECTION 237. 66.0807 (1) of the statutes is created to read:

66.0807 (1) In this section, “privately owned public utility” includes a cooperative association organized under ch. 185 for the purpose of producing or furnishing utility service to its members only.

NOTE: By adding cooperatives to the definition of “privately owned public utility” (cooperatives are otherwise excluded from the definition of “public utility”; see ss. 196.01 (5) and 66.0801 (1) (b), the latter created by this bill), municipalities are authorized to enter into a joint operation agreement with a cooperative. See, also, SECTION 171.
SECTION 238. 66.081 of the statutes is repealed.

NOTE: Repeals an archaic provision of the statutes relating to the recording of orders and court certificates drawn on a municipal treasurer.

SECTION 239. 66.0811 (title) of the statutes is created to read:

66.0811 (title) Municipal public utility revenues.

SECTION 240. 66.0813 (title) of the statutes is created to read:

66.0813 (title) Provision of utility service outside of municipality by municipal public utility.

SECTION 241. 66.082 of the statutes is renumbered 66.0419, and 66.0419 (2) (e) and (3) (c), as renumbered, are amended to read:

66.0419 (2) (e) “Franchise fee” means any fee, assessment or other compensation which a municipality requires a cable operator to pay, with respect to the operation of cable television systems, solely because of the cable operator’s status as such, and includes any compensation required under s. 66.0425.

(3) (c) Require the payment of franchise fees which, notwithstanding s. 66.20, 66.0611, may be based on the income or gross revenues of a cable television system, or measured by such income or gross revenues.

SECTION 242. 66.0821 (1) (intro.) of the statutes is created to read:

66.0821 (1) DEFINITIONS. (intro.) In this section:

SECTION 243. 66.0821 (2) (title) of the statutes is created to read:

66.0821 (2) (title) GENERAL AUTHORITY.

SECTION 244. 66.0821 (3) (title) of the statutes is created to read:

66.0821 (3) (title) FUNDING.

SECTION 245. 66.0821 (3) (a) of the statutes is created to read:

66.0821 (3) (a) Except as provided in s. 66.0721, all or a portion of the cost of exercising the authority under sub. (2) may be funded, to the extent applicable, from the municipality’s general fund, by taxation, special assessment or sewerage service charges, by municipal obligations or revenue bonds or from any combination of these sources.

NOTE: Restates language deleted from current s. 66.076 (1) by SECTION 216.

SECTION 246. 66.0821 (4) (title) of the statutes is created to read:

66.0821 (4) (title) SERVICE CHARGES.

SECTION 247. 66.0821 (5) (title) of the statutes is created to read:

66.0821 (5) (title) UNREASONABLE OR DISCRIMINATORY RATES, RULES AND PRACTICES.

SECTION 248. 66.0821 (6) (title) of the statutes is created to read:

66.0821 (6) (title) FORECLOSURE SALE.

SECTION 249. 66.0821 (7) (title) of the statutes is created to read:

66.0821 (7) (title) RELATION TO OTHER AUTHORITY.

SECTION 250. 66.083 (title) of the statutes is renumbered 66.0423 (title).

SECTION 251. 66.083 of the statutes is renumbered 66.0423 (2) and amended to read:

66.0423 (2) Cities and villages, and towns not subject to an ordinance enacted under s. 59.55 (4), may, by ordinance, regulate the retail sales, other than auction sales, made by transient merchants, as defined in s. 120.065 (1m), 1987 stats, and provide penalties for violations of those ordinances.

NOTE: Authorizes a town that is not subject to a county ordinance regulating retail sales, other than auction sales, made by transient merchants to regulate these sales by its own ordinance. Also see the definitions in s. 66.0423 (1).

SECTION 252. 66.085 (title) and (1) of the statutes are renumbered 66.0421 (title) and (1), and 66.0421 (1) (a) and (b), as renumbered, are amended to read:

66.0421 (1) (a) “Cable operator” has the meaning given in s. 66.0821.

(b) “Cable service” has the meaning given in s. 66.0821.

SECTION 253. 66.085 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0421 (2).

SECTION 254. 66.085 (3) and (4) of the statutes are renumbered 66.0421 (3) and (4), and 66.0421 (4), as renumbered, is amended to read:

66.0421 (4) REPAIR RESPONSIBILITY. A cable operator shall be responsible for any repairs to a building required because of the construction, installation, disconnection or servicing of facilities to provide cable service.

SECTION 255. 66.09 (title), (1), (2), (3) and (4) of the statutes are renumbered 66.0117 (title) and (2) to (5) and amended to read:

66.0117 (title) Judgment against municipalities, etc., local governmental units.

(2) (a) When a final judgment for the payment of money shall be recovered against a town, village, city, county, school district, technical college district, town sanitary district, public inland lake protection and rehabilitation district or community center, local governmental unit, or against any an officer thereof, in any action by or against the officer in the officer’s name of office of the local governmental unit, when the judgment shall be to be made by such municipality the local governmental unit, the judgment creditor, or the judgment creditor’s assignee or attorney, may file a statement with the clerk of circuit court a certified transcript of the judgment, together with the judgment creditor’s affidavit of payments made, if any, and the amount due and that the judgment has not been appealed from or removed to another court, or if so appealed or removed has been affirmed. The clerk of circuit court shall send a copy of the statement to the appropriate municipal clerk.

(b) The if a statement is filed under par. (a), the amount due, with costs and interest to the time when the money will be available for payment, shall be added to
the next tax levy, and shall, when received, be paid to satisfy the judgment. If the judgment is appealed after filing the transcript with the clerk of circuit court, and before the tax is collected, the money shall not be collected on that levy. If the municipal clerk of circuit court fails to include the proper amount in the first tax levy, he or she shall include it or such the portion as is required to complete it in the next levy.

(3) In the case of school districts, town sanitary districts, or public inland lake protection and rehabilitation districts or community centers, transcript and affidavit statement shall be filed with the clerk of the town, village or city in which the district or any part of it lies, and levy shall be made against the taxable property of the district or center.

(4) No process for the collection of such a judgment shall issue until after the time when the money, if collected upon the first tax levy as herein provided, would be under sub. (2) (b), is available for payment, and then only by leave of court upon motion.

(5) If by reason of dissolution or other cause, pending action, or after judgment, the transcript a statement cannot be filed with the clerk therein designated described in sub. (2) (a) or (3), it shall be filed with the clerk or clerks whose duty it is to make up the tax roll for the property district.

Section 256. Subchapter IX (title) of chapter 66 [precedes 66.0901] of the statutes is created to read:

Chapter 66
Subchapter IX
Public Works and Projects

Section 257. 66.0901 (1) (intro.) of the statutes is created to read:

66.0901 (1) (intro.). In this section:

Section 258. 66.0901 (9) (a) of the statutes is created to read:

66.0901 (9) (a) Notwithstanding sub. (1) (a), in this subsection, “municipality” does not include the department of transportation.

Section 259. 66.091 of the statutes is renumbered 893.81.

Section 260. 66.092 of the statutes is renumbered 66.0409.

Section 261. 66.0923 (5) of the statutes is created to read:

66.0923 (5) Auditorium Board. (a) The ordinance shall provide for the establishment of a joint county–city auditorium board to be composed of all of the following:

1. The mayor or chief executive of the city, and the chairperson of the county board, who shall serve as members of the board during their respective terms of office.

2. Four members to be appointed by the county board chairperson and confirmed by the county board.

3. Four members to be appointed by the mayor or other chief executive officer of the city and confirmed by the city council.

(b) Under par. (a) 2. and 3., the initial term of one member shall be one year, the initial term of one member shall be 2 years, the initial term of one member shall be 3 years and the initial term of one member shall be 4 years. The respective successors of the members under par. (a) 2. and 3. shall be appointed and confirmed for terms of 4 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made.

(c) The mayor or chief executive of the city, and the county board chairperson, each may appoint not more than 2 public officials to the board under par. (a).

Section 262. 66.0927 (1) (am) of the statutes is created to read:

66.0927 (1) (am) “Hospital” means a general county–city hospital.

Section 263. 66.10 of the statutes is repealed.

Note: Repealed as unnecessary. This section provides alternative means of publication when ss. 66.01 to 66.08 require publication in the official paper of a municipality other than a city and there is no official newspaper. Chapter 985, relating to publication of legal notices, covers the subject matter of the repealed section.

Section 264. Subchapter X (title) of chapter 66 [precedes 66.1001] of the statutes is created to read:

Chapter 66
Subchapter X
Planning, Housing and Transportation

Section 265. 66.1003 (1) of the statutes is created to read:

66.1003 (1) In this section, “public way” means all or any part of a road, street, slip, pier, lane or paved alley.

Section 266. 66.1019 (title) of the statutes is created to read:

66.1019 (title) Housing codes to conform to state law.

Section 267. 66.11 of the statutes is renumbered 66.0501, and 66.0501 (1), (2) and (3), as renumbered, are amended to read:

66.0501 (1) Deputy Sheriffs and Municipal Police. No person shall may be appointed deputy sheriff of any county or police officer for any city, village or town unless that person is a citizen of the United States. This section shall does not affect apply to common carriers, nor apply to or a deputy sheriff not required to take an oath of office.

(2) Eligibility of other officers. Except as expressly authorized by statute, no member of a town, village or county board, or city council, shall during the term for which the member is elected, be is eligible for any office or position which during such that term has been created by, or the selection to which is vested in, such the board or council, but such the member shall be is eligible for any elective office. The governing body
may be represented on city, village or town boards and commissions where no additional remuneration compensation, except a per diem, is paid such to the representatives of the governing body and may fix the tenure of such these representatives notwithstanding any other statutory provision. A representative of a governing body who is a member of a city, village or town board or commission may receive a per diem only if the remaining members of the board or commission may receive a per diem. This subsection shall not apply to a member of any such board or council described in this subsection who resigns from said the board or council before being appointed to an office or position which was not created during the member’s term in office.

(3) APPOINTMENTS ON CONSOLIDATION OF OFFICES. Whenever offices are consolidated, the occupants of which are members of the same statutory committee or board and which are serving in that office because of holding another office or position, the common council or village board may designate another officer or officers or make such any additional appointments as may be necessary to procure the number of committee or board members provided for by statute.

NOTE: Amends the prohibition, in sub. (2), of payment of additional remuneration to a representative of a governing body who sits on a city, village or town board or commission. The amendment provides that a representative of a governing body who is a member of a city, village or town board or commission may receive a per diem if the remaining members of the board or commission also may receive a per diem.

SECTION 268. Subchapter XI (title) of chapter 66 [precedes 66.1101] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER XI
DEVELOPMENT

SECTION 269. 66.111 of the statutes is repealed.

NOTE: Repeals s. 66.111, relating to allowing the same fee to other officers when a fee is allowed to one officer for the performance of the same services. This provision is not necessary because fees generally are no longer part of the salary structure for municipal officers.

SECTION 270. 66.113 of the statutes is renumbered 66.0515 and amended to read:

66.0515 Receipts for fees. Every officer or employee upon receiving fees for any official duty or service shall, if required requested to do so by the person paying the same fees, deliver to the that person paying a particular receipted account of such a receipt for the fees, specifying for what they which account each portion of the fees respectively accrued; and if the officer fails to do so the officer shall be liable to the party paying the same for 3 times the amount paid.

NOTE: Renumbered and amends s. 66.113 to provide that a municipal employe, as well as an officer, must supply a receipt for any fee received when requested to do so by the person paying the fee. The penalty for failure to supply a receipt is eliminated; violations may be prosecuted under s. 946.12, relating to misconduct in public office.

SECTION 271. 66.114 of the statutes is renumbered 66.0111, and 66.0111 (title), (1), (2) and (4), as renumbered, are amended to read:

66.0111 (title) Bail Bond or cash deposit under municipal ordinances. (1) When any If a person is arrested for the violation of a city, village or town ordinance and the action is to be in circuit court, the chief of police or police officer designated by the chief, marshal or clerk of court may accept from the person a bond, in an amount not to exceed the maximum penalty for the violation, with sufficient sureties, or the person's personal bond upon depositing the amount thereof in money a cash deposit, for appearance in the court having jurisdiction of the offense. A receipt shall be issued therefore for the bond or cash deposit.

(2) (a) If the person so arrested and released fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for hearing of the case, then the bond and money deposited, or such portion thereof as an amount that the court may determine determines to be an adequate penalty, plus costs, including any applicable fees prescribed in ch. 814, may be declared forfeited by the court or may be ordered applied upon to the payment of any penalty which may be is imposed after an ex parte hearing, together with the costs. In either event, the any surplus, if any, shall be refunded to the person who made the deposit.

(b) The provisions of this This subsection shall does not apply to violations of parking ordinances. Bond or bail cash deposit given for appearance to answer a charge under any such parking ordinance may be forfeited in the manner determined by the governing body.

(4) This section shall does not apply to ordinances enacted under ch. 349.

NOTE: Reference to “bail” is deleted and replaced by reference to “cash deposit”. This is consistent with other statutes dealing with municipal ordinances, which generally do not use the term “bail”, but rather refer to “cash deposit” or a variation of that term.

SECTION 272. 66.115 of the statutes is renumbered 66.0109 and amended to read:

66.0109 Penalties under county and municipal ordinances. Where If a statute requires that the penalty under any county or municipal ordinance shall conform to the penalty provided by statute such the ordinance may impose only a forfeiture and may provide for imprisonment in case if the forfeiture is not paid.

SECTION 273. 66.117 of the statutes is renumbered 66.0115.

SECTION 274. 66.119 (title) and (1) (title), (a) and (b) (intro.) and 1. to 6. of the statutes are renumbered 66.0113 (title) and (1) (title), (a) and (b) (intro.) and 1. to 6., and 66.0113 (1) (a) (intro.) and (b) 5., as renumbered, are amended to read:

66.0113 (1) (a) (intro.) The The Except as provided in sub. (5), the governing body of any a county, town, city,
village, town sanitary district or public inland lake protection and rehabilitation district may be by ordinance adopt and authorize the use of a citation under this section to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

(b) 5. A designation of the offense in such a manner as that can be readily understood by a person making a reasonable effort to do so.

SECTION 275. 66.119 (1) (b) 7. to 9. and (c), (2) and (3) (title) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0113 (1) (b) 7. to 9. and (c), (2) and (3) (title).

SECTION 276. 66.119 (3) (a) to (d) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0113 (3) (a) to (d), and 66.0113 (3) (a), (c) and (d), as renumbered, are amended to read:

66.0113 (3) (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, provided that but the cash deposit may be retained for application against any forfeiture, restitution, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, consumer information assessment or domestic abuse assessment that may be imposed.

(c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment.

SECTION 277. 66.119 (3) (e), (4) and (5) of the statutes are renumbered 66.0113 (3) (e), (4) and (5), and 66.0113 (4), as renumbered, is amended to read:
66.0113 (4) RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. The proceeding Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

SECTION 278. 66.12 (title) and (1) (title) and (a) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0114 (title) and (1) (title) and (a), and 66.0114 (1) (a), as renumbered, is amended to read:

66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city, village, town sanitary district or public inland lake protection and rehabilitation district is a civil action. All forfeitures and penalties imposed by any an ordinance or bylaw of the city, village, town sanitary district or public inland lake protection and rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in an action in the name of the city or village before the municipal court or in an action in the name of the city, village, town sanitary district or public inland lake protection and rehabilitation district before a court of record. If the action is in municipal court, the procedures under ch. 800 apply and the procedures under this section do not apply. If the action is in a court of record, it shall be commenced by warrant or summons under s. 968.04 or, if applicable, by citation under s. 778.25 or 778.26. A law enforcement officer may arrest the offender in all cases without warrant under s. 968.07. The affidavit where If the action is commenced by warrant the affidavit may be the complaint. The affidavit or complaint shall be sufficient if it alleges that the defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by section, chapter, title or otherwise with sufficient plainness to identify the ordinance or bylaw. The judge may release a defendant without bail a cash deposit or may permit him or her to execute an unsecured appearance bond upon arrest. In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as is the complaint unless the court directs that a formal complaint be issued. In all actions under this paragraph the defendant’s plea shall be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead, which plea of not guilty shall put on failure to plead puts all matters in the case at issue, any other provision of law notwithstanding. The defendant may enter a not guilty plea by certified mail.

NOTE: Reference to “bail” in sub. (1) (a) is changed to “cash deposit” for consistency of reference in the statutes.

SECTION 279. 66.12 (1) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0114 (1) (b) and amended to read:

66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, and may designate the manner in which the stipulation is to be made and may fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1).

(bm) The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her; and in case of any failure in the payment the official. If timely remittance is not made, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid date on which it was due. In the case of the penalty assessment imposed by s. 757.05, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the driver improvement surcharge imposed by s. 346.655 (1), any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall remit to the state treasurer the sum amount required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify qualifies.  

SECTION 280. 66.12 (1) (c) of the statutes is renumbered 66.0114 (1) (c).

SECTION 281. 66.12 (1) (d) of the statutes is renumbered 66.0114 (1) (c).
SECTION 282. 66.12 (2) and (3) (title), (a) and (c) of the statutes are renumbered 66.0114 (2) and (3) (title), (a) and (c).

SECTION 283. 66.12 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0114 (3) (b) and amended to read:
66.0114 (3) (b) All forfeitures and penalties recovered for the violation of any an ordinance or bylaw of any a city, village, town, town sanitary district or public inland lake protection and rehabilitation district shall be paid into the city, village, town, town sanitary district or public inland lake protection and rehabilitation district treasury for the use of the city, village, town, town sanitary district or public inland lake protection and rehabilitation district, except as otherwise provided in par. (c), sub. (1) (a) (bm) and s. 757.05. The judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to the city, village, town, town sanitary district or public inland lake protection and rehabilitation district.treasury for the use of the city, village, town, town sanitary district or public inland lake protection and rehabilitation district,except as otherwise provided in par. (c), sub. (1) (a) (bm) and s. 757.05. The judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to the city, village, town, town sanitary district or public inland lake protection and rehabilitation district. The report shall be certified and filed in the office of the treasurer, and the. The judge shall be entitled to duplicate receipts for such moneys, one of which he or she shall file with the city, village or town clerk or with the town sanitary district or the public inland lake protection and rehabilitation district.

SECTION 284. Subchapter XII (title) of chapter 66 [precedes 66.1201] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER XII
HOUSING AUTHORITIES

SECTION 285. 66.1201 (9) (x) of the statutes is created to read:
66.1201 (9) (x) To, within its area of operation, either by itself or with the department of veterans affairs, undertake and carry out studies and analyses of veterans’ housing needs and meeting those needs and make the study results available to the public, including the building, housing and supply industries.

NOTE: Relocates, in general housing authority law, s. 66.39 (1). Section 66.39 is repealed by SECTION 379 of this bill.

SECTION 286. 66.121 of the statutes is renumbered 75.377 and amended to read:
75.377 Inspection of property subject to tax certificate. A county or a city authorized to act under s. 74.87 may enter any real property for which a tax certificate has been issued under s. 74.57, or may authorize another person to enter the real property, to determine the nature and extent of environmental pollution, as defined in s. 299.01 (4).

NOTE: Under s. 75.06, for purposes of ch. 75, “county” includes a city authorized to act under s. 74.87; therefore, reference to the latter is deleted from renumbered s. 75.377 as unnecessary.

SECTION 287. 66.122 (title) of the statutes is renumbered 66.0119 (title).

SECTION 288. 66.122 (1) (a) of the statutes is renumbered 66.0119 (1) (b) and amended to read:
66.0119 (1) (b) Any “Peace officer” means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents, is deemed a peace officer for the purpose of applying for, obtaining and executing special inspection warrants under s. 66.123 for inspection purposes.

NOTE: The stricken language at the end of the paragraph is relocated to s. 66.0119 (2), as renumbered. See SECTION 290 of this bill.

SECTION 289. 66.122 (1) (b) of the statutes is renumbered 66.0119 (1) (a) and amended to read:
66.0119 (1) (a) “Inspection purposes” include, without limitation because of enumeration, such purposes as building, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, waterways, use of water, food, zoning, property assessment, meter and obtaining data required to be submitted in an initial site report or feasibility report under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31 or an environmental impact statement related to one of those reports.

SECTION 290. 66.122 (2) of the statutes is renumbered 66.0119 (2) and amended to read:
66.0119 (2) A peace officer may apply for, obtain and execute a special inspection warrant issued under this section. Except in cases of emergency where no special inspection warrant shall be is required, special inspection warrants shall be issued for inspection of personal or real properties which are not public buildings or for inspection of portions of public buildings which are not open to the public only upon showing that consent to entry for inspection purposes has been refused. The definition of “public building” under s. 101.01 (12) applies to this section.

SECTION 291. 66.123 (title) of the statutes is repealed.

SECTION 292. 66.123 of the statutes is renumbered 66.0119 (3), and 66.0119 (3) (intro.), as renumbered, is amended to read:
66.0119 (3) (intro.) The following forms for use under s. 66.122 this section are illustrative and not mandatory:

SECTION 293. 66.124 of the statutes is renumbered 66.0417, and 66.0417 (title), as renumbered, is amended to read:
66.0417 (title) Order authority Local enforcement of certain food and health regulations.

SECTION 294. 66.125 of the statutes is renumbered 66.0121 and amended to read:
66.0121 Orders; action; proof of demand. No action shall may be brought upon any city, village, town or school district order until the expiration of 30 days after a demand for the payment of the same shall have been made. If an action is brought and the defendant fails to appear and defend the action, judgment shall not be entered without affirmative proof of the demand. If judgment is entered without proof of the demand, the judgment shall be void.

SECTION 295. 66.13 of the statutes is repealed.

NOTE: Repealed as unnecessary. This section provides a statute of limitations relating to an action or proceeding to test the validity of a municipal contract. Virtually identical provisions are contained in s. 893.75.

SECTION 296. Subchapter XIII (title) of chapter 66 [precedes 66.1301] of the statutes is created to read:

CHAPTER 66
SUBCHAPTER XIII
URBAN REDEVELOPMENT
AND RENEWAL

SECTION 297. 66.1331 (3) (Lm) of the statutes is created to read:

66.1331 (3) (Lm) “Redevelopment plan” means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area.

NOTE: Recreates a definition that was included as a separate definition within the definition of “Redevelopment project” in s. 66.1331 (3) (m), as renumbered and amended from s. 66.43 (3) (m). See Sections 408 and 408m of this bill.

SECTION 298. 66.14 (title) of the statutes is repealed.

SECTION 299. 66.14 of the statutes is renumbered 62.09 (4) (d) and amended to read:

62.09 (4) (d) Any city, however incorporated, may pay the cost of any official bond furnished by an officer thereof of the city, pursuant to law or any rules or regulations requiring the same bond, if said officer shall furnish a bond with a surety company or companies authorized to do business in this state, said cost.

The cost of the bond furnished by the officer may not exceed the current rate of premium per year on the amount of said bond or obligation by said surety executed by the surety. The cost of any such bond in such city shall be charged to the fund appropriated and set up in the budget for the department, board, commission or other body, the officer of which is required to furnish a bond.

NOTE: Renumbers and amends s. 66.14 for placement in ch. 62, relating to cities. The renumbering makes the provision inapplicable to a 1st class city under s. 62.03 (1). Section 66.145 (renumbered s. 62.55) treats 1st class cities separately for this purpose.

SECTION 300. 66.144 of the statutes is renumbered 62.53 and amended to read:

62.53 Residency required for public officials in 1st class cities. Any public official, as defined in s. 66.146 62.51 (1) (b), may not serve more than 180 days after his or her confirmation unless he or she resides within the boundaries of the 1st class city by which he or she is employed.

SECTION 301. 66.145 of the statutes is renumbered 62.55 and amended to read:

62.55 Requirements for surety bonds of officers and employees in cities of the first 1st class cities. When any If an office or position in the service of any city of the first 1st class city involves fiduciary responsibility or the handling of money, the appointing officer may require the appointee to furnish a bond or other security to such the officer and the said city for the faithful performance of the appointee’s duty. The amount of the bond or security shall be fixed by the appointing officer, with the approval of the mayor, and notice Notice of the mayor’s approval shall be given to the city clerk by the mayor. Each bond shall be approved by the city attorney as to the form and execution thereof, and by the common council as to the sufficiency of the sureties therein; provided, however, that any surety company, the bonds of which are accepted by the judge of any court of record in this state, or which is approved by the comptroller of the said city, shall be is sufficient security on any such the bond, and that the. The premium on such a bond under this section, within the limits fixed by law, shall be paid out of the city treasury. The appointing officer shall immediately after the execution of such the bond file the same bond with the city clerk, and it shall be the duty of the. The city clerk to shall require compliance with the terms of this section requiring the filing of bonds with the city clerk by officers and employees, and all such bonds. Bonds of city officers and employees under this section, duly witnessed and acknowledged, after being approved by the common council, shall be delivered to the city comptroller, who shall have them recorded in the office of the register of deeds and, after such recording by the said same. The bond or security shall be recorded in the office of the register of deeds, the said. After the bonds are recorded, the bonds shall be returned to the city clerk, who shall keep them on file in the city clerk’s office; except that after the recording of the bond of the city clerk by the city comptroller, said that bond shall remain on file in the office of the city comptroller. Each bond filed by any surety company shall be accompanied by a duplicate of said the bond, which. The duplicate shall be filed by the clerk with the city comptroller.

SECTION 302. 66.146 of the statutes is renumbered 62.51.

SECTION 303. 66.18 of the statutes is renumbered 66.0137 (2) and amended to read:

66.0137 (2) LIABILITY AND WORKER’S COMPENSATION INSURANCE. The state, or any municipality, or any unit of any state or municipality, local government, or public agency as defined in s. 346.55, is empowered to purchase any governmental liability insurance covering the state or municipality, local gov-
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governmental unit and its officers, agents and employees and worker’s compensation insurance covering officers and employees of the state or municipality local governmental unit. A municipality local governmental unit may participate in and pay the cost of risk management services and liability and worker’s compensation insurance through a municipal insurance mutual organized under s. 611.23.

Section 304. 66.182 of the statutes is renumbered 66.0137 (3).

Section 305. 66.184 of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0137 (4).

Section 306. 66.185 of the statutes is renumbered 66.0137 (5) and amended to read:

66.0137 (5) Hospital, accident and life insurance. Nothing in the statutes shall be construed to limit the authority of the state or municipalities, as defined in s. 345.05, to provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employees and officers and their spouses and dependent children, and such authority is hereby granted. A municipality local governmental unit may also provide for the payment of premiums for hospital and surgical care for its retired employees. In addition, a municipality local governmental unit may, by ordinance or resolution, elect to offer to all of its employees a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect a local governmental unit that elects to participate under s. 40.51 (7) shall be subject to the applicable sections of ch. 40 instead of this section subsection.

Section 307. 66.186 of the statutes is renumbered 62.61 and amended to read:

62.61 Health insurance; first 1st class cities. The common council of any 1st class city may, by ordinance or resolution, provide for, including the payment of premiums of, general hospital, surgical and group insurance for both active and retired city officers and city employees and their respective dependents and for payment of premiums therefor in private companies, or may, by ordinance or resolution, elect to offer to all of its employees a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect to participate under s. 40.51 (7) shall be subject to the applicable sections of ch. 40 instead of this section. Contracts for such insurance under this section may be entered into for active officers and employees separately from such contracts for retired officers and employees. Appropriations may be made for the purpose of financing such insurance under this section. Moneys accruing to such a fund to finance insurance under this section, by investment or otherwise, shall not be diverted for any other purpose than for those for which such the fund was set up or to defray management expenses of such the fund or to partially pay premiums so as to reduce costs to the city or to persons covered by such the insurance, or both.

Section 308. 66.187 of the statutes is renumbered 62.59.

Section 309. 66.189 of the statutes is renumbered 62.67.

Section 310. 66.19 of the statutes is renumbered 66.0509, and 66.0509 (1) to (4), as renumbered, are amended to read:

66.0509 (1) Any city or village may proceed under s. 61.34 (1), 61.11 (5) or 66.01 to establish a civil service system of selection, tenure and status, and the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employees subject to s. 62.13, members of the judiciary and supervisors. Any town may establish a civil service system under this subsection. For veterans there shall be no restrictions as to age, and veterans and their spouses shall be given preference points in accordance with s. 230.16 (7). The system may also include uniform provisions in respect to attendance, leave regulations, compensation and payrolls for all personnel included therein under the system. The governing body of any city, village or town establishing a civil service system under this section may exempt from the system the librarians and assistants subject to s. 43.09 (1).

(2) (a) Any town may establish a civil service system under sub. (1) and in such the departments as that the town board may determine. Any person who has been employed in any such a department for more than 5 years prior to before the establishment of such a civil service system applicable to that department is eligible to appointment without examination.

(b) Any town not having a civil service system and having exercised the option of placing assessors under civil service under s. 60.307 (3) may establish a civil service system for assessors under sub. (1), unless such the town has come within the jurisdiction of a county assessor under s. 70.99.

(3) When any town has established a system of civil service, the ordinance establishing the system may not be repealed for a period of 6 years after its enactment, and thereafter after the 6−year period it may be repealed only by proceedings under s. 9.20 by referendum vote. This subsection shall does not apply where if a town comes, before the expiration of the 6 years, within the jurisdiction of a county assessor under s. 70.99.

(4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of such the board or commission for cause by the mayor with approval of the council, and in cities organized under the provisions of ss. 64.01 to 64.15 by the city manager and the council in a city orga-
nized under ss. 64.01 to 64.15, and by the board in vil-
lages and towns a village or town.

SECTION 311. 66.192 of the statutes is renumbered 66.0503, and 66.0503 (1) (intro.) and (b), (3), (4) and (5), as renumbered, are amended to read:

66.0503 (1) (intro.) The office of county supervisor may be consolidated by charter ordinance under s. 66.01 61.1895 or 66.0101:

(b) With the office of alderperson or council member in any city in which the district from which such the alderperson or council member is elected is coterminous with the boundaries of any supervisory district established under s. 59.10 (3).

(3) Removal from office of any incumbent of such consolidated office shall vacate said an office consolidated under this section vacates the office in its entirety whether effected under ss. 17.09, 17.12 and 17.13 or other pertinent statute.

(4) Compensation for such consolidated office an office consolidated under this section shall be separately established by the several governing bodies affected therein by the consolidation as though no consolidation of offices had occurred.

(5) Tenure for such combination officer an officer of an office consolidated under this section shall coincide with the term for county supervisors.

SECTION 312. 66.196 of the statutes is renumbered 66.0505 and amended to read:

66.0505 Compensation of governing bodies. An elected official of any county, city, town or village, who by virtue of the office held by that official is entitled to participate in the establishment of the salary attending that office, shall not during the term of such the office collect salary in excess of the salary provided at the time of that official’s taking office. This provision is of statewide concern and applies only to officials elected after October 22, 1961.

SECTION 313. 66.197 of the statutes is repealed.

NOTE: Repeals s. 66.197, which authorizes a county board to increase the salary of an elected official during the official’s term of office. The statute is in direct conflict with s. 59.22 (1) (a) 1., which prohibits the increase or decrease of an elected official’s salary during the official’s term of office. Section 66.197 is repealed and s. 59.22 (1) (a) 1. is retained since the policy of the latter statute expresses the typical Wisconsin practice regarding the salary of an elected official.

SECTION 314. 66.199 of the statutes is renumbered 66.0507.

SECTION 315. 66.20 of the statutes is renumbered 200.01, and 200.01 (intro.), as renumbered, is amended to read:

200.01 Metropolitan sewerage districts, definitions. (intro.) Unless the context requires otherwise, for the purposes of ss. 66.20 to 66.26 this subchapter, the following terms have the designated meanings:

SECTION 316. 66.21 of the statutes is renumbered 200.03 and amended to read:

200.03 Applicability. Sections 66.20 to 66.26 shall apply: This subchapter applies to all areas of the state except those areas included in a metropolitan sewerage district created under ss. 66.88 200.21 to 66.918 200.65.

SECTION 317. 66.22 of the statutes is renumbered 200.05, and 200.05 (3) (b) and (6), as renumbered, are amended to read:

200.05 (3) (b) Conduct the hearing to permit any person to present any oral or written pertinent and relevant information relating to the purposes and standards of ss. 66.20 to 66.26 this subchapter; and

(6) No resolution for the formation of a district encompassing the same or substantially the same territory shall be made by any municipality for one year following the issuance of an order denying the formation under ss. 66.20 to 66.26 this subchapter.

SECTION 318. 66.225 of the statutes is renumbered 200.07.

SECTION 319. 66.23 of the statutes is renumbered 200.09, and 200.09 (1), (9) and (10), as renumbered, are amended to read:

200.09 (1) A district formed under ss. 66.20 to 66.26 this subchapter shall be governed by a 5–member com-
mission appointed for staggered 5–year terms. Except as provided in sub. (11), commissioners shall be appointed by the county board of the county in which the district is located. If the district contains territory of more than one county, the county boards of the counties not having the greatest population in the district shall appoint the commissioner each and the county board of the county having the greatest population in the district shall appoint the remainder. Of the initial appointments, the appointments for the shortest terms shall be made by the counties hav-
ing the least amount of population, in reverse order of their population included in the district. Commissioners shall be residents of the district. Initial appointments shall be made no sooner than 60 days and no later than 90 days after issuance of the department order forming a district or after completion of any court proceedings challenging such order. A per diem compensation not to exceed $50 may be paid to commissioners. Commissioners may be reimbursed for actual expenses incurred as commissioners in carrying out the work of the commis-

(9) Chapter 276, laws of 1971, shall apply to every metropolitan sewerage district that had been operating, prior to April 30, 1972, under ss. 66.20 to 66.209, 1969 stats. Commissioners for such districts who were in office on April 30, 1972 shall continue to serve until their respective terms are completed. The county board of the county having the greatest population in the district shall appoint 2 additional members to each such commission
no sooner than 60 days and no later than 90 days after April 30, 1972. One such member shall have a 5−year term and one such member shall have a 4−year term. The county board of those counties having population within the district that did not appoint the preceding 2 members if any shall, each in turn according to their population in the district, appoint successors to each of the 3 commissioners who held office on April 30, 1972, until their allotted number of appointments, as specified under sub. (1) is filled. The governor may adjust terms of the successors to the 3 original commissioners in order that the appointment schedules are consistent with s. 66.24 of this section.

(10) Sections 66.20 of the statutes is renumbered 200.01 to 66.26 of the statutes is renumbered 200.15 do not affect the continued validity of contracts and obligations previously entered into by a metropolitan sewerage district operating under ss. 66.20 to 66.29, 1969 stats., prior to April 30, 1972, nor validity of any such district.

SECTION 320. 66.24 of the statutes is renumbered 200.11, and 200.11 (1) (b) and (d) and (9), as renumbered, are amended to read:

200.11 (1) (b) Plans. The commission shall prepare and by resolution adopt plans and standards of planning, design and operation for all projects and facilities which will be operated by the district or which affect the services to be provided by the district. Commissions may and are encouraged to contract with regional or area−wide planning agencies for research and planning services. The commission’s plans shall be consistent with adopted plans of a regional planning commission or area−wide planning agency organized under s. 66.945 of the statutes.

(d) Rules. The commission may adopt rules for the supervision, protection, management and use of the systems and facilities operated by the district. Such rules may, in the interest of plan implementation, restrict or deny the provision of utility services to lands which are described in adopted master plans or development plans of a municipality or county as not being fit or appropriate for urban or suburban development. Rules of the district shall be adopted and enforced as provided by s. 66.902 of the statutes. Notwithstanding any other provision of law, such rules or any orders issued thereunder, may be enforced under s. 823.02 of the statutes and the violation of any rule or any order lawfully promulgated by the commission is declared to be a public nuisance.

(9) EXTRATERRITORIAL SERVICE BY CONTRACT. A district may provide service to territory outside the district, including territory in a county not in that district, under s. 66.30 of the statutes, subject to ss. 66.20 of the statutes to 66.26 of the statutes and 66.902 of the statutes, except that s. 66.23 of the statutes does not require the appointment of a commissioner from that territory.

SECTION 321. 66.25 of the statutes is renumbered 200.13, and 200.13 (1) (i), (j), (m) and (n) (intro.), (2), (3) and (a), (4), (12) and (13), as renumbered, are amended to read:

200.13 (1) (i) The owner of any parcel of real estate affected by the determination and assessments may, within 20 days after the date of such determination, appeal to the circuit court of the county in which the land is situated, and s. 66.60 of the statutes (12) shall apply to and govern such appeal, however the notice therein required to be served upon the city clerk shall be served upon the district, and the bond therein provided for shall be approved by the commission and the duties therein devolving upon the city clerk shall be performed by the president of the commission.

(j) The commission may provide that the special assessment may be paid in annual instalments not more than 10 in number, and may, for the purpose of anticipating collection of the special assessments, and after said instalments have been determined, issue special improvement bonds payable only out of the special assessment, and s. 66.54 of the statutes shall apply to and govern the instalment payments and the issuance of said bonds, except that the assessment notice shall be substantially in the following form:

INSTALMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvements) and that the amount of the special assessment therefor has been determined as to each parcel of real estate affected thereby, and a statement of the same is on file with the commission; that it is proposed to collect the same in .... instalments, as provided by s. 66.54 of the statutes, with interest thereon at ....% per year; that all assessments will be collected in instalments, as above provided, except such assessments as the owners of the property shall, within 30 days from the date of this notice, file with the commission a statement in writing that they elect to pay in one instalment, in which case the amount of the instalment shall be placed upon the next ensuing tax roll.

(m) Section 66.60 of the statutes shall be applicable to assessments made under this section.

(n) (intro.) The commission may provide for a deferred due date on the levy of the special assessment to real estate which is in agricultural use or which is otherwise not immediately to receive actual service from the sewer or other facility for which the assessment is made. Such assessments shall be payable as soon as such lands receive actual service from the sewer or other facility. Any such special assessments shall be a lien against the property from the date of the levy. For the purpose of anticipating collection of special assessments for which the due date has been deferred, the commission may issue special improvement bonds payable only out of the special assessments. Section 66.54 of the statutes shall apply to and govern the issuance of bonds, except that the assessment notice shall be substantially in the following form:
(2) Tax Levy. The commission may levy a tax upon the taxable property in the district as equalized by the department of revenue for state purposes for the purpose of carrying out and performing duties under ss. 66.20 to 66.26 this subchapter, but the amount of any such tax in excess of that required for maintenance and operation and for principal and interest on bonds or promissory notes shall not exceed, in any one year, one mill for each dollar of the district’s equalized valuation, as determined under s. 70.57. The tax levy may be spread upon the respective real estate and personal property tax rolls of the city, village, and town areas included in the district, and shall not be included within any limitation on county or municipality taxes. Such moneys when collected shall be paid to the treasurer of such district.

(3) The commission may establish service charges in such amount as to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of functions authorized by ss. 66.20 to 66.26 this subchapter, and for the payment of all or part of the principal and interest of any indebtedness incurred thereof.

(4) Borrowing. A district under ss. 66.20 to 66.26 this subchapter may borrow money and issue municipal obligations under ss. 66.066, 66.0621 and 66.54, 66.0713 and ch. 67.

(12) Exemption from Levies. Lands designated as permanent open space, agricultural protection areas or other undeveloped areas not to be served by public sanitary sewer service in plans adopted by a regional planning commission or other area-wide planning agency organized under s. 66.945, 66.0309 and approved by the board of supervisors of the county in which the lands are located shall not have property taxes, assessments or service charges levied against them by the district.

(13) Application of Other Laws. Section 66.076 66.0821 shall apply to all districts now or hereafter organized and operating under ss. 66.20 to 66.26 this subchapter.

Section 322. 66.26 of the statutes is renumbered 200.15, and 200.15 (2) and (4), as renumbered, are amended to read:

200.15 (2) Proceedings leading to the addition of other territory to a district may be initiated by petition from a municipal governing body or upon motion of the commission. Upon receipt of the petition or upon adoption of the motion, the commission shall hold a public hearing preceded by a class 2 notice under ch. 985. The commission may approve the annexation upon a determination that the standards of ss. 66.22, 200.05 (4) (b) and (c) and 66.26, 200.15 (3) are met. Approval actions by the commission under this section shall be subject to review under ch. 227.

(4) Section 66.23 200.09 (1) does not require the appointment of a commissioner from territory annexed under this section if that territory, on the day before the annexation, has a population of less than 8.5% of the total population served by the district.

Section 323. 66.27 of the statutes is renumbered 66.1025 and amended to read:

66.1025 Relief from conditions of gifts and dedications.  (1) If the governing body of a county, city, town, or village accepts a gift or dedication of land made on condition that the land be devoted to a special purpose, and the condition subsequently becomes impossible or impracticable, such the governing body may by resolution or ordinance enacted by a two-thirds vote of its members elect members elect either to grant the land back to the donor or dedicator or the heirs of the donor or dedicator, or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant relieving the county, city, town or village of the condition, pursuant to article XI, section 3a, of the constitution.

(2) If the donor or dedicator of land to a county, city, town, or village or the heirs of the donor or dedicator are unknown or cannot be found, such the resolution or ordinance described under sub. (1) may provide for the commencement of an action under this section for the purpose of relieving the county, city, town or village of the condition of the gift or dedication.

(b) Any such action under this subsection shall be brought in a court of record in the manner provided in ch. 801. A lis pendens shall be filed or recorded as provided in s. 840.10 upon the commencement of the action. Service upon persons whose whereabouts are unknown may be made in the manner prescribed in s. 801.12.

(c) The court may render judgment in such action in an action under this subsection relieving the county, city, town or village of the condition of the gift or dedication.

Section 324. 66.28 (title) of the statutes is renumbered 66.0139 (title).

Section 325. 66.28 (1) to (4) of the statutes are renumbered 66.0139 (2) to (5) and amended to read:

66.0139 (2) Cities, villages, town and counties. A political subdivision may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days after the taking of possession of the property by the city, village, town or county officers, an officer of the political subdivision by any means determined to be in the best interest of the city, village, town or county, political subdivision. If the property is not disposed of in a sale open to the public, every city, village, town and county, the political subdivision shall maintain an inventory of such the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property.

Such the inventory shall be kept as a public record for a period of not less than 2 years from the date of disposal of the property. Any means of disposal other than public auction shall be specified by ordinance. If the disposal is
in the form of a sale, all receipts from the sale, after
deducting the necessary expenses of keeping the property
and conducting the sale, shall be paid into the city, vil-
lage, town or county treasury of the political subdivision.

(3) Cities, villages, towns and counties A political
subdivision may safely dispose of abandoned or unclaimed flammable, explosive or incendiary sub-
stances, materials or devices posing a danger to life or
property in their storage, transportation or use immedi-
ately after taking possession of the substances, materials
or devices without a public auction. The city, village,
town or county political subdivision, by ordinance or res-
solution, may establish disposal procedures. Procedures
may include provisions authorizing an attempt to return
to the rightful owner substances, materials or devices
which have a commercial value in the normal business
usage and do not pose an immediate threat to life or
property. If enacted, any such provision a disposal procedure
shall include a presumption that if the substance, material
or device appears to be or is reported stolen an attempt
will be made to return the substance, material or device
to the rightful owner.

(4) Except as provided in s. 968.20 (3), a 1st class cit-
ies shall dispose of abandoned or unclaimed danger-
ous weapons or ammunition without a public auction 12
months after taking possession of them if the owner has
not requested their return. Disposition Disposal pro-
ducts shall be established by ordinance or resolution and
may include provisions authorizing an attempt to return
to the rightful owner any dangerous weapons or ammun-
ition which appear to be stolen or are reported stolen. If
enacted, any provision disposal procedures shall include a presumption that if the dangerous weapons or
ammunition appear to be or are reported stolen an attempt
will be made to return the dangerous weapons or ammu-
nition to the rightful owner. The dangerous weapons or
ammunition shall be and are subject to sub. (4) (5).

(5) A city, village, town or county political subdivi-
sion may retain or dispose of any abandoned, unclaimed
or seized dangerous weapon or ammunition only under
s. 968.20.

Section 326. 66.285 of the statutes is renumbered
66.0135, and 66.0135 (1) (intro.), (c) and (d), (2) (a) and
(b) 2. and (4) (intro.), as renumbered, are amended to
read:

66.0135 (1) Definitions. (intro.) In this section and
s. 66.286:

(c) “Local governmental unit” means a political subdivi-
sion of this state, a special purpose district in this
state, an agency or corporation of such a political subdivi-
sion or special purpose district, or a combination or sub-
unit of any of the foregoing.

(d) “Subcontractor” has the meaning given in s.
66.29 66.0901 (1) (d).

(2) (a) Except as provided in sub. (4) or as otherwise
specifically provided, an agency that does not pay timely
the amount due on an order or contract shall pay interest
on the balance due from the 31st day after receipt of a
properly completed invoice or receipt and acceptance of
the property or service under the order or contract, which-
ever is later, or, if the agency does not comply with s.
66.286 sub. (7), from the 31st day after receipt of an
improperly completed invoice or receipt and acceptance of
the property or service under the order or contract, whichever is later, at the rate specified in s. 71.82 (1) (a)
compounded monthly.

(b) 2. Within 30 days after receipt of a properly com-
pleted invoice or receipt and acceptance of the property
or service under the order or contract, or, if the agency
does not comply with s. 66.286 sub. (7), within 30 days
after receipt of an improperly completed invoice or
receipt and acceptance of the property or service under
the order or contract, whichever is later.

(4) Exceptions. (intro.) Subsection (2) does not apply
to any of the following:

Section 327. 66.286 of the statutes is renumbered
66.0135 (7).

Section 328. 66.29 (title) and (1) (title) of the stat-
utes are renumbered 66.0901 (title) and (1) (title).

Section 329. 66.29 (1) (a) of the statutes is renum-
bered 66.0901 (1) (b) and amended to read:

66.0901 (1) (b) In this section, “person “Person”
means an individual, partnership, association, limited
liability company, corporation or joint stock company,
lessee, trustee or receiver.

Section 330. 66.29 (1) (b) of the statutes is renum-
bered 66.0901 (1) (a) and amended to read:

66.0901 (1) (a) “Municipality” means the state and
any or a town, city, village, school district, board of
school directors, sewer district, drainage district, techni-
cal college district or any other public or quasi—public
corporation, officer, board or other public body charged
with the duty of receiving bids for and awarding any pub-
clic contracts.

Section 331. 66.29 (1) (c) and (d) (2) to (8) of
the statutes are renumbered 66.0901 (1) (c) and (d) and
(2) to (8) and amended to read:

66.0901 (1) (c) The term “public “Public contract
shall mean and include any means a contract for the con-
struction, execution, repair, remodeling, or improvement
of any a public work, or building, or for the furnishing of
supplies, or material of any kind whatever, proposals
for which are required to be advertised for by law.

(d) “Subcontractor” means a person whose relation-
ship to the principal contractor is substantially the same
as to a part of the work as the latter’s relationship is to the
proprietor. A “subcontractor” takes a distinct part of the
work in such a way that the “subcontractor” does not con-
template doing merely personal service.

(2) Bidder’s proof of responsibility. Every A
municipality, board or public body upon all contracts
subject to this section intending to enter into a public con-
tract, shall
tract may, before delivering any form for bid proposals, plans and specifications pertaining thereto to any person, excepting except materialmen, suppliers and others not intending to submit a direct bid, require such the person to submit a full and complete statement sworn to before an officer authorized by law to administer oaths, of. The statement shall consist of information relating to financial ability, equipment, experience in the work prescribed in said the public contract, and of such other matters as that the municipality, board, public body or officer thereof may require requires for the protection and welfare of the public in the performance of any a public contract, such. The statement shall be in writing on a standard form of a questionnaire as that is adopted for such use and furnished by the municipality, board, public body or officer thereof, to be furnished by such municipality, board, public body or officer thereof. Such. The statement shall be filed in the manner and place designated by the municipality, board, public body or such officer thereof. Such statements, The statement shall not be received less than 5 days prior to the time set for opening of bids. The contents of said statements the statement shall be confidential and shall may not be disclosed except upon the written order of such the person furnishing the same, or statement, for necessary use by the public body in qualifying such the person, or in cases of action against, or by such the person or municipality. The governing body of the municipality or such the committee, board or employe as is charged with, or delegated by the governing body with, the duty of receiving bids and awarding contracts or to whom the governing body has delegated the power shall properly evaluate the sworn statements filed relative to financial ability, equipment and experience in the work prescribed statement and shall find the maker of such the statement either qualified or unqualified. This subsection shall does not apply to cities of the first 1st class city.

(3) PROOF OF RESPONSIBILITY; CONDITION PRECEDENT. No bid shall be received from any person who has not submitted the sworn statement as provided in sub. (2), provided that any prospective bidder who has once qualified to the satisfaction of the municipality, committee, board, public body or officer employe, and who wishes to become a bidder upon subsequent public contracts under the same jurisdiction of the same, to whose satisfaction the prospective bidder has qualified under sub. (2), need not separately qualify on each public contract unless required so to do by the said municipality, committee, board, public body or officers employe.

(4) REJECTION OF BIDS. Whenever If the municipality, committee, board, public body or officer employe is not satisfied with the sufficiency of the answer contained in the questionnaire and financial statement, it provided under sub. (2), the municipality, committee, board or employe may reject said bid, or disregard the same bid.

(5) CORRECTIONS OF ERRORS IN BIDS. Whenever any If a person shall submit submits a bid or proposal for the performance of public work under any public contract to be let by the a municipality, board, public body or officer thereof, who shall claim and the bidder claims that a mistake, omission or error has been made in preparing the bid, the bidder shall, before the bids are opened, make known the fact that an error, omission or mistake has been made, and in that case, If the bidder makes this fact known, the bid shall be returned to the bidder unopened and the bidder shall not be entitled to bid upon the public contract at hand unless the same it is readvertised and retlet upon the readvertisement. In case any If a bidder shall make makes an error or, omission or mistake and shall discover the same discovers it after the bids are opened, the bidder shall immediately and without delay give written notice and make known the fact of the mistake, omission or error which has been committed and submit to the municipality, board, public body or officers thereof, clear and satisfactory evidence of the mistake, omission or error and that the same it was not caused by any careless act or omission on the bidder’s part in the exercise of ordinary care in examining the plans, specifications and in conforming with the provisions of this section, and in case of. If the discovery and notice of a mistake, omission or error causes a forfeiture, shall the bidder may be entitled to recover the moneys or certified check forfeited as liquidated damages unless it shall be is proven before a court of competent jurisdiction in an action brought for the recovery of the amount forfeited, that in making the mistake, error or omission the bidder was free from carelessness, negligence or excusable neglect.

(6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. On those In public contracts calling for the construction, repair, remodeling or improvement of any a public building or structure, other than highway structures and facilities, the a municipality may bid projects based on a single or multiple division of the work. Contracts Public contracts shall be awarded according to the division of work selected for bidding. The municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workmen workers to be employed by any contractor, and to classify such contractors as to their financial responsibility, competency and ability to perform work and to set up a classified list of contractors pursuant thereto, and such. The municipality may also reject the bid of any person, if such the person has not been classified pursuant to the said questionnaire for the kind or amount of work in said the bid.

(7) BIDDER’S CERTIFICATE. On all contracts When bidding on a public contract, the bidder shall incorporate and make a part of the bidder’s proposal for the doing of any work or labor or the furnishing of any material in or about
any public work or contract of the municipality a sworn statement by the bidder, or if not an individual by one authorized, that the bidder or authorized person so swearing has examined and carefully prepared the proposal from the plans and specifications and has checked the same in detail before submitting the proposal or bid to the municipality, board, department or officer charged with the letting of bids and also at the same time as. As a part of the proposal, the bidder also shall submit a list of the subcontractors the bidder proposes to contract with, and the class of work to be performed by each, provided that, In order to qualify for inclusion in the bidder’s list a subcontractor must shall first submit a bid in writing, to the general contractor at least 48 hours prior to the time of the bid closing, which list shall. The list may not be added to nor or altered without the written consent of the municipality. A proposal of a bidder shall is not be invalid if any subcontractor and the class of work to be performed by the subcontractor has been omitted from a proposal; such the omission shall be considered as inadvertent or that the bidder will perform the work personally.

(8) SETTLEMENT OF DISPUTES; DEFAULTS. Whenever there is a dispute between the a contractor or surety or the municipality as to the determination whether there is a compliance with the provisions of the a public contract as to the hours of labor, wages, residence, character, and classification of workmen workers employed by any the contractor, the determination of the municipality shall be is final, and in case of violation of said. If a violation of these provisions occurs, the municipality may declare the contract in default and request the surety to perform or relet upon advertisement the remaining portion of the public contract.

SECTION 332. 66.29 (9) (title) of the statutes is renumbered 66.0901 (9) (title).

SECTION 333. 66.29 (9) (a) of the statutes is repealed.

NOTE: Repeals the separate definition of “municipality”. The definition is restated in Section 258 of this bill.

SECTION 334. 66.29 (9) (b) of the statutes is renumbered 66.0901 (9) (b) and amended to read:

66.0901 (9) (b) Retained percentages. As the work progresses under any a contract involving $1,000 or more for the construction, execution, repair, remodeling or improvement of any a public work or building or for the furnishing of any supplies or materials, regardless of whether or not proposals for which the contract are required to be advertised by law, the municipality, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which shall entitle entitles the contractor to receive the amount thereof of the estimate, less the retainage, from the proper fund. On all such contracts, the The retainage shall be an amount equal to 10% of said the estimate until 50% of the work has been completed. At 50% completion, further partial payments shall be made in full to the contractor and no additional amounts may be retained unless the architect or engineer certifies that the job is not proceeding satisfactorily, but amounts previously retained shall not be paid to the contractor. At 50% completion or any time thereafter after 50% completion when the progress of the work is not satisfactory, additional amounts may be retained but in no event shall the total retainage may not be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. When the work has been substantially completed except for work which cannot be completed because of weather conditions, lack of materials or other reasons which in the judgment of the municipality are valid reasons for non-completion, the municipality may make additional payments, retaining at all times an amount sufficient to cover the estimated cost of the work still to be completed or in the alternative may pay out the entire amount retained and receive from the contractor guarantees in the form of a bond or other collateral sufficient to ensure completion of the job. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by the general contractor at least 48 hours prior to the time of the bid closing, which list shall. The list may not be added to nor or altered without the written consent of the municipality. A proposal of a bidder shall is not be invalid if any subcontractor and the class of work to be performed by the subcontractor has been omitted from a proposal; such the omission shall be considered as inadvertent or that the bidder will perform the work personally.
est-paid 51% of hours worked in that trade or occupation on projects in that area.

(3) (am) Every local governmental unit, before making a contract by direct negotiation or soliciting bids on a contract, for the erection, construction, remodeling, repairing or demolition of any project of public works, including a highway, street or bridge construction project, shall apply to the department to determine the prevailing wage rate and prevailing hours of labor for each trade or occupation required in the work contemplated. The department shall make such investigations and hold such public hearings as may be necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself as to the prevailing wage rates and prevailing hours of labor in all areas of the state for those trades or occupations with a view to ascertaining the prevailing wage rate and prevailing hours of labor for each such trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the same determination with the requesting local governmental unit applying therefor.

(bm) Any person may request a recalculation of any portion of a determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate or prevailing hours of labor for any given trade or occupation included in the initial determination does not represent the prevailing wage rate or prevailing hours of labor for that trade or occupation in the area. Such evidence shall include wage rate and hours of labor information for work performed in the contested trade or occupation in the area within the previous 12 months. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(9) COMPLIANCE. (a) When the department finds that a local governmental unit has not requested a determination under sub. (3) (am) or that a local governmental unit, contractor or subcontractor has not physically incorporated a determination into a contract or subcontract as required under this section or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (3) (dm), the department shall notify the local governmental unit, contractor or subcontractor of such noncompliance and shall file the determination with the local governmental unit, contractor or subcontractor within 30 days after such notice.

(b) Upon completion of a project and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until such an affidavit is filed in proper form and order.

(c) Upon completion of a project and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor’s agents and subcontractors. A local governmental unit may not authorize a final payment until such an affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before such an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of that final payment.

(10) (a) Each contractor, subcontractor or contractor’s or subcontractor’s agent thereof performing work on a project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person described in sub. (4) and an accurate record of the number of hours worked by each of those persons and the actual wages paid therefor for the hours worked.

(b) The department or the contracting local governmental unit may demand and examine, and it shall be the duty of every contractor, subcontractor and contractor’s or subcontractor’s agent thereof to shall keep, and furnish to upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in chs. 103 to 106. Every contractor, subcontractor or agent performing work on a project that is subject to this section is subject to the requirements of chs. 103 to 106 relating to the examination of records.

(11) (a) Any contractor, subcontractor or contractor’s or subcontractor’s agent thereof, who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3), shall be liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional equal amount as liquidated damages. An action to recover the liability may be maintained in any court of competent jurisdiction by any employee for and in behalf of that employee and other employees similarly situated. No employee may be a party plaintiff to any such
the action unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(b) 1. Except as provided in subds. 2., 4. and 6., any contractor, subcontractor or contractor’s or subcontractor’s agent thereof who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both. Each day that any such violation continues shall be considered a separate offense.

2. Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing such the project, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project that is not subject to this section during a week in which the employee works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from such employment or by any other means is guilty of an offense under s. 946.15 (1).

3. Any person employed on a project that is subject to this section who knowingly permits a contractor, subcontractor or contractor’s or subcontractor’s agent thereof to pay him or her less than the prevailing wage rate set forth in the contract governing such the project, who gives up, waives or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing such the project to be deducted from the individual’s pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

5. Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing such the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(12) (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit applying for a determination under sub. (3) and any local governmental unit exempted under sub. (6) of the names of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with any such each name the address of such the person and shall specify when such the person failed to pay the prevailing wage rate and when such the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

A local governmental unit may not award any contract to such the person unless otherwise recommended by the department or unless at least 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

(d) Any person submitting a bid on a project that is subject to this section shall be required, on the date the person submits the bid, to identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3).

SECTION 336. 66.295 of the statutes is repealed.

NOTE: Repealed as archaic. The section authorizes a city, village, town or county which has received and utilized any benefits or improvements furnished before March 1, 1973 under an unenforceable contract, entered into in good faith and fully performed and accepted, to pay the fair and reasonable value of the benefits and improvements. While this section was amended a number of times after 1949 to extend the cutoff date, that date has not been changed since ch. 97, laws of Wisconsin 1973, which changed the cutoff date from July 1, 1969 to March 1, 1973.

SECTION 337. 66.296 (title) of the statutes is renumbered 66.1003 (title) and amended to read:

66.1003 (title) Discontinuance of streets and alleys a public way.

SECTION 338. 66.296 (1) of the statutes is renumbered 66.1003 (2) and amended to read:

66.1003 (2) The whole or any part of any road, street, slip, pier, lane or paved alley, in any 2nd, 3rd or 4th class city or in any village or town, may be discontinued by the common council or village or town board common council of any city, except a 1st class city, or a village or town board may discontinue all or part of a public way upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof public way sought to be discontinued, and of the owners of more
than one−third of the frontage of the lots and lands abutting on that portion of the remainder thereof of the public way which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as shall be within the corporate limits of the city, village or town. The beginning and ending of an alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.

**SECTION 339.** 66.296 (1m) of the statutes is renumbered 66.1003 (3) and amended to read:

66.1003 (3) The whole or any part of any unpaved alley in any 2nd, 3rd or 4th class city or in any village or town may be discontinued by the common council or village or town board common council of any city, except a 1st class city, or a village or town board may discontinue all or part of an unpaved alley upon the written petition of the owners of more than 50% of the frontage of the lots and lands abutting upon the portion thereof of the unpaved alley sought to be discontinued. The beginning and ending of an unpaved alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.

**SECTION 340.** 66.296 (2) of the statutes is renumbered 66.1003 (4), and 66.1003 (4) (a) to (c), as renumbered, are amended to read:

66.1003 (4) (a) As an alternative Notwithstanding subs. (2) and (3), proceedings covered by this section may be initiated by the common council or village or town board by the introduction of a resolution declaring that since the public interest requires it, the whole or any part of any road, street, slip, pier, lane or alley in the city, village or town is thereby a public way or an unpaved alley is vacated and discontinued. No discontinuance of a public way under this subsection may result in a landlocked parcel of property.

(b) A hearing on the passage of such a resolution under par. (a) shall be set by the common council or village or town board on a date which shall not be less than 40 days thereafter after the date on which the resolution is introduced. Notice of the hearing shall be given as provided in sub. (4) (8), except that in addition notice of such the hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the portion thereof public way or unpaved alley sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before such the hearing. When such service cannot be made within the city, village or town, a copy of the notice shall be mailed to the owner’s last−known address at least 30 days before the hearing.

(c) No except as provided in this paragraph, no discontinuance of the whole or any part of any road, street, slip, pier, lane or paved alley shall a public way may be ordered under this subsection if a written objection to the proposed discontinuance is filed with the city, village or town clerk by any of the owners abutting on the portion public way sought to be discontinued or by the owners of more than one−third of the frontage of the lots and lands abutting on that portion of the remainder thereof of the public way which lies within 2,650 feet from the ends of the portion public way proposed to be discontinued, or which lies within so much of said portion of the 2,650 feet as shall be that is within the corporate limits of the city, village or town. If a written objection is filed, the discontinuance may be ordered only by the favorable vote of two−thirds of the members of the common council or village or town board voting on the proposed discontinuance. An owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32. The beginning and ending of an alley shall be considered to be within the block in which it is located.

**NOTE:** Amends sub. (4) (a) by prohibiting discontinuance of a public way under the subsection that results in a landlocked parcel.

Amends sub. (4) (c). The current provision states that a discontinuance may not be ordered if a written objection is filed by any owner abutting the property to be discontinued or filed by the owners of more than one−third of the frontage of the lots and lands abutting the property to be discontinued which lies within 2,650 feet from the ends of the property, or which lies within 2,650 feet of the municipal limits. The provision is amended as follows:

1. If a written objection is filed, either by an abutting owner or an appropriate number of those other owners affected by the discontinuance, the discontinuance may be ordered only by the favorable vote of two−thirds of the members of the common council or village or town board voting on the proposed discontinuance.

2. It is expressly stated that an owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32.

**SECTION 341.** 66.296 (2m) of the statutes is renumbered 66.1003 (5).

**SECTION 342.** 66.296 (3), (4) and (5) of the statutes are renumbered 66.1003 (6), (7) and (8) and amended to read:

66.1003 (6) Whenever any of the lots or lands subject to this section is owned by the state, county, city, village or town, or by a minor or incompetent person, or the title thereof to the lots or lands is held in trust, to all lots and lands so owned or held, petitions for discontinuance or objections to discontinuance may be signed by the governor, chairperson of the board of supervisors of the county, mayor of the city, president of the village, chairperson of the town board, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.

(7) The city council or village or town board by resolution discontinue any alley or any portion thereof of an alley which has been abandoned, at any time after the expiration of 5 years from the date of the recording of the
plat by which it was dedicated. Failure or neglect to work or use any alley or any portion thereof of an alley for a period of 5 years next preceding the date of notice provided for in sub. (5) (8) shall be considered an abandonment for the purpose of this section.

(8) Notice stating when and where the petition or resolution under this section will be acted upon and stating what road, street, slip, pier, lane or alley, or part thereof, public way or unimproved alley is proposed to be discontinued, shall be published as a class 3 notice, under ch. 985.

Section 343. 66.296 (6) of the statutes is renumbered 66.1003 (9).

Section 344. 66.297 of the statutes is renumbered 62.73 and amended to read:

62.73 Discontinuance of public grounds. (1) In every city of the 1st class, the common council of a 1st class city may vacate in whole or in part such highways, streets, alleys, grounds, waterways, public walks and other public grounds within the corporate limits of the city, as in its opinion it determines the public interest requires to be vacated or are of no public utility, subject to s. 80.32 (4). Such proceedings under this section shall be commenced either by a petition presented to the common council signed by the owners of all property which abuts upon the portion of the public facilities proposed to be vacated, or by a resolution adopted by the common council. The requirements of s. 840.11 shall apply to proceedings under this section.

(2) All petitions or resolutions shall be referred to a committee of the common council for a public hearing on the proposed discontinuance and at least 7 days shall elapse between the date of the last service and the date of the hearing. A notice of such hearing shall be served on the owners of record of all property which abuts upon the portion of the public facilities proposed to be vacated, in the manner provided for service of a summons.

(3) If the common council initiates a discontinuance proceeding by resolution without a petition signed by all of the owners of the property which abuts the public facility proposed to be discontinued, any owner of property abutting such the public facility whose property is damaged thereby by the discontinuance may recover such damages as provided in ch. 32.

(4) The common council may also order that an assessment of benefits be made and when so ordered the assessment shall be made as provided in s. 66.60 66.0703.

Section 345. 66.298 of the statutes is renumbered 66.0905 and amended to read:

66.0905 Pedestrian malls. After referring the matter to the plan commission for report under s. 62.23 (5), or the town zoning committee under s. 60.61 (4), and after holding a public hearing on the matter with publica-
tion of a Class I notice of the hearing, the governing body of any city or village, or any town board acting under s. 60.61 or 60.62, may by ordinance designate any street, road or public way or any part thereof of a street, road or public way wholly within its jurisdiction as a pedestrian mall and prohibit or limit the use thereof by vehicular traffic in the pedestrian mall. Creation of such a pedestrian malls shall mall under this section does not constitute a discontinuance or vacation of such the street, road or public way under s. 66.296 66.1003 or 236.43.

Section 346. 66.299 (title) and (1) of the statutes are renumbered 66.0131 (title) and (1), and 66.0131 (1) (a), as renumbered, is amended to read:

66.0131 (1) (a) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an agency or corporation of such a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

Section 347. 66.299 (2) to (5) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0131 (2) to (5).

Section 348. 66.30 (title) and (1) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0301 (title) and (1).

Section 349. 66.30 (2) of the statutes is renumbered 66.0301 (2) and amended to read:

66.0301 (2) In addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless such those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

Note: The underscored sentence restates s. 66.30 (4), which is repealed by Section 354 of this bill.

Section 350. 66.30 (2g) of the statutes is renumbered 66.0311 (2) and amended to read:

66.0311 (2) Any municipality, housing authority, development authority or redevelopment authority authorized under ss. 66.40 to 66.435 66.1201 to 66.1211 and 66.1301 to 66.1337;

(a) To issue bonds or obtain other types of financing in furtherance of its statutory purposes may cooperate with any other municipality, housing authority, development authority or redevelopment authority similarly authorized under ss. 66.40 to 66.435 66.1201 to 66.1211 and 66.1301 to 66.1337 for the purpose of jointly issuing bonds or obtaining other types of financing.

(b) To plan, undertake, own, construct, operate and contract with respect to any housing project in accordance with its statutory purposes under ss. 66.40 to
may cooperate for the joint exercise of such functions with any other municipality, housing authority, development authority or redevelopment authority so authorized.

**SECTION 351.** 66.30 (2m) of the statutes is renumbered 36.11 (19), and 36.11 (19) (a) to (c), as renumbered, are amended to read:

36.11 (19) (a) The university of Wisconsin board may furnish, and school districts may accept, services for educational study and research projects and they may enter into contracts under this section s. 66.0301 for that purpose.

(b) A group of school districts, if authorized by each school board, may form a nonprofit−sharing corporation to contract with the state or the university of Wisconsin system board for the furnishing of the services specified in par. (a).

(c) The corporation shall be organized under ch. 181 and shall have the powers there applicable. Members of the school boards specified in par. (b) may serve as incorporators, directors and officers of the corporation.

**SECTION 352.** 66.30 (3) and (3m) of the statutes are renumbered 66.0301 (3) and (4) and amended to read:

66.0301 (3) Any such contract under sub. (2) may provide a plan for administration of the function or project, which may include, without limitation because of enumeration, but is not limited to provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, and formation and letting of contracts.

(4) A commission created by contract under sub. (2) may finance the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects under s. 66.066 66.0621. Participating municipalities acting jointly or separately may finance such the projects, or an agreed share of the cost thereof of the projects, under ch. 67.

**SECTION 353.** 66.30 (3n) and (3p) of the statutes are consolidated, renumbered 66.0301 (5) (intro.) and amended to read:

66.0301 (5) (intro.) No commission created by contract under this section s. 66.0301 is authorized sub. (2) may, directly or indirectly, to acquire, do any of the following:

(a) Acquire, construct or lease facilities used or useful in the business of a public utility engaged in production, transmission, delivery or furnishing of heat, light, power, natural gas or communications service, by any method except those set forth under this chapter or ch. 196, 197 or 198. (3p) The authority now or hereafter conferred by law on commissions created by contract under this section shall not include the right, power or authority to establish.

(b) Establish, lay out, construct, improve, discontinue, relocate, widen or maintain any road or highway outside the corporate limits of a village or city or to acquire lands for such those purposes except upon approval of the department of transportation and the county board of the county and the town board of the town in which the road is to be located.

**SECTION 354.** 66.30 (4) of the statutes is repealed.

**NOTE:** The substance of this repealed subsection is relocated to s. 66.0301 (2), as renumbered [current s. 66.30 (2)]. See **SECTION 348** of this bill.

**SECTION 355.** 66.30 (5) (intro.), (a) and (b) of the statutes are renumbered 66.0303 (2), (3) and (4) and amended to read:

66.0303 (2) Any A municipality may contract with municipalities of another state for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by statute to the extent that laws of such the other state or of the United States permit such the joint exercise.

(3) Every An agreement made under this subsection section shall, prior to and as a condition precedent to taking effect, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted hereunder under this subsection unless the attorney general finds that it does not meet the conditions set forth herein in this section and details in writing addressed to the concerned municipal governing bodies the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder under this subsection within 90 days of its submission shall constitute constitutes approval thereof. The attorney general, upon submission of an agreement hereunder, shall transmit a copy of the agreement to the governor who shall consult with any state department or agency affected by the agreement. The governor shall forward to the attorney general any comments the governor may have concerning the agreement.

(4) An agreement entered into under this subsection shall have section has the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof of or liability thereunder under the agreement, the municipalities party thereto shall be to the agreement are real parties in interest and the state may commence an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such The action by the state may be maintained against any municipality whose act or omission caused or contributed to the incurring of damage or liability by the state.

**SECTION 356.** 66.30 (6) (a) of the statutes is repealed.

**SECTION 357.** 66.30 (6) (b) to (h) of the statutes are renumbered 120.25 (1) to (6), and 120.25 (1), (2) (intro.), (3), (5) and (6), as renumbered, are amended to read:

120.25 (1) Two or more school boards of school districts may by written contract executed by all participants to the contract, own, construct, lease or otherwise acquire
school facilities including real estate located within or outside the boundaries of any participating school district.

(2) (intro.) School district boards entering into a contract under this subsection may, without limitation because of enumeration:

(3) A contract entered into under this subsection shall at all times be limited to a period of 50 years but may, by mutual written consent of all participants, be modified or extended beyond the initial term.

(5) At least 30 days prior to entering into a contract under this subsection or a modification or extension of the contract, the school boards of the districts involved or their designated agent shall file the proposed agreement with the state superintendent of public instruction to enable the department to assist and advise the school boards involved in regard to the applicable recognized accounting procedure for the administration of the school aid programs. The state superintendent shall review the terms of the proposed contract to ensure that each participating school district’s interests are protected.

(6) School district boards entering into a contract under this subsection shall designate for each employee providing services under the contract either a school district entering into the contract or a cooperative educational service agency under ch. 116 as the employer for purposes of compliance with s. 111.70, teacher’s retirement, worker’s compensation and unemployment insurance.

SECTION 358. 66.301 of the statutes is renumbered 66.1019 (1).

SECTION 359. 66.302 of the statutes is renumbered 66.1019 (2).

SECTION 360. 66.303 of the statutes is renumbered 66.1019 (3), and 66.1019 (3) (a), as renumbered, is amended to read:

66.1019 (3) (a) Except as provided in sub. (2) par. (b), any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m). 66.304 of the statutes is renumbered 66.1017.

SECTION 362. 66.305 (title) of the statutes is renumbered 66.0313 (title).

SECTION 363. 66.305 (1) and (2) of the statutes are renumbered 66.0313 (2) and (3) and amended to read:

66.0313 (2) Upon the request of any law enforcement agency, including county law enforcement agencies as provided in s. 59.28 (2), the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter’s jurisdiction, notwithstanding any other jurisdictional provision. For purposes of ss. 895.35 and 895.46, such law enforcement personnel, while acting in response to such request, shall be deemed employees of the requesting agency.

(3) The provisions of s. 66.315 shall 66.0513 apply to this section.

SECTION 364. 66.307 of the statutes is renumbered 66.1113, and 66.1113 (2) (c), as renumbered, is amended to read:

66.1113 (2) (c) If 2 or more contiguous political subdivisions that are premier resort areas each impose the tax under s. 77.994, they may enter into a contract under s. 66.30 66.0301 to cooperate in paying for infrastructure expenses, in addition to any other authority they have to act under s. 66.30 66.0301.

SECTION 365. 66.31 of the statutes is renumbered 66.1009.

SECTION 366. 66.312 of the statutes is renumbered 66.0511.

SECTION 367. 66.315 of the statutes is renumbered 66.0513 and amended to read:

66.0513 Police, pay when acting outside county or municipality. (1) Any chief of police, sheriff, deputy sheriff, county traffic officer or other peace officer of any city, county, village or town, who shall be is required by command of the governor, sheriff or other superior authority to maintain the peace, or who responds to the request of the authorities of another municipality, to perform police or peace duties outside territorial limits of the city, county, village or town where employed as such officer, shall be the officer is entitled to the same wage, salary, pension, worker’s compensation, and all other service rights for such this service as for service rendered within the limits of the city, county, village or town where regularly employed.

(2) All wage and disability payments, pension and worker’s compensation claims, damage to equipment and clothing, and medical expense arising under sub. (1), shall be paid by the city, county, village or town regularly employing such peace the officer. Upon making such the payment such the city, county, village or town shall be reimbursed by the state, county or other political subdivision whose officer or agent commanded the services out of which the payments arose.

SECTION 368. 66.32 of the statutes is renumbered 66.0105 and amended to read:

66.0105 Extraterritorial Jurisdiction of overlapping extraterritorial powers. The extraterritorial powers granted to cities and villages by statute, including ss. 30.745, 62.23 (2) and (7a), 66.052, 66.0415, 236.10 and 254.57, may not be exercised within the corporate limits of another city or village. Wherever these statutory extraterritorial powers overlap, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area.
SECTION 369. 66.325 of the statutes is renumbered 166.23, and 166.23 (title), as renumbered, is amended to read:

166.23 (title) Emergency powers of cities, villages and towns.

SECTION 370. 66.33 of the statutes is renumbered 281.695.

SECTION 371. 66.34 of the statutes is renumbered 92.115, and 92.115 (title), as renumbered, is amended to read:

92.115 (title) Soil Municipal soil conservation on private lands.

SECTION 372. 66.345 of the statutes is repealed.

NOTE: The repealed section authorizes towns to levy special assessments against lands or interests specially benefited by the town's removal and disposition of dead animals under s. 60.23 (20), soil conservation work under s. 66.34 and snow removal under s. 86.105. Because of the nature of these services, the special committee determined that the costs of the services, to the extent not covered by other funding sources, are more appropriately funded by special charges. See Section 170 of this bill.

SECTION 373. 66.35 of the statutes is renumbered 285.54.

SECTION 374. 66.36 of the statutes is renumbered 281.59 (13f), and 281.59 (13f) (intro.) and (c) to (f), as renumbered, are amended to read:

281.59 (13f) MUNICIPAL FINANCING: CLEAN WATER FUND PROJECT COSTS: FUNDING OF FINANCIAL ASSISTANCE. (intro.) Subject to the terms and conditions of its financial assistance agreement, a municipality may repay financial assistance costs received under from the clean water fund program under s. 281.58 and 281.59 under this section by any lawful method, including any one of the following methods or any combination thereof of the methods:

(c) Payment out of the proceeds of the sale of public improvement bonds issued by it under s. 66.059 66.0619.

(d) Payment out of the proceeds of revenue obligations issued by it under s. 66.066 66.0621.

(e) Payment as provided under s. 66.54 (2) (c), (d) or (2) 66.0709.

(f) Payment as provided under s. 66.076 (1) 66.0821 (2) (a) 1.

NOTE: It is the understanding and intent of the special committee on general municipal law recodification that this introductory clause is illustrative and not limiting.

SECTION 375. 66.365 of the statutes is renumbered 283.87 (4) and amended to read:

283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The department of natural resources may make grants to any county, city, village or town for the acquisition or development of recreational lands and facilities from moneys appropriated under s. 20.370 (2) (dv). Use and administration of the grant shall be consistent with any court order issued under s. 283.87 sub. (3). A county, city, village or town which receives a grant under this section is not required to share in the cost of a project under this section.

SECTION 376. 66.37 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.37 authorizes a county, town, city or village to provide a reward to a person who kills a pocket gopher, street gopher, a black, brown, gray or Norway rat, a mole, a red or grey fox, a coyote, a wildcat or a weasel.

SECTION 377. 66.375 of the statutes is renumbered 66.1015.

SECTION 378. 66.38 of the statutes is renumbered 62.237.

SECTION 379. 66.39 of the statutes is repealed.

NOTE: Repealed as no longer necessary. Section 66.39 authorizes county veterans’ housing authorities and does not appear to be presently used. Furthermore, the general housing authority law authorizes housing authorities to undertake housing projects for veterans. See s. 66.1201 (9) (r) as renumbered. [Current s. 66.04 (9) (r).] Subsection (1) of the repealed section is made part of the general housing authority law. See Section 285 of this bill.

SECTION 380. 66.395 (title), (1) to (2m) and (3) (title) and (a) to (p) of the statutes are renumbered 66.1213 (title), (1) to (3) and (4) (title) and (a) to (p), and 66.1213 (2), (3) and (4) (a), (h) to (k), (L) 1. (intro.) and 2. and (m) to (o), as renumbered, are amended to read:

66.1213 (2) DECLARATION OF NECESSITY. It is declared that the lack of housing facilities for elderly persons provided by private enterprise in certain areas creates a public necessity to establish such safe and sanitary facilities for which public moneys may be spent and private property acquired. The legislature declares that to provide public housing for elderly persons is the performance of a governmental function of state concern.

(3) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied to them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(4) (a) “Authority” or “housing authority” means any of the public corporations established pursuant to sub. (4)....
(L) 1. (intro.) “Housing projects” include all real property and personal property, building and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking to do any of the following:

2. “Housing project” may also be applied to includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection with housing for elderly persons. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.

(m) “Mortgage” includes deeds of trust, mortgages, building and loan contracts, land contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof of the real property or personal property.

(n) “Obligee of the authority” or “obligees” includes any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee of assignees of such the lessor’s interest or any part thereof of the lessor’s interest, and the United States of America, when it is a party to any contract with the authority.

(o) “Real property” includes lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein in an estate, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

SECTION 381. 66.395 (3) (q) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

SECTION 382. 66.395 (3) (r) and (s) and (4) to (7) of the statutes are renumbered 66.1213 (4) (q) and (r) and (5) to (8), and 66.1213 (4) (q), (5) (a) and (c), (6), (7) (intro.) and (a) and (8), as renumbered, are amended to read:

66.1213 (4) (q) “State public body” means any city, town, incorporated village, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

5 (a) When the council of a city by proper resolution declares at any time hereafter declares by resolution that there is need for an authority to function in the city, a public body corporate and politic shall then exist in the city and be known as the “housing authority” of the city. Such The authority shall then be authorized to may transact business and exercise any powers herein granted to it under this section.

(c) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the council declaring the need for the authority. Such The resolution or resolutions shall be deemed sufficient if it declares that there is such the need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist that the condition described in par. (b) exists in the city. A copy of such the resolution duly certified by the city clerk shall be is admissible evidence in any suit, action or proceeding.

6 SECTION 66.40 66.1201 APPLIES. The provisions of s. 66.40 66.1201 (5) to (24) (ag), (25) and (26) shall apply to housing authorities and providing housing for elderly persons under this section without reference to the income of such those persons.

7 SECTIONS 66.40 66.1201 TO 66.404 66.1211 APPLY. (intro.) The provisions of ss. 66.404 66.1201 to 66.404 66.1211 shall apply to housing authorities and providing housing for elderly persons under this section without reference to the income of such those persons, except as follows:

(a) As set down by the federal housing authority in the case of housing projects to the financing or subsidizing of which it is a party, or

8 NOT APPLICABLE TO LOW−RENTAL HOUSING PROJECTS. This section shall does not apply to projects required to provide low−rental housing only.

SECTION 383. 66.40 (title) of the statutes is renumbered 66.1201 (title).

SECTION 384. 66.40 (1) to (2m) and (3) (intro.) and (a) to (c) of the statutes are renumbered 66.1201 (1) to (2m) and (3) (intro.) and (a) to (c), and 66.1201 (1), (2), (2m) and (3) (intro.), (a) and (c), as renumbered, are amended to read:

66.1201 (1) SHORT TITLE. Sections 66.40 66.1201 to 66.404 66.1211 may be referred to as the “Housing Authorities Law”.

2 FINDING AND DECLARATION OF NECESSITY. It is declared that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that these persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions described in this subsection cause an increase
in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; that these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would, therefore, not be competitive with private enterprise; that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such these projects be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted of this section, is declared as a matter of legislative determination.

(2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under ss. 66.40 to 66.404 shall not, with reference thereto, be denied them in any manner for any purpose, nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(3) DEFINITIONS. (intro.) The following terms, wherever used or referred to in ss. 66.40 to 66.404 shall have the following respective meanings. In ss. 66.1201 to 66.1211, unless a different meaning clearly appears from the context:

(a) “Area of operation” includes the city for which a housing authority is created and, the area within 5 miles of the territorial boundaries thereof of the city but not beyond the county limits of the county in which the city is located and provided further that in the case of all cities the area of operation shall be limited to the area within the limits of such the city unless the city shall annex annexes the area of operation, but the area of operation of a housing authority shall “Area of operation” does not include any area which lies within the territorial boundaries of any city for which another housing authority is created by this section.

(c) “Bonds” shall mean any bonds, interim certificates, notes, debentures or other obligations of the authority issued pursuant to ss. 66.40 to 66.1211.

SECTION 385. 66.40 (3) (d) of the statutes is repealed.

Note: Repeals a provision that defines a city to be a city. The provision is unnecessary.
any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee of assignees or such of the lessor’s interest or any part thereof of the lessor’s interest, and the United States of America federal government, when it is a party to any contract with the authority.

(m) “Persons of low income” means persons or families who lack the amount of income which is necessary as determined by the authority undertaking the housing project to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(n) “Real property” shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein in an estate, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

SECTION 387. 66.40 (3) (r) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

SECTION 388. 66.40 (3) (s) and (t) and (4) to (26) of the statutes are renumbered 66.1201 (3) (p) and (q) and (4) to (26), and 66.1201 (3) (p) and (q), (4) to (8), (9) (intro.), (a) to (f), (h) to (L) and (o) to (w), (10) (a), (b) (intro.) and 1. and c to (h), (11), (13) (a) 1. (intro.), a. and b., (b) and (c), (14) (a), (b), (d) and (e), (15) (intro.), (a) to (k), (L) (intro.) and 2. to 4. and (Lm) to (x), (16) (b) (intro.), 1. and 2., (17) to (22), (24) (a) and (b) (intro.), 1. and 2., (25) (a) to (f) and (h) and (26), as renumbered, are amended to read:

66.1201 (3) (p) “State public body” means any city, town, incorporated village, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(q) “Trust indenture” shall include instruments pledging the revenues of real or personal properties.

(4) CREATION OF HOUSING AUTHORITIES. (a) When the council of a city by proper resolution shall declare at any time hereafter declares by resolution that there is need for an authority to function in the city, a public body corporate and politic shall then exist in the city and shall be known as the “housing authority” of the city. Such authority shall have the powers herein granted to it under this section.

(b) The council shall adopt a resolution declaring that there is need for a housing authority in the city if it shall find the council finds that insanitary or unsafe inhabited dwelling accommodations exist in the city or that there is a shortage of safe or sanitary dwelling accommodations in the city available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said the council may take into consideration the degree of overcrowding, the

percentage of land coverage, the light, air, space and access available to the inhabitants of such the dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such the buildings which endanger life or property by fire or other causes.

(c) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder under this section upon proof of the adoption of a resolution by the council declaring the need for the authority. Such The resolution or resolutions shall be deemed is sufficient if it declares that there is such a need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions described in par. (b) exist in the city. A copy of such the resolution duly certified by the city clerk shall be is admissible evidence in any suit, action or proceeding.

(5) APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS. (a) When the council of a city adopts a resolution under sub. (4), it shall promptly notify the mayor. Upon receiving such the notice, the mayor shall, with the confirmation of the council, appoint 5 persons as commissioners of the authority, except that the mayor of a 1st class city that has created a housing authority before May 5, 1994, shall appoint 7 commissioners, at least 2 of whom shall be residents of a housing project acquired or constructed by the authority. No commissioner may be connected in any official capacity with any political party nor shall may more than 2 be officers of the city in which the authority is created. The powers of each authority shall be vested in the commissioners thereof in office from time to time of the authority.

(b) The first 5 commissioners who are first appointed shall be designated by the mayor to serve for terms of 1, 2, 3, 4 and 5 years respectively from the date of their appointment and the 2 additional commissioners appointed by the mayor of a 1st class city under par. (a) shall be first appointed to terms of 3 and 5 years respectively. Thereafter, the term of office shall be 5 years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three commissioners shall constitute a quorum, except that in an authority with 7 commissioners, 4 commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such the certificate shall be is conclusive evidence of the proper appointment of that commissioner if that commissioner has been confirmed under this paragraph and has taken and filed the official oath before entering office.
The council of a city may pay commissioners a per diem and mileage and other necessary expenses incurred in the discharge of their duties at rates established by the council.

(c) When the office of the first chairperson of the authority becomes vacant, the authority shall select a chairperson from among its members. An authority shall select from among its members a vice chairperson, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may call upon the city attorney or chief law officer of the city for such legal services as it may require. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper of the authority.

(6) DUTY OF THE AUTHORITY AND ITS COMMISSIONERS. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of ss. 66.40 to 66.121, with the laws of the state and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

(7) INTERESTED COMMISSIONERS OR EMPLOYEES. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project or have any interest direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in connection with any housing project. If any a commissioner or employee of an authority owns or controls an interest a direct or indirect interest in any property included or planned to be included in any housing project, that person shall immediately disclose the same interest in writing to the authority and such the disclosure shall be entered upon the minutes of the authority. Failure to so disclose such the interest shall constitute constitutes misconduct in office.

(8) REMOVAL OF COMMISSIONERS. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor, but a commissioner may be removed only after having been given a copy of the charges at least 10 days prior to before the hearing thereon on the charges and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner If a commissioner is removed, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the city clerk. To the extent applicable, the provisions of s. 17.16 relating to removal for cause shall apply to any such removal.

(9) POWERS OF AUTHORITY. (intro.) An authority shall constitute is a public body and a body corporate and political, exercising public powers, and having has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 66.40 to 66.121, including the following powers in addition to others herein granted in this section:

(a) Within its area of operation to prepare, carry out, acquire, lease and operate housing projects approved by the council; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof of a housing project.

(b) To take over by purchase, lease or otherwise any housing project undertaken by any government and located within the area of operation of the authority when approved by the council; to purchase, lease, obtain, options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property or any interest therein in the real or personal property.

(c) To act as agent for any government in connection with the acquisition, construction, operation or management of a housing project or any part thereof of a housing project.

(d) To arrange or contract for the furnishing of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof of a housing project.

(e) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and subject to the limitations contained in this section, to establish and revise the rents or charges therefor for the housing project.

(f) Within its area of operation to investigate into living, dwelling and housing conditions and into the means and methods of improving such those conditions; and to engage in research and studies on the subject of housing.

(h) To acquire by eminent domain any real property, including improvements and fixtures thereon the real property.

(i) To own, hold, clear and improve property, to insure or provide for the insurance of the property or operations of the authority against such any risks as the authority may deem advisable, to procure insurance or guarantees from the federal government of the payment of any debts or parts thereof of debts secured by mortgages made or held by the authority on any property included in any housing project.

(j) To contract for sale and sell any part or all of the interest in real estate acquired and to execute such contracts of sale and conveyances as the authority may deem considers desirable.

(k) In connection with any loan, to agree to limitations upon its right to dispose of any housing project or part thereof of a housing project.

(L) In connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by ss. 66.40 to 66.121.
(o) To make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with ss. 66.40 to 66.1211, to carry into effect the powers and purposes of the authority.

(p) To exercise all or any part or combination of powers herein granted in this section. No provisions of law with respect to the acquisition or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state otherwise provided.

(q) The To execute bonds, notes, debentures or other evidences of indebtedness which, when executed by a housing authority shall not be a debt or charge against any city, county, state or any other governmental authority, other than against the housing authority itself and its available property, income or other assets in accordance with the terms thereof of an evidence of indebtedness and of this section, and no individual liability shall attach exists for any official act done by any member of the authority. No such authority shall have any power whatsoever to levy any tax or assessment.

(r) To provide by all means available under ss. 66.40 to 66.1211 housing projects for veterans and their families regardless of their income. Such The projects shall not be subject to the limitations of s. 66.1205.

(s) Notwithstanding the provisions of any law in conflict herewith, the housing authority of any city is expressly authorized, to acquire sites, to prepare, to carry out, acquire, lease, construct and operate housing projects to provide temporary dwelling accommodations for families regardless of income who are displaced under ss. 66.40 to 66.1211; to further slum clearance, urban redevelopment, and blight elimination; and to provide temporary dwelling accommodations for families displaced by reason of any street widening, expressway or other public works project causing the demolition of dwellings.

(t) To participate in an employe retirement or pension system of the city which has declared the need for the authority and to expend funds of the authority for such this purpose.

(u) Any 2 or more authorities may To join or cooperate with one another or more authorities in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and giving security for these obligations, planning, undertaking, owning, constructing, operating or contracting with respect to a housing project located within the area of operation of any one or more of said the authorities. For such this purpose an authority may by resolution prescribe and authorize any other housing authority, so joining or cooperating with it, to act on its behalf with respect to any or all powers, as its agent or otherwise, in the name of the authority so joining or cooperating or in its own name.

(v) To establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, optical imaging or electronic formatting if authorized under s. 19.21 (4) (c). Any such The procedure shall assure that copies of such records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

(w) To exercise any powers of a redevelopment authority operating under s. 66.431 if done in concert with a redevelopment authority under a contract under s. 66.30.

10. (a) The authority shall have the right to may acquire by eminent domain any real property, including fixtures and improvements, which it may deem it to be necessary to carry out the purposes of ss. 66.40 to 66.1211 after the adoption of a resolution declaring that the acquisition of the property described therein in the resolution is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to ch. 32 or pursuant to any other applicable statutory provisions, now in force or hereafter enacted for the exercise of the power of eminent domain.

(b) At any time at or after the filing for condemnation, and before the entry of final judgment, the authority may file with the clerk of the court in which the petition is filed, a declaration of taking signed by the duly authorized officer or agent of the authority declaring that all or any part of the property described in the petition is to be taken for the use of the authority. The declaration of taking shall be sufficient if it sets forth all of the following:

1. A description of the property, sufficient for the identification thereof, to which there may be attached a plat or map thereof.

2. From the filing of the said declaration of taking under par. (b) and the deposit in court to the use of the persons entitled the same shall vest property the amount of the estimated compensation stated in the declaration to the title to the property specified in the declaration to the persons entitled the same shall vest property in the authority and the property shall be deemed to be condemned and taken for the use of the authority and the right to just compensation for the property in the persons entitled thereto the compensation. Upon the filing of the declaration of taking the court shall designate a day (not exceeding 30 days after the filing, except upon good cause shown) on which the
person in possession shall be required to surrender possession to the authority.

(d) The ultimate amount of compensation shall be vested vests in the manner provided by law. If the amount so vested shall exceed exceeds the amount so deposited in court by the authority, the court shall enter judgment against the authority in the amount of such the deficiency together with interest at the rate of 6 per cent % per year on such the deficiency from the date of the vesting of title to the date of the entry of the final judgment or, however, to abatement for use, income, rents or profits derived from such the property by the owner thereof subsequent to the vesting of title in the authority and the.

The court shall order the authority to deposit the amount of such the deficiency in court.

(e) At any time prior to before the vesting of title in the authority the authority may withdraw or dismiss its petition with respect to any and all of the property therein described in the petition.

(f) Upon vesting of title to any property in the authority, all the right, title and interest of all persons having an interest therein or lien thereupon, shall be in, or lien upon, the property are divested immediately and such these persons thereafter shall be are entitled only to receive compensation for such the property.

(g) Except as hereinafter provided in this subsection with reference to the declaration of the taking, the proceedings shall be as is or may hereafter be provided by law for condemnation, and the deposit in court of the amount estimated by the authority upon a declaration of taking, shall be disbursed as is or may hereafter be provided by law for an award in condemnation proceedings.

(h) Property already devoted to a public use may be acquired, provided that no property belonging to any city or municipality or to any government may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the public service commission or other officer or tribunal, if any there be, having regulatory power over the public utility corporation.

(11) ACQUISITION OF LAND FOR GOVERNMENT. The authority may acquire, by purchase or by the exercise of its power of eminent domain as aforesaid under sub. (10), any property, real or personal, for any housing project being constructed or operated by a government. The authority upon such terms and conditions, with or without consideration, as it shall determine, may convey title or deliver possession of such property so acquired or purchased to such the government for use in connection with such a housing project.

(13) (a) 1. (intro.) An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority may issue such types of any bonds as it may determine for its corporate purposes, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable by any of the following methods:

a. Exclusively from the income and revenues of the housing project financed with the proceeds of the bonds, or with those proceeds together with a grant from the federal government in aid of the project;

b. Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such the bonds;

b. Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

(c) The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be are not a debt of any city or municipality located within its boundaries or of the state and neither and this fact shall be stated on their face. Neither the state nor any such city or municipality shall be liable thereon for the bonds or other obligations, nor in any event shall are they be payable out of any funds or properties other than those of the authority.

(14) (a) Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such any date or dates, mature at such any time or times, bear interest at such any rate or rates, be in such any denomination or denominations, be in the form of coupon bonds or of bonds registered under s. 67.09, carry such any conversion or registration privileges, have such any rank or priority, be executed in such any manner, be payable in such any medium of payment, at such any place or places, and be subject to such any terms of redemption, with or without premium, as such that the resolution, its trust indenture or mortgage may provide. Any bond reciting in substance that it has been issued by an authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed, in any suit, action or proceeding involving the validity or enforceability of such the bond or the security therefor for the bond, to have been issued for such a housing project of such character. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be are public instrumentalities and, together with interest thereon and income therefrom, shall be are exempt from taxes.

(b) The bonds may be sold at public or private sale as the authority may provide provides. The bonds may be sold at such any price or prices as determined by the authority shall determine.

(d) The authority shall have power out of any funds available therefor to may purchase, out of available funds, any bonds issued by it at a price not more than the principal amount thereof of the bonds and the accrued interest, provided however that bonds Bonds payable
exclusively from the revenues of a designated project or projects shall be purchased only out of any such revenues available therefor for that purpose. All bonds so purchased shall be canceled. This paragraph shall not apply to the redemption of bonds.

(e) Any provision of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to ss. 66.40, 66.1201 to 66.404 shall be 66.121 are fully negotiable.

(15) PROVISIONS OF BONDS, TRUST INDENTURES, AND MORTGAGES. (intro.) In connection with the issuance of bonds or the incurring of any obligation under a lease and in order to secure the payment of such bonds or obligations, the authority shall have power may:

(a) To pledge Pledge by resolution, trust indenture, mortgage or subject to the limitations hereinafter imposed in this subsection, or other contract all or any part of its rents, fees, or revenues.

(b) To covenant Covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon on its property.

(c) To covenant Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof of a housing project, or with respect to limitations on its right to undertake additional housing projects.

(d) To covenant Covenant against pledging all or any part of its rents, fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon on its rents, fees and revenues.

(e) To provide Provide for the release of property, rents, fees and revenues from any pledge or mortgage, and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage.

(f) To covenant Covenant as to the bonds to be issued pursuant to any resolution, trust indenture, mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof of the bonds.

(g) To provide Provide for the terms, form, registration, exchange, execution and authentication of bonds.

(h) To provide Provide for the replacement of lost, destroyed or mutilated bonds.

(i) To covenant Covenant that the authority warrants the title to the premises.

(j) To covenant Covenant as to the rents and fees to be charged, the amount to be raised each year or other period of time by rents, fees and other revenues and as to the use and disposition to be made thereof of the revenues.

(k) To covenant Covenant as to the use of any or all of its property, real or personal.

(L) (intro.) To create or to authorize the creation of special funds in which there shall be segregated or allocated all of the following:

2. All of the The rents, fees and revenues of any a housing project or projects or parts thereof.

3. Any moneys held for the payment of the costs of operations and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof of housing projects.

4. Any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases or as a reserve for the payments and:

(Lm) To covenant Covenant as to the use and disposal of the moneys held in funds created under par. (L).

(m) To redeem Redeem the bonds and to covenant for their redemption and to provide the terms and conditions thereof of the bonds.

(n) To covenant Covenant against extending the time for the payment of its bonds or interest thereon, directly or indirectly, on the bonds by any means or in any manner.

(o) To prescribe Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto to a contract amendment or abrogation and the manner in which such consent may be given.

(p) To covenant Covenant as to the property maintenance of its property, the replacement thereof, the and insurance to be carried thereon and the use and disposition of insurance moneys.

(q) To vest Vest in an obligee of the authority the right, in the event of the failure of the authority, if the authority fails to observe or perform any covenant on its part to be kept or performed, the right to cure any such default and to advance any moneys necessary for such that purpose, and the. The moneys so advanced may be made an additional obligation of the authority with such interest, security and priority as may be provided in any trust indenture, mortgage, lease or contract of the authority with reference thereto.

(r) To covenant Covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such the declaration and its consequences may be waived.

(s) To covenant Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(t) To covenant Covenant to surrender possession of all or any part of any housing project or projects upon the happening of an event of a default, as defined in the contract, and to vest in an obligee the right to take possession
and to use, operate, manage and control such housing projects or any part thereof, and to collect and receive all rents, fees and revenues arising therefrom from the housing projects in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such the obligee.

(u) To vest Vest in a trust or trustees the right to enforce any covenant made to secure, to pay, or in relation to the bonds, to provide for the powers and duties of such a trustee or trustees, to limit liabilities thereof of a trustee and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds bondholders or any proportion of them may enforce any such covenant.

(v) To make Make covenants other than and in addition to the covenants herein expressly authorized, of like or different character that are authorized in this subsection.

(w) To execute Execute all instruments that are necessary or convenient in the exercise of the its powers herein granted or in the performance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require.

(x) To make such Make covenants and to do any and all acts and things as may be act necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the authority, that tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the authority power to do all things in the issuance of bonds, in the provisions for their security that are not inconsistent with the constitution of the state and to consent or approval of any judge or court shall be required thereof; provided, however, that the authority shall have no power to. An authority may not mortgage all or any part of its property, real or personal, except as provided in sub. (16).

(16) (b) (intro.) In connection with any project financed in whole or in part, or otherwise aided by a government, whether through a donation of money or property, a loan, the insurance or guarantee of a loan, or otherwise, the authority shall also have power to make any do any of the following:

1. Mortgage all or any part of its property, real or personal, then owned or thereafter acquired.
2. Grant security interests in its property, real or personal, then owned or thereafter acquired.

(17) REMEDIES OF AN OBLIGEE OF AUTHORITY. An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee subject to its contract, may do any of the following:

(a) By mandamus, suit, action or proceeding in law or equity, all of which may be joined in one action, to compel the authority, and the its commissioners, officers, agents or employees thereof to perform such and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by ss. 66.40 66.1201 to 66.40 66.1211

(b) By suit, action or proceeding in equity to enjoin any unlawful acts or things which may be unlawful, or the violation of any of the rights of such the obligee of the authority.

(c) By suit, action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof of a housing project to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority.

(18) ADDITIONAL REMEDIES CONFERRABLE BY MORTGAGE OR TRUST INDENTURE. Any authority shall have power may by its trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, lease or other obligations, the right upon the happening of an “event of default” as defined in such the instrument:

(a) By suit, action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof of a housing project. Upon appointment, a receiver may enter and take possession of such the housing project or any part or parts thereof of the housing project and operate and maintain same it, and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom in the same manner as the authority itself might do and. The receiver shall keep such the moneys in a separate account or accounts and apply the same moneys in accordance with the obligations of the authority as the a court shall direct directs.

(b) By suit, action or proceeding in any court of competent jurisdiction to require the authority and the its commissioners thereof to account as if it and they were the trustees of an express trust.

(19) REMEDIES CUMULATIVE. All the rights and remedies hereinabove conferred shall be cumulative and in this section are in addition to all other rights and remedies that may be conferred upon such an obligee of the authority by law or by any contract with the authority.

(20) SUBORDINATION OF MORTGAGE TO AGREEMENT WITH GOVERNMENT. The authority may agree in any mortgage made by it that such the mortgage shall be is subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon: in such event, any purchaser or purchasers on the mortgaged property. A purchaser at a sale of the property of an authority pursuant to a foreclosure of such a mortgage
or any other remedy in connection therewith with the foreclosure shall obtain title subject to such the contract.

(21) Contracts with Federal Government. In addition to the powers conferred upon the authority by other provisions of ss. 66.40 to 66.425, the authority may borrow money or accept grants from the federal government for any such housing project which the authority has the right to supervise and approve the construction, maintenance and operation of the project. The arrangement for the liquidation and disposal of any such project to the authority after completion of the project shall provide for the payment and retirement of all outstanding obligations in connection with the project in accordance with ss. 66.40 to 66.425, 66.43, 66.431 or 66.46 if the community development authority is proceeding under this paragraph as provided by s. 66.4325.

2. The contract provides for conveyance or lease of the project to the authority after completion of the project.

(25) In any city or village the city or any other designated agency shall sell such the project to the highest bidder after public advertisement, or transfer it to any state public body authorized by law to acquire such the project. No such project may be sold for less than its fair market value as determined by a board of 3 licensed appraisers appointed by the city council or village board.

(c) The arrangements for the liquidation and disposal of a project shall provide for the payment and retirement of all outstanding obligations in connection with the project, together with interest thereon, and any premiums prescribed for the redemption of any bonds, notes or other obligations before maturity.

(d) Any proceeds remaining after payment of such the obligations under par. (c) shall be distributed in accordance with the federal law applicable at the time of the liquidation and disposal of the project. If no federal law is applicable to the liquidation and disposal of the project all of such remaining proceeds shall be paid to the city or village.

(e) If the highest bid received is insufficient for the payment of all obligations set forth in par. (c) the project shall not be sold unless the city or village provides sufficient additional funds to discharge such the obligations.

(f) In order to carry out this subsection an authority or other designated agency shall exercise any option available to it for the payment and redemption of outstanding obligations set forth in par. (c) before maturity, if the city or village provides funds for such payment and redemption.

The term “outstanding obligations” or “obligations” as used herein includes bonds, notes or evidences of indebtedness, as well as aids,
1999 Wisconsin Act 150

1999 Assembly Bill 710

grants, contributions or loans made by or received from any federal, state or local political government or agency.

(26) **Dissolution of Housing Authority.** Any housing authority may be dissolved upon adoption of an ordinance or resolution by the council or village board concerned declaring that the need for the authority no longer exists, that all projects under the authority’s jurisdiction have been disposed of, that there are no outstanding obligations or contracts and that no further business remains to be transacted by the authority.

**Section 389.** 66.401 of the statutes is renumbered 66.1203 and amended to read:

66.1203  **Housing authorities; operation not for profit.** (1) It is declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city.

(2) An authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient to accomplish all of the following:

(a) To pay, as the same rentals become due, the principal and interest on the bonds of the authority.

(b) To meet the cost of, and to provide for, maintaining and operating the projects including the cost of any insurance, and the administrative expenses of the authority.

(c) To create, during not less than the 6 years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on the bonds in any one year thereafter after the creation of the reserve and to maintain such the reserve.

Section 390. 66.402 of the statutes is renumbered 66.1205, and 66.1205 (1) (a) and (b) and (2), as renumbered, are amended to read:

66.1205 (1) (a) It may rent or lease the dwelling accommodations therein in a housing project only to persons of low income and at rentals within the financial reach of such persons of low income.

(b) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which the authority considers necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

(2) Nothing contained in the housing authorities law, as hereby amended, shall be construed as limiting Sections 66.1201 to 66.1211 do not limit the power of an authority to do any of the following:

(a) To invest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by said law, as amended under ss. 66.1201 to 66.1211, with respect to rentals, tenant selection, manner of operation, or otherwise.

(b) Pursuant to s. 66.40 66.1201 (16) to vest in obligees the right, in the event of a default by the authority, to acquire title to a housing project or the property mortgaged by the housing authority, free from all the restrictions imposed by ss. 66.401 and 66.1205 s. 66.1203 and this section.

Section 391. 66.4025 (title) and (1) (a) of the statutes are renumbered 66.1207 (title) and (1) (a), as renumbered, is amended to read:

66.1207 (1) (a) Any person who secures or assists in securing dwelling accommodations under s. 66.402 by intentionally making false representations in order to receive more than $1,000 and but less than $2,500 in financial assistance for which the person would not otherwise be entitled shall be fined not more than $10,000 or imprisoned for not more than 9 months or both.

Section 392. 66.4025 (1) (b) and (c) of the statutes, as affected by 1997 Wisconsin Act 283, are renumbered 66.1207 (1) (b) and (c) and amended to read:

66.1207 (1) (b) Any person who secures or assists in securing dwelling accommodations under s. 66.402 by intentionally making false representations in order to receive at least $2,500 but not more than $25,000 in financial assistance for which the person would not otherwise be entitled shall be fined not more than $10,000 or imprisoned for not more than 3 years or both.

(c) Any person who secures or assists in securing dwelling accommodations under s. 66.402 by intentionally making false representations in order to receive more than $25,000 in financial assistance for which the person would not otherwise be entitled shall be fined not more than $10,000 or imprisoned for not more than 7 years and 6 months or both.

Section 393. 66.4025 (2) and (3) of the statutes are renumbered 66.1207 (2) and (3), and 66.1207 (2) and (3) (intro.), as renumbered, are amended to read:

66.1207 (2) Any administrator or employee of an authority under s. 66.402 66.1205 who receives or solicits any commission or derives or seeks to obtain any personal financial gain through any contract for the rental of dwelling accommodations under s. 66.402 66.1205 shall be punished under s. 946.13.

(3) (intro.) Any person who receives assistance for dwelling accommodations under s. 66.402 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails
to notify the authority of the receipt of such income or assets is subject to one of the following:

**SECTION 394.** 66.403 (title) of the statutes is renumbered 66.1209 (title).

**SECTION 395.** 66.403 (intro.) and (1) to (7) of the statutes are renumbered 66.1209 (1) (intro.) and (a) to (g) and amended to read:

66.1209 (1) (intro.) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to may act, any state public body may upon such terms, with or without consideration, as it may determine do any of the following:

(a) Dedicate, sell, convey or lease any of its property to a housing authority or the federal government.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to may undertake, to be furnished adjacent to or in connection with housing projects.

(c) Cause services to be furnished to the authority of the character which it is otherwise empowered to may furnish.

(d) Subject to the approval of the council, furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to may undertake.

(e) Enter into agreements with a housing authority or the federal government respecting action to be taken by the state public body pursuant to any of the powers granted by ss. 66.40 66.1201 to 66.404 66.1211. The agreements may extend over any period, notwithstanding any provision or rule of law to the contrary.

(f) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects.

(g) Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of such the bonds.

**SECTION 396.** 66.403 (8) and (9) of the statutes are renumbered 66.1209 (2) and (3) and amended to read:

66.1209 (2) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall may require any changes to be made in the housing project or the manner of its construction or take any other action relating to such the construction.

(3) In connection with any public improvements made by a state public body in exercising the powers herein granted, such granted in ss. 66.1201 to 66.1211, the state public body may incur the entire expense thereof of the public improvements. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in ss. 66.40 66.1201 to 66.404 66.1211 may be made by a state public body without appraisal, public notice, advertisement or public bidding.

**SECTION 397.** 66.404 of the statutes is renumbered 66.1211 and amended to read:

66.1211 Housing authorities; contracts with city; assistance to counties and municipalities. (1) Contracts between authority and city. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any city may agree with an authority or government that a certain sum, subject to the limitations imposed by s. 66.40 66.1201 (22), or no sum shall be paid by the authority in lieu of taxes for any year or period of years.

(2) Advances to housing authority. When any housing authority which is created for any city becomes is authorized to transact business and exercise its powers therein, the governing body of the city, may immediately make an estimate of the amount of money necessary for the administrative expenses and overhead of such the housing authority during the first year thereafter after the creation of the housing authority, and may appropriate such the amount to the authority out of any moneys in such the city treasury not appropriated to some other purposes. The moneys so appropriated may be paid to the authority as a donation. Any city, town or incorporated village located in whole or in part within the area of operation of a housing authority shall have the power from time to time to may lend or donate money to the authority or to agree to take such action. The housing authority, when it has money available therefor to pay back loans made under this subsection, shall make reimbursements for all such loans made to it.

(3) Project submitted to planning commission. Before any housing project of the character designated in s. 66.40 66.1201 (9) (a) be is determined upon by the authority, or any real estate acquired or agreed to be acquired for such the project or the construction of any of the buildings begins or any application made for federal loan or grant for such the project, the extent thereof of the project and the general features of the proposed layout indicating in a general way the proposed location of buildings and open spaces shall be submitted to the planning commission, if any, of the city or political subdivision in which the proposed project is located, for the advice of such the planning commission upon on the proposed location, extent, and general features of the layout.

(4) Cooperation with cities, villages and counties. For the purpose of cooperating with and assisting cities, villages and counties, a housing authority may exercise its powers in the that territory within the boundaries of any city, village or county not included in the area in which such that housing authority is then authorized to function, or in any designated portion of such that terri-
tory, after the governing body of such the city, village or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such the additional territory or in such designated portion thereof. If a housing authority has previously been authorized to exercise its powers in such the additional territory or designated portion, such a resolution shall not be adopted unless such the housing authority finds that ultimate economy would thereby be promoted, and such the housing authority shall not initiate any housing project in such the additional territory or designated portion after before the adoption of such the resolution.

Note: Amends sub. (4) to clarify that if a housing authority finds that a new resolution is necessary to extend its jurisdiction, even though the extension was previously authorized, the housing authority may not begin a housing project in the area of extended jurisdiction until the adoption of the new resolution.

(6) Controlling Statutes. Insofar as ss. 66.40 66.1201 to 66.404 66.1211 are inconsistent with any other law, the provisions of ss. 66.40 66.1201 to 66.404 shall be controlling 66.1211 control.

(7) Supplemental Nature of Statute. The powers conferred by ss. 66.40 66.1211 to 66.404 shall be 66.1211 are in addition and supplemental to the powers conferred by any other law.

Section 398. 66.405 (title) of the statutes is renumbered 66.1301 (title).

Section 399. 66.405 (1), (2), (2m) and (3) (intro.) and (a) of the statutes are renumbered 66.1301 (1), (2), (2m) and (3) (intro.) and (a) and amended to read:

66.1301 (1) Short Title. Sections 66.405 66.1301 to 66.425 shall be known and 66.1329 may be cited and referred to as the “Urban Redevelopment Law”.

(2) Finding and Declaration of Necessity. It is declared that in the cities of the state substandard and insanitary areas exist which have resulted from inadequate planning, excessive land coverage, lack of proper light, air and open space, defective design and arrangement of buildings, lack of proper sanitary facilities, and the existence of buildings, which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration have become economic or social liabilities, or both; that such. These conditions are prevalent in areas where substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail; that such. These conditions impair the economic value of large areas, infecting them with economic blight, and that such these areas are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes, that such. These conditions are chiefly in areas which are so subdivided into small parcels in divided ownerships and frequently with defective titles, that their assembly for purposes of clearance, replanning, rehabilitation and reconstruction is difficult and costly; that the. The existence of such these conditions and the failure to clear, replan, rehabilitate or reconstruct these areas results in a loss of population by the areas and further deterioration, accompanied by added costs to the communities for creation of new public facilities and services elsewhere; that it. It is difficult and uneconomic for individual owners independently to undertake to remedy such these conditions; that it. It is desirable to encourage owners of property or holders of claims therein on property in such these areas to join together and with outsiders in corporate groups for the purpose of the clearance, replanning, rehabilitation and reconstruction of such these areas; that such. These conditions require the employment of such capital on an investment rather than a speculative basis, allowing however, the widest latitude in the amortization of any indebtedness created thereby; that such. These conditions further require the acquisition at fair prices of adequate areas, the gradual clearance of such the areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of such the areas under proper supervision with appropriate planning, land use and construction policies; that the. The clearance, replanning, rehabilitation and reconstruction of such these areas on a large scale basis are necessary for the public welfare; that the. The clearance, replanning, reconstruction and rehabilitation of such these areas are public uses and purposes for which private property may be acquired; that such substandard. Substandard and insanitary areas constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the state; that such. These conditions require the aid of redevelopment corporations for the purpose of attaining the ends herein recited; that the in this subsection. The protection and promotion of the health, safety, morals, welfare and reasonable comfort of the citizens of the state are matters of public concern; and the necessity. Sections 66.1301 to 66.1329 are in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

(2m) Discrimination. Persons otherwise entitled to any right, benefit, facility or privilege under ss. 66.405 66.1301 to 66.425 66.1329 shall not, with reference therein, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(3) Definitions. (intro.) The following terms, as used in ss. 66.405 66.1301 to 66.425, shall be construed as follows:

(a) “Area” means a portion of a city which its planning commission finds to be substandard or insanitary, so that the clearance, replanning, rehabilitation or recon-
8. The actual cost of reconstruction, rehabilitation, remodeling or initial repair of existing buildings and improvements, reasonable.

9. Reasonable management costs until the development is ready for use, and the.

10. The actual cost of improving that portion of the development area which is to remain as open space, together with such additions to development cost as shall that equal the actual cost of additions to or changes in the development in accordance with the original development plan or after approved changes in or amendments thereto to the development plan.

(g) “Development plan” shall mean a plan for the redevelopment of all or any part of an area, and shall include includes any amendments thereto that are approved in accordance with the requirements of s. 66.407 66.1305 (1).

(h) “Local governing body” shall mean the board of alderpersons, means a common council, council, commission or other board or body vested by the charter of the a city or other law with jurisdiction to adopt or enact ordinances or local laws.

(n) “Mortgage” shall mean a mortgage, trust indenture, deed of trust, building and loan contract or other instrument creating a lien on real property, and the indebtedness secured by each of them.

(o) “Neighborhood unit” shall mean a primarily residential district having the facilities necessary for well-rounded family living, such as schools, parks, playgrounds, parking areas and local shopping districts.

(p) “Planning commission” shall mean the official bureau, board, commission or agency of the a city established under the general city law or under a general or special charter and that is authorized to prepare, adopt and, amend or modify a master plan for the development of the city.

(q) “Real property” shall include includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and here- ditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto in or appurtenant to the real property, legal or equitable, including rights-of-way, terms for years and liens, charges, or encumbrances by mortgage, judgment or otherwise.

(r) “Redevelopment” shall mean the clearance, replanning, reconstruction or rehabilitation of an area or part thereof of an area, and the provision of such industrial, commercial, residential or public structures or spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto to the structures or spaces.
"Redevelopment corporation" shall mean a corporation carrying out a redevelopment plan under ss. 66.403, 66.1301 to 66.425, 66.1329.

Section 402. 66.406 (title) of the statutes is renumbered 66.1303 (title).

Section 403. 66.406 (1), (2) and (3) (intro.) and (a) to (g) of the statutes are renumbered 66.1303 (1), (2) and (3) (intro.) and (a) to (g) and amended to read:

66.1303 (1) A development plan shall contain such information as that the planning commission shall, by rule or regulation require, including all of the following:

(a) A metes and bounds description of the development area.

(b) A statement of the real property in the development area fee title to which the city proposes to acquire and a statement of the interests to be acquired in any other real property by the city.

(c) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit for the completion of each stage, together with a metes and bounds description of the real property to be included in each stage.

(d) A statement of the existing buildings or improvements in the development area, to be demolished immediately, if any.

(e) A statement of the existing buildings or improvements, in the development area not to be demolished immediately, if any, and the approximate period of time during which the demolition, if any, of each such building or improvement is to take place.

(f) A statement of the proposed improvements, if any, to each building not to be demolished immediately, any proposed repairs or alterations to such building, and the approximate period of time during which such improvements, repairs or alterations are to be made.

(g) A statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made, and a statement of the maximum limitations upon the bulk of such buildings or improvements to be permitted at various stages of the development plan.

(h) A statement of those portions, if any, of the development area which may be permitted or will be required to be left as open space, the use to which each such open space is to be put, the period of time each such open space will be required to remain an open space and the manner in which it will be improved and maintained, if any.

(i) A statement of the proposed changes, if any, in zoning ordinances or maps, necessary or desirable for the development and its protection against blighting influences.

(j) A statement of the proposed changes, if any, in streets or street levels and any of proposed street closings.

(k) A statement of the character of the existing dwelling accommodations, if any, in the development area, the approximate number of families residing therein in the development area, together with a schedule of the rentals being paid by them, and a schedule of the vacancies in such accommodations, together with the rental demanded therefor, for the vacant accommodations.

(L) A statement of the character, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of the development.

(m) A statement of the proposed method of financing the development, in sufficient detail to evidence the probability that the redevelopment corporation will be able to finance or arrange to finance the development.

(n) A statement of persons who it is proposed will be active in or associated with the management of the redevelopment corporation during a period of at least one year from the date of the approval of the development plan.

(o) The development plan and any application to the planning commission or local governing body for approval thereof, may contain in addition such other information or material as may be deemed relevant by the proposer thereof, including suggestions for the clearance, replanning, reconstruction or rehabilitation of one or more areas which may be larger than the development area but which include it, and any other provisions for the redevelopment of such area or areas.

(2) No development shall be actually initiated until the adoption of a resolution of approval of the development plan therefor by both the planning commission and the local governing body.

(3) (intro.) The planning commission may approve a development plan after a public hearing, and shall determine all of the following:

(a) That the area within which the development area is included is substandard or insanitary and that the redevelopment of the development area in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in s. 66.405 (1) (2); if the area is comprised of vacant land, it shall be established that such vacant land impairs the economic value of surrounding areas in accordance with the general purposes expressed in s. 66.405 (1) (2).

(b) That the development plan is in accord with the master plan, if any, of the city.

(c) That the development area is not less than 100,000 square feet in area, except that it may be smaller in area when undertaken in connection with a public improvement, but in any event if it is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner and to contribute substantially to the improvement of the area in which the development is initiated.
located, but whenever the local governing body makes a finding to the effect that an area is in urgent need of development, and that such development will contribute to the progress and expansion of an area whose economic growth is vital to the community, then in such instance the development area shall may not be less than 25,000 square feet subject to the requirements of par. (d).

(d) That the various stages, if any, by which the development is proposed to be constructed or undertaken, as stated in the development plan, are practicable and in the public interest and where the area to be developed consists either of vacant land or of substandard or insanitary buildings or structures as provided in s. 66.405 66.1301 (3) (a), and such the area is less than 100,000 square feet but more than 25,000 square feet as provided in par. (c) then the new structures to be constructed on such the vacant land may not be less than 1,000,000 cubic feet in area;

(e) That the public facilities, based on whether the development be a is residential, industrial or commercial one, are presently adequate or will be adequate at the time that the development is ready for use to serve the development area;

(f) That the proposed changes, if any, in the city map, in zoning ordinances or maps and in streets and street levels, or any proposed street closings, are necessary or desirable for the development and its protection against blighting influences and for the city as a whole;

(g) Upon data submitted by or on behalf of the redevelopment corporation, or upon data otherwise available to the planning commission, that there will be available for occupation by families, if any, then occupying dwelling accommodations in the development area legal accommodations at substantially similar rentals in the development area or elsewhere in a suitable location in the city, and that the carrying into effect of implementing the development plan will not cause undue hardship to such those families. The notice of the public hearing to be held by the planning commission prior to its approval by it of the development plan shall contain separate statements to the effect that before the development plan is approved, the planning commission must make the determination required in this paragraph, and that if the development plan is approved, real property in the development area is subject to condemnation.

SECTION 404. 66.406 (3) (h) of the statutes is renumbered 66.1303 (3m) and amended to read:

66.1303 (3m) Any such A determination upon approval by the local governing body shall be made under sub. (3) is conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In arriving at such the determination, the planning commission shall consider only those elements of the development plan relevant to such the determination under pars. (a) to (g) sub. (3) and to the type of development which is physically desirable for the development area concerned from a city planning viewpoint, and from a neighborhood unit viewpoint, if the development plan provides that the development area is to be primarily residential.

SECTION 405. 66.406 (4) (intro.), (a) and (b) of the statutes are renumbered 66.1303 (4) (intro.), (a) and (b), and 66.1303 (4) (intro.), as renumbered, is amended to read:

66.1303 (4) (intro.) The local governing body, by a two-thirds vote of the members−elect thereof, members−elect, may approve a development plan, but no resolution of approval shall may be adopted by it unless and until the planning commission shall has first have approved thereof the development plan and there has the plan and planning commission determination have been filed with the local governing body the development plan, the determination by the planning commission, and unless and until the local governing body shall determine determines all of the following:

SECTION 406. 66.406 (4) (c) of the statutes is renumbered 66.1303 (4m) and amended to read:

66.1303 (4m) Any such A determination shall be under sub. (4) is conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In considering whether or not a resolution of approval of the development plan shall will be adopted, the local governing body shall consider those elements of the development plan relevant to such the determination under pars. (a) and (b) sub. (4).

SECTION 407. 66.406 (5) to (8) of the statutes are renumbered 66.1303 (5) to (8) and amended to read:

66.1303 (5) The planning commission and the local governing body, by a two-thirds vote of the members−elect thereof, members−elect, may approve an amendment or amendments to a development plan, but no such amendment to a development plan which has therefore been approved by the planning commission and the local governing body shall be approved unless and until if an application therefor for the amendment has been filed with the planning commission by the redevelopment corporation containing that part of the material required by sub. (1) which shall be is relevant to the proposed amendments and unless and until if the planning commission and the local governing body shall make the determinations required by sub. (3) or (4) which shall be are relevant to the proposed amendment.

(6) The planning commission and the local governing body may, for the guidance of prospective proponents of development plans, fix general standards to which a development plan shall conform. Variations from such the standards may be allowed for the accomplishment of the purposes of ss. 66.405 66.1301 to 66.425. Such 66.1329. The standards may contain provisions more restrictive than those imposed by applicable planning, zoning, sanitary and building laws, ordinances and regulations.
(7) Local housing authorities organized under ss. 66.40 to 66.1201, redevelopment authorities organized under s. 66.431, 66.1333, and community development authorities organized under s. 66.425 may render such advisory services in connection with the preliminary surveys, studies and preparation of a development plan as may be requested by the city planning commission or the local governing body and charge fees for such advisory services based on the their actual cost thereof.

(8) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, to perform all acts, except the development of the general plan of the city, which are otherwise performed by the planning commission under ss. 66.405 to 66.425.

SECTION 408. 66.407 of the statutes is renumbered 66.1305, and 66.1305 (1) (intro.) and (a) to (h), as renumbered, are amended to read:

66.1305 (1) (intro.) No redevelopment corporation shall may do any of the following:

(a) Undertake any clearance, reconstruction, improvement, alteration or construction in connection with any development until the approvals required by s. 66.406 have been made.

(b) Change, alter, amend, add to or depart from the development plan or to file the amendment therefor with the planning commission as may be determined by the planning commission or the local governing body.

(c) After a development has been commenced, sell, transfer or assign any real property in the development area without first obtaining the consent of the local governing body, which consent may be withheld only if the sale, transfer or assignment is made for the purpose of evading the provisions of ss. 66.405 to 66.1301.

(d) Pay as compensation for services to its officers or employees in an amount greater than the limit therein contained in the development plan, or in default thereof the development plan occurs, then in an amount greater than the reasonable value of the services performed or to be performed by such the officers or employees.

(e) Lease an entire building or improvement in the development area to any person or corporation without obtaining the approval of the local governing body which may be withheld only if the lease is being made for the purpose of evading the provisions of ss. 66.405 to 66.1301.

(f) Mortgage any of its real property without obtaining the approval of the local governing body.

(g) Make any guarantee without obtaining the approval of the local governing body.

(h) Dissolve without obtaining the approval of the local governing body, which may be made for the purposes of the city in the absence of such the indenture.

SECTION 409. 66.408 (title) of the statutes is renumbered 66.1307 (title).

SECTION 410. 66.408 (1), (2), (3) and (4) of the statutes are renumbered 66.1307 (1), (2), (3) and (4) and amended to read:

66.1307 (1) Application of other corporation laws to redevelopment corporations. The provisions of the general corporation law as presently in effect and as hereafter from time to time amended, shall apply to redevelopment corporations, except where such unless the provisions are in conflict with the provisions of ss. 66.405 to 66.425.

(2) (a) No redevelopment corporation shall may issue stocks, bonds or income debentures, except for money or property actually received for the use and lawful purposes of the corporation or services actually performed for the corporation.

(3) Determination of development cost. (a) Upon the completion of a development a redevelopment corporation shall, or upon the completion of a principal part of a development a redevelopment corporation may, file with the planning commission an audited statement of the development cost thereof. Within a reasonable time after the filing of such the statement, the planning commission shall determine the development cost applicable to the development or portion thereof of the development and shall issue to the redevelopment corporation a certificate stating the amount thereof as of the development cost so determined.

(b) A redevelopment corporation may, at any time, whether prior or subsequent to the undertaking of any contract or expense, apply to the planning commission for a ruling as to whether any particular item of cost therein may be included in development cost when finally determined by the planning commission, and the amount thereof. The planning commission shall, within a reasonable time after such the application, render a ruling thereon, and in the event that it shall be if it is ruled that any item of cost may be included in development cost, the amount thereof as so determined of the cost.
shall be so included in development cost when finally determined.

(4) Regulation of redevelopment corporations. A redevelopment corporation shall do all of the following:

(a) Furnish to the planning commission from time to time, as required by it, but with respect to regular reports not more often than once every 6 months, such financial information, statements, audited reports or other material as such the commission shall require, each of which shall conform to such standards of accounting and financial procedure as such that the commission shall require, except that the planning commission may not require a regular report more often than once every 6 months.

(b) Establish and maintain such depreciation and other reserves, surplus and other accounts as such that the planning commission reasonably requires.

SECTION 411. 66.41 (title) of the statutes is repealed.

SECTION 412. 66.41 of the statutes is amended to read:

66.1307 (2) (b) No A redevelopment corporation shall may pay any interest on its income debentures or dividends on its stock during any dividend year, unless there shall exist, at time of any such an intended payment, no a default exists under any amortization require -

ments with respect to its indebtedness.

SECTION 413. 66.41 of the statutes is renumbered 66.1329 and amended to read:

66.1329 Urban redevelopment; enforcement of duties. Whenever If a redevelopment corporation shall not have substantially complied comply with the development plan within the time limits for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen difficulties excepted, or shall do, permit to be done or fail or omit to do anything contrary to or required of it, as the case may be, by ss. 66.105 to 66.125, or shall be about so to do, permit to be done or fail or omit to have done, as the case may be then any such fact, violates or is about to violate ss. 66.1301 to 66.1329, the failure to comply or actual or possible violation may be certified by the planning commission to the city attorney of the city, who The city attorney may thereupon commence a proceeding in the circuit court of the county in which the city is in whole or in part situated in the name of the city for the purpose of having such action, failure or omission, or threatened action, failure or omission, established by order of the court or stopped, prevented or otherwise rectified by mandamus, injunction or otherwise. Such proceeding shall be commenced by a petition to the circuit court alleging the violation complained of and praying for appropriate relief. It shall thereupon be the duty of the court to specify the time, not exceeding 45 days after service of a copy of the petition, within which the redevelopment corporation complained of must answer the petition seeking appropriate relief.

The court, shall, immediately after a default in answering or after answer, as the case may be, inquire into the facts and circumstances in such the manner as that the court shall direct directs without other or formal proceedings, and without respect to any technical requirements. Such other persons or corporations as it shall seem to the The court may join as parties any other persons it deems necessary or proper to join as parties in order to make its order or judgment effective may be joined as parties. The final judgment or order in any such the action or proceeding shall dismiss the action or proceeding or establish the failure complained of or direct that a mandamus order, or an injunction, or both, issue, or grant such other relief as the court may deem appropriate relief.

SECTION 414. 66.412 of the statutes is renumbered 66.1309 (intro.) and amended to read:

66.1309 Urban redevelopment; transfer of land. (intro.) Notwithstanding any requirement of other law to the contrary or the absence of direct provision therefor for transfer of land in the instrument under which a fiduciary is acting, every executor, administrator, trustee, guardian or other person, holding trust funds or acting in a fiduciary capacity, unless the instrument under which such the fiduciary is acting expressly forbids, the state, its subdivisions, cities, all other public bodies, all public officers, corporations organized under or subject to the provisions of the banking law, the division of banking as conservator, liquidator or rehabilitator of any such person, partnership or corporation, persons, partnerships and corporations organized under or subject to the provisions of the banking law, the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation, any of which owns or holds any real property within a development area, may grant do all of the following:

(1) Grant, sell, lease or otherwise transfer any such real property to a redevelopment corporation and receive

(2) Receive and hold any cash, stocks, income debentures, mortgages, or other securities or obligations, secured or unsecured, exchanged therefore for the transfer by such the redevelopment corporation, and may execute such.

(3) Execute instruments and do such acts as may be deemed that are considered necessary or desirable by them or it and by the redevelopment corporation in connection with the development and the development plan.

SECTION 415. 66.413 of the statutes is renumbered 66.1311 and amended to read:

66.1311 Urban redevelopment; acquisition of land. (1) A redevelopment corporation may whether before or after the development plan has been approved, acquire real property or secure options in its own name or in the name of nominees to acquire real property, by gift, grant, lease, purchase or otherwise.
(2) A city may, upon request by the redevelopment corporation, acquire, or obligate itself to acquire, for such the redevelopment corporation any real property included in such a certificate of approval of condemnation, by gift, grant, lease, purchase, condemnation, or otherwise, according to the provisions of any appropriate general, special or local law applicable to the acquisition of real property by the city. Real property acquired by a city for a redevelopment corporation shall be conveyed by such the city to the redevelopment corporation upon payment to the city of all sums expended or required to be expended by the city in the acquisition of such the real property, or leased by such the city to such the redevelopment corporation, all upon such terms as may be agreed upon between the city and the redevelopment corporation to carry out the purposes of ss. 66.405 66.1301 to 66.1329.

(3) The provisions of ss. 66.405 66.1301 to 66.425 66.1329 with respect to the condemnation of real property by a city for a redevelopment corporation shall prevail over the provisions of any other general, special or local law.

SECTION 416. 66.414 of the statutes is renumbered 66.1313 and amended to read:

66.1313 Urban redevelopment; condemnation for. (1) Condemnation proceedings for a redevelopment corporation shall be initiated by a petition to the city to institute proceedings to acquire for the redevelopment corporation any real property in the development area. Such The petition shall be granted or rejected by the local governing body, and the resolution or resolutions granting such the petition shall contain a requirement require that the redevelopment corporation shall pay to the city all sums expended or required to be expended by the city in the acquisition of such the real property, or for any real property to be conveyed to the corporation by the city in connection with the plan, and the time of payment and manner of securing payment thereof, and may require that the city shall receive, before proceeding with the acquisition of such the real property, such assurances as to payment or reimbursement by the redevelopment corporation, or otherwise, as the city may deem advisable. Upon the passage of a resolution or resolutions by the local governing body granting the petition, the redevelopment corporation shall cause to be made 3 copies of surveys or maps of the real property described in the petition, one of which shall be filed in the office of the redevelopment corporation, one in the office of the city attorney of the city, and one in the office in which instruments affecting real property in the county are recorded. The filing of such copies of surveys or maps shall constitute the constitutes acceptance by the redevelopment corporation of the terms and conditions contained in such the resolution or resolutions. The city may conduct any condemnation proceedings either under ch. 32 or at its option, under other laws applicable to such the city. When title to the real property shall have vested vests in the city, it shall convey or lease the same real property, with any other real property to be conveyed or leased to the redevelopment corporation by the city in connection with such the redevelopment plan, to the redevelopment corporation upon payment by the redevelopment corporation of the sums and the giving of the security required by the resolution granting the petition.

(2) The following provisions shall apply to any proceedings for the assessment of compensation and damages for real property in a development area taken or to be taken by condemnation for a redevelopment corporation:

(a) For the purpose of ss. 66.405 66.1301 to 66.425 66.1329, the award of compensation shall may not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed assembly, clearance or reconstruction for the purposes of ss. 66.405 66.1301 to 66.425 66.1329, of the real property in the development area. No allowance shall may be made for improvements begun on real property after notice to the owner of such the property of the institution of the proceedings to condemn such the property.

(b) Evidence shall be is admissible bearing upon that is relevant to the insanitary, unsafe or substandard condition of the premises, or the of their illegal use thereof, or the enhancement of rentals from such illegal use, and such the evidence may be considered in fixing the compensation to be paid, notwithstanding that no steps to remedy or abate such the conditions have been taken by the department or officers having jurisdiction. If a violation order is on file against the premises in any such the department, it shall constitute constitutes prima facie evidence of the existence of the condition specified in such the order.

(c) If any of the real property in the development area which is to be acquired by condemnation has, prior to such before acquisition, been devoted to another public use, it may nevertheless be acquired provided that no real property belonging to the city or to any other governmental body, or agency or instrumentality thereof of the city or other governmental body, corporate or otherwise, may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the public service commission or other officer or tribunal having regulatory power over such the corporation.

(d) Upon the trial a statement, affidavit, deposition, report, transcript of testimony in an action or proceeding, or appraisal made or given by any owner or prior owner of the premises taken, or by any person on the owner’s or prior owner’s behalf, to any court, governmental bureau, department or agency respecting the value of the real property for tax purposes, shall be is relevant, material
and competent upon the issue of value of damage and shall be inadmissible on direct examination.

(e) The term "owner", as used in this section, shall include "owner" includes a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon the real property.

SECTION 417. 66.415 of the statutes is renumbered 66.1315 and amended to read:

66.1315 Urban redevelopment; continued use of land by prior owner. (1) When title to real property has vested in a redevelopment corporation or city by gift, grant, devise, purchase or in condemnation proceedings or otherwise, the redevelopment corporation or city, as the case may be, may agree with the previous owners of such the property, or any tenants continuing to occupy any part thereof, or any other persons who may occupy or use or seek to occupy or use such the property, that such the former owner, tenant or other persons may occupy or use such the property upon the payment of a fixed sum of money for a definite term or upon the payment periodically of an agreed sum of money. Such The occupation or use shall may not be construed as a tenancy from month to month, nor require the giving of notice by the redevelopment corporation or the city, as the case may be, for the termination of such occupation or use of the right to such occupation or use, but immediately. Immediately upon the expiration of the term for which payment has been made the redevelopment corporation or city, as the case may be, shall be is entitled to possession of the real property and may maintain summary proceedings, or obtain a writ of assistance, and shall be is entitled to such any other remedy as may be provided by law for obtaining immediate possession thereof. A former owner, tenant or other person occupying or using such real property shall may not be required to give notice to the redevelopment corporation or city, as the case may be, at the expiration of the term for which that person has made payment for such occupation or use, as a condition to that person’s cessation of occupation or use and termination of liability therefor.

(2) In the event that If a city has acquired real property for a redevelopment corporation, the city shall, in transferring title to the redevelopment corporation, deduct from the consideration or other moneys which the redevelopment corporation has become obligated to pay to the city for the maintenance and operation of such the real property by the city with, the amounts received by the city as payment for temporary occupation and use of the real property by a former owner, tenant, or other person, as is this section provided, less the cost and expense incurred by the city for the maintenance and operation of such the real property.

SECTION 418. 66.416 (title) of the statutes is renumbered 66.1317 (title).

SECTION 419. 66.416 (1) to (4) of the statutes are renumbered 66.1317 (1) to (4), and 66.1317 (1), (2) (a) (intro.), 4, and 5. and (b), (3) and (4), as renumbered, are amended to read:

66.1317 (1) Any A redevelopment corporation may borrow funds and secure the repayment thereof of the funds by mortgage. Every such mortgage shall contain reasonable amortization provisions and shall may be a lien upon no other real property except that forming the whole or a part of a single development area.

(2) (a) (intro.) Certificates, bonds and notes, or part interests therein in, or any part of an issue thereof of these instruments, which are issued by a redevelopment corporation and secured by a first mortgage on all or part of the real property of the redevelopment corporation, or any part thereof, shall be are securities in which all of the following persons, partnerships or corporations and public bodies or public officers may legally invest the funds within their control:

4. The division of banking as conservator, liquidator or rehabilitator of any such person, partnership or corporation, and persons, partnerships or corporations organized under or subject to chs. 600 to 646.

5. The commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation.

(b) The principal amount of the securities described in par. (a) shall may not exceed the limits, if any, imposed by law for investments by the person, partnership, corporation, public body or public officer making the investment.

3. Any A mortgage on the real property in a development area, or any part thereof, may create a first lien, or a second 2nd or other junior lien, upon such the real property.

4. The limits as to principal amount secured by mortgage referred to in sub. (2) shall do not apply to certificates, bonds and notes, or part interests therein in, or any part of an issue thereof of these instruments, which are secured by first mortgage on real property in a development area, or any part thereof, which the federal housing administrator has insured or has made a commitment to insure under the national housing act. Any such A person, partnership, corporation, public body or public officer described in sub. (2) may receive and hold any debentures, certificates or other instruments issued or delivered by the federal housing administrator, pursuant to the national housing act, in compliance with the contract of insurance of a mortgage on all or part of real property in the development area, or any part thereof.

SECTION 420. 66.417 (title) of the statutes is renumbered 66.1319 (title).

SECTION 421. 66.417 (1) to (6) of the statutes are renumbered 66.1319 (1) to (6), and 66.1319 (1), (2), (3), (5) and (6), as renumbered, are amended to read:

66.1319 (1) The A local governing body may by resolution determine that real property, title to which is held by the city, specified and described in such the resolution,
is not required for use by the city and may authorize the city to sell or lease real property to a redevelopment corporation, provided that if the title of the city to such the real property be not declared inalienable by charter of the city, or other similar law or instrument.

(2) Notwithstanding the provisions of any general, special or local law or ordinance, a sale or lease authorized under sub. (1) may be made without appraisal, public notice or public bidding for a price or rental amount and upon terms agreed upon between the city and the redevelopment corporation to carry out the purposes of ss. 66.405 to 66.425. In the case of a lease, the term of the lease shall not exceed 60 years with a right of renewal upon the same terms.

(3) Before any sale or lease to a redevelopment corporation shall be authorized, a public hearing shall be held by the local governing body to consider the proposed sale or lease.

(5) The deed or lease of such real property shall be executed in the same manner as a deed or lease by the city of other real property owned by it and may contain appropriate conditions and provisions to enable the city to reenter the real property in the event of a violation by if the redevelopment corporation violates any of the provisions of ss. 66.405 to 66.425 relating to such the redevelopment corporation or violates the conditions or provisions of such the deed or lease.

(6) A redevelopment corporation purchasing or leasing real property from a city shall not, without the written approval of the city, use such the real property for any purpose except in connection with its development. The deed shall contain a condition that the redevelopment corporation will devote the real property granted only for the purposes of its development subject to the restrictions of ss. 66.405 to 66.425 for breach of which the city shall have the right to may reenter and repose itself of the real property.

SECTION 422. 66.418 of the statutes is renumbered 66.1321 and amended to read:

66.1321 Urban redevelopment; city lease to, terms. If real property of a city be leased to a redevelopment corporation:

(1) The lease may provide that all improvements shall be the property of the lessor.

(2) The lessor may grant to the redevelopment corporation the right to mortgage the fee of such the real property and thus enable the redevelopment corporation to give as security for its notes or bonds a first lien upon the land and improvements.

(3) The execution of a lease shall does not impose upon the lessor any liability or obligation in connection with or arising out of the financing, construction, management or operation of a development involving the leased land so leased. The lessor shall may not, by executing such the lease, incur any obligation or liability with respect to such the leased premises other than may devolve upon the lessor with respect to premises not owned by it. The lessor, by consenting to the execution by a redevelopment corporation of a mortgage upon the leased land, shall does not thereby assume, and such the consent may not be construed as imposing upon the lessor, any liability upon the note or bond secured by the mortgage.

(4) The lease may reserve such any easements or other rights in connection with the real property as may be that are considered necessary or desirable for the future planning and development of the city and the extension of public facilities therein in the city, including the construction of subways and conduits and the widening and changing of grade of streets. The lease may contain such any other provisions for the protection of the parties as that are not inconsistent with the provisions of ss. 66.405 to 66.425.

SECTION 423. 66.419 (title) of the statutes is renumbered 66.1323 (title) and amended to read:

66.1323 (title) Urban redevelopment; aids by city and appropriations.

SECTION 424. 66.419 of the statutes is renumbered 66.1323 (1) and amended to read:

66.1323 (1) In addition to the powers conferred upon the city by other provisions of ss. 66.405 to 66.425, the local governing body is empowered to may appropriate moneys for the purpose of and to may borrow or to accept grants from the federal or state governments or any agency thereof of their agencies, and to use moneys for the purpose of making plans and surveys and appropiations for the purpose of planning and development of the city and the future planning and development of the city and the future planning and development of the city and the...
to carry out such redevelopment, and for any purpose required to carry out the intention of ss. 66.405, 66.1301 to 66.425, 66.1329.

**SECTION 428.** 66.422 (title) of the statutes is renumbered 66.1327 (title) and amended to read:

66.1327 (title) **Urban redevelopment; construction of statute; conflict of laws; supplemental powers.**

**SECTION 429.** 66.422 of the statutes is renumbered 66.1327 (1) and amended to read:

66.1327 (1) Sections 66.405, 66.1301 to 66.425, 66.1329 shall be construed liberally to effectuate the purposes hereof of urban redevelopment, and the enumeration therein of specific powers shall not operate to restrict the meaning of any general grant of power contained in ss. 66.405, 66.1301 to 66.425, 66.1329 or to exclude other powers comprehended in such the general grant.

**SECTION 430.** 66.424 (title) of the statutes is repealed.

**SECTION 431.** 66.424 of the statutes is renumbered 66.1327 (2) and amended to read:

66.1327 (2) Insofar as if ss. 66.405, 66.1301 to 66.425, 66.1329 are inconsistent with any other law, the provisions of these sections shall be controlling.

**SECTION 432.** 66.425 (title) of the statutes is repealed.

**SECTION 433.** 66.425 of the statutes is renumbered 66.1327 (3) and amended to read:

66.1327 (3) The powers conferred by ss. 66.405, 66.1301 to 66.425, 66.1329 shall be 66.1329 are in addition and supplemental to the powers conferred by any other law.

**SECTION 434.** 66.43 (title) of the statutes is renumbered 66.1331 (title).

**SECTION 435.** 66.43 (1), (2), (2m) and (3) (intro.) and (a) of the statutes are renumbered 66.1331 (1), (2), (2m) and (3) (intro.) and (a), and 66.1331 (2), (2m) and (3) (intro.) and (a), as renumbered, are amended to read:

66.1331 (2) **FINDINGS AND DECLARATION OF NECESSITY.** It is hereby found and declared that there have existed and continue to exist in cities within the state, substandard, insanitary, deteriorated, slum and blighted areas which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the state; that the The existence of such these areas contributes substantially and increasingly to the spread of disease and crime (necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment, and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection, and other public services and facilities), constitutes an economic and social liability, substantially impairs or arrests the sound growth of cities, and retards the provision of housing accommodations; that this This menace is beyond remedy and con-
(h) “Project area” means a blighted area or portion of a blighted area, as defined in par. (a), of such extent and location as adopted by the planning commission and approved by the local legislative body as an appropriate unit of redevelopment planning for a redevelopment project, separate from the redevelopment projects in other parts of the city. In the provisions of this section relating to leasing or sale by the city, for abbreviation “project area” is used for the remainder of the project area after taking out those pieces of property which shall have been or are to be transferred for public uses.

(k) “Real property” includes land; also includes land together with the buildings, structures, fixtures and other improvements therein; also includes on the land; liens, estates, easements and other interests therein in the land; and also includes restrictions or limitations upon the use of land, buildings or structures, other than those imposed by exercise of the police power.

Section 438. 66.43 (3) (m) and (n) and (4) to (15) of the statutes are renumbered 66.1331 (3) (m) and (n) and (4) to (15), and 66.1331 (3) (m), (4) (a) and (c), (5), (6) (a) (intro.) and (b) to (g) and (7) to (15), as renumbered, are amended to read:

66.1331 (3) (m) “Redevelopment project” means any work or undertaking to acquire blighted areas or portions thereof of blighted areas, and lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance or redevelopment of such the areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight in such the areas; to clear any such blighted areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements therein; and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; or to sell, lease, or otherwise make available land in such blighted areas for residential, recreational, commercial, industrial or other use or for public use, or to retain such land for public use, in accordance with a redevelopment plan. The term “rededvelopment” Redevelopment project may also include includes the preparation of a redevelopment plan, the planning, surveying, and other work incident to a redevelopment project, and the preparation of all plans and arrangements for carrying out a redevelopment project. “Redevelopment plan” means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area.

Note: A separate definition of “rededvelopment plan” is created in Section 297.

4. (a) Every Every A city is granted, in addition to its other powers, may exercise all powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others herein granted, all of the following:

1. To prepare or cause to be prepared Prepare redevelopment plans and to undertake and carry out redevelopment projects within its corporate limits.

2. To enter into any contracts determined by the local legislative body to be necessary to effectuate the purposes of this section.

3. Within its boundaries, to acquire by purchase, eminent domain or otherwise, any real or personal property or any interest therein in that property, together with any improvements therein, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any such property or any interest therein in that property; enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such the property in accordance with a redevelopment plan and such other covenants, restrictions and conditions as it deems necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; and make any of such covenants, restrictions, conditions or covenants running with the land, and to provide appropriate remedies for any their breach thereof.

4. To borrow Borrow money and issue bonds, and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal, state or county government, or other public body or from any sources, for the purpose of this section; and give such security as may be required, and to enter into and carry out contracts in connection therewith with the security.

(c) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, any local housing authority existing under ss. 66.40 66.1201, to 66.404 66.1211, any local redevelopment authority existing under s. 66.431 66.1333, or both jointly, or any local community development authority existing under s. 66.4325 66.1335, as the agent of the city to perform any act, except the development of the general plan of the city, which may otherwise be performed by the planning commission under this section.

5. General and Project Area Redevelopment General and Project Area Redevelopment plans. (a) The planning commission is hereby directed to shall make and, from time to time, develop a comprehensive or general plan of the city, including the appropriate maps, charts, tables and descriptive, interpretive and analytical matter, which. The plan is intended to shall serve as a general framework or guide of development within which the various area and redevelopment projects under this section may be more precisely planned and calculated, and which comprehensive or general. The plan shall include at least a land use plan which designates the proposed general distribution and general
locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations and other general categories of public and private uses of the land.

(b) For the exercise of the powers granted and for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite, namely:

1. Designation by the planning commission of the boundaries of the project area proposed by it for redevelopment, submission of such boundaries to the local legislative body and the adoption of a resolution by said the local legislative body declaring such the area to be a blighted area in need of redevelopment.

2. Adoption by the planning commission and approval by the local legislative body of the redevelopment plan of the project area. Such The redevelopment plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area, and. The plan shall include, without being limited to, a statement of the boundaries of the project area; a map showing existing uses and conditions of real property therein in the area; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage, and building intensity in the area after redevelopment; a statement of proposed changes, if any, in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area.

3. Approval of a redevelopment plan of a project area by the local legislative body may be given only after a public hearing conducted by it, and a finding by it that said the plan is feasible and in conformity with the general plan of the city. Notice of such the hearing, describing the time, place and purpose of the hearing and generally identifying the project area, shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 10 days prior to the date set for the hearing. All interested parties shall be afforded a reasonable opportunity at the hearing to express their views respecting the proposed plan, but the hearing shall be is only for the purpose of assisting the local legislative body in making its determination.

(c) In relation to the location and extent of public works and utilities, public buildings and other public uses in the general plan or in a project area plan, the planning commission is directed to shall confer with such other those public officials, boards, authorities and agencies under whose administrative jurisdictions such the uses respectively fall.

(d) After a project area redevelopment plan of a project area has been adopted by the planning commission and approved by the local legislative body, the planning commission may at any time certify said the plan to the local legislative body, whereupon said. The local legislative body shall proceed to exercise the powers granted to it in this section for the acquisition and assembly of the real property of the area. Following such certification, no new construction shall may be authorized by any agencies, boards or commissions of the city, in such the area, unless as authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement or extension of major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

(6) (a) After the real property in the project area has been assembled, the city shall have power to may lease or sell all or any part of the real property, including streets or parts thereof to be closed or vacated in accordance with the plan, to a redevelopment company or to an individual, a limited liability company or a partnership for use in accordance with the redevelopment plan. Real property in the project area shall be leased or sold at its fair value for uses in accordance with the redevelopment plan notwithstanding that the fair value may be less than the cost of acquiring and preparing the property for redevelopment. In determining the property’s fair value, a city shall take into account and give consideration to the following:

(b) Any such lease or sale under this subsection may be made without public bidding, but only after a public hearing by the planning commission upon the proposed lease or sale and the its provisions thereof and notice. Notice of the hearing shall be published as a class 2 notice, under ch. 985.

(c) The terms of such a lease or sale under this subsection shall be fixed by the planning commission and approved by the local legislative body and the. The instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to such the reappraisals. Every such lease or sale shall provide that the lessee or purchaser shall carry out or cause to be carried out the approved project area redevelopment plan or approved modifications thereof and that no use shall may be made of any land or real property included in the lease or sale nor any building or structure erected thereon which does not conform to such the approved plan or approved modifications thereof. In the instrument or instruments of lease or sale, the planning commission, with the approval of the local legislative body, may include such other terms, conditions and provisions as in its judgment will provide reasonable assurance of the priority of the obligations of the lease or sale and of
conformance to the plan over any other obligations of the lessee or purchaser and also assure of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; also, such and may include terms, conditions and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management and any other matters as the planning commission, with the approval of the local legislative body, may impose or approve, including provisions whereby the obligations to carry out and conform to the project area plan shall run with the land. In the event that If maximum rentals to be charged to tenants of housing be specified, provision may be made for periodic reconsideration of such rental bases.

(d) Until the planning commission certifies, with the approval of the local legislative body, that all building constructions and other physical improvements specified to be done and made by the purchaser of the area have been completed, the purchaser shall have no power to may not convey all or part of the area, or any part thereof, without the consent of the planning commission and the local legislative body, and no such consent shall may be given unless the grantee of the purchaser is obligated, by written instrument, to the city to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property and also that the The grantee, and the heirs, representatives, successors and assigns of the grantee shall have no right or power to, may not convey, lease or let the conveyed property or any part thereof of the property, or erect or use any building or structure erected on the property free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications thereof.

(f) The planning commission, with the approval of the local legislative body, cause to have demolished any demolish an existing structure or clear the area of any part thereof of the structure, or may specify the demolition and clearance to be performed by a lessee or purchaser and the time schedule for same the work. The planning commission, with the approval of the local legislative body, shall specify the time schedule and conditions for the construction of buildings and other improvements.

(g) In order to facilitate the lease or sale of a project area or, in the event that if the lease or sale is of parts of an area, the city shall have the power to may include in the cost payable by it the cost of the construction of local streets and sidewalks within the area or of grading and other local public surface or subsurface facilities necessary for shaping the area as the site of the redevelopment of the area. The city may arrange with the appropriate federal, state or county agencies for the reimbursement of such outlays from funds or assessments raised or levied for such these purposes.

(7) Housing for displaced families. In connection with every redevelopment plan the The housing authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. In addition to the The housing authority and the local legislative body shall assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available, or will be provided, at rents or prices within the financial reach of the income groups displaced.

(8) Use-value appraisals. After the city has assembled and acquired the real property of the project area, it shall, as an aid to it in determining the rentals and other terms upon which it will lease or the price at which it will sell all or part of the area or parts thereof, place a use value upon each piece or tract of land within the area which, in accordance with the plan, is to be used for private uses or for low-rent housing. The use value shall be based on the planned use; and, for the purposes of this use valuation, it the city shall cause provide a use valuation appraisal to be made prepared by the local commissioner of assessments or assessor; but nothing Nothing contained in this section shall may be construed as requiring the city to base its rentals or selling prices upon such the appraisal.

(9) Protection of redevelopment plan. (a) Previous to the Before execution and delivery by the city of a lease or conveyance to a redevelopment company, or previous to the before consent by the city to an assignment or conveyance by a lessee or purchaser to a redevelopment company, the articles or certificate of incorporation or association or charter or other basic instrument of such the company shall contain provisions so defining, limiting and regulating the exercise of the powers of the company so that neither the company nor its stockholders, its officers, its directors, its members, its beneficiaries, its bondholders or other creditors or other persons shall have any power to may amend or to effect the amendment of the terms and conditions of the lease or the terms and conditions of the sale without the consent of the planning commission, together with the approval of the local legislative body, or, in relation to the project area development plan, without the approval of any proposed modification in accordance with sub. (10); and no No action of stockholders, officers, directors, bondholders, creditors, members, partners or other persons, nor any reorganization, dissolution, receivership, consolidation, foreclosure or any other change in the status or obligation of any redevelopment company, partnership, limited liability company or individual in any litigation or proceeding in any federal or other court shall may effect any release or any impairment or modification of the lease or
terms of sale or of the project area redevelopment plan unless such consent or approval is obtained.

(b) Redevelopment corporations. A redevelopment corporation may be organized under the general corporation law of the state and shall have the power to be a redevelopment company under this section, and to acquire and hold real property for the purposes set forth in this section, and to exercise all other powers granted to redevelopment companies in this section, subject to the provisions, limitations, and obligations herein set forth.

(c) A redevelopment company, individual, limited liability company or partnership to which any all or part of a project area or part thereof is leased or sold under this section shall keep books of account of its operations or transactions relating to such the area or part entirely separate and distinct from accounts of and for any other project area or part thereof of the other project area or any other real property or enterprise, and no lien or other interest shall may be placed upon any real property in said the area to secure any indebtedness or obligation of the redevelopment company, individual, limited liability company or partnership incurred for or in relation to any property or enterprise outside of said the area.

(10) Modification of development plans. An approved project area redevelopment plan may be modified at any time or times after the lease or sale of all or part of the area or part thereof provided that if the modification is consented to by the lessee or purchaser, and that if the proposed modification is adopted by the planning commission and then submitted to the local legislative body and approved by it. Before approval, the local legislative body shall hold a public hearing on the proposed modification, notice of the time and place of which shall be given by mail sent at least 10 days prior to the hearing to the then owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may refer back to the planning commission any project area redevelopment plan, project area boundaries or modification submitted to it, together with its recommendation for changes in such the plan, boundaries or modification and, if such recommended changes are adopted by the planning commission and in turn formally approved by the local legislative body, the plan, boundaries or modification as thus changed shall be and become becomes the approved plan, boundaries or modification.

(11) Limitation upon tax exemption. Nothing contained in this section shall may be construed to authorize or require the exemption of any real property from taxation, except real property sold, leased or granted to and acquired by a public housing authority. No real property acquired pursuant to under this section by a private redevelopment company, individual, limited liability company or partnership either by lease or purchase shall be is exempt from taxation by reason of such the acquisition.

(12) Financial assistance. The city may accept grants or other financial assistance from the federal, state and county governments or from other sources to carry out the purposes of this section, and may do all things necessary to comply with the conditions attached to such the grants or loans.

(13) Cooperation and use of city funds. (a) To assist any redevelopment project located in the area in which it is authorized to may act, any a public body may, upon such terms as that it may determine, furnish determines, furnish services or facilities, provide property, lend or contribute funds, and perform any other action of a character which it is authorized to may perform for other purposes.

(b) Every city may appropriate and use its general funds to carry out the purposes of this section and may, in addition to other powers set forth in this section, incur indebtedness, and issue bonds in such amount or amounts as that the local legislative body determines by resolution to be necessary for the purpose of raising funds for use in carrying out the purposes of this section, provided, that any. The issuance of bonds by a city pursuant to under this provision paragraph shall be in accordance with such statutory and other legal requirements as that govern the issuance of obligations generally by the city.

(14) Limited obligations. For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this section, any a city may issue municipal obligations payable solely from and secured by a pledge of and lien upon any or all of the income, proceeds, revenues, funds and property of the city derived from or held by it in connection with redevelopment projects, including the proceeds of grants, loans, advances or contributions from any public or private source. Municipal obligations issued under this subsection may be registered under s. 67.09 but shall  otherwise be in a form, mature at such time or times, bear interest at such rate or rates, be issued and sold in such a manner, and contain such terms, covenants, and conditions as that the local legislative body of the city shall, by resolution, determine determines. The municipal obligations shall be fully negotiable, shall not require a referendum, and shall are not be subject to the provisions of any other law or charter relating to the issuance or sale of municipal obligations. Obligations under this section sold to the United States government need not be sold at public sale. In this subsection, “municipal obligation” has the meaning specified in s. 67.01 (6).

(15) Construction. This section shall be construed liberally to effectuate the its purposes hereof and the enumeration therein in this section of specific powers shall does not operate to restrict the meaning of any general
grant of power contained in this section or to exclude other powers comprehended in any other public bodies in connection therewith, are public uses and purposes under this section is a public use and purpose for which public money may be expended, and that the necessity in the public interest for the provisions hereinafter of this section is declared a matter of legislative determination. Nothing contained herein is deemed to contravene, repeal or rescind in this subsection contravene, repeals or rescinds the finding or declaration of necessity prior to the recreation thereof of this subsection on June 1, 1958.

**DEFINITIONS.**

As used or referred to in this section, unless the context clearly indicates otherwise:

1. “Blight elimination, slum clearance and urban renewal project”, “redevelopment and urban renewal project”, “redevelopment or urban renewal project”, “urban renewal project”, and “project” mean undertakings and activities in a project area for the elimination and for the prevention of the development or spread of slums and blight, and may involve clearance and redevelopment in a project area, or rehabilitation or conservation in a project area, or any combination or part thereof of the undertakings and activities in accordance with a “redevelopment plan”, “urban renewal plan”, “redevelopment or urban renewal plan”, “project area plan” or “redevelopment and urban renewal plan”, either one of which means the redevelopment plan of the project area prepared and approved as provided in sub. (6). Such undertakings and activities may include all of the following:

   1. Acquisition of all or a portion of a blighted area or portions thereof.
   2. Disposition of any property acquired in the project area, including sale, initial leasing or retention by the authority itself, at its fair value for uses in accordance with the redevelopment plan.
   3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the project area the objectives of this section in accordance with the redevelopment plan.
   4. Disposition of any property acquired in the project area, including sale, initial leasing or retention by the authority itself, at its fair value for uses in accordance with the redevelopment plan, and
   5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan, and

**SECTION 443.**

66.431 (2m) (f) of the statutes is repealed.

Note: Repeals a provision that defines a city to be a city. The provision is unnecessary.
or used in connection therewith with the lands, and every
estate, interest, right and use, legal or equitable, therein
in the lands, including terms for years and liens by way
of judgment, mortgage or otherwise.

(3) (a) 1. It is found and declared that a redevelopment
authority, functioning within a city in which there
exists substandard, deteriorating, deteriorated, unsani-
tary, slum and blighted areas, constitutes a more effective
and efficient means for preventing and eliminating slums
and blighted areas in the city and preventing the recur-
rence thereof of blighted areas. Therefore, there is
created in every city with a blighted area a redevel-
opment authority, to be known as the “redevelopment
authority of the city of ....”. An authority is created for
the purpose of carrying out blight elimination, slum
clearance, and urban renewal programs and projects as
set forth in this section, together with all powers neces-
sary or incidental to effect adequate and comprehensive
blight elimination, slum clearance and urban renewal
programs and projects.

4. The powers of the authority shall be are vested in
the commissioners.

(b) The commissioners who are first appointed shall
be designated by the appointing power to serve for the
following terms: 2 for one year, 2 for 2 years, 1 for 3
years, 1 for 4 years, and 1 for 5 years, from the
date of their appointment. Thereafter, After the first
appointments, the term of office shall be for is 5 years.
A commissioner shall hold holds office until a successor
has been is appointed and qualified. Removals with
respect to commissioners. Removal of the authority shall
be a commissioner is governed by s. 66.40 66.1201.
Vacancies and new appointments shall be are filled in the
same manner as provided in par. (a).

(c) The filing of a certified copy of the resolution
above referred to adopted under par. (a) with the city
clerk shall be is prima facie evidence of the authority’s
right to proceed, and such the resolution shall is not be
subject to challenge because of any technicality. In any
suit, action or proceeding commenced against the authority,
a certified copy of such the resolution shall be deemed
is conclusive evidence that such the authority is estab-
lished and authorized to transact business and exercise its
powers hereunder under this section.

(d) Following the adoption of such a resolution, such
under par. (a), a city shall thereafter be is precluded from
exercising the powers provided in s. 66.43 66.1331 (4),
and the authority has exclusive power to may proceed to
carry on the blight elimination, slum clearance and urban
renewal projects in such the city, except that such the city
is not precluded from applying, accepting and contract-
ing for federal grants, advances and loans under the hous-
ing and community development act of 1974 (P.L.
93–383).

(e) 1. Such An authority shall have has no power, what-
soever, in connection with any public housing proj-
cets

2. Persons otherwise entitled to any right, benefit,
facility or privilege under this section shall may not, with
reference thereto, be denied such the right, benefit, facili-
ty or privilege in any manner for any purpose nor be dis-
criminated against because of sex, race, color, creed,
sexual orientation or national origin.

(f) In carrying out this section, the An authority is
deemed an independent, separate and distinct public
body and a body corporate and politic, exercising public
powers determined to be necessary by the state to protect
and promote the health, safety and morals of its residents,
and is authorized to may take title to real and personal
property in its own name; and such. The authority shall
may proceed with the acquisition of property by eminent
domain under ch. 32, or any other law relating specifically
to eminent domain procedures of redevelopment
authorities.

(g) The An authority may employ personnel as
required to perform its duties and responsibilities under
civil service. The authority may appoint an executive
director whose qualifications shall be are determined by
the authority. The director shall also act as secretary of
the authority and may have has the duties, powers and
responsibilities delegated by the authority. All of the
employees, including the director of the authority, shall be
eligible to may participate in the same pension system,
health and life insurance programs and deferred compen-
sation programs provided for city employees and are
eligible for any other benefits provided to city employees.

(5) (a) Every An authority is granted, in addition to
any other powers, may exercise all powers necessary or
incidental to carry out and effectuate the purposes of this
section, including the power to do all of the following
powers:

1. To prepare or cause to be prepared Prepare redevel-
opment plans and urban renewal plans and to undertake
and carry out redevelopment and urban renewal projects
within the corporate limits of the city in which it func-
tions.

2. To enter Enter into any contracts determined by the
authority to be necessary to effectuate the purposes of this
section. All contracts, other than those for personal or
professional services, in excess of $25,000 shall be are
subject to bid and shall be awarded to the lowest qualified
and competent bidder. The authority may reject any bid
required under this paragraph. The authority shall adver-
tise for bids by a class 2 notice, under ch. 985, published
in the city in which the project is to be developed. If the
estimated cost of a contract, other than a contract for per-
sonal or professional services, is between $3,000 and
$25,000, the authority shall give a class 2 notice, under
3. Within the boundaries of the city to, acquire by purchase, lease, eminent domain, or otherwise, any real or personal property or any interest therein in the property, together with any improvements thereon on the property, necessary or incidental to a redevelopment or urban renewal project; to hold, improve, clear or prepare for redevelopment or urban renewal any such of the property; to sell, lease, subdivide, retain or make available the property for the city's use; to mortgage or otherwise encumber or dispose of any such of the property or any interest therein; to in the property; enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such the property in accordance with a redevelopment or urban renewal plan, and such other covenants, restrictions and conditions as that the authority deems considers necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; to make any of such covenants, restrictions, conditions or covenants running with the land and to provide appropriate remedies for any their breach thereof; to; arrange or contract for the furnishing of services, privileges, works or facilities for, or in connection with a project; to temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for such uses and purposes as may be deemed desirable even though not in conformity with the redevelopment plan for the area; within the boundaries of the city to, enter into any building or property in any project area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an a court order for this purpose from a court of competent jurisdiction in the event if entry is denied or resisted; to own and hold property and to insure or provide for the insurance of any real or personal property or any of its operations against any risks or hazards, including the power to pay paying premiums on any such insurance; to invest any project funds held in reserves or sinking funds or any such the funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; to redeem its bonds issued under this section at the redemption price established therein in the bonds or to purchase such the bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled; to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of slums and blight; and to disseminate blight elimination, slum clearance and urban renewal information.

4. a. To borrow Borrow money and issue bonds; to execute notes, debentures and other forms of indebtedness; and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the city in which it functions, from the federal government, the state, county, or other public body, or from any sources, public or private for the purposes of this section, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith with the security; and to include in any contract for financial assistance with the federal government for or with respect to blight elimination and slum clearance and urban renewal such conditions imposed pursuant to federal laws as the authority deems reasonable and appropriate and which are not inconsistent with the purposes of this section.

b. Any debt or obligation of the authority shall is not be deemed the debt or obligation of the city, county, state or any other governmental authority other than the redevelopment authority itself.

c. To issue Issue bonds in its discretion to finance its activities under this section, including the payment of principal and interest upon any advances for surveys and plans, and may issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds Bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the authority derived from or held in connection with its undertaking and carrying out of projects or activities under this section, provided that payment. Payment of such the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any projects or activities of the authority under this section, and by a mortgage of any such all or a part of the projects or activities, or any part thereof. Bonds issued under this section shall are not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the state, city or of any public body other than the authority issuing the bonds, and shall are not be subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income thereof, shall be are exempt from all taxes. Bonds issued under this section shall be authorized by resolution of the authority and, may be issued in one or more series and shall bear such a date, be payable upon demand or mature at such a time, bear interest at such a rate, be in such a denomination, be in such a form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be payable in such a medium of payment, at such a place, and be subject to such terms of redemption, with or without premium, be secured in such a manner, and have such other characteristics, as is provided by the resolution, trust indenture or mortgage issued pursuant thereto to the transaction. Bonds issued under this section shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. The bonds may be sold or exchanged at public sale or by
private negotiation with bond underwriters as the authority may provide. The bonds may be sold or exchanged at such price or prices as the authority shall determine. If sold or exchanged at public sale, the sale shall be held after a class 2 notice, under ch. 985, published prior to such sale in a newspaper having general circulation in the city and in such other medium of publication as the authority determines. Such bonds may be sold to the federal government at private sale, without publication of any notice, at not less than par, and, if less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the authority of that does not exceed the interest cost to the authority of the portion of the bonds sold to the federal government. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to under this section shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section the security therefore for any bond, any such bond reciting in substance that it has been issued by the authority in connection with a project or activity under this section shall be conclusively deemed to have been issued for such purpose and such project or activity shall be conclusively deemed to have been planned, located and carried out in accordance with this section.

5. To establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, optical imaging or electronic formatting, if authorized under s. 19.21 (4) (c). Any such The procedure shall assure that copies of such records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

6. The Authorize the chairperson of the authority or the vice chairperson in the absence of the chairperson, selected by vote of the commissioners, and the executive director or the assistant director in the absence of the executive director is authorized to execute on behalf of the authority all contracts, notes and other forms of obligation when authorized by at least 4 of the commissioners of the authority to do so.

7. The authority is authorized to commence actions in its own name and. The authority shall be sued in the name of the authority. The authority shall have an official seal.

8. To exercise other and further powers as that may be required or necessary in order to effectuate the purposes hereof of this section.

9. To exercise any powers of a housing authority under s. 66.40 66.1201 if done in concert with a housing authority under a contract under s. 66.30 66.0301.

(b) 4. The authority may acquire by purchase real property within any area designated for urban renewal or redevelopment purposes under this section prior to before the approval of either the redevelopment or urban renewal plans or prior to before any modification of the plan, providing if approval of such the acquisition is granted by the local governing body. In the event of the acquisition of such real property If real property is acquired, the authority may demolish or remove structures so acquired with the approval of the local governing body. In the event that is acquired real property so acquired is not made part of the urban renewal project the authority shall bear any loss that may arise as a result of the acquisition, demolition or removal of structures acquired under this section; however, the local legislative body if it. If the local legislative body has given its approval to the acquisition of such real property that is not made a part of the urban renewal project, it shall reimburse the authority for any loss sustained as provided for in this subsection. Any real property acquired in a redevelopment or in an urban renewal area pursuant to under this subsection may be disposed of in accordance with the provisions of under this section providing if the local governing body has approved the acquisition of the property for the project.

(c) 1r. Condemnation proceedings for the acquisition of blighted property shall be conducted under ch. 32 or under any other law relating specifically to eminent domain procedures of authorities. The authority may hold, clear, construct, manage, improve or dispose of the blighted property, for the purpose of eliminating its status as blighted property. Notwithstanding sub. (9), the authority may dispose of the blighted property in any manner. The authority may assist private acquisition, improvement and development of blighted property for the purpose of eliminating its status as blighted property, and for that purpose the authority shall have all of the duties, rights, powers and privileges given to the authority under this section, as if it had acquired the blighted property.

2. Prior to Before acquiring blighted property under subd. 1, or 1g., the authority shall hold a public hearing to determine if the property is blighted property. Notice of such the hearing, describing the time, date, place and purpose of the hearing and generally identifying the property involved, shall be given to each owner of the property, at least 20 days prior to before the date set for the hearing, by certified mail with return receipt requested. If the notice cannot be delivered by certified mail with return receipt requested, or if the notice is returned undelivered, notice may be given by posting the
necessary under this section, and to adopt or approve, modify and amend the plans.

(b) For the exercise of the powers granted and for the acquisition and disposition of real property in a project area, the following steps and plans shall be requisite:

1. Designation by the authority of the boundaries of the proposed project area, submission of the boundaries to the local legislative body, and adoption of a resolution by two-thirds of such local legislative body declaring the area to be a blighted area in need of a blight elimination, slum clearance and urban renewal project. Thereafter, the local legislative body may, by resolution by two-thirds vote, prohibit for an initial period of not to exceed 6 months from enactment of the resolution any new construction in the area except upon resolution by the local legislative body that the proposed new construction, on reasonable conditions as may be fixed therein, will not substantially prejudice the preparation or processing of a plan for the area and is necessary to avoid substantial damage to the applicant. Such resolution shall be subject to successive renewals for like periods by like resolutions, but no new construction contrary to any such resolution of prohibition may be authorized by any agency, board or commission of the city in the area except as herein provided in this subdivision. No such prohibition of new construction shall be construed to forbid ordinary repair or maintenance, or improvement necessary to continue occupancy under any regulatory order.

2. Approval by the authority and by two-thirds of the local legislative body of the redevelopment plan of the project area which has been prepared by the authority. Such plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area, and The redevelopment plan shall include, without being limited to, a statement of the boundaries of the project area; a map showing existing uses and conditions of real property therein; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage and building intensity in the area after redevelopment; present and potential equalized value for property tax purposes; a statement of proposed changes, if any, in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area.
3. Approval of a redevelopment plan of a project area by the authority, which may be given only after a public hearing conducted by the authority and a finding by the authority that such the plan is feasible and in conformity with the general plan of the city. Notice of such the hearing, describing the time, date, place and purpose of the hearing and generally identifying the project area, shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 10 days prior to before the date set for the hearing. In addition thereto, at At least 20 days prior to before the date set for the hearing on the proposed redevelopment plan of the project area a notice shall be transmitted by certified mail, with return receipt requested, to each owner of record of property within the boundaries of the redevelopment plan. If transmission of such the notice by certified mail with return receipt requested cannot be accomplished, or if the letter is returned undelivered, then notice may be given by posting the same notice at least 10 days prior to before the date of hearing on any structure located on the property; or, if such the property consists of vacant land, a notice may be posted in some suitable and conspicuous place on such the land. Such The notice shall state the time and place at which the hearing will be held with respect to the redevelopment plan and that the owner’s property might be taken for urban renewal. For the purpose of ascertaining the name of the owner of record of the real property within such the project boundaries, the records, at the time of the approval by the redevelopment authority of the project boundaries, of the register of deeds of the county in which such the property is located shall be deemed are conclusive. Failure to receive such the notice shall not invalidate the plan. An affidavit of mailing or posting of such the notice or posting thereof filed as a part of the records of the authority shall be deemed is prima facie evidence of the giving of such notice. All interested parties shall be afforded a full opportunity to express their views respecting on the proposed plan at such the public hearing, but the hearing shall only be for the purpose of assisting the authority in making its determination and in submitting its report to the local legislative body. Any technical omission in the procedure outlined herein shall be in this subdivision does not be deemed to invalidate the plan. Any owner of property included within the boundaries of the redevelopment plan and objecting who objects to such the plan shall be required to state the owner’s objections and the reasons therefor for objecting in writing, and file the same document with the authority either prior to before the public hearing, at the time of the public hearing, or within 15 days thereafter, but not subsequently thereof after the hearing. The owner shall state his or her mailing address and sign his or her name thereof. The filing of such objections in writing shall be is a condition precedent to the commencement of an action to contest the right of the redevelop-

ment authority to condemn the property under s. 32.06 (5).

(c) In relation to the location and extent of public works and utilities, public buildings and public uses in a comprehensive plan or a project area plan, the authority is directed to shall confer with the planning commission and with such other public officials, boards, authorities and agencies of the city under whose administrative jurisdictions such these uses respectively fall.

(d) At any time after such After the redevelopment plan has been approved both by the authority and the local legislative body, it may be amended by resolution adopted by the authority, and such the amendment shall be submitted to the local legislative body for its approval by a two-thirds vote before the same shall become it becomes effective. It shall is not be required in connection with any amendment to the redevelopment plan, unless the boundaries described in the plan are altered to include other property, that the provisions in this subsection with respect to public hearing and notice be followed.

(e) After a project area redevelopment plan of a project area has been adopted by the authority, and the local legislative body has by a two-thirds vote approved the redevelopment plan the authority may at any time certify said the plan to the local legislative body, whereupon. After certification, the authority shall proceed to exercise the powers granted to it for the acquisition and assembly of the real property of the area. The local legislative body shall upon the certification of such the plan by the authority direct that no new construction shall be permitted, and thereafter After this direction, no new construction may be authorized by any agencies, boards or commissions of the city in such the area unless as authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

(9) (a) 1. a. Upon the acquisition of any or all of the real property in the project area, the authority has power to may lease, sell or otherwise transfer to a redevelopment company, association, corporation or public body, or to an individual, limited liability company or partnership, all or any part of the real property, including streets or parts thereof of streets to be closed or vacated in accordance with the plan, for use in accordance with the redevelopment plan. No assembled lands of the project area shall may be either sold or leased by the authority to a housing authority created under s. 66.40 66.1201 for the purpose of constructing public housing projects upon such the land unless the sale or lease of the lands has been first approved by the local legislative body by a vote of not less than four-fifths of the members elected.
c. A copy of the redevelopment plan shall be recorded in the office of the register of deeds in the county where the redevelopment project is located. Any amendment to the redevelopment plan, approved as herein provided for under sub. (6), shall also be recorded in the office of the register of deeds of the county.

(b) Any such lease or sale may be made without public bidding, but only after public hearing is held by the authority after a notice to be published as a class 2 notice, under ch. 985, and the hearing shall be predicated upon the proposed sale or lease and the provisions thereof of the sale or lease.

(c) The terms of such a lease or sale shall be fixed by the authority, and the instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to such the reappraisals. Every such lease or sale shall provide that the lessee or purchaser will carry out or cause to be carried out the approved project area redevelopment plan or approved modifications thereof of the redevelopment plan, and that the use of such land or real property included in the lease or sale, and any building or structure erected thereon, shall conform to such the approved plan or approved modifications thereof of the plan. In the instrument of lease or sale, the authority may include such other terms, provisions and conditions as in its judgment that will provide reasonable assurance of the priority of the obligations of the lease or sale and, of conformance to the plan over any other obligations of the lessee or purchaser, and also assurance of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; also, such In the instrument of lease or sale, the authority may include terms, conditions and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management, and any other matters as that the authority may impose or approve imposes or approves, including provisions whereby under which the obligations to carry out and conform to the project area plan shall run with the land. If maximum rentals to be charged to tenants are specified, provision may be made for periodic reconsideration of such rental bases.

(d) Until the authority certifies that all building constructions and other physical improvements specified by the purchaser have been completed, the purchaser shall have no power to may not convey the all or part of an area, or any part thereof, without the consent of the authority and no such. No consent shall may be given unless the grantee of the purchaser is obligated, by written instrument, to the authority to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property and also unless the written instrument specifies that the grantee and the heirs, representatives, successors and assigns of the grantee, shall have no right or power to may not convey, lease or let all or part of the conveyed property or any part thereof, or erect or use any building or structure erected thereon on the conveyed property free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications thereof of the redevelopment plan.

(e) The authority may cause to have demolished demolish any existing structure or clear the all or part of an area of any part thereof, or specify the demolition and clearance to be performed by a lessee or purchaser and a time schedule for the same demolition and clearance. The authority shall specify the time schedule and conditions for the construction of buildings and other improvements.

(f) In order to facilitate the lease or sale of a project area, or if the lease or sale is part of an area, the authority has the power to may include in the cost payable by it the cost of the construction of local streets and sidewalks in the area, or of grading and any other local public surface or subsurface facilities or any site improvements necessary for shaping the area as the site of the redevelopment of the area. The authority may arrange with the appropriate federal, state, county or city agencies for the reimbursement of such outlays from funds or assessments raised or levied for such these purposes.

(10) HOUSING FOR DISPLACED FAMILIES; RELOCATION PAYMENTS. In connection with every redevelopment plan, the authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. In addition, the authority shall prepare a plan which shall be submitted for submittal to the local legislative body for approval which shall assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available or will be provided at rents or prices within the financial reach of the income groups displaced. The authority is authorized to may make relocation payments to or with respect to persons displaced by a project for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

(11) MODIFICATION OF REDEVELOPMENT PLAN. (a) An approved project area redevelopment plan may be modified at any time after the lease or sale of all or part of the area or part thereof provided that if the modification is consented to by the lessee or purchaser, and that the proposed modification is adopted by the authority and then submitted to, and approved by, the local legislative body and approved by it. Before approval, the authority shall hold a public hearing on the proposed modification, and notice of the time and place of hearing shall be sent by mail at least 10 days prior to before the hearing to the owners of the real properties in the project area and of the real properties immediately adjoining or across the street.
from the project area. The local legislative body may refer back to the authority any project area redevelopment plan, project area boundaries or modifications submitted to it, together with recommendations for changes in the plan, boundaries or modification, and if such recommended changes are adopted by the authority and in turn approved by the local legislative body, the plan, boundaries or modifications as thus changed shall become the approved plan, boundaries or modification.

(b) Whenever the authority determines that a redevelopment plan with respect to a project area that has been approved and recorded in the register of deed’s office is to be modified to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority’s intention to modify the redevelopment plan, and it shall hold a public hearing with respect to the modification. Notice shall be given to the purchasers of the property by personal service at least 20 days prior to the holding of the public hearing, or if the purchasers cannot be found notice shall be given by registered mail to the purchasers at their last-known address. Notice of the public hearing shall also be given by publication as a class 2 notice, under ch. 985. The notice shall specify the project area and recite the proposed modification and its purposes. The public hearing shall be merely advisory to the authority. If the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of the plan and that it will not produce conditions leading to a reoccurrence of slums or blight within the project area, the authority may by resolution act to modify the plan to permit additional land uses in the project area, subject to approval by the legislative body by a two-thirds vote of the members-elect. If the local legislative body approves the modification to the redevelopment plan, an amendment to the plan containing the modification shall be recorded with the register of deeds of the county in which the project area is located and shall supplement the redevelopment plan previously recorded. Following the action with respect to modification of the redevelopment plan, the plan shall be considered amended and no legal rights shall accrue to any person or to any owner of property in the project area by reason of the modification of the redevelopment plan.

(c) The provisions herein of this subsection shall be construed liberally to effectuate the purposes hereof and substantial compliance shall be deemed adequate. Technical omissions shall not invalidate the procedure set forth herein in this subsection with respect to acquisition of real property necessary or incidental to a redevelopment project.

(12) LIMITATION UPON TAX EXEMPTION. The real and personal property of the authority is declared to be public property used for essential public and governmental purposes, and such the property and an authority shall be are exempt from all taxes of the state or any state public body, but the city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of such taxes by the authority for the services, improvements or facilities furnished to the project by the city if the authority is financially able to do so, but such the sum shall may not exceed the amount which would be levied as the annual tax of the city upon such the project. However, no No real property acquired under this section by a private company, corporation, individual, limited liability company or partnership, either by lease or purchase, shall be is exempt from taxation by reason because of such the acquisition.

(13) COOPERATION BY PUBLIC BODIES AND USE OF CITY FUNDS. To assist any redevelopment or urban renewal project located in the area in which the authority is authorized to act, any a public body may, upon such terms as that it determines: furnish services or facilities, provide property, lend or contribute funds, and perform any other action of a character which it is authorized to may perform for other general purposes, and enter into cooperation agreements and related contracts in furtherance of the purposes enumerated. Any A city and any a public body may levy taxes and assessments and appropriate such funds and make such expenditures as that may be necessary to carry out the purposes of this subsection, but taxes and assessments shall may not be levied under this subsection by a public body which has no power to may not levy taxes and assessments for any other purpose.

(14) OBLIGATIONS. For the purpose of financially aiding an authority to carry out blight elimination, slum clearance and urban renewal programs and projects, the city in which the authority functions is authorized, without limiting its authority under any other law, to may issue and sell general obligation bonds in the manner and in accordance with the provisions of under ch. 67, except that no referendum shall be is required, and to may levy taxes without limitation for the payment thereof of the bonds, as provided in s. 67.035. The bonds authorized under this subsection shall be are fully negotiable and except as provided in this subsection shall are not be subject to any other law or charter pertaining to the issuance or sale of bonds.

(15) BUDGET. The local legislative body shall approve the budget for each fiscal year of the authority, and shall have the power to may alter or modify any item of said the budget relating to salaries, office operation or facilities.

(16) LEGAL SERVICES TO AUTHORITY. The legal department of any a city in which the authority functions can provide legal services to such the authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority,
be its counsel. The authority may also retain specialists to render legal services as required by it.

(17) CONSTRUCTION. This section shall be construed liberally to effectuate the its purposes hereof, and the enumeration therein in this section of specific powers shall not operate to restrict the meaning of any general grant of power contained in this section or to exclude other powers comprehended in such the general grant.

SECTION 447. 66.432 of the statutes is renumbered 66.1011, and 66.1011 (title), (1), (2) and (3), as renumbered, are amended to read:

66.1011 (title) Local equal opportunities for housing. (1) DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, disability as defined in s. 106.04 (1m) (g), sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status as defined in s. 106.04 (1m) (k), lawful source of income, age or ancestry is a matter both of statewide concern under ss. 101.132 and 106.04 and also of local interest under this section and s. 66.133, 66.0125. The enactment of ss. 101.132 and 106.04 by the legislature shall not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and shall not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

(2) ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may enact ordinances prohibiting discrimination in housing within their respective boundaries solely on the basis of an individual being a member of a protected class. Such an ordinance may be similar to ss. 101.132 and 106.04 (1) to (8) or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, but any such an ordinance establishing a forfeiture as a penalty for violation shall not be for an amount that is less than the statutory forfeitures under s. 106.04. Such an ordinance may permit a complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred. Such an ordinance may also authorize the political subdivision, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

(3) CONTINGENCY RESTRICTION. No political subdivision may enact an ordinance under sub. (2) which contains a provision making its effective date or the operation of any of its provisions contingent on the enactment of an ordinance on the same or similar subject matter by one or more other political subdivisions.

SECTION 448. 66.4325 of the statutes is renumbered 66.1335, and 66.1335 (1) (intro.) and (a), (2) (intro.), (3), (4), (5) (intro.), (a), (b), (c), (e) and (f) and (5m) to (7), as renumbered, are amended to read:

66.1335 (1) AUTHORIZATION. (intro.) Any a city may, by a two-thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the “Community Development Authority” of such the city. It shall be deemed is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize such the authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and common council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. 66.405, s. 66.1105, 66.1301 to 66.125, 66.135 or 66.16, 66.1239, 66.1331 or 66.1337. A certified copy of such the ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also do all of the following:

(a) Provide that any redevelopment authority created under s. 66.431, 66.1333 operating in such the city and any housing authority created under s. 66.40, 66.1201 operating in such the city, shall terminate its operation as provided in sub. (5).

(2) APPOINTMENT OF MEMBERS. (intro.) Upon receipt of a certified copy of such the ordinance or resolution, the mayor shall, with the confirmation of the council, appoint 7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

(3) EVIDENCE OF AUTHORITY. The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk shall be prima facie evidence of the community development authority’s right to transact business and such the ordinance or resolution is not subject to challenge because of any technicality. In any a suit, action or proceeding commenced against the community development authority, a certified copy of such the ordinance or resolution is conclusive evidence that such the community development authority is established and authorized to transact business and exercise its powers under this section.

(4) POWERS AND DUTIES. The community development authority shall have has all powers, duties and functions set out in ss. 66.40, 66.1201 and 66.1333 for housing and redevelopment authorities and as As to all
housing projects initiated by the community development
authority it shall proceed under s. 66.40 66.1201,
and as to all projects relating to blight elimination, slum
clearance, urban renewal and redevelopment programs it
shall proceed under s. 66.105, 66.1105, 66.1301 to
66.125, 66.43, 66.431, 66.435 or 66.46 66.1329,
66.1331, 66.1333 or 66.1337 as determined appropriate
by the common council on a project by project basis. As
to all community development programs and activities
undertaken by the city under the federal housing and
community development act of 1974, the community
development authority shall proceed under all applicable
laws and ordinances not inconsistent with the laws of this
state. In addition, if provided in the resolution or ordi-
nance, the community development authority may act as
agent of the city to perform all acts, except the develop-
ment of the general plan of the city, which may be other-
wise performed by the planning commission under s.
66.405 ss. 66.1105, 66.1301 to 66.425, 66.43, 66.435 or
66.46 66.1329, 66.1331 or 66.1337.

(5) TERMINATION OF HOUSING AND REDEVELOPMENT
AUTHORITIES. (intro.) Upon the adoption of an ordinance
or resolution creating a community development author-
ity, all housing and redevelopment authorities previously
created in such the city under ss. 66.40 66.1201 and
66.431 shall 66.1337 terminate.

(a) Any programs and projects which have been
begun by housing and redevelopment authorities shall,
upon adoption of such the ordinance or resolution, be
transferred to and completed by the community develop-
ment authority. Any procedures, hearings, actions or
approvals taken or initiated by the redevelopment author-
ity under s. 66.431 66.1333 on pending projects is are
deemed to have been taken or initiated by the community
development authority as though if the community
development authority had originally undertaken such
the procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or
redevelopment authority shall, upon the adoption of such
the ordinance or resolution, be assumed by the community
development authority except as indicated in par. (e).

(c) Upon the adoption of such the ordinance or reso-

olution, all contracts entered into between the federal
government and a housing or redevelopment authority, or
between such these authorities and other parties shall be
assumed and discharged by the community development
authority except for the termination of operations by
housing and redevelopment authorities. Housing and
redevelopment authorities may execute any agreements
contemplated by this subsection. Contracts for disposi-
tion of real property entered into by the redevelopment
authority with respect to any project shall be 66.1329
are deemed contracts of the community development authority without
the requirement of amendments thereto to the con-
tracts. Contracts entered into between the federal govern-
ment and the redevelopment authority or the housing

authority shall bind the community development author-
ity in the same manner as though if originally entered into
by the community development authority.

(e) A housing authority which has outstanding bonds
or other securities that require the operation of the hous-
ing authority in order to fulfill its commitments with
respect to the discharge of principal or interest or both,
may continue in existence solely for such that purpose.
The ordinance or resolution creating the community
development authority shall delineate the duties and
responsibilities which shall devolve upon the housing
authority with respect to that purpose.

(f) The termination of housing and redevelopment
authorities pursuant to this section shall not be subject to
s. 66.40 66.1201 (26).

(5m) TAX EXEMPTION. Community development
authority bonds issued on or after January 28, 1987, are
declared to be issued for an essential public and govern-
mental purpose and to be public instrumentalities and,
together with interest thereon on the bonds and income
therefrom from the bonds, are exempt from taxes.

(6) CONTROLLING STATUTE. The powers conferred
under this section shall be in addition and supplemen-
tal to the powers conferred by any other law. Insofar as
To the extent that this section is inconsistent with any
other law, this section shall control controls.

(7) CONSTRUCTION. This section shall be construed
liberally to effectuate its purposes and the enumeration of
specific powers herein in this section does not restrict the
meaning of any general grant of power contained in this
section nor does it exclude other powers comprehended
in such the general grant.

SECTION 449. 66.433 of the statutes is renumbered
66.0125, and 66.0125 (1), (2), (3) (a) and (c) 1., 3. and 4.,
(4) and (7), as renumbered, are amended to read:

66.0125 (1) DEFINITION. “Municipality,” as used
herein In this section, “local governmental unit” means a
city, village, town, school district or county.

(2) CREATION. Each municipality local governmental
unit is authorized and urged to either establish by ordi-
nance a community relations—social development com-
mission or to participate in such a commission estab-
lished on an intergovernmental basis within the county
pursuant to under enabling ordinances adopted by the
participating municipalities, but a local governmental
units. A school district may establish or participate in
such a commission by resolution instead of by ordinance.
Such An intergovernmental commission may be estab-
ished in cooperation with any a nonprofit corporation
located in the county and composed primarily of public
and private welfare agencies devoted to any of the pur-
poses set forth in this section. Every such An ordinance or resolution establishing a commission shall sub-
stantially embody the language of sub. (3). Each munici-
pality local governmental unit may appropriate money to
defray the expenses of such the commission. If such the
The commission is established on an intergovernmental basis within the county, the provisions of s. 66.30, 66.0301, relating to local cooperation, are applicable thereto as optional authority and may be utilized by participating municipalities local governmental units to effectuate the purposes of this section, but a contract between municipalities local governmental units is not necessary for the joint exercise of any power authorized for the joint performance of any duty required herein in this section.

(3) (a) The purpose of the commission is to study, analyze and recommend solutions for the major social, economic and cultural problems which affect people residing or working within the municipality local governmental unit including, without restriction because of enumeration, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment and public accommodations and facilities on the basis of sex, class, race, religion, sexual orientation or ethnic or minority status.

(c) 1. Recommend to the municipality local governmental unit's governing body and chief executive or administrative officer the enactment of such ordinances or other action as they deem necessary:
   a. To establish and keep in force proper health standards for the community and beneficial zoning for the community area in order to facilitate the elimination of blighted areas, and to prevent the start and spread of such blighted areas;
   b. To ensure to all municipality residents of a local governmental unit, regardless of sex, race, sexual orientation or color, the rights to possess equal housing accommodations and to enjoy equal employment opportunities.

3. Examine the need for, initiate, participate in and promote publicly and privately sponsored studies and programs in any field of human relationship which will aid in accomplishing the foregoing objectives, and initiate such public programs and studies and participate in and promote such privately sponsored programs and studies purposes and duties of the commission.

4. Have authority to conduct public hearings within the municipality local governmental unit and to administer oaths to persons testifying before it.

(4) COMPOSITION OF COMMISSION. The commission shall be nonpartisan and composed of citizens residing in the municipality local governmental unit, including representatives of the clergy and minority groups, and the composition thereof, number and. The composition of the commission and the method of appointing and removing the commission members thereof shall be determined by the governing body of the municipality local governmental unit creating or participating in the commission. Notwithstanding s. 59.10 (4) or 66.41 66.0501 (2), a member of such the local governmental unit's governing body may serve on the commission, except that a county board member in a county having a population over 500,000 may not accept compensation for serving on the commission. Of the persons first appointed, one-third shall hold office for one year, one-third for 2 years, and one-third for 3 years from the first day of February next following their appointment, and until their respective successors are appointed and qualified. All succeeding terms shall be for 3 years. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Every person appointed as a member of the commission shall take and file the official oath.

(7) DESIGNATION OF COMMISSIONS AS COOPERATING AGENCIES UNDER FEDERAL LAW. (a) The commission may be the official agency of the municipality local governmental unit to accept assistance under title II of the federal economic opportunity act of 1964. No assistance shall be accepted with respect to any matter to which objection is made by the legislative body creating such the commission, but if the commission is established on an intergovernmental basis and such objection is made by any participating legislative body said, assistance may be accepted with the approval of a majority of the legislative bodies participating in such the commission.

(b) The commission may be the official agency of the municipality local governmental unit to accept assistance from the community relations service of the U.S. department of justice under title X of the federal civil rights act of 1964 to provide assistance to communities in resolving disputes, disagreements or difficulties relating to discriminatory practices based on sex, race, color or national origin which may impair the rights of persons in the municipality local governmental unit under the constitution or laws of the United States or which affect or may affect interstate commerce.

SECTION 450. 66.434 (title) of the statutes is repealed.

SECTION 451. 66.434 of the statutes is renumbered 46.30 (5) and amended to read:

46.30 (5) CITY, VILLAGE OR TOWN ASSISTANCE. A city, village or town may appropriate funds for promoting and assisting any a community action agency under s. 46.30.

SECTION 452. 66.435 of the statutes is renumbered 66.1337, and 66.1337 (2), (2m) (a) (intro.), 2. and 4. and (b) and (3) to (7), as renumbered, are amended to read:

66.1337 (2) FINDINGS. It is hereby found and declared that there exists in municipalities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations made before August 3, 1955 in s. 66.13 (2) 66.131 are in all respects affirmed and restated; that while certain Certain slum, blighted or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in s. 66.41 66.131, since the prevailing condition of decay may make impracticable the reclamation of the area by con-
The conditions and evils here - where necessary to eliminate are declared to be 66.1201 public of ficer or public 66.1333 may on the property purpose the extent feasible A the that. The governing body may by res - prepare a work - this objec - keys expended in connection with such powers under this section are declared to be for public purposes and to pre - the restoration and removal of blighted, deteriorated or deteriorating areas. If a municipality finds that there exists in the municipality dwellings or other structures that are unfit for human habitation due to dilapidation, defects that increase the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or other conditions, rendering the dwellings or other structures unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the municipality, the municipality may enact the resolutions or ordinances that it considers appropriate and effectual in order to prevent those conditions and may require or cause the repair, closing, demolition or removal of the dwellings or other structures. For the purposes of the resolutions or ordinances, a “dwell - 2. In this subsection: a. “Dwelling” means any building, structure or part of the building or structure that is used and occupied for human habitation or intended to be so used and includes any appurtenances belonging to it or usually enjoyed with it. The term “structure” also b. “Structure” includes fences, garages, sheds, and any type of store or commercial, industrial or manufac - 3. The ordinances or resolutions under subd. 1. shall require that, if there are reasonable grounds to believe that there has been a violation of the ordinances or resolutions, notice of the alleged violation shall be given to the alleged responsible person by appropriately designated public officers or employees of such the municipality. Every such notice shall be in writing; include a description of the real estate sufficient for identification; include a statement of the reason for issuance; specify a time for the performance of any act that the notice requires; and be served upon the alleged responsible person. The notice of violation is properly served on the person if a copy of it is delivered to the person personally; is left at the person’s usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents of the notice; is sent by registered mail or by certified mail with return receipt requested to the person’s last-known address; or, if the registered or certified letter with the copy of the notice is returned showing the letter has not been delivered to the person, by posting a copy of the notice in a conspicuous place in or about the dwelling or other structure affected by the notice. Any.
4. A person affected by such a notice under subd. 3, may request and shall be granted a hearing on the matter before a board or commission established by the governing body of such the municipality or before a local health officer. The person shall file in the office of the designated board or commission or the local health officer a written petition requesting the hearing and setting forth a statement of the grounds for it within 20 days after the day the notice was served. Within 10 days after receipt of the petition, the designated board or commission or the local health officer shall set a time and place for the hearing and shall give the petitioner written notice of it. At the hearing the petitioner may be heard and to show cause why the notice should be modified or withdrawn. The hearing before the designated board or commission or the local health officer shall be commenced not later than 30 days after the date on which the petition was filed. Upon written application of the petitioner to the designated board or commission or the local health officer, the date of the hearing may be postponed for a reasonable time beyond the 30-day period, if, in the judgment of the board, commission or local health officer, the petitioner has submitted a good and sufficient reason for such a postponement. Any notice served under this section shall become operative an order if a written petition for a hearing is not filed in the office of the designated board or commission or the local health officer within 20 days after such the notice is served. The designated board or commission or the local health officer may administer oaths and affirmations in connection with the conduct of any hearing held under this section.

5. After the hearing the designated board or commission or the local health officer shall sustain, modify or cancel the notice given under subd. 3, depending upon its findings as to whether the provisions of the resolutions or ordinances have been complied with. The designated board or commission or the local health officer may also modify any notice so as to authorize a variance from the provisions of the resolutions or ordinances when, because of special conditions, enforcement of the provisions of the resolutions or ordinances will result in practical difficulty or unnecessary hardship, if the intent of the resolutions or ordinances will be observed and public health and welfare secured. If the designated board or commission or the local health officer sustains or modifies the notice, the sustained or modified notice is an order, and the persons affected by the order shall comply with all provisions of the order within a reasonable period of time, as determined by the board, commission or local health officer. The proceedings at the hearing, including the findings and decisions of the board, commission or local health officer, shall be reduced to writing and entered as a matter of public record in the office of the board, commission or local health officer. The record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the board, commission or local health officer shall then be served, in the same manner prescribed for service of notice under subd. 3, on the person who filed the petition for hearing.

6. If the local health officer finds that an emergency exists that requires immediate action to protect the public health, the local health officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that action be taken that the local health officer determines is necessary to meet the emergency. This order shall be effective immediately. Any person to whom the order is directed shall comply with it, but shall be afforded a hearing as specified in this section subsection if the person immediately files a written petition with the local health officer requesting the hearing. After the hearing, depending upon the findings of the local health officer as to whether an emergency still exists that requires immediate action to protect the public health, the local health officer shall continue the order in effect or modify or revoke it.

(b) A person aggrieved by the determination of any a board, commission or local health officer, following review of an order issued under this section subsection, may appeal directly to the circuit court of the county in which the dwelling or other structure is located by filing a petition for review with the clerk of the circuit court within 30 days after a copy of the order of the board, commission or local health officer has been served upon the person. The petition shall state the substance of the order appealed from and the grounds upon which the person believes the order to be improper. A copy of the petition shall be served upon the board, commission or local health officer whose determination is appealed. The copy shall be served personally or by registered or certified mail within the 30-day period provided in this paragraph. A reply or answer shall be filed by the board, commission or local health officer within 15 days after the receipt of the petition. A copy of the written proceedings of the hearing held by the board, commission or local health officer which led to service of the order being appealed shall be included with the reply or answer when filed. If it appears to the court that the petition is filed for purposes of delay, the court shall, upon application of the municipality, promptly dismiss the petition. Either party to the proceedings may petition the court for an immediate hearing on the order. The court shall review the order and the copy of written proceedings of the hearing conducted by the board, commission or local health officer, shall take testimony that the court determines is appropriate, and, following a hearing upon the order without a jury, shall make its determination. If the court affirms the determination made by the board, commission or local health officer, the court shall fix a time within which the order appealed from shall become operative.
(5) General powers conferred upon municipalities. The governing body of any a municipality shall have and is hereby expressly conferred upon it all powers necessary and incidental to effect a program of urban renewal, including functions with respect to rehabilitation and conservation for the restoration and removal of blighted, deteriorated or deteriorating areas, and the local governing body is hereby authorized to adopt such resolutions or ordinances as may be required for the purpose of carrying out that program and the objectives and purposes of this section. In connection with the planning, undertaking and financing of the urban renewal program or projects, the governing body of any municipality and all public officers, agencies and bodies shall have all the rights, powers, privileges and immunities which they have with respect to a redevelopment project under s. 66.43, 66.1331.

(6) Assistance to urban renewal by municipalities and other public bodies. Any a public body is authorized to may enter into agreements, which may extend over any period notwithstanding any provision or rule of law to the contrary, with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this section, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

(7) Powers therein granted to be supplemental and not in derogation. (a) Nothing in this section shall may be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof of its charter, ordinances or regulations.

(b) Nothing in this section shall may be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(c) The powers conferred by this section shall be are in addition and supplemental to the powers conferred by any other law; and this. This section shall be construed liberally to effectuate the its purposes hereof and the its enumeration therein of specific powers shall does not operate to restrict the meaning of any general grant of power contained in this section or to exclude other powers comprehended in such the general grant.

Section 453. 66.436 of the statutes is renumbered 66.1339 and amended to read:

66.1339 Villages to have certain city powers. Villages shall have all of the powers of cities under ss. 66.435, 66.431, 66.432, 66.436, 66.505, 66.508, 66.523, 66.525, 66.531 to 66.1201, 66.1201 to 66.1239 and 66.1331 to 66.1335, except the powers under s. 66.1201 (10) and any other powers that conflict with statutes relating to towns and town boards.

Section 455. 66.44 of the statutes is repealed. 66.44 of the statutes is renumbered 66.0315 and amended to read:

66.0315 Municipal cooperation; federal rivers, harbors or water resources projects. Any A county, town, city or village acting under its powers and in conformity with state law may enter into an agreement with an agency of the federal government to cooperate in the construction, operation or maintenance of any federally authorized rivers, harbors or water resources management or control project or to assume any potential liability appurtenant to such a project and may do all things necessary to consummate the agreement. If such a project will affect more than one municipality, the municipalities affected may jointly enter into such an agreement under this section with an agency of the federal government carrying such any terms and provisions concerning the division of costs and responsibilities as may be that are mutually agreed upon. The affected municipalities concerned may by agreement submit any determinations of the division of construction costs, responsibilities, or any other liabilities among them to an arbitration board. The determination of such a the arbitration board shall be final. This section shall not be construed as a grant or delegation of power or authority to any county, town, city, village or other local municipality to do any work in or place any structures in or on any navigable water except as it is otherwise expressly authorized by state law to do.

Section 457. 66.46 (title), (1) and (2) (introd.), (a) to (e) and (f) 1. (introd.) and a. to k. of the statutes are renumbered 66.1105 (title), (1) and (2) (introd.), (a) to (e) and (f) 1. (introd.) and a. to k., and 66.1105 (2) (a) 1. b., (e) and (f) 1. (introd.), b. and h., as renumbered, are amended to read:

66.1105 (2) (a) 1. b. An area which is predominantly open and which consists primarily of an abandoned highway corridor, as defined in s. 66.341, 66.1333 (2m) (a), or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(e) “Planning commission” means a plan commission created under s. 62.23, a board of public land commissioners if the city has no plan commission, or a city
plan committee of the local legislative body, if the city has neither such a commission nor such a board.

(f) 1. (intro.) “Project costs” mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in subd. 1. k., without the district, plus any incidental costs incidental thereto, diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of the plan. For any tax incremental district for which a project plan is approved on or after July 31, 1981, only a proportionate share of the costs permitted under this subdivision may be included as project costs to the extent that they benefit the tax incremental district. To the extent the costs benefit the municipality outside the tax incremental district, a proportionate share of the cost is not a project cost. The project costs “Project costs” include, but are not limited to:

b. Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount thereof of the obligations because of the redemption of such the obligations prior to maturity.

h. The amount of any contributions made under s. 66.434 66.1333 (13) in connection with the implementation of the project plan.

SECTION 458. 66.46 (2) (f) 1. L. of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1105 (2) (f) 1. L.

SECTION 459. 66.46 (2) (f) 2. and 3. and (g) to (m), (3) and (4) (intro.) and (a) to (gs) of the statutes are renumbered 66.1105 (2) (f) 2. and 3. and (g) to (m), (3) and (4) (intro.) and (a) to (gs), and 66.1105 (2) (i) and (j), (3) (a), (b), (c) and (f) and (4) (a), (b), (c), (e), (f) and (gm) 1. to 3. and 4. a. and b., as renumbered, are amended to read:

66.1105 (2) (i) “Tax increment” means that amount obtained by multiplying the total county, city, school and other local general property taxes levied on all taxable property within a tax incremental district in a year by a fraction having as a numerator the value increment for that year in such the district and as a denominator that year’s equalized value of all taxable property in the district. In any year, a tax increment is “positive” if the value increment is positive; it is “negative” if the value increment is negative.

(j) “Tax incremental base” means the aggregate value, as equalized by the department of revenue, of all taxable property located within a tax incremental district on the date as of which such the district is created, determined as provided in sub. (5) (b). The base of districts created before October 1, 1980, shall exclude does not include the value of property exempted under s. 70.111 (17).

(3) (a) Create tax incremental districts and to define the boundaries of such the districts;

(b) Cause project plans to be prepared, to approve such the plans, and to implement the provisions and effectuate the purposes of such the plans;

(e) Enter into any contracts or agreements, including agreements with bondholders, determined by the local legislative body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans. Such The contracts or agreements may include conditions, restrictions, or covenants which either run with the land or which otherwise regulate the use of land.

(f) Designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, as agent of the city, to perform all acts, except the development of the master plan of the city, which are otherwise performed by the planning commission under this section and s. 66.435 66.1337.

(4) (a) Holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries thereof of the district. Notice of such the hearing shall be published as a class 2 notice, under ch. 985. Prior to such Before publication, a copy of the notice shall be sent by first class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property located within the proposed district and to the school board of any school district which includes property located within the proposed district. For any a county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

(b) Designation by the planning commission of the boundaries of a tax incremental district recommended by it to be created and submission of such the recommendation to the local legislative body.

(c) Identification of the specific property to be included under par. (gm) 4. as blighted or in need of rehabilitation or conservation work. Owners of the property identified shall be notified of the proposed finding and the date of the hearing to be held under par. (e) at least 15 days prior to the date of the hearing. In cities with a redevelopment authority under s. 66.431 66.1333, the notification required under this paragraph may be provided with the notice required under s. 66.431 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days prior to the date of the hearing to be held under par. (e).

(e) At least 30 days before adopting a resolution under par. (gm), holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the
proposed project plan. The hearing may be held in conjunction with the hearing provided for in par. (a). Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement advising that a copy of the proposed project plan will be provided on request. Prior to such publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For any a county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

(f) Adoption by the planning commission of a project plan for each tax incremental district and submission of the plan to the local legislative body. The plan shall include a statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided in sub. (2) (f) 1. k., outside the district, an economic feasibility study, a detailed list of estimated project costs, and a description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred. The plan shall also include a map showing existing uses and conditions of real property in the district; a map showing proposed improvements and uses in the district; proposed changes of zoning ordinances, master plan, if any, map, building codes and city ordinances; a list of estimated nonproject costs; and a statement of the proposed method for the relocation of any persons to be displaced. The plan shall indicate how creation of the tax incremental district promotes the orderly development of the city. The city shall include in the plan an opinion of the city attorney or of an attorney retained by the city advising whether the plan is complete and complies with this section.

(gm) 1. Describes the boundaries, which may, but need not, be the same as those recommended by the planning commission, of a tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included therein in the district. The boundaries shall include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25% of the area in the tax incremental district, unless the tax incremental district is suitable for industrial sites under subd. 4. a. and the local legislative body implements an approved project plan to promote industrial development within the meaning of s. 66.52 66.1101. In this subdivision, “vacant property” does not include property acquired by the local legislative body under ch. 32 or property included within the abandoned Park East freeway corridor or the abandoned Park West freeway corridor in Milwaukee county.

2. Creates such the district as of a date therein provided in the resolution. If the resolution is adopted during the period between January 2 and September 30, then such the date shall be the next preceding January 1. If such the resolution is adopted during the period between October 1 and December 31, then such the date shall be the next subsequent January 1. If the resolution is adopted on January 1, the district shall have been is created as of the date of the resolution on that January 1.

3. Assigns a name to such the district for identification purposes. The first such district created shall be known as “Tax Incremental District Number One, City of ....”. Each subsequently created district shall be assigned the next consecutive number.

4. a. Not less than 50%, by area, of the real property within such the district is at least one of the following: a blighted area; in need of rehabilitation or conservation work, as defined in s. 66.455 66.1237 (2m) (b); or suitable for industrial sites within the meaning of s. 66.52 66.1101 and has been zoned for industrial use; and

b. The improvement of such the area is likely to enhance significantly the value of substantially all of the other real property in such the district. It shall is not be necessary to identify the specific parcels meeting such the criteria; and

SECTION 460. 66.46 (4) (h) 1. of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.1105 (4) (h) 1. and amended to read:

66.1105 (4) (h) 1. Subject to subs. 2., 3. and 4., the planning commission may at any time, by resolution, adopt an amendment to a project plan, which The amendment shall be is subject to approval by the local legislative body and approval of the amendment shall require requires the same findings as provided in par. (g). Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. Prior to such Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For any a county with no chief executive officer or
Section 461. 66.46 (4) (h) 2. to 4., (i) and (k), (4m) and (5) (title) and (a) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (4) (h) 2. to 4., (i) and (k), (4m) and (5) (title) and (a).

Section 462. 66.46 (5) (b) of the statutes is renumbered 66.1105 (5) (b) and amended to read:

66.1105 (5) (b) Upon application in writing by the city clerk, in such a form as prescribed by the department of revenue, the department shall determine according to its best judgment from all sources available to it the full aggregate value of the taxable property and, except as provided in par. (bm), of the city-owned property in the tax incremental district. The department shall certify this aggregate valuation to the city clerk, and the aggregate valuation shall constitute the tax incremental base of the tax incremental district. The city clerk shall complete these forms and submit the application on or before December 31 of the year the tax incremental district is created, as defined in sub. (4) (gm) 2.

Section 463. 66.46 (5) (be) to (cm) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (5) (be) to (cm).

Section 464. 66.46 (5) (d) to (g) and (6) (title), (a) and (am) 1. and 2. a. and b. of the statutes are renumbered 66.1105 (5) (d) to (g) and (6) (title), (a) and (am) 1. and 2. a. and b., and 66.1105 (5) (d) to (g) and (6) (a), as renumbered, are amended to read:

66.1105 (5) (d) The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter after the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the city that created such a district until the department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b), 27 years after the tax incremental district is created if the district is created before October 1, 1995, 38 years after the tax incremental district is created if the district is created after October 1, 1995, and the project plan is amended under sub. (4) (h) 3. or 23 years after the tax incremental district is created if the district is created after September 30, 1995, whichever is sooner.

Section 465. 66.46 (6) (am) 2. c., 3. and 4. and (b) to (dm) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6) (am) 2. c., 3. and 4. and (b) to (dm).

Section 466. 66.46 (6) (e) 1. (intro.) and a. of the statutes are renumbered 66.1105 (6) (e) 1. (intro.) and a., and 66.1105 (6) (e) 1. (intro.), as renumbered, is amended to read:

66.1105 (6) (e) 1. (intro.) Before the date on which a tax incremental district terminates under sub. (7) (a), but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) the project plan of such a district to allocate positive tax
increments generated by that tax incremental district to another tax incremental district created by that planning commission if all of the following conditions are met:

**SECTION 467.** 66.46 (6) (e) 1. b. and c. and 2. of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6) (e) 1. b. and c. and 2.

**SECTION 468.** 66.46 (6) (e) 3. of the statutes is renumbered 66.1105 (6) (e) 3. and amended to read:

66.1105 (6) (e) 3. A project plan that is amended under sub. (4) (h) to authorize the allocation of positive tax increments under subd. 1. may authorize such an allocation for a period not to exceed 5 years, except that if the planning commission determines that the allocation may be needed for a period longer than 5 years, the planning commission may authorize such an allocation for up to an additional 5 years if the project plan is amended under sub. (4) (h) during the 4th year of the allocation. In no case may positive tax increments under subd. 1. be allocated from one donor tax incremental district for a period longer than 10 years.

**SECTION 469.** 66.46 (6c) and (6m) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6c) and (6m).

**SECTION 470.** 66.46 (7) (intro.) and (a) of the statutes are renumbered 66.1105 (7) (intro.) and (a) and amended to read:

66.1105 (7) Termination of tax incremental districts. (intro.) The existence of a tax incremental district shall terminate terminates when the earlier of the following occurs:

(a) That time when the city has received aggregate tax increments with respect to such the district in an amount equal to the aggregate of all project costs under the project plan and any amendments to the project plan for such the district, except that this paragraph does not apply to a district whose positive tax increments have been allocated under sub. (6) (d), (dm) or (e) until the district to which the allocation is made has paid off the aggregate of all of its project costs under its project plan.

**SECTION 471.** 66.46 (7) (am) and (ar) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (7) (am) and (ar).

**SECTION 472.** 66.46 (7) (b) and (8) to (14) of the statutes are renumbered 66.1105 (7) (b) and (8) to (14), and 66.1105 (7) (b), (9) (a) (intro.), 4. to 7. and 9. and (b) 2. to 4. and 5. a. and b. and (10) (b), as renumbered, are amended to read:

66.1105 (7) (b) The local legislative body, by resolution, dissolves the district at which time the city shall become becomes liable for all unpaid project costs actually incurred which are not paid from the special fund under sub. (6) (c), except this paragraph does not make the city liable for any tax incremental bonds or notes issued.

(9) (a) (intro.) Payment of project costs may be made by any one or more of the following methods or any combination thereof:

4. Payment out of the proceeds of the sale of public improvement bonds issued by it under s. 66.069 66.0619.
5. Payment as provided under s. 66.54 66.0713 (2) (c), (d), (e) and (4) or 67.14.
6. Payment out of the proceeds of revenue bonds or notes issued by it under s. 66.066 66.0621.
7. Payment out of the proceeds of revenue bonds issued by it under s. 66.51 66.0913.
8. Payment out of the proceeds of revenue bonds issued by the city as provided by s. 66.521 66.1103, for a purpose specified in that section.

(b) 2. Tax incremental bonds or notes shall be authorized by resolution of the local legislative body without the necessity of a referendum or any elector approval, but such a referendum or election may be held, through the procedures provided in s. 66.521 66.1103 (10) (d). Such The resolution shall state the name of the tax incremental district, the amount of bonds or notes authorized, and the interest rate or rates to be borne by such the bond or notes. Such The resolution may prescribe the terms, form and content of such the bonds or notes and any other matters as that the local legislative body deems useful.

3. Tax incremental bonds or notes may not be issued in an amount exceeding the aggregate project costs. Such The bonds or notes shall mature over a period not exceeding 23 years from the date thereof of issuance or a period terminating with the date of termination of the tax incremental district, whichever period terminates earlier. Such The bonds or notes may contain a provision authorizing the redemption thereof of the bonds or notes, in whole or in part, at stipulated prices, at the option of the city, on any interest payment date and shall provide the method of selecting the bonds or notes to be redeemed. The principal and interest on such the bonds and notes may be payable at any time and at any place. Such The bonds or notes may be payable to bearer or may be registered as to the principal or principal and interest. Such The bonds or notes may be in any denominations. Such The bonds or notes may be sold at public or private sale. Insofar as they are To the extent consistent with this subsection, the provisions of ch. 67 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes are incorporated herein by reference apply to bonds or notes issued under this subsection.

4. Tax incremental bonds or notes are payable only out of the special fund created under sub. (6) (c). Each such bond or note shall contain such the recitals as are necessary to show that it is only so payable and that it does not constitute an indebtedness of such the city or a charge against its general taxing power. The local legis-
relative body shall irrevocably pledge all or a part of such the special fund to the payment of such the bonds or notes. Such The special fund or the designated part thereof of the fund may thereafter then be used only for the payment of such the bonds or notes and interest thereof on the bonds or notes until the same bonds or notes have been fully paid; and a holder of such the bonds or notes or of any coupons appertaining thereto shall have to the bonds or notes has a lien against such the special fund for payment of such the bonds or notes and interest thereof on the bonds or notes and may either at law or in equity protect and enforce such the lien.

5. Create a lien for the benefit of the bondholders upon any public improvements or public works financed thereby by the bonds or notes or the revenues therefrom from the bonds or notes: or

b. Make such covenants and do any and all such acts, not inconsistent with the Wisconsin constitution, as may be necessary or convenient or desirable in order to additionally secure such the bonds or notes or tend to make the bonds or notes more marketable according to the best judgment of the local legislative body.

(10) (b) If the boundaries of 2 or more tax incremental districts overlap, in determining how positive tax increments generated by that area which is within 2 or more districts are allocated among such the overlapping districts, but for no other purpose, the aggregate value of the taxable property in such the area as equalized by the department of revenue in any year as to each earlier created district is deemed to be that portion of the tax incremental base of the district next created which is attributable to such the overlapped area.

SECTION 473. 66.462 (title) and (1) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (title) and (1).

SECTION 474. 66.462 (2) (title) of the statutes is renumbered 66.1106 (2) (title).

SECTION 475. 66.462 (2) of the statutes, as affected by 1999 Wisconsin Act 9, section 1634a, is renumbered 66.1106 (2) (a) and amended to read:

66.1106 (2) (a) A political subdivision that develops, and whose governing body approves, a written proposal to remediate environmental pollution may use an environmental remediation tax increment to pay the eligible costs of remediating environmental pollution on contiguous parcels of property that are located within the political subdivision and that are not part of a tax incremental district created under s. 66.46 66.1105, as provided in this section, except that a political subdivision may use an environmental remediation tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision. No political subdivision may submit an application to the department under sub. (4) until the joint review board approves the political subdivision’s written proposal under sub. (3).

SECTION 476. 66.462 (2) (b) and (3) (title) and (a) to (c) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (2) (b) and (3) (title) and (a) to (c).

SECTION 477. 66.462 (3) (d) of the statutes is renumbered 66.1106 (3) (d) and amended to read:

66.1106 (3) (d) If a joint review board convened by a city or village under s. 66.46 66.1105 (4m) is in existence when a city or village seeks to act under this section, the city or village may require the joint review board convened under s. 66.46 66.1105 (4m) to exercise the functions of a joint review board that could be convened under this subsection.

SECTION 478. 66.462 (4) to (10) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (4) to (10).

SECTION 479. 66.465 of the statutes is renumbered 66.1107, and 66.1107 (1) (a), (c) and (e) 5. and (2) (intro.), (a) and (c) 1. and 2., as renumbered, are amended to read:

66.1107 (1) (a) An “area in need of rehabilitation” is a neighborhood or area in which buildings, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration have become economic or social liabilities, or both; in which such these conditions impair the economic value of such the neighborhood or area, infecting it with economic blight, and which is characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; in which the existence of such these conditions and the failure to rehabilitate such the buildings results in a loss of population from the neighborhood or area and further deterioration, accompanied by added costs for creation of new public facilities and services elsewhere; in which it is difficult and uneconomic for individual owners independently to undertake to remedy such the conditions; in which it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the rehabilitation of such the buildings; and in which the presence of such these buildings and conditions has resulted, among other consequences, in a severe shortage of financial resources available to finance the purchase and rehabilitation of housing and an inability or unwillingness on the part of private lenders to make loans for and an inability or unwillingness on the part of present and prospective owners of such housing to invest in the purchase and rehabilitation of housing in such the neighborhood or area.

(c) “Municipality” means any a city, village or town in this state.

(e) 5. It is an area within which the effect of such existing detrimental conditions as may exist is to discourage private lenders from making loans for and present or prospective property owners from investing in the purchase and rehabilitation of housing.
(2) Designation of Reinvestment Neighborhoods or Areas. (intro.) Any municipality may designate reinvestment neighborhoods or areas after complying with the following steps:

(a) Holding of a public hearing by the planning commission or by the local governing body at which interested parties are afforded a reasonable opportunity to express their views on the proposed designation and boundaries of a reinvestment neighborhood or area and the proposed boundaries thereof. Notice of such the hearing shall be published as a class 2 notice, under ch. 985. Prior to such publication, a copy of the notice shall be sent by 1st class mail to the Wisconsin housing and economic development authority, and a copy shall be posted in each school building and in at least 3 other places of public assembly within the reinvestment neighborhood or area proposed to be designated.

(b) Designation by the planning commission of the boundaries of a reinvestment neighborhood or area recommended by it to be designated and submission of such the recommendation to the local legislative body.

(c) 1. Describes the boundaries of a reinvestment neighborhood or area with sufficient definiteness to identify with ordinary and reasonable certainty the territory included therein. Such in the neighborhood or area. The boundaries may, but need not, be the same as those recommended by the planning commission.

2. Designates such the reinvestment neighborhood or area as of a date provided in the resolution.

Section 480. 66.47 (title) of the statutes is renumbered 66.0927 (title).

Section 481. 66.47 (1) to (5) of the statutes are renumbered 66.0927 (1) to (5), and 66.0927 (2), (3) and (4), as renumbered, are amended to read:

66.0927 (2) County-City Hospitals. Any a county and city or cities partly or wholly within the county may by ordinance jointly construct or otherwise acquire, equip, furnish, operate and maintain a general county−city hospital. Such The hospital is subject to ch. 150.

(3) Financing. The governing bodies of the respective county and city or cities shall have the power to borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county, city or cities by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. 66.51. Any bonds issued pursuant to this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by the mayor or other chief executive officer thereof and by the city clerk.

4) Cost Sharing. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of such a hospital on an agreed percentage basis.

Section 482. 66.47 (6) of the statutes is repealed.

Note: Repealed as archaic. This subsection validates all actions of a county and city taken before April 17, 1949 in the construction or other acquisition, equipment, furnishing, operation and maintenance of a joint county−city hospital which would have been valid had s. 66.47 been in effect when the actions were taken. There appears to be no need to continue the validation.

Section 483. 66.47 (7) to (15) of the statutes are renumbered 66.0927 (7) to (15) and amended to read:

66.0927 (7) (a) Organization of boards; officers; compensation; oaths; bonds. When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The board may combine the offices of secretary and treasurer may be combined if the board so decides. Members shall receive such compensation as shall be provided in the ordinance, and shall be reimbursed their actual and necessary expenses. With the approval of the board, the treasurer may appoint an assistant treasurer, who need not be a member of the board, to perform such services as shall be specified by the board.

(b) Members, and any assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in such a sum as shall be specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(8) Powers of board. The board shall have power may, subject to provisions of the ordinance:

(a) To contract for the construction or other acquisition, equipment or furnishing of a general county−city hospital.

(b) To contract for the construction or other acquisition of additions or improvements to, or alterations in, such a hospital and the equipment or furnishing of any such an addition.

(c) To employ a manager of the a hospital and other necessary personnel and fix their compensation.

(d) To enact rules and regulations, not inconsistent with law, for the admission to, and government of patients at, the a hospital, for the regulation of the board’s meetings and deliberations, and for the government, operation and maintenance of the hospital and the hospital employees thereof.

(e) To contract for and purchase all fuel, food, equipment, furnishings and supplies reasonably necessary for the proper operation and maintenance of the a hospital.

(f) To audit all accounts and claims against the a hospital or against the board, and, if approved, pay the same accounts and claims from the fund specified in sub. (10). All expenditures made pursuant to this section shall be within the limits of the ordinance.
(g) To sue and be sued, and to collect or compromise any and all obligations due to the hospital; all money received shall be paid into the joint hospital fund.

(h) To make studies and recommendations to the county board and city council or city councils relating to the operation of the hospital or the building of facilities therefor as the board may deem advisable or said the governing bodies request.

(i) To employ counsel on either a temporary or permanent basis.

(9) BUDGET. The board shall annually, prior to before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the participating city or cities. Pursuant to under the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city or cities, shall be delivered to the clerks of the respective municipalities. It shall be the duty of the The county board and the common council of the city or cities to shall consider the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. Thereupon After this determination, the county and city or cities respectively shall levy a tax sufficient to produce the amount to be raised by said the county and city or cities.

(10) HOSPITAL FUND. A joint county–city hospital fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city or cities shall pay or cause to be paid into the fund the respective amounts to be paid therefrom by such county and city or cities as specified by the ordinance and resolutions of the respective municipalities when such the amounts have been collected. All of the moneys which shall come into the fund are hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the hospital board only upon the approval or direction of the board.

(11) CORRELATION OF LAWS. (a) In any case where a bid is a prerequisite to contract in connection with a county or city hospital under s. 66.29 66.0901, it shall is also a prerequisite to a valid contract by the board; and such. For this purpose, the board shall be deemed is a municipality and the contract a public contract under s. 66.29 66.0901.

(b) All statutory requirements, not inconsistent with the provision of this section, applicable to general county or city hospitals shall apply to hospitals referred to in this section.

(12) REPORTS. The board shall report its activities to the county board and the city council or councils annually, or oftener as either of said the municipalities may require requires.

(14) POWERS OF VILLAGES. Villages shall have all of the powers granted to cities under subs. (1) to (12) and whenever any village shall exercise such exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “village” unless the context otherwise requires. Any village participating in the construction or other acquisition of a general county–village hospital or in the its operation thereof, pursuant to this section, shall have the power to may enter into lease agreements leasing such the hospital and the its equipment and furnishings therein to a nonprofit corporation.

(15) POWERS OF TOWNS. Towns shall have all of the powers granted to cities under subs. (1) to (12) and whenever any town shall exercise such exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “town” unless the context otherwise requires. Any town participating in the construction or other acquisition of a general county–town hospital or in the its operation thereof, pursuant to under this section, shall have the power to may enter into lease agreements leasing such the hospital and the its equipment and furnishings therein to a nonprofit corporation.
may engage all necessary employees at a hospital for a period not to exceed one year under any one contract and at a salary not exceeding the sum of $25 per week, excluding board and laundry, unless a larger salary is expressly authorized by the city council or village or town board.

(g) To audit Audit all accounts and claims against the hospital or against the board of trustees and, if approved, the city, village or town clerk and treasurer shall pay the accounts and claims in the manner provided by s. 66.042 66.0607.

**Section 487.** 66.501 of the statutes is renumbered 66.0129, and 66.0129 (1), (4) (intro.), (5) and (6), as renumbered, are amended to read:

66.0129 (1) Powers and duties of governing body. For the purpose of providing adequate hospital facilities in the state of Wisconsin to serve cities, villages and towns and the hospital service area, and providing all lands, buildings, improvements, facilities or equipment or other capital items necessary or desirable in connection with the hospital and the ultimate acquisition of, ultimately acquiring the hospital by the city, village or town, for the purpose of acquiring lands or providing hospital buildings or additions or improvements to the hospital buildings, or for any one or more of these purposes, the governing body of any a city, village or town shall have the following powers may:

(a) Without limitation by any other statute, to sell and convey title to a nonprofit corporation any land and any existing buildings on the land that are owned by the city, village or town upon terms and conditions and to refinance; and refinancing indebtedness created by a nonprofit corporation for the purpose of acquiring lands or providing hospital buildings or additions or improvements to the hospital buildings, or for any one or more of these purposes, the governing body of any a city, village or town shall have the following powers may:

(b) To lease Lease to a nonprofit corporation for terms not exceeding 40 years each any land and existing buildings on the land that are owned by the city, village or town upon terms and conditions and to refinance; and refinancing indebtedness created by a nonprofit corporation for the purpose of acquiring lands or providing hospital buildings or additions or improvements to the hospital buildings, or for any one or more of these purposes, the governing body of any a city, village or town shall have the following powers may:

(c) To lease Lease or sublease from the nonprofit corporation, for terms not exceeding 40 years, and to make available for public use, any lands or any such land and existing buildings conveyed or leased to the corporation under subsections (a) and (b), and any new buildings erected upon the land or upon any other land owned by the corporation, upon the terms, conditions and rentals, subject to available appropriations, and ultimate acquisition, that in the judgment of the governing body of the city, village or town determines are in the public interest. With respect to any property conveyed to the nonprofit corporation under par. (a), the lease from the nonprofit corporation
may be subject or subordinated to one or more mortgages of such the property granted by the corporation.

(d) To apply. Apply all net revenues derived from the operation of any lands or buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(e) To pledge. Pledge and assign all or any part of the revenues derived from the operation of any lands or new buildings as security for the payment of rentals due and to become due under any lease or sublease of the new buildings made under par. (c).

(f) To covenant. Covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of the new buildings in an amount which together with other moneys of the city, village or town available for such that purpose will produce net revenue sufficient to pay the rentals due and to become due under the lease or sublease.

(g) To apply. Apply all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any a lease or sublease made under par. (c).

(h) To pledge. Pledge and assign all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any a lease or sublease made under par. (c).

(i) To covenant. Covenant and agree in any a lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net revenue sufficient to pay the rentals due and to become due under such the lease or sublease.

(j) To operate. Operate the hospital, until it is ultimately acquired, in such a manner as to provide that provides revenues sufficient to pay the costs of operation and maintenance of the hospital and to provide for the payments due the nonprofit corporation.

(4) POWERS AND DUTIES OF NONPROFIT CORPORATION. (intro.) In addition to all other powers granted to nonprofit corporations, the nonprofit corporation shall have has the following additional powers and duties when leasing hospital facilities to a city, village or town:

(5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts exceeding $1,000 for the construction, maintenance or repair of hospital facilities to the lowest responsible bidder after advertising for bids by the publication of a class 2 notice under ch. 985. Sections 66.29, 66.0901 and 66.293 shall 66.0903 apply to such bids and contracts under this subsection.

(6) DEFINITIONS. Unless the context otherwise requires, the terms “buildings” in this section:

(a) “Buildings”, “new buildings” and “existing buildings” as used in this section include all buildings, structures, improvements, facilities, equipment or other capital items which the governing body of the city, vil-

laje or town determines to be are necessary or desirable for the purpose of providing hospital facilities. The term “nonprofit”

(b) “Nonprofit corporation” means a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

SECTION 488. 66.504 of the statutes is renumbered 66.0921, and 66.0921 (3), as renumbered, is amended to read:

66.0921 (3) FINANCING. A municipality may borrow money, appropriate funds and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by a municipality by general obligation bonds issued under ch. 67. Funds to be used for the purposes specified in this section may be provided by a county, city, village or town by revenue bonds issued under s. 66.066 66.0621. Any bonds issued under this section shall be executed on behalf of the municipality by the its chief executive officer and clerk thereof.

SECTION 489. 66.505 (title) and (1) to (4) of the statutes are renumbered 66.0923 (title) and (1) to (4), and 66.0923 (3) and (4), as renumbered, are amended to read:

66.0923 (3) FINANCING. The governing bodies of the respective county and city or cities shall have the power to may borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county, city or cities by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. 66.51 66.0913 or by the issuance of both general obligation bonds under ch. 67 and revenue bonds issued under s. 66.51. Any bonds issued pursuant to under this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by the its mayor or other chief executive officer thereof and by the city clerk.

(4) COST SHARING. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of such an auditorium on an agreed percentage basis.

SECTION 490. 66.505 (6) to (11) of the statutes are renumbered 66.0923 (6) to (11) and amended to read:

66.0923 (6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The board may combine the offices of secretary and treasurer may be combined if the board so decides. Members may receive such compensation as may be provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services. However, members
serving on the board because of holding another office or position shall not receive compensation other than any actual and necessary expenses for their services. With the approval of the board, the treasurer may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform such services as shall be specified by the board.

(b) Members, and any assistant secretary and assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in such a sum as shall be specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(7) **Powers of Board.** The board shall have power, subject to provisions of the ordinance, to do all of the following:

(a) To contract for the construction or other acquisition, equipping or furnishing of a county-city auditorium, and may accept and use donated services and gifts, grants or donations of money or property and use the same for the purposes given and consistent with this section, and may contract for and authorize the installation of equipment and furnishings in all or part of the auditorium, or any part thereof, by private individuals, persons or corporations by donations, loan, lease or concession.

(b) To contract for the construction or other acquisition of additions or improvements to, or alterations in, such an auditorium and the equipment or furnishing of any such addition; and may contract for or authorize the installation of equipment and furnishings in such all or part of the addition, or any part thereof, by private individuals, persons or corporations by donations, loan or concession.

(c) To employ a manager of the auditorium and other necessary personnel and fix their compensation.

(d) To enact rules and regulations, not inconsistent with law, for the leasing of, charges for admission to, and government of audiences and participants in events at the auditorium, for the regulation of the board’s meetings and deliberations, and for the government, operation and maintenance of the auditorium and the auditorium’s employees thereof.

(e) To contract for, purchase or hire all fuel, equipment, furnishings, and supplies, services and help reasonably necessary for the proper operation and maintenance of the auditorium, and to contract for, purchase, hire, promote, conduct and operate, either by lease of the all or part of an auditorium building or parts thereof or by direct operation by the auditorium board, meetings, concerts, theatricals, sporting events, conventions and other entertainment or events suitable to be held at the auditorium; and to handle and make all proper arrangements for the sale and disposition of admission tickets to auditorium events and the establishment of seating arrangements and priorities.

(f) To audit all accounts and claims against the auditorium or against the board, and, if approved, pay the same accounts and claims from the fund specified in sub. (9). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) To sue and be sued, and to collect or compromise any and all obligations due to the auditorium. All money received shall be paid into the joint auditorium fund.

(h) To make such studies and recommendations to the county board and city council relating to the operation of the auditorium or the building of facilities therefor as the board may deem advisable or said the governing bodies request.

(i) To employ counsel on either a temporary or permanent basis.

(8) **Budget.** The board shall annually, prior to before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the participating city pursuant to under the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city, shall be delivered to the clerks of the respective municipalities. It shall be the duty of the county board and the common council of the city to consider the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. Thereupon After this determination, the county and city respectively shall levy a tax sufficient to produce the amount to be raised by said the county and city.

(9) **Auditorium Fund.** A joint county-city auditorium fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city shall pay or cause to be paid into such the fund the respective amounts to be paid thereto by such county and city as specified by the ordinance and resolutions of the respective municipalities when such the amounts have been collected. All of the moneys which shall come into said the fund are hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the auditorium board only upon the approval or direction of the board.

(10) **Correlation of Laws.** (a) In any case where If a bid is a prerequisite to contract in connection with a county or city auditorium under s. 66.29 66.0901, it shall is also be a prerequisite to a valid contract by the board; and for such For this purpose the board shall be deemed
is a municipality and the contract a public contract under s. 66.29 66.0901.

(b) All statutory requirements, not inconsistent with the provisions of this section, and applicable to city auditoriums shall, apply to auditoriums provided for in this section.

(11) REPORTS. The board shall report its activities to the county board and the city council annually, or oftener as either of said the municipalities may require requires.

SECTION 491. 66.508 of the statutes is renumbered
66.0925, and 66.0925 (3) to (11), as renumbered, are amended to read:

66.0925 (3) FINANCING. The governing bodies of the respective county and city shall have the power to may borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county or city by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. 66.51 66.0913 or by the issuance of both general obligation bonds under ch. 67 and revenue bonds issued under s. 66.51. Any bonds 66.0913. Bonds issued pursuant to under this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by the its mayor or other chief executive officer thereof and by the city clerk.

(4) COST SHARING. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of such a safety building on an agreed percentage basis.

(5) SAFETY BUILDING BOARD. The ordinance shall provide for the establishment of a joint county-city safety building board to be composed of 3 members to be appointed by the county board, one for a one-year, one for a 2-year and one for a 3-year term, and 3 members to be appointed by the city council, one for a one-year, one for a 2-year and one for a 3-year term, and one additional member appointed by the other members for a 3-year term. The membership of the board shall include the chairperson of the county board and the mayor of the city, who shall be initially designated as members for the 3-year terms. Their respective successors shall be appointed and confirmed in like manner for terms of 3 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. If a member of the board ceases to hold a city or county office, membership on the board also terminates. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made. Members of the board shall be officials of the county or city.

(6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The board may combine the offices of secretary and treasurer may be combined if the board so decides. Members may receive such compensation as may be provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services. The board may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform such services as shall be specified by the board.

(b) Members, and any assistant secretary and assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in such a sum as shall be specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(7) POWERS OF BOARD. The board shall have power may, subject to provisions of the ordinance:

(a) To contract Contract for the construction or other acquisition, equipping or furnishing of a county-city safety building and may accept and use donated services and gifts, grants or donations of money or property and use the same for the purposes given and consistent with this section, and may contract for and authorize the installation of equipment and furnishings in all or part of the safety building, or any part thereof by private individuals, persons or corporations by donations, loan, lease or concession.

(b) To contract Contract for the construction or other acquisition of additions or improvements to, or alterations in, such a safety building and the equipment or furnishing of any such all or part of the addition; and may contract for or authorize the installation of equipment and furnishings in such all or part of the addition, or any part thereof, by private individuals, persons or corporations by donation, loan or concession.

(c) To employ Employ a superintendent of the a safety building and other necessary personnel and fix their compensation.

(d) To enact Enact, amend and repeal rules and regulations, not inconsistent with law, for the regulation of the board’s meetings and deliberations, and for the government, operation and maintenance of the a safety building and the safety building’s employees thereof.

(e) To contract Contract for, purchase or hire all fuel, equipment, furnishings, and supplies, services and help reasonably necessary for the proper operation and maintenance of the a safety building.

(f) To audit Audit all accounts and claims against the a safety building or against the a board, and, if approved, pay the same accounts or claims from the fund specified in sub. (9). All expenditures made pursuant to this section shall be within the limits of the ordinance.
(g) To sue and be sued, and to collect or compromise any and all obligations due to the a safety building; all. All money received shall be paid into the joint safety building fund.

(h) To make such Make studies and recommendations to the county board and city council relating to the operation of the a safety building or the building of facilities therefor as the board may deem advisable or said the governing bodies request.

(i) To employ Employ counsel on either a temporary or permanent basis.

(8) BUDGET: The board shall annually, prior to before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the city pursuant to the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city, shall be delivered to the clerks of the respective municipalities. It shall be the duty of The county board and the common council of the city to shall consider such the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. Thereupon After this determination, the county and city respectively shall levy a tax sufficient to produce the amount to be raised by said the county and city.

(9) SAFETY BUILDING FUND: A joint county–city safety building fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city shall pay or cause to be paid into such the fund the respective amounts to be paid thereto by such county and city as specified by the ordinance and resolutions of the respective municipalities when such the amounts have been collected. All of the moneys which shall come into said the fund are hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the safety building board only upon the approval or direction of the board.

(10) CORRELATION OF LAWS. In any case where a bid is a prerequisite to contract in connection with a county or city safety building under s. 66.29 66.0901, it shall is also be a prerequisite to a valid contract by the board and for such. For this purpose the board shall be deemed is a municipality and the contract a public contract under s. 66.29 66.0901.

(11) REPORTS. The board shall report its activities to the county board and the city council annually, or oftener as either of said the municipalities may require.

SECTION 492. 66.51 (title), (1), (2) and (3) of the statutes are renumbered 66.0913 (title), (1), (2) and (3) and amended to read:

66.0913 (title) Revenue bonds for counties and cities City and county projects, individual or joint; revenue bonding. (1) (a) Every A county or city, or both jointly, may construct, purchase, acquire, develop, improve, operate or maintain a county or city building, or both jointly, for a courthouse, safety building, city hall, hospital, armory, library, auditorium and music hall, municipal parking lots or other parking facilities, or municipal center or any combination thereof of the foregoing, or a university University of Wisconsin college campus, as defined in s. 36.05 (6m), if the operation of such the college campus has been approved by the board of regents of the university University of Wisconsin system System.

(b) The county board, common council of any city, or both jointly, are authorized in their discretion may, for any of its corporate purposes as set forth in this subsection, to issue bonds on which the principal and interest are payable from the income and revenues of such the project financed with the proceeds of such the bonds or with such the proceeds together with the proceeds of a grant from the federal government to aid in the financing and construction thereof of the project. In the case of municipal parking lots or other parking facilities such the bonds may in addition be payable as to both principal and interest from income and revenues from other similar projects, parking meters, parking fees, or any other income or revenue obtained through parking, or any combination thereof of these methods.

(c) The credit of the county, or city, or both jointly, shall may not be pledged to the payment of such the bonds, but shall be the bonds are payable only from the income and revenues described in par. (b) or the funds received from the their sale or disposal thereof. If the county board, or common council of a city, or both jointly, so determine, such the bonds shall be secured either by a trust indenture pledging such the revenues or by a mortgage on the property comprising such the project and the revenues therefrom from the project.

(2) The bonds or other evidences of indebtedness shall state upon on their face that the bonds are not a debt of the county, or city, or both jointly, shall not be a debt thereof or be and that the county or city, or both jointly, are not liable therefor for the indebtedness. Any indebtedness created by this section shall is not be considered an indebtedness of such the county or city and shall not be included in such amounts of determining the constitutional 5% debt limitations.

(3) The provisions of s. 66.066 66.0621 relating to the issuance of revenue bonds by cities for public utility purposes, insofar as applicable, and the provisions of ss. 67.08 (1) and 67.09 relating to the execution and registration of municipal obligations apply to the issuance of revenue bonds under this section.

SECTION 493. 66.51 (4) of the statutes is repealed.
NOTE: Repealed as archaic. The subsection validates all actions of a county or city before December 4, 1955, in connection with the construction or other acquisition, equipping, furnishing, operation and maintenance of a joint county—city safety building which would have been valid had ss. 66.51 (1) and 66.508 been in effect when the actions were taken. There appears to be no need to continue the validation.

SECTION 494. 66.52 of the statutes is renumbered 66.1101 and amended to read:

66.1101 Promotion of industry; industrial sites. (1) It is declared to be the policy of the state to encourage and promote the development of industry to provide greater employment opportunities and to broaden the state’s tax base to relieve the tax burden of residents and home owners. It is recognized that the availability of suitable sites is a prime factor in influencing the location of industry but that existing available sites may be encroached upon by the development of other uses unless protected from such encroachment by purchase and reservation. It is further recognized that cities, villages and towns have broad power to act for the commercial benefit and the health, safety and public welfare of the public. However, to implement that power, legislation authorizing borrowing is necessary. It is, therefore, declared to be the policy of the state to authorize cities, villages and towns to borrow for the reservation and development of industrial sites, and the expenditure of funds therefor is determined to be a public purpose.

(2) For financing purposes, the purchase, reservation and development of industrial sites undertaken by any city, village or town is a public utility within the meaning of s. 66.066 66.0621. In financing under that section, rentals and fees shall be considered as to be revenue. Any indebtedness created hereunder under this section shall not be included in arriving at the constitutional debt limitation.

(3) Sites purchased for industrial development under this section or pursuant to any other authority may be developed by the city, village or town by the installation of utilities and roadways but not by the construction of buildings or structures. Any such The sites may be sold or leased for industrial purposes only for a fair consideration to be determined by the governing body.

SECTION 495. 66.521 (title) and (1) to (6) of the statutes are renumbered 66.1103 (title) and (1) to (6), and 66.1103 (1) (a), (2) (d), (f) to (h), (k) 1., 4., 11. and 20. and (L), (3) (intro.), (b) 1. and 2., (d) (e) and (f), (4) (a) (intro.) and (c) to (f), (4m) (c), (5) (a), (b) (intro.) and 1. to 5. and (c) to (f) and (6) (a) and (b), as renumbered, are amended to read:

66.1103 (1) (a) It is found and declared that industries located in this state have been induced to move their operations in whole or in part to, or to expand their operations in, other states to the detriment of state, county and municipal revenue raising through the loss or reduction of income and franchise taxes, real estate and other local taxes, and thereby causing an increase in unemployment; that such conditions now exist in certain areas of the state and may well arise in other areas; that economic insecurity due to unemployment is a serious menace to the general welfare of not only the people of the affected areas but of the people of the entire state; that unemployment results in obligations to grant public assistance and in the payment of unemployment insurance; that the absence of new economic opportunities has caused workers and their families to migrate elsewhere to find work and establish homes, which has resulted in a reduction of the tax base of counties, cities and other local governmental jurisdictions impairing their financial ability to support education and other local governmental services; that security against unemployment and the preservation and enhancement of the tax base can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of commerce, industry and manufacturing; and that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions. It is therefore declared to be the policy of this state to promote the right to gainful employment, business opportunities and general welfare of the its inhabitants thereof and to preserve and enhance the tax base by authorizing municipalities to acquire industrial buildings and to finance such the acquisition through the issuance of revenue bonds for the purpose of fulfilling the aims of this section and such. These purposes are hereby declared to be public purposes for which public money may be spent and the necessity in the public interest for the provisions herein enacted of this section is declared a matter of legislative determination.

(2) (d) “Equip” means to install or place on or in any building or improvements or the site thereof of the building or improvements equipment of any kind, including, without limiting the generality of the foregoing, machinery, utility service connections, pollution control facilities, building service equipment, fixtures, heating equipment and air conditioning equipment.

(f) “Improve”, “improving”, “improvements” and “facilities” embrace any real or personal property or mixed property of any kind of whatever useful life that can be used or that will be useful in an industrial project including, but not limited to, sites for buildings, equipment or other improvements, rights-of-way, roads, streets, sidings, foundations, tanks, structures, pipes, pipelines, reservoirs, lagoons, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities, pollution control facilities, and other real, personal or mixed property of every kind.

(g) “Indenture” means an instrument under which bonds may be issued and the rights and security of the bondholders are defined, whether such the instrument is
in the form of an indenture of trust, deed of trust, resolution of the governing body, mortgage, security agreement, instrument of pledge or assignment or any similar instrument or any combination of the foregoing these forms and whether or not such the instrument creates a lien on property.

(h) “Initial resolution” means a resolution of the governing body expressing an intention, which may be subject to conditions therein stated in the resolution, to issue revenue bonds under this section in an amount stated, or a sum not to exceed a stated amount, on behalf of a specified eligible participant, for a stated purpose.

(k) 1. Assembling, fabricating, manufacturing, mixing or processing facilities for any products of agriculture, forestry, mining or manufacture, even though such the products may require further treatment before delivery to the ultimate consumer;

4. Pollution control facilities, including any connected environmental studies and monitoring systems connected therewith;

11. Recreational facilities, convention centers and trade centers, as well as related hotels, motels or marinas related thereto;

20. A shopping center, or an office building, convention or trade center, hotel, motel or other nonresidential facility, which is located in or adjacent to a blighted area as defined by s. 66.43 66.1105 (2) (a), 66.1331 (3) (a), 66.1331 or 66.1333 (2m) (b) or 66.16 (2) (a) or in accordance with a redevelopment plan or urban renewal plan adopted under s. 66.43 66.1331 (5) or 66.43 66.1333 (6).

L) “Revenue agreement” includes any lease, sublease, instalment or direct sales contract, service contract, take or pay contract, loan agreement or similar agreement wherein providing that an eligible participant agrees to pay the municipality an amount of funds sufficient to provide for the prompt payment of the principal of, and interest on, the revenue bonds and agrees to cause construct the project to be constructed.

3) POWERS. (intro.) Any A municipality may:

(b) 1. To finance all or any part of the costs of the construction, equipping, reequipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending or remodeling of industrial projects and the improvement of sites therefore for industrial projects;

2. To fund the whole or any part of any revenue bonds therefore issued by such the municipality, including any premium payable with respect thereto to the bonds and any interest accrued or to accrue thereon on the bonds; or

d) Mortgage all or any part of the industrial project or assign the revenue agreements in favor of the holders of the bonds issued therefore for the industrial project and in connection therewith may with the mortgage or assign-
able prior to before maturity on such the terms and conditions; be payable both with respect to principal and interest at such the place in or out of this state; bear interest at such the rate, either fixed or variable in accordance with such the formula; be evidenced in such the manner; and may contain other provisions not inconsistent with this section, as specified by the governing body.

(d) Unless otherwise expressly or implicitly provided in the proceedings of the governing body whereunder authorizing the bonds are authorized to be issued, bonds issued under this section shall be are subject to the general provisions of law, not inconsistent with this section, presently existing or that may hereafter be enacted, respecting the authorization, execution and delivery of the bonds of such the municipality.

(e) Any bonds, Bonds issued under the authority of this section, may be sold at public or private sale in such the manner, at such the price and at such the time as may be determined by the governing body. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof of the bonds:

(f) All bonds, issued under the authority of this section, and all interest coupons applicable thereto, shall be construed to be to the bonds, are negotiable instruments, even though they are payable solely from a specified source.

(4m) (c) Nothing in this subsection may be deemed to require requires a person with whom a municipality has entered into a revenue agreement to satisfy an estimate under par. (a) 2.

(5) (a) The principal of, and interest on, any bonds issued under authority of this section shall be secured by a pledge of the revenues out of which such the bonds shall be made payable. They The bonds may, but need not, be secured by any one or more of the following:

1. A real estate mortgage or a security interest covering all or any part of the project from which the revenues so pledged may be derived,

2. A pledge of the revenue agreement; or

3. An assignment of the revenue agreement and any security given therefor for the revenue agreement.

(b) (intro.) The proceedings under which the bonds are authorized to be issued under this section, and any indenture given to secure the same bonds, may contain any agreements and provisions customarily contained in instruments securing bonds, including, but not limited to:

1. Provisions respecting custody of the proceeds from the sale of the bonds including their investment and reinvestment until used to defray the cost of the projects,

2. Provisions respecting the fixing and collection of the proceeds under the revenue agreement pertaining to any project covered by such the proceedings or indenture,

3. The terms to be incorporated in the revenue agreement pertaining to such the projects,

4. The maintenance and insurance of such the projects,

5. The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such the project,

(c) A municipality may provide that proceeds from the sale of bonds and special funds from the revenues of the project and any funds held in reserve or debt service funds shall be invested and reinvested in such securities and other investments as are provided in the proceedings under which the bonds are authorized to be issued. The municipality may also provide that such the proceeds or funds or investments and the revenues derived pursuant to the revenue agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of this state. A municipality may also provide that the project and improvements shall be constructed or installed by the municipality, the eligible participant or the eligible participant’s designee or any one or more of them on real estate owned by the municipality, the eligible participant or the eligible participant’s designee and that the bond proceeds shall be disbursed by the trustee bank or trust company during construction upon the estimate, order or certificate of the eligible participant or the eligible participant’s designee. In making such agreements or provisions under this paragraph, a municipality shall may not obligate itself, except with respect to the project and the application of the revenues therefrom from the project, and shall may not incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(d) The proceedings authorizing any bonds under this section, or any indenture securing such the bonds, may provide that if there is a default in the payment of the principal of, or the interest on, such the bonds or in the performance of any agreement contained in such the proceedings or indenture, the payment and performance may be enforced by the appointment of a receiver with power to charge, collect and apply the revenues from the project in accordance with such the proceedings or the provisions of such the indenture.

(e) Any An indenture made under this section to secure bonds and which constitutes a lien on property may also provide that if there is a default in the payment thereof of the bonds or a violation of any agreement contained therein in the indenture, it may be foreclosed and the collateral sold under proceedings in any manner permitted by law. Such The indenture may also provide that any a trustee thereunder under or any a pledgee or assignee thereof of the holder of any bonds secured thereby by the indenture may become the purchaser at any foreclosure sale if that person is the highest bidder therefor.
(f) The revenue agreement may include such any provisions as that the municipality deems consider as appropriate to effect the financing of the project, including a provision for payments thereunder to be made in installments and the securing of the obligation for any such payments by lien or security interest in the undertaking either senior or junior to, or ranking equally with, any lien, security interest or rights of others.

(6) (a) Prior to Before the execution of a revenue agreement with respect to any a project, the governing body must shall determine all of the following:

1. The amount necessary in each year to pay the principal of, and the interest on, the bonds proposed to be issued to finance such the project,

2. The amount necessary to be paid each year into any reserve funds which the governing body deems advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and

3. Unless the terms of the revenue agreement provide that the eligible participant shall is obligated to provide for maintenance of the project and the carrying of all proper insurance with respect thereto to the project, the estimated cost of maintaining the project in good repair and keeping it properly insured.

(b) The determination and findings of the governing body shall be embodied in the proceedings under which the proposed bonds are to be issued; but the foregoing amounts specified in par. (a) need not be expressed in dollars and cents in the revenue agreement and proceedings under which the bonds are authorized to be issued, but may be set forth in the form of a formula. Prior to Before the issuance of the bonds authorized by this section the municipality shall enter into a revenue agreement providing for payment to the municipality or to the trustee for the account of the municipality of such those amounts as are based upon the basis of such determination and findings, that will be sufficient to pay the principal of, and interest on, the bonds issued to finance the project; to build up and maintain any reserves deemed considered advisable by the governing body, in connection therewith with the project; and, unless the revenue agreement obligates the eligible participant to provide for the maintenance of and insurance on the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.

Section 496. 66.521 (6m) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.1103 (6m) and amended to read:

Section 497. 66.521 (7) to (13) of the statutes are renumbered 66.1103 (7) to (13), and 66.1103 (7) (intro.), (8), (9), (10) (a), (b) and (d), (11) (a), (12) (a) and (13) (b) (intro.), 1. (intro.) and b. and 2. (intro.), as renumbered, are amended to read:

66.1103 (7) Application of proceeds limited.  The proceeds from the sale of any bonds, issued under this section, shall may be applied only for the purpose for which the bonds were issued and if, for any reason, any portion of such the proceeds are not needed for the purpose for which the bonds were issued, such the unneeded portion of said the proceeds shall be applied, directly or indirectly, to the payment of the principal or the interest on the bonds. The following costs may be financed as part of any a bond issue:

8. Purchase. The municipality may, by or with the consent of the eligible participant, accept any bona fide offer to purchase the project which is sufficient to pay all the outstanding bonds, interest, taxes, special levies and other costs that have been incurred. The municipality may also, by or with the consent of the eligible participant, accept any bona fide offer to purchase unimproved land which is a part of the project, if the purchase price is not less than the cost of such the land to the municipality computed on a prorated basis and if such the purchase price is applied directly or indirectly to the payment of the principal or interest on the bonds.

(9) Payment of taxes. When any If an industrial project acquired by a municipality under this section is used by a private person as a lessee, sublessee or in any capacity other than owner, that person shall be is subject to taxation in the same amount and to the same extent as though if that person were the owner of the property. Taxes shall be assessed to such the private person using the real property and collected in the same manner as taxes assessed to owners of real property. When due, the taxes shall constitute a debt due from such the private person to the taxing unit and shall be are recoverable as provided by law, and such the unpaid taxes shall become a lien against the property with respect to which they were assessed, superior to all other liens, except a lien under s. 292.31 (8) (i) or 292.81, and shall be placed on their the tax roll when there has been a conveyance of the property in the same manner as are other taxes assessed against real property.

10. (a) Any An action required or permitted by this section to be taken by a governing body may be taken at any lawful meetings thereof of the governing body. A simple majority of a quorum of such the governing body shall be is sufficient for any such the action under this section. The ayes and noes need not be taken with respect to any such the action and such the action need not be officially read prior to before adoption. Failure to publish any such an action shall under this section does not affect the validity thereof of the action.

(b) Upon the adoption of an initial resolution under this section, public notice of such the adoption shall be given to the electors of the municipality prior to before the issuance of the bonds therein described in the resolution, by publication as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the maximum amount of the bonds; the name of the eligible participant; the purpose of the bonds; the net number of jobs which the project which the municipality would finance with the bond issue is
expected to eliminate, create or maintain on the project site and elsewhere in this state which is required to be shown by the proposed eligible participant on the form submitted under sub. (4m) (a) 1.; and that the resolution was adopted under this section. A form of the public notice shall be attached to the initial resolution. Prior to adoption of the initial resolution, the open meeting notice given to members of the public under s. 19.84 shall indicate that information with respect to the job impact of the project will be available at the time of consideration of the initial resolution. No other public notice of the authorization, issuance or sale of bonds under this section is required.

(d) The governing body may issue bonds under this section without submitting the proposition to the electors of the municipality for approval unless within 30 days from the date of publication of notice of adoption of the initial resolution for such the bonds, a petition conforming to the requirements of s. 8.40, signed by not less than 5% of the registered electors of the municipality, or, if there is no registration of electors in the municipality, by 10% of the number of electors of the municipality voting for the office of governor at the last general election as determined under s. 115.01 (13), is filed with the clerk of the municipality requesting a referendum upon the question of the issuance of the bonds. If such a petition is filed, the bonds shall may not be issued until approved by a majority of the electors of the municipality voting thereon on the referendum at a general or special election.

(11) (a) With respect to the enforcement of any construction lien or other lien under ch. 779 arising out of the construction of projects financed under this section, no deficiency judgment or judgment for costs may be entered against the municipality. Projects financed under this section shall are not be deemed to be public works, public improvements or public construction within the meaning of ss. 59.52 (29), 60.47, 61.55, 62.15, 779.14, 779.15 and 779.155 and contracts for the construction of such the projects shall are not be deemed to be public contracts within the meaning of ss. 59.52 (29) and 66.29 66.0901 unless factors that include factors such as and including municipal control over the costs, construction and operation of the project and the beneficial ownership of the project warrant such the conclusion that they are public contracts.

(12) (a) In the absence of fraud, all bonds issued prior to before July 25, 1980, purportedly pursuant to under this section, and all proceedings taken purportedly pursuant to under this section prior to before that date for the authorization and issuance of those bonds or of bonds not yet issued, and the sale, execution and delivery of bonds issued prior to before July 25, 1980, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power, however patent, other than constitutional, of the issuing municipality or the governing body or municipal officer thereof, to authorize and issue the bonds, or to sell, execute or deliver the same bonds, and notwithstanding any defects or irregularities, however patent, other than constitutional, in the proceeding or in the sale, execution or delivery of bonds issued prior to before July 25, 1980. All such bonds issued before July 25, 1980, are binding, legal obligations in accordance with their terms.

(13) (b) This section may be used to finance all or any part of the cost, tangible or intangible, whenever incurred, of providing an industrial project under this section, whether or not such the industrial project is in existence on the date of adoption of the initial resolution or of issuance of the bonds; whether new or previously used; whether or not previously owned by the eligible participant, the eligible participant’s designee or a party affiliated with either; and notwithstanding that this section was not in effect or did not permit such the financing on the date of such adoption of the resolution or at the time such ownership was acquired, except as follows:

1. (intro.) No part of the costs of constructing or acquiring personal property owned by the eligible participant, the eligible participant’s designee or a party affiliated with either at any time prior to before the date of adoption of the initial resolution may be so financed except such costs for:

   b. Personal property which will either be substantially reconstructed, rehabilitated, rebuilt or repaired in connection with the financing or which represents less than 10% of the entire financing. Personal property shall shall be deemed is considered owned only after 50% of the acquisition cost thereof of the personal property has been paid and such the property has been delivered and installed.

2. (intro.) No part of the costs of acquiring real property or of acquiring or constructing improvements related to the real property may be so financed except such costs:

SECTION 498. 66.526 of the statutes is renumbered 62.57 and amended to read:

62.57 Uniform salaries in first 1st class cities. The common council of any city of the first a 1st class, however incorporated, city may at any regular or special meeting, at any time during the calendar year, adopt a uniform and comprehensive salary or wage ordinance, or both, based on a classification of officers, employments and positions in the city service and of and including any and all offices and positions whatsoever in the employment of such city, whether previously so classified or not, provided if provision has been made in the budget of the current year for the total sum of money required for the payment of the salaries and wages for such employment and a tax levied to include the same, with the following exception: That fund the wages and salaries. Wages under this section may be fixed at any such time by resolution alone and that the. The common council may, at any time during the calendar year, at any such meeting, determine a cost−of−living increment or deduction, to be
paid in addition to such wages or salaries under this section, based on a proper finding of the United States bureau of labor statistics. Any such The common council may, at any such meeting, provide for overtime pay and compensatory time under s. 103.025 for employees who work in excess of 40 hours per week.

SECTION 499. 66.527 (title) of the statutes is renumbered 66.0123 (title).

SECTION 500. 66.527 (1) to (3) of the statutes are renumbered 66.0123 (2) to (4) and amended to read:

66.0123 (2) Funds for the establishment, operation and maintenance of a department of recreation may be provided by the governing body of any town or school district. A governmental unit may, after compliance with s. 65.90, provide funds for the establishment, operation and maintenance of a department of public recreation.

(3) A governmental unit may delegate the power to establish, maintain and operate a department of public recreation to a recreation board, which shall consist of 3 members and shall be appointed by the chairperson or other presiding officer of the governing body governmental unit. The first appointments shall be made so that one member will serve one year, one for two years and one for three years; thereafter appointments shall be for terms of three years.

(b) When 2 or more of the aforesaid governmental units desire to conduct, jointly, a department of public recreation, the joint recreation board shall consist of not less than 3 members who shall be selected by the presiding officers of such the governmental units acting jointly. Appointments shall be made for terms as provided in par. (a).

(c) The members of a recreation board shall serve gratuitously.

(d) A recreation board is authorized to conduct the activities of a public recreation department, to expend funds therefor, to employ a supervisor of recreation, to employ assistants, to purchase equipment and supplies, and generally to supervise the administration, maintenance and operation of the department of public recreation and recreational activities authorized by the recreation board.

4. A recreation board has the right to conduct public recreation activities on property purchased or leased by a governmental unit for recreational purposes and under its own custody, on other public property under the custody of any other public authority, body or board with the consent of such the public authority, body or board, or on private property with the consent of its owner.

The recreation board, with the approval of the appointing board authority, may accept gifts and bequests of land, money or other personal property, and use the same gifts and bequests in whole or in part, or the income therefrom, from the gifts and bequests or the proceeds from the sale of any such property in the establishment, maintenance and operation of recreational activities.

(b) The recreation board shall annually submit to the governing body governmental unit a report of its the board’s activities and showing, including receipts and expenditures. Such report. The report shall be submitted not less than 15 days prior to and before the annual meeting of such the governmental unit.

(c) An audit shall be made of the accounts of the recreation board in the same manner as provided for audits for towns or school districts as the case may be.

(d) The persons selected by the recreation board shall furnish a surety bond in such an amount shall be fixed by the governing body governmental unit.

SECTION 501. 66.53 of the statutes is renumbered 66.0733 (intro.) and amended to read:

66.0733 Repayment of assessments in certain cases. (intro.) If in any city or town any a contract for improvements entered into by a governmental unit authorized to levy special assessments is declared void by any a court of last resort on the following ground want of power to make such contract; made contrary to a prohibition against contracting in any other than a specified way, or forbidden by statute, and if the governing body of the city or town has not adopted the resolution referred to in s. 66.295 (1) relating to payment of any person who has furnished any benefits under the void contract, the governing body of the city or town may provide that all persons who have paid all or any part of any assessment levied against the abutting property owners by reason because of the improvement may be reimbursed the amount of the assessment, paid from the fund, as that the governing body may determine. This section applies to contracts for improvements that are void for any of the following reasons:

1. There was insufficient authority to make the contract.

2. The contract was made contrary to a prohibition against contracting in other than a specified way.

3. The contract was prohibited by statute.

NOTE: Expands the scope of the provision to include any governmental entity authorized to levy special assessments. Reflects the repeal of s. 66.295 by SECTION 336.

SECTION 502. 66.54 (title) of the statutes is renumbered 66.0713 (title) and amended to read:

66.0713 Special improvement bonds; Contractor’s certificates; general obligation–local improvement bonds; special assessment B bonds.

NOTE: The repeal of s. 66.295 by SECTION 336.

SECTION 503. 66.54 (1) of the statutes is renumbered 66.0713 (1), and 66.0713 (1) (intro.), (c) and (d), as renumbered, are amended to read:

66.0713 (1) Definitions. (intro.) Wherever used or referred to in this section, unless a different meaning clearly appears from the context:
(c) “Municipality,” “Local governmental unit” means county, city, village, town, farm drainage board, sanitary districts, utility districts, public inland lake protection and rehabilitation districts, and all other public boards, commissions or districts, except 1st class cities, authorized by law to levy special assessments for public improvements against the property benefited by the special improvements.

(d) “Public improvement” means the result of the performance of work or the furnishing of materials or both, for which special assessments are authorized to be levied against the property benefited thereby by the work or materials.

SECTION 504. 66.54 (2) of the statutes is repealed.

NOTE: Repealed as unnecessary. The repealed subsection provides a noninclusive list of methods of funding public improvements by municipalities. Independent authority exists for these funding methods.

SECTION 505. 66.54 (3) (title) of the statutes is repealed.

SECTION 506. 66.54 (3) of the statutes is renumbered 66.0709 (2) and amended to read:

66.0709 (2) Whenever it is determined that the cost of any a public improvement about to be made is to be paid, wholly in whole or in part, by special assessments against the property to be benefited by the improvement, the resolution authorizing such the public improvement shall provide and require that the whole, or any stated proportion, or no part of the estimated aggregate cost of such the public improvement, which is to be levied as special assessments, shall be paid into the municipal treasury of the local governmental unit in cash. No such The public improvement shall may not be commenced nor any contract for the improvement let therefor unless and until such the payment, if any, required by said the resolution, is paid into the treasury of the municipality local governmental unit by the owner or persons having an interest in the property to be benefited which. The payment shall be credited on against the amount of the special assessments levied or to be levied against benefited property designated by the payer. In the event that If a preliminary payment is required by said the resolution, the refusal of one or more owners or persons having an interest in the property to be benefited to pay such any preliminary payments shall does not prevent the making of such the improvement, if the entire specified sum is obtained from the remaining owners or interested parties.

SECTION 507. 66.54 (4) (title) of the statutes is renumbered 66.0711 (title) and amended to read:

66.0711 (title) Discount on contract price cash payments for public improvements

SECTION 508. 66.54 (4) of the statutes is renumbered 66.0711 (2) and amended to read:

66.0711 (2) Every bid hereafter received for any public improvement which is not to be paid wholly in cash shall contain a provision that all payments made in cash by the municipality local governmental unit as provided by contract or made on special assessments as hereinafter provided shall be are subject to a specified rate of discount. The municipal treasurer of the local governmental unit shall issue a receipt for every such payment made on any special assessment, stating the date and amount of the cash payment, the discount and the total credit including such the discount, on a specified special assessment or assessments. The treasurer shall on the same day deliver a duplicate of such the receipt to the clerk, who shall credit the specified assessments accordingly. All moneys so received shall be paid to the contractor as provided by the contract.

SECTION 509. 66.54 (5) of the statutes is renumbered 66.0713 (9) and amended to read:

66.0713 (9) PAYMENT BY MUNICIPALITY LOCAL GOVERNMENTAL UNIT Whenever any such If a public improvement has been paid for by the municipality local governmental unit, contractor’s certificates as provided for in under sub. (6) or (2), general obligation–local improvement bonds as provided for in sub. (9) under s. 67.16, or special assessment B bonds as provided for in under sub. (40) (4) may be issued to the municipality local governmental unit as the owner thereof of the certificates or bonds. All of the provisions of subs. (6), (9) and (40) (2) and (4) and s. 67.16 applicable to the contractor or to the owner of such the contractor’s certificates or to such the general obligation–local improvement bonds or to such the special assessment B bonds shall be deemed to include the municipality local governmental unit which has paid for such the improvement and to which such the contractor’s certificates, general obligation–local improvement bonds or special assessment B bonds have been issued, except as otherwise provided in this section otherwise provided.

SECTION 510. 66.54 (6) (title) of the statutes is renumbered 66.0713 (2) (title).

SECTION 511. 66.54 (6) (a) and (b) of the statutes are renumbered 66.0713 (2) (a) and (b) and amended to read:

66.0713 (2) (a) Whenever any If a public improvement has been made and has been accepted by the governing body of the municipality local governmental unit, it may cause to be issued issue to the contractor for such the public improvement, a contractor’s certificate as to each parcel of land against which special assessments have been levied for the unpaid balance of the amount chargeable thereto to the parcel, describing each parcel. Such The certificate shall be substantially in the following form:

$.... No. ....

(name of municipality local governmental unit)
CONTRACTOR’S CERTIFICATE
FOR CONSTRUCTION OF ....

(name of municipality local governmental unit)
ISSUED PURSUANT TO
Section 66.54 (6) 66.0713 (2), Wis. Stats.

We, the undersigned officers of the (name of municipality), hereby, local governmental unit, certify that (name and address of contractor) has performed the work of constructing ... in ... benefiting the following premises, to wit: (insert legal description) in the (name of municipality, local governmental unit) ... County, Wisconsin, pursuant to a contract entered into by said (name of municipality, local governmental unit) with the said ... (name of contractor), dated ...., and that .... entitled to the sum of .... dollars, being the unpaid balance due for said the work chargeable to the property hereinafter described above.

Now, therefore, If the said sum shall not be paid to the treasurer of (name of municipality, local governmental unit) before the first day of the following December, next, the same amount shall be extended upon the tax roll of the (name of municipality, local governmental unit) against the property above described as listed herein in the tax roll, and collected for, as provided by law.

This certificate is transferable by indorsement but such an assignment or transfer shall be by indorsement is invalid unless the same shall be recorded in the office of the clerk of the (name of municipality, local governmental unit) and the fact of such the indorsement is endorsed on this certificate. The holder of this certificate shall have has no claim upon the (name of municipality) in any event local governmental unit, except from the proceeds of the special assessments levied for said the work against the above described land.

This certificate shall bear interest from its date to the following January 1 next succeeding.

Given under our hands at (name of municipality, local governmental unit), this .... day of .... .... (year) .... ....

(Mayor, President, Chairperson)

Countersigned:

.... ....

Clerk, (name of municipality, local governmental unit)

Assignment Record

Assigned by .... .... (Original Contractor) to .... .... (Name of Assignee) of .... .... (Address of Assignee) .... .... (Date and signature of clerk)

(b) Such certificate shall not be a municipal A contractor’s certificate is not a liability of a local governmental unit and shall so state in boldface type printed on the face thereof of the certificate. Upon issuance of said a certificate, the clerk of the municipality local governmental unit shall at once immediately deliver to the municipal treasurer of the local governmental unit a schedule of each such certificate showing the date, amount, number, date of maturity, person to whom issued and parcel of land against which the assessment is made. The treasurer shall thereupon notify, by mail, the owner of said the parcel, as the same owner appears on the last assessment roll, that payment is due on said the certificate at the office of said the treasurer, and if such the owner shall pay such pays the amount or part thereof, so due, said the clerk shall cause the same to be paid that amount to the registered holder of said the certificate, and shall indorse such the payment on the face of said the certificate and on the clerk’s record thereof of the certificate. The clerk shall keep a record of the names of the persons, firms or corporations to whom such contractor’s certificates shall be are issued and of the assignees thereof of certificates when the fact of assignment is made known to such the clerk. Assignments of such contractor’s certificates shall be are invalid unless recorded in the office of the clerk of the municipality local governmental unit and the fact of such recording be is indorsed on said the certificate. Upon final payment of the certificate, the same certificate shall be delivered to the treasurer of the municipality local governmental unit and by the treasurer delivered to such the clerk. On the first of each month, to and including December 1, the treasurer shall certify to the clerk a detailed statement of all payments made on such certificates.

Section 512. 66.54 (6) (c) of the statutes is renumbered 66.0713 (10) and amended to read:

66.0713 (10) After the expiration of 90 days from the date of such a contractor’s certificate or any general obligation local improvement bond or special assessment B bond hereinafter provided for, the same shall be or bond is conclusive evidence of the legality of all proceedings up to and including the issue thereof of the certificate or bond and prima facie evidence of the proper construction of the improvement.

Section 513. 66.54 (6) (d) of the statutes is renumbered 66.0713 (2) (c) and amended to read:

66.0713 (2) (c) If said certificates are a contractor’s certificate is not paid before December 1 in the year in which they are issued, the comptroller or clerk of the municipality local governmental unit shall thereupon include in the statement of special assessments to be placed in the next tax roll an amount sufficient to pay such certificates the certificate, with interest thereon from the date of such certificates the certificate to the following January 1 next succeeding, and thereafter the same proceedings for the collection of that amount shall be the same as the proceedings shall be had as in the case for the collection of general property taxes, except as otherwise provided in this section otherwise provided. Such The delinquent taxes shall be returned to the county treasurer in trust for collection and not for credit. All moneys collected by the municipal treasurer of the local governmental unit or by the county treasurer and remitted to the municipal treasurer of the local governmental unit on account of such the special assessments shall be delivered to the owner of the contractor’s certificate on demand.
SECTION 514. 66.54 (7) of the statutes is renumbered 66.0715 (3), and 66.0715 (3) (title), (a) to (f), (fm) 2. b. and 3. and (g), as renumbered, are amended to read:

66.0715 (3) (title) ANNUAL INSTALMENTS OF SPECIAL ASSESSMENTS. (a) The governing body of any municipality or a local governmental unit may provide that special assessments levied to defray the cost of any public improvement or a project constituting part of a general public improvement, except sprinkling or oiling streets, may be paid in annual instalments.

(b) The first instalment shall include a proportionate part of the principal of the special assessment, determined by the number of instalments, together with interest on the whole assessment from the date, not prior to the instalment and thereafter this tax roll. If with the other taxes it shall be returned to the municipality as delinquent and accepted and collected by the county as delinquent, the amount of the special assessment therefor shall be recorded in the office of the clerk of the county as delinquent and accepted and collected by the county as delinquent general taxes on real estate, except as otherwise provided in this section otherwise provided. One of the subsequent instalments shall be entered in the first tax roll prepared after the date that the initial election was made under par. (e) and the date that the initial election was made under par. (e) and the date on which the instalment is paid.

(c) If any instalment so entered in the tax roll shall not be paid to the municipal treasurer of the local governmental unit with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate, except as otherwise provided in this section otherwise provided.

(d) If any instalment so entered in the tax roll shall be treated in all respects as any other municipal tax of a local governmental unit, except as otherwise provided in this section otherwise provided. One of the subsequent instalments shall be entered in the following form:

INSTALMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvement) and that the amount of the special assessment for the improvement has been determined as to each parcel of real estate affected thereby and a statement of the same assessment is on file with the.... clerk; it is proposed to collect the same special assessment in.... instalments, as provided for by section 66.54 66.0715 of the Wisconsin statutes Statutes, with interest thereon at.... percent per cent per year; that all assessments will be collected in instalments as provided above except such assessments on property where the owner of the same shall file files with the.... clerk within 30 days from date of this notice a written notice that the owner elects to pay the special assessment on the owner’s property, describing the same property, to the.... treasurer on or before the next succeeding following November 1, unless the election is revoked. If, after making such the election, said the property owner fails to make the payment to the.... treasurer, the.... clerk shall place the entire assessment on the next succeeding following tax roll.

Dated....

... [Clerk of (name of municipality local governmental unit)]

(f) After the time for making an initial election to pay the special assessment in full under par. (e) expires, any the assessment may be paid in full before due, only upon the payment of such that portion of the interest to become due thereon as the governing body shall determine determines.

(fm) 2. b. Interest on that amount at the rate used by the municipality local governmental unit for instalment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the instalment is paid.

3. If the first instalment has not been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who revoked his or her initial election to make a lump sum payment shall be an amount calculated under par. (b) plus interest on that amount at the rate used by the municipality local governmental unit for instalment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the instalment is paid.

(g) A schedule of the assessments and assessment instalments thereof shall be recorded in the office of the clerk of the municipality forthwith local governmental unit as soon as practicable.

SECTION 515. 66.54 (8) of the statutes is repealed.

NOTE: Repealed as unnecessary. Authority to issue general obligation—local improvement bonds and special assessment B bonds is provided independently in other provisions of renumbered s. 66.54.

SECTION 516. 66.54 (9) (title) of the statutes is renumbered 66.0713 (3) (title).

SECTION 517. 66.54 (9) (a) of the statutes is renumbered 66.0713 (3) and amended to read:

66.0713 (3) For the purpose of anticipating the collection of special assessments payable in instalments as provided in this section s. 66.0621 (3) and after such the instalments have been determined, the governing body may issue general obligation—local improvement bonds as more particularly described in this subsection under s. 67.16.
**SECTION 518.** 66.54 (9) (b) and (c) of the statutes are renumbered 67.16 (2) (b) and (c) and amended to read: 67.16 (2) (b) The issue of such general obligation—local improvement bonds shall be in an amount not to exceed the aggregate unpaid special assessments levied for the public improvement which such bonds and interest of such issue are to finance. A single issue of such bonds may be used to finance one or more different local improvements for which special assessments are authorized to be made in the same year. Sections 67.035, 67.06, 67.07, 67.08 and 67.11, where not contrary to the provisions of this section, shall be applicable to such special assessments, but the date of maturity of each instalment of said bonds shall be fixed in October, November or December. The first maturity of such bonds shall be in the second year following the date of levy of the first instalment of the underlying special assessment. At the time of the authorization of such bonds are authorized, the governing body of the municipality local governmental unit shall levy a tax upon all the taxable property of said municipality the local governmental unit sufficient to provide for the payment of the principal and interest of said bonds at maturity, which tax shall be is irrevocable. All collections of instalments of the special assessments levied to pay for such public improvement, either before or after delinquency thereof, shall be placed by the municipal treasurer of the local governmental unit in a special debt service fund, designated and identified for such the issue of such the bonds, and shall be used only for the payment of the bonds and interest of such the issue. The annual instalment of the irrepealable tax levied for the purpose of payment of such the bonds and interest thereof, on the bonds shall be diminished by the amount on hand in such the debt service fund on November 1 of each tax levy year after deducting any unpaid interest and principal due in that year, and said the amount so on hand in said the fund shall be applied to the payment of the next succeeding instalment of principal and interest named on said the bonds. Any deficiency in the debt service fund for the payment of such the bonds and interest thereof at maturity shall be paid out of the general fund of the municipality local governmental unit and such the general fund shall be reimbursed from the collection of such that part of the aforesaid irrepealable tax as that is actually levied. Any surplus in said the debt service fund after all bonds and interest thereof are fully paid, shall be paid into the general fund.

(c) If any instalment of the aforesaid special assessment so that is entered in the tax roll shall is not be paid to the municipal treasurer of the local governmental unit with the other taxes, it shall be returned to the county treasurer as delinquent in trust for collection.

**SECTION 519.** 66.54 (10) and (11) of the statutes are renumbered 66.0713 (4) and (5) and amended to read: 66.0713 (4) SPECIAL ASSESSMENT B BONDS. (a) For the purpose of anticipating the collection of special assessments payable in instalments, as provided in this section 66.0715 (3) and after said the instalments have been determined, the governing body may issue special assessment B bonds payable out of the proceeds of such the special assessments as provided in this section. Such The bonds shall in no event be are not a general municipal liability of the local governmental unit.

(b) The issue of such special assessment B bonds shall be in an amount not to exceed the aggregate unpaid special assessments levied for the public improvement which such the issue is to finance. A separate bond shall be issued for each separate assessment and said the bond shall be secured by and be payable out of only the assessment against which it is issued. Such The bonds shall mature in the same number of instalments as said the underlying special assessments. Such The bonds shall carry coupons equal in number to the number of special assessments, which The coupons shall be detachable and entitle the owner thereof of the bond to the payment of principal and interest collected on the underlying special assessments. Such The bond shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. Each bond shall include a statement that it is payable only out of the special assessment on the particular property against which it is issued and the purpose for which same the assessment was levied and such other provisions as that the governing body shall deem proper to insert inserts.

(ba) Payments of principal and interest shall conform as nearly as may be possible to the payments to be made on the instalments of the assessment, and the principal and interest to be paid on the bonds shall not exceed the principal and interest to be received on the assessment. All collections of instalments of the special assessments levied to pay for such the public improvement, either before or after delinquency thereof, shall be placed by the municipal treasurer of the local governmental unit in a special debt service fund designated and identified for such the bond issue of bonds and shall be used only for the payment of said the bonds and interest of such the issue. Any surplus in said the debt service fund after all bonds and interest thereof are fully paid, shall be paid into the general fund.

(c) Such Special assessment B bonds must shall be registered in the name of the owner thereof on the records of the clerk of the municipality by which said bonds were local governmental unit that issued the bonds. Upon
transfer of the ownership of such bonds the fact of such transfer must shall be noted upon the bond and on the record of the clerk of such municipality the local governmental unit. Any transfer not so recorded shall be null and void and the clerk of the municipality shall be entitled to local governmental unit may make payments of principal and interest to the owner of the bond as registered on the books of the municipality local governmental unit.

(d) Principal and interest collected on the underlying special assessments as well as and interest collected on the delinquent special assessments and on delinquent tax certificates issued therefor for the delinquent assessments shall be paid by the treasurer of the municipality local governmental unit out of the debt service fund created for the issue of such the bonds to the registered holder thereof of the bonds upon the presentation and surrender of the coupons due attached to said the bonds. If any installment of the aforesaid special assessment entered in the tax roll shall be not be paid to the municipal treasurer of the local governmental unit with the other taxes, it shall be returned to the county treasurer as delinquent in trust for collection.

(e) If the tax certificate resulting from the delinquent special assessment is redeemed by any person, firm or corporation other than the county, the county treasurer shall pay to the municipality, local governmental unit the full amount received therefor for the tax certificate, including interest, and the municipal treasurer of the local governmental unit shall thereupon then pay the amount of such the remittance into a special debt service fund created for the payment of such the special assessment B bonds.

5. Area Grouping of Area-Grouped Special Assessments Assessment B Bonds. (a) Whenever If the governing body determines to issue special assessment B bonds pursuant to subs. (9) and (10) under sub. (4), it may group the special assessments levied against benefited lands and issue said the bonds against such the special assessments so grouped as a whole. All such of the bonds shall be equally secured by such the assessments without priority one over the other.

(b) The All of the following provisions shall be applicable and applied to area-grouped special assessment B bonds issued under this section:

1. For the purpose of anticipating the collection of special assessments payable in installments under this section and after said the installments have been determined, the governing body may issue area-grouped special assessment B bonds payable out of the proceeds of such the special assessments as provided herein. Such the bonds shall be paid in full amount received therefor for the tax certificate, including interest, and the municipal treasurer of the local governmental unit shall thereupon pay the amount of such the remittance into a special debt service fund created for the payment of such the bonds.

7. A holder of the bonds or of any coupons attached thereto shall have to the bonds has a lien against the special debt service fund created under subd. 4 for payment of said the bonds and interest thereon on the bonds and against any reserve fund created under sub. (5) (7) and may either at law or in equity protect and enforce such the lien and compel performance of all duties required by this section of the municipality local governmental unit issuing said the bonds.

SECTION 520. 66.54 (12) (title) of the statutes is renumbered 66.0719 (title).

SECTION 521. 66.54 (12) of the statutes is renumbered 66.0719 (2) and amended to read: 66.0719 (2) If a special assessment is levied for any public improvement, any amount collected on that special assessment or received from the county shall be deposited in the general fund of the municipality local governmental unit if the payment for the improvement was made out of its general fund, deposited in the funds and accounts of a public utility established under s. 66.066 66.0621 (2) (c) if such the improvement was paid out of the proceeds of revenue obligations of the municipality local governmental unit or deposited in the debt service fund required for the payment of bonds or notes.
issued under ch. 67 if such improvement was paid out of the proceeds thereof of the bonds or notes. That special assessment, when delinquent, shall be returned in trust for collection and the municipality shall have the same rights as provided in sub. (9) s. 66.0713 (3) (c).

SECT. 522. 66.54 (15) and (15m) of the statutes are renumbered 66.0713 (7) and (8) and amended to read:

66.0713 (7) RESERVE FUND FOR SPECIAL ASSESSMENT BONDS AND REFUNDING BONDS. If the governing body determines to issue special assessment B bonds under sub. (4) (4) or refunding B bonds under sub. (6) (6), it may establish in its treasury a fund to be designated as a reserve fund for the particular bond issue, to be maintained until such obligation is paid or otherwise extinguished. Any surplus in the reserve fund after all the bonds have been paid or canceled shall be carried into the general fund of the local governmental unit’s treasury. The source of said fund shall be established either from proceeds of the bonds, the general fund of the local governmental unit’s treasury or by the levy of an irrepealable and irrevocable general tax. Such The bonds shall in no event be not a general municipal liability of the local governmental unit.

(8) PAYMENT OF BONDS FROM TAX LEVY. Any municipality authorized to issue special assessment B bonds, in addition to the special assessments or bond proceeds or other sources, may appropriate funds out of its annual tax levy for the payment of the bonds. The payment of such bonds out of funds from a tax levy, however, may not be construed as constituting an obligation of such municipality to make any other such appropriation.

SECT. 523. 66.54 (16) of the statutes is renumbered 66.0713 (6) and amended to read:

66.0713 (6) REFUNDING BONDS. Any municipality A local governmental unit may issue refunding B bonds to refund any outstanding special assessment B bonds issued under sub. (10) or (11). These (4) or (5). The refunding B bonds shall be secured by and payable only from the special assessments levied to pay for the public improvements financed by the bonds to be refunded, and shall are not be a general municipal liability of the local governmental unit. If bonds issued under sub. (4) (4) are to be refunded, the provisions of sub. (4) (b) to (e) shall apply to the refunding B bonds; if bonds issued under sub. (5) (5) are to be refunded, the provisions of sub. (5) (b) shall apply to the refunding B bonds. If the governing body determines that it is necessary to amend the prior assessments in connection with the issuance of refunding B bonds under this section, it may reconsider and reopen the assessments under s. 66.60 66.0703 (10). The notice and hearing provided for under s. 66.60 66.0703 (10) may be waived under s. 66.60 (12) 66.0703 (7) (b) by the owners of the property affected. If the assessments are amended, the refunding B bonds shall be secured by and payable from the special assessments as amended. If the assessments are amended, all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed. If the governing body determines to issue refunding B bonds, it may create a reserve fund for the issue under sub. (4) s. 66.0713 (3) (c).

SECT. 524. 66.55 of the statutes is renumbered 66.0617.

SECT. 525. 66.60 (title) of the statutes is renumbered 66.0703 (title) and amended to read:

66.0703 (title) Special assessments and charges, generally.

SECT. 526. 66.60 (1), (2), (3) and (4) of the statutes are renumbered 66.0703 (1), (4), (5) and (6), and 66.0703 (1), (4), (5) (intro.), (c) (intro.) 3. and (d) (6), as renumbered, are amended to read:

66.0703 (1) (a) Except as provided in sub. (6m) s. 66.60 (1), as a complete alternative to all other methods provided by law, any city, town or village may, by resolution of its governing body, levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement; and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such the special assessments.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall may not exceed the value of the benefits accruing to the property therefrom, and for those representing. If an assessment represents an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the governing body of the city, town or village.

(4) Prior to Before the exercise of any powers conferred by this section, the governing body shall declare by preliminary resolution its intention to exercise such the powers for a stated municipal purpose. Such The resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of instalments in which the special assessments may be paid, or that the number of instalments will be determined at the hearing required under sub. (7), and direct the proper municipal officer or employee to make a report thereon. Such on the proposal. The resolution may limit the proportion of the cost to be assessed.

(5) (intro.) The report required by sub. (2) (d) shall consist of:

(c) (intro.) Except as provided in par. (d), an estimate, as to each parcel of property affected, of:

(3) The net amount of such the benefits over damages or the net amount of such the damages over benefits.

(d) A statement that the property against which the assessments are proposed is benefited, where if the work or improvement constitutes an exercise of the police
power. In such case If this paragraph applies, the estimates required under par. (c) shall be replaced by a schedule of the proposed assessments.

(6) A copy of the report when completed shall be filed with the municipal clerk for public inspection. If property of the state may be subject to assessment under s. 66.64 66.0705, the municipal clerk shall file a copy of the report with the state agency which manages the property. If the assessment to the property of the state for a project, as defined under s. 66.64 66.0705 (2), is $50,000 or more, the state agency shall submit a request for approval of the assessment, with its recommendation, to the building commission. The building commission shall review the assessment and shall determine within 90 days of the date on which the commission receives the report if the assessment is just and legal and if the proposed improvement is compatible with state plans for the facility which is the subject of the proposed improvement. If the building commission so determines, it shall approve the assessment. No project in which the property of the state is assessed at $50,000 or more may be commenced and no contract on such the project may be let without approval of the assessment by the building commission under this subsection. The building commission shall submit a copy of its determination under this subsection to the state agency which manages the property which is the subject of the determination.

Section 527. 66.60 (5) of the statutes is renumbered 66.0703 (2) and amended to read:

66.0703 (2) The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the resulting damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the city, town and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such the proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the governing body.

Section 528. 66.60 (6) of the statutes is renumbered 66.0703 (1) (c) and amended to read:

66.0703 (1) (c) If any property deemed that is benefited shall is by reason of any provision of law be exempt from assessment under subd. 1. par. (a) or has been exempted from a special assessment under subd. (b) sub. (2) is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, the town sanitary district or town may levy on each parcel on which it has either levied a special assessment under subd. 1. par. (a) or has not levied a special assessment for the construction of a sewerage or water system a special assessment for that purpose that does not exceed the amount of the special assessment for that purpose that would have been levied on the parcel if the parcel had not been exempt under par. (b) sub. (2) or that has already been levied under subd. 1. par. (a). The special assessment shall be apportioned among the parcels resulting from the division in proportion to their area. The town sanitary district or town may also charge interest, from the date the eligible farmland is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, 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 under this subdivision paragraph. This subdivision paragraph does not apply to any eligible farmland unless the town sanitary district or town records a lien on that eligible farmland in the office of the register of deeds within
90 days after it first levies a special assessment for the construction of a sewerage or water system for the service area in which the eligible farmland is located, describing either the applicability of subd. 1, par. (a) or the exemption under par. (b) sub. (2) and the potential for a special assessment under this subdivision paragraph.

(c) If, after a town sanitary district or town first levies a special assessment for the construction of a sewerage or water system in a service area, the eligible farmland in that service area exempted from the special assessment under par. (b) sub. (2) is not devoted exclusively to agricultural use for a period of one year or more, the town sanitary district or town may levy on that eligible farmland the special assessment for the construction of a sewerage or water system that it would have levied if the eligible farmland had not been exempt under par. (b) sub. (2). The town sanitary district or town may also charge interest, from the date the eligible farmland has not been devoted exclusively to agricultural use for a period of at least one year, 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. This subdivision paragraph does not apply to any land unless the town or special purpose district records a lien on that eligible farmland in the office of the register of deeds within 90 days after it 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, describing the exemption under par. (b) sub. (2) and the potential for a special assessment under this subdivision paragraph.

Section 531. 66.60 (7) of the statutes is renumbered 66.0703 (7) (a) and amended to read:

66.0703 (7) (a) Upon the completion and filing of the report required by sub. (2) (4), the city, town or village clerk shall cause a notice to be given stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district including, in the discretion of the governing body, a small map thereof, the place and time at which the report may be inspected, and the place and time at which all interested persons interested, or their agents or attorneys, may appear before the governing body or a committee thereof of the governing body or the board of public works and be heard concerning the matters contained in the preliminary resolution and the report. Such notice shall be published as a class 1 notice, under ch. 985, in the city, town or village and a copy of such notice shall be mailed, at least 10 days before the hearing or proceeding, to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

The hearing shall commence not less than 10 and not nor more than 40 days after such publication.

Section 532. 66.60 (8) to (12) and (15) of the statutes are renumbered 66.0703 (8) to (12) and (13) and amended to read:

66.0703 (8) (a) After the hearing upon any proposed work or improvement, the governing body may approve, disapprove or modify, or it may rerefer the report prepared pursuant to under subs. (2) (4) and (3) (5) to the designated officer or employee with such directions as it deems necessary to change the plans and specifications and to accomplish a fair and equitable assessment.

(b) If an assessment of benefits be is made against any property and an award of compensation or damages be is made in favor of the same property, the governing body shall assess against or award in favor thereof of the property only the difference between the assessment of benefits and the award of damages or compensation.

(c) When the governing body finally determines to proceed with the work or improvement, it shall approve the plans and specifications therefore and adopt a resolution directing that such the work or improvement be carried out and paid for in accordance with the report as finally approved and that payment therefor be made as therein provided.

(d) The city, town or village clerk shall publish the final resolution as a class 1 notice, under ch. 985, in the assessment district and a copy of such the resolution shall be mailed to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

(e) When the final resolution is published, all work or improvements therein described in the resolution and all awards, compensations and assessments arising therefrom from the resolution are deemed legally then authorized and made, subject to the right of appeal under sub. (12).

9 Where If more than one single type of project is undertaken as part of a general improvement affecting any property, the governing body may finally combine the assessments for all purposes as a single assessment on each property affected, provided that if each property owner shall be enabled to may object to any such the assessment for any single purpose or for more than one purpose.

10 If the actual cost of any project shall, upon completion or after the receipt of bids, be is found to vary materially from the estimates, or if any assessment is void or invalid for any reason, or if the governing body shall determine decides to reconsider and reopen any assessment, it is empowered may, after giving notice as provided in sub. (7) (a) and after a public hearing, to amend, cancel or confirm any such the prior assessment and thereupon. A notice of the resolution amending, canceling or confirming such the prior assessment shall be
given by the clerk as provided in sub. (8) (d). If the assessments are amended to provide for the refunding of special assessment B bonds under s. 66.54 (16) 66.0713 (6), all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed.

(11) If the cost of the project shall be is less than the special assessments levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately and wherein any assessments or instalments thereof have been paid the excess over cost shall be applied to reduce succeeding unpaid instalments, wherein the property owner has elected to pay in instalments, or refunded to the property owner.

(12) (a) Any person having an interest in any parcel of land affected by any a determination of the governing body, pursuant to sub. (8) (c), (10) or (11), feels aggrieved thereby that person may, within 90 days after the date of the notice or of the publication of the final resolution pursuant to under sub. (8) (d), appeal therefrom to the determination of the circuit court of the county in which such the property is situated by causing located. The person appealing shall serve a written notice of appeal to be served upon the clerk of such the city, town or village and by executing execute a bond to the city, town or village in the sum of $150 with 2 or 2 sureties or a bonding company to be approved by the city, town or village clerk, conditioned for the faithful prosecution of such the appeal and the payment of all costs that may be adjudged against that person. The clerk, in case such if an appeal is taken, shall make prepare a brief statement of the proceedings had in the matter before the governing body, with its decision thereof on the matter, and shall transmit the same statement with the original or certified copies of all the papers in the matter to the clerk of the circuit court.

(b) Such The appeal shall be tried and determined in the same manner as cases originally commenced in such circuit court, and costs awarded as provided in s. 893.80.

(c) In case any A contract has been made for making the improvement such the appeal shall does not affect such the contract, and certificates or bonds may be issued in anticipation of the collection of the entire assessment for such the improvement, including the assessment on any property represented in such the appeal as if such the appeal had not been taken.

(d) Upon appeal pursuant to under this subsection, the court may, based upon on the improvement as actually constructed, render a judgment affirming, annulling or modifying and affirming, as modified, the action or decision of the governing body. If the court finds that any assessment or any award of damages is excessive or insufficient, such the assessment or award need not be annulled, but the court may reduce or increase the assessment or award of damages and affirm the same assessment or award as so modified.

(e) An appeal under this subsection shall be is the sole remedy of any person aggrieved by a determination of the governing body, whether or not the improvement was made according to the plans and specifications therefore, and shall raise any question of law or fact, stated in the notice of appeal, involving the making of such the improvement, the assessment of benefits or the award of damages or the levy of any special assessment therefore. The limitation provided for in par. (a) shall does not apply to appeals based upon on fraud or upon on latent defects in the construction of the improvement discovered after such the period of limitation.

(f) It shall be is a condition to the maintenance of such an appeal that any assessment appealed from shall be paid as and when the same assessment or any instalments thereof become due and payable, and upon. If there is a default in making such a payment, any such the appeal shall be dismissed.

(13) Every special assessment levied under this section shall be is a lien on the property against which it is levied on behalf of the municipality levying same the assessment or the owner of any certificate, bond or other document issued by public authority, evidencing ownership of or any interest in such the special assessment, from the date of the determination of such the assessment by the governing body. The governing body shall provide for the collection of such the assessments and may establish penalties for payment after the due date. The governing body shall provide that all assessments or instalments thereof which that are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such the special assessment, except as otherwise provided by statute.

SECTION 533. 66.60 (16) of the statutes is repealed.

NOTE: Restated as a separate section. See SECTION 170 of this bill.

SECTION 534. 66.60 (17) of the statutes is renumbered 66.0703 (14) and amended to read:

66.0703 (14) If any a special assessment or special charge levied pursuant to under this section shall be is held invalid because such statutes shall be this section is found to be unconstitutional, the governing body of such the municipality may thereafter reassess such the special assessment or special charge pursuant to the provisions of under any applicable law.

SECTION 535. 66.60 (18) of the statutes is renumbered 66.0703 (7) (b) and amended to read:

66.0703 (7) (b) The governing body of any city, town or village may, without any notice or hearing, levy and assess the whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specially benefited thereby, whenever notice and hearing thereon is in writing requirements under par. (a) do not apply if they are waived, in writing, by all the
owners of property affected by such the special assessment.

**SECTION 536.** 66.604 of the statutes is renumbered 66.0717 and amended to read:

66.0717 Lien of special assessment. A special assessment levied under any authority whatsoever shall be a lien on the property against which it is levied on behalf of the municipality levying the same assessment or the owner of any certificate, bond or other document issued by the municipality, evidencing ownership of any interest in such the special assessment, from the date of the levy, to the same extent as a lien for a tax levied upon real property.

**SECTION 537.** 66.605 of the statutes is renumbered 66.0715 (2) and amended to read:

66.0715 (2) **Special assessments deferral** (a) Notwithstanding any other statute, the due date of any special assessment levied against property abutting on or benefited by a public improvement may be deferred on such the terms and in such the manner as prescribed by the governing body while no use of the improvement is made in connection with the property. Such A deferred special assessment may be paid in instalments within the time prescribed by the governing body. Any such A deferred special assessment shall be a lien against the property from the date of the levy.

(b) If a tax certificate is issued under s. 74.57 for property which is subject to a special assessment that is deferred under this section subsection, the governing body may provide that the amounts of any deferred special assessments are due on the date that the tax certificate is issued and are payable as are other delinquent special assessments from any moneys received under s. 75.05 or 75.36.

(c) The lien of any unpaid amounts of special assessments deferred under this section subsection with respect to which a governing body has not taken action under subj. (2) par. (b) is not merged in the title to property taken by the county under ch. 75.

**NOTE:** This section is combined with s. 66.54 (7), relating to annual instalments of special assessments. See sections 204, 205 and 514 of this bill. Note that the definitions for the newly combined and renumbered section provided in section 205 of this bill, which previously applied only to the provisions of renumbered s. 66.0715 that related to instalment payments, will now apply to deferral of special assessments as well.

**SECTION 538.** 66.606 of the statutes is renumbered 287.093.

**SECTION 539.** 66.608 of the statutes is renumbered 66.1109, and 66.1109 (3) (d), as renumbered, is amended to read:

66.1109 (3) (d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, shall have has all powers necessary or convenient to implement the operating plan, including the power to contract.
county or any other highway system with the approval of the jurisdiction responsible for maintaining that highway system, in or adjacent to business districts to be improved for primarily pedestrian uses. The council may acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights-of-way for inclusion in a pedestrian mall district or for use in connection with pedestrian mall purposes. The council may also make improvements on mall intersections, intersecting streets or upon facilities acquired for parking and other related purposes, if such the improvements are necessary or convenient to the operation of the mall.

(b) In establishing or improving a pedestrian mall, the council may narrow any street designated a part of a pedestrian mall, reconstruct or remove any street vaults or hollow sidewalks existing by virtue of a permit issued by the city, construct crosswalks at any point on the pedestrian mall, or cause the roadway to curve and meander within the limits of the street without regard to the uniformity of width of the street or curve or absence of curve in the center line of such the street.

(c) 1. Subject to subd. 2., the council may authorize the payment of the entire cost of any pedestrian mall improvement established under this section by appropriation from the general fund, by taxation or special assessments, and by the issuance of municipal bonds, general or particular special improvement bonds, revenue bonds, mortgages or certificates, or by any combination of such these financing methods.

2. If such a pedestrian mall improvement is financed by special assessments and special improvement bonds are not issued, such the special assessments, when collected, shall be applied to the payment of the principal and interest on any general obligation bonds issued or to the reduction of general taxes if such general obligation bonds or the general tax levy are is used to finance the improvement.

(4) PRELIMINARY FINDINGS. No pedestrian mall may be established under sub. (3) unless the council finds that all of the following:

(a) The That the proposed pedestrian mall will be located primarily in or adjacent to a business district.

(b) There That there exist reasonably convenient alternate routes for private vehicles to other parts of the city and state.

(c) That the continued unlimited use by private vehicles of all or part of the streets or parts thereof in the proposed mall district endangers pedestrian safety.

(d) Properties That properties abutting the proposed mall can be reasonably and adequately provided with emergency vehicle services and delivery of merchandise or materials either from other streets or alleys or by the limited use of the pedestrian mall for such these purposes.

(e) It That it is in the public interest to use such all or part of the street or portions thereof in the proposed mall district primarily for pedestrian purposes.

(5) (b) (intro.) Upon receiving the authority under par. (a) and upon completion of the public hearing, the commissioner of public works shall prepare a report which shall include all of the following:

(b) Designate the streets, including intersecting streets, or parts thereof of streets to be used as a pedestrian mall.

(c) Limit the use of the surface of such all or part of a street or part thereof used as a pedestrian mall to pedestrian users and to emergency, public works, maintenance and utility transportation vehicles during such times as that the council determines appropriate to enhance the purposes and function of the pedestrian mall.

(7) USE BY PUBLIC CARRIERS. If the council finds that all or part of a street or part thereof which is designated as a pedestrian mall is served by a common carrier engaged in mass transportation of persons within the city and that continued use of such all or part of the street or
part thereof by such the common carrier will benefit the city, the public and adjacent property, the council may permit such the carrier to use such all or part of the street or part thereof for such these purposes to the same extent and subject to the same obligations and restrictions which that are applicable to such the carrier in the use of other streets of the city. Upon like findings, the council may permit use of such all or part of the street or part thereof by taxicabs or other public passenger carriers.

(8) PERMITS. (a) If, at the time an ordinance establishing a pedestrian mall is adopted enacted, any property abutting such all or part of the pedestrian mall or part thereof does not have access to some other street or alley for the delivery or receiving of merchandise or materials, such the ordinance shall provide for either one of the following:

1. The issuance of special access permits to the affected owners for such these purposes;

2. The designation of the hours or days on which such the pedestrian mall may be used for such these purposes without unreasonable interference with the use of all or part of the mall or part thereof by pedestrians and other authorized vehicles.

(b) The council may issue temporary permits for closing all or part of a pedestrian mall or any part thereof to all vehicular traffic for the promotion and conduct of sidewalk art fairs, sidewalk sales, craft shows, entertainment programs, special promotions and for such other special activities consistent with the ordinary purposes and functions of the pedestrian mall.

(9) EXCESS ESTIMATED COST; ASSESSMENT ADJUSTMENTS. (a) If, after the completion of any pedestrian mall improvement, the commissioner of public works certifies that the actual cost is less than the estimated cost upon which any aggregate assessment is based, such the aggregate assessment shall be reduced, subject to par. (c), by a percentage amount of the excess estimated cost which is equal to the percentage of the estimated cost financed by such the aggregate assessment. The city comptroller shall certify to the city treasurer the amount that is refundable under this subsection.

(b) If such the aggregate assessment described in par. (a) has been fully collected, the city treasurer shall refund the excess assessment to the affected property owners on a proportional basis.

(c) If such the aggregate assessment described in par. (a) has not been fully collected, the amount of the refundable assessment shall be reduced by a sum determined by the council to be sufficient to cover anticipated assessment collection deficiencies, and the balance, if any, shall be refunded to the affected owners on a proportional basis. The treasurer shall deduct the appropriate amount from instalments due after the receipt of the certificate from the city comptroller.

(10) ANNUAL COSTS; SPECIAL ACCOUNT. (a) Concurrently with the submission of the plan, and annually thereafter by June 15 of each year, the city comptroller and the commissioner of public works, with the assistance of a community development advisory body, if any, shall furnish the council with a report estimating the cost of improving, operating and maintaining any pedestrian mall district for the next fiscal year. Under the plan in effect, such the report shall include itemized cost estimates of any proposed changes in the plan under consideration by the council and also a detailed summary of the estimated costs chargeable to all of the following categories:

1. The amount of the annual costs chargeable to the general fund. Such The amount may not exceed that amount which the city normally allocates from the general fund for maintenance and operation of a street of similar size and location not improved as a pedestrian mall.

2. The amount of the annual costs chargeable to owners of property in the district who are benefited by such annual mall improvements. The aggregate amount assessed against such the owners may not exceed the aggregate benefits accruing to all such assessable property.

3. The amount of the annual costs, if any, to be specially taxed against taxable property in the district. Such The amount shall be determined by deducting from the estimated annual costs the amounts under subds. 1. and 2. and the amount of anticipated rentals received from vendors using pedestrian mall facilities.

(b) Moneys appropriated and collected for annual pedestrian mall improvement costs shall be credited to a special account. The council may incur such necessary annual costs as it deems necessary, whether or not they have been included in the budget for that fiscal year, except that such nonbudgeted expenditures shall be included in the estimate required under par. (a) for the next following fiscal year. Any unexpended balances in such the special account remaining at the end of a fiscal year shall be carried over to the appropriate category of the estimate required under par. (a) for the next following fiscal year.

(11) NUISANCES: LIMITATION OF LIABILITY. (a) The installation of any furniture, structure or facility or the permitting of any use in a pedestrian mall district under a final plan adopted under this section may is not be deemed a nuisance or unlawful obstruction or condition by reason of the location of such the installation or use.

(b) Such installation or use may not cause the The city or any person acting under permit to be is not liable for injury to persons or property in the absence of negligence in the construction, maintenance, operation or conduct of such the installation or use under par. (a).

(13) SUBSTANTIAL COMPLIANCE; VALIDITY. Substantial compliance with the requirements of this section is sufficient to give effect to any proceedings hereunder conducted under this section and any error, irregularity or
whether the work is done by contract or otherwise, and report the same expenses to the comptroller who. The comptroller shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same amount to the city clerk, and the. The amount therein charged to each lot or parcel of land shall be entered by such the clerk in the tax roll as a special tax against said the lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The council by resolution or ordinance may provide that the expense so incurred may be paid in up to 10 annual instalments and upon such determination, the comptroller shall prepare the expense statement as herein required in such manner and with such frequency as the improved to reflect the instalment payment schedule allows. If annual instalments for such expense sidewalk expenses are authorized, the city clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against such the lot or parcel each year until all instalments have been entered, and the same amount shall be collected in all respects like other taxes upon real estate. The council may provide that the street commissioner or city engineer shall perform the duties imposed by this section on the board of public works.

5. SNOW AND ICE. The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense of so doing clearing in front of any lot or parcel of land shall be included in the statement to the comptroller required by sub. (3) (f), and in the comptroller’s statement to the city clerk and in the special tax to be levied as therein provided. The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.

6. REPAIR AT CITY EXPENSE. Whenever the The council shall by resolution or ordinance so determine, may provide that sidewalks shall be kept in repair by and at the expense of the city, or the council may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the city and the balance by abutting property owners.

7. RULES. The council may from time to time make all needful rules and regulations by ordinance for carrying the aforesaid implement the provisions into effect, for regulating of this section, regulate the use of the sidewalks of the city and preventing prevent their obstruction.

10. APPLICATION OF SECTION; DEFINITIONS. (intro.) The provisions of this section shall do not apply to 1st class cities but shall be applicable apply to towns and villages, and when applied to towns and villages:

543. The standard for construction of curbs and sidewalks on each side of any a city or village street,
or any a connecting highway or town road for which curbs and sidewalks have been prescribed by the governing body of the town, city or village having jurisdiction thereof, shall include curb ramping providing access to crosswalks at intersections and other designated locations. Curb ramping includes the curb opening, the ramp and that part of the sidewalk or apron leading to and adjacent to the curb opening. Any person constructing new curbs or sidewalks or replacing curbs or sidewalks within 5 feet of a legal crosswalk in any city street, village street, connecting highway or town road shall comply with the standards for curb ramping under this section.

**SECTION 544.** 66.62 of the statutes is renumbered 66.0701 and amended to read:

**66.0701 Special assessments by local ordinance.** (1) Except as provided in s. 66.60 (6m), 66.0721, in addition to other methods provided by law, the common council governing body of any a town, village or 2nd, 3rd or 4th class city, a village board or a town board, by ordinance, provide that the cost of installing or constructing any public works or improvement shall be charged in whole or in part to the property benefited thereby, and to make an assessment against such the property benefited in such the manner as such council or board that the governing body determines. Such The special assessment shall be in a lien against the property from the date of the levy.

(2) Every such ordinance under this section shall contain provisions for reasonable notice and hearing. Any person against whose land a special assessment is levied under any such the ordinance shall have the right to appear thereon in the manner prescribed in s. 66.60 66.0703 (12) within 40 days of the date of the final determination of the governing body.

**SECTION 545.** 66.625 of the statutes is renumbered 66.0911 and amended to read:

**66.0911 Lateral and service pipes.** Whenever If the governing body shall by resolution require requires water, heat, sewer and gas laterals or service pipes to be constructed from the lot line or near the lot line to the main or from the lot line to the building to be serviced, or both, it may provide that when the work is done by the city, village or town or under a city, village or town contract, a record of the cost of constructing such the laterals or service pipes shall be kept and such the cost, or the average current cost of laying such the laterals or service pipes, shall be charged and be a lien against the lot or parcel served.

**SECTION 546.** 66.63 of the statutes is renumbered 66.0725 and amended to read:

**66.0725 Assessment of condemnation benefits.** (1) As a complete alternative to any other method provided by law, for the purpose of payment of the expenses, including such the excess of damages and all other expenses and costs incurred for the taking of private property for the purpose set forth in ss. 32.02 (1), 61.34 (3) and 62.22, the governing body of the a town, city or village may, by resolution, levy and assess the whole or any part of such the expenses, as a special assessment upon such the property as they determine that the governing body determines is specially benefited thereby, and they by the taking. The governing body shall include in such the levy the whole or any part of the excess of benefits over total damages, if any, making therein and make a list of every lot or parcel of land so assessed, the name of the owner thereof, if known, and the amount levied thereon on the property.

(2) Such The resolution under sub. (1) shall be published as a class 2 notice, under ch. 985, and with a notice therewith that at a the time and place stated therein, the governing body will meet at their usual place of meeting and hear all objections which may be made to such the assessment or any part thereof. If such the resolution levies an assessment against property outside the corporate limits, notice as provided herein shall be given by mailing a copy of the resolution and the notice by registered mail to the last−known address of the owner of such the property. A copy of such the resolution shall be filed with the clerk of the town in which the property is located.

(3) At the time so fixed the governing body shall meet and hear all such objections, and for that purpose may adjourn to a date set by the governing body, until the hearing is completed, and shall by resolution confirm or modify such the assessment in whole or in part. At any time before the first day of the next November thereafter any party liable may pay any such the assessment to the town, city or village treasurer. On such first day of November the, if any such the assessment remains unpaid, the treasurer shall make a certified statement showing what assessments so levied under this section remain unpaid, and file the same statement with the clerk, who shall extend the same upon the unpaid assessments on the tax roll of such municipality, in addition to and as part of all other taxes therein levied on such land, to be collected therewith for collection.

(4) At the time of making out the tax roll, next after the filing of any assessment to pay the expenses incurred in proceedings for the condemnation of lands outside the corporate limits, the The town clerk shall enter in said on the tax roll the benefits not offset by damages or an excess of benefits over damages which shall be are levied on the land described as a special assessment under this section by a city or village on land in the town and shall be collected the same collect the assessment in the same manner as other taxes. Such amounts when The assessments collected shall be paid over to the city or village treasurer to be applied in payment of any damages or excess of damages over benefits awarded by such the assessment, and in case. If the amount of such special assessments are is insufficient to pay all damages or excess of damages over benefits so awarded, then the difference shall be paid by the city or village. Any such damages
or excess of damages over benefits may be paid out of such the fund prior to before the collection of such the special assessments to be and reimbursed therefrom when collected.

(5) Any person against whose land an assessment of benefits is made pursuant to under this section may appeal therefrom as prescribed in s. 32.06 (10) within 30 days of the adoption of the resolution required under sub. (3).

**SECTION 547.** 66.635 of the statutes is renumbered 66.0731 and amended to read:

66.0731 Reassessment of invalid condemnation and public improvement assessments. (1) If in any action, other than an action pursuant to s. 66.60 (12), for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provision of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any under s. 66.0703 (12), involving a special assessment, special assessment certificate, bond or note or tax certificate based upon such the special assessment, the court determines that such the assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings, frame an issue therein and summarily try the same issue and determine the amount which that the plaintiff justly ought to pay or which should be justly assessed against the property in question. Such That amount shall be ordered to be paid into court for the benefit of the parties entitled thereto to the amount within a fixed time to be fixed. Upon compliance with said the order judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with such the order the action shall be dismissed with costs.

(2) If the common council, village board or town board determines that any special assessment is invalid for any reason, it may reopen and reconsider such the assessment as provided in s. 66.60 66.0703 (10).

**SECTION 548.** 66.64 of the statutes is renumbered 66.0705 and amended to read:

66.0705 Special Property of public and private entities subject to special assessments for local improvements. (1) (a) The property of the this state, except that held for highway right-of-way purposes or acquired and held for purposes under s. 85.09, and the property of every county, city, village, town, school district, sewerage district or commission, sanitary or water district or commission, or any public board or commission within this state, and of every corporation, company or individual operating any railroad, telegraph, telecommunication, electric light or power system, or doing any of the business mentioned in ch. 76, and of every other corporation or company whatever shall be is in all respects subject to all special assessments for local improvements.

(b) Certificates and improvement bonds therefor for special assessments may be issued and the lien thereof of the special assessments enforced against such property described in par. (a), except property of the state, in the same manner and to the same extent as the property of individuals. Such assessments shall Special assessments on property described in par. (a) may not extend to the right, easement or franchise to operate or maintain railroads, telegraph, telecommunication, electric light or power systems in streets, alleys, parks or highways. The amount represented by any certificate or improvement bond issued as aforesaid shall be under this paragraph is a debt due personally from such the corporation, company or individual, payable in the case of a certificate when the taxes for the year of its issue are payable, and in the case of a bond according to the terms thereof of the bond.

(2) In this subsection, “assessment” means a special assessment on property of the this state and “project” means any continuous improvement within overall project limits regardless of whether small exterior segments are left unimproved. If the assessment of a project is less than $50,000, or if the assessment of a project is $50,000 or more and the building commission approves the assessment under s. 66.60 (4) 66.0703 (6), the state agency which manages the property shall pay the assessment from the revenue source which supports the general operating costs of the agency or program against which the assessment is made.

**SECTION 549.** 66.645 of the statutes is repealed.

Note: Repealed as unnecessary. The provision, which refers to special assessments levied under s. 66.64, provides for the collection and enforcement of those assessments. Collection and enforcement of special assessments are provided elsewhere in the statutes; for example, ss. 66.0701, 66.0703 (13), 66.0717 and 74.53.

**SECTION 550.** 66.65 (title) and (1) of the statutes are renumbered 66.0707 (title) and (1) and amended to read:

66.0707 (title) Assessment or special charge against city, village or town property abutting on improvement in adjacent city, village or town. (1) A city, village or town may levy special assessments for municipal work or improvement under s. 66.60 upon 66.0703 on property in an adjacent city, village or town, if such the property abuts upon and benefits from such the work or improvement and if the governing body of the municipality where the property is located, by resolution approves such the levy. In any such case the by resolution. The owner of such the property shall be is entitled to the use of the work or improvement upon on which such the assessment is based upon on the same conditions as the owner of property within the city, village or town.

**SECTION 551.** 66.65 (2) of the statutes is renumbered 66.0707 (3) and amended to read:

66.0707 (3) A special assessment or special charge under this section shall be is a lien against the benefited property and shall be collected by the treasurer in the
same manner as the taxes of the municipality and paid over by the treasurer to the treasurer of the municipality levying such the assessment.

Note: The scope of this provision is expanded to include special charges. See Section 192 of this bill.

Section 552. 66.694 of the statutes is renumbered 66.0727 and amended to read:

66.0727 Special assessments against railroad for street improvement. (1) (a) If any a city, village or town causes any improves a street, alley or public highway within its corporate limits to be improved, including by grading, curbing, or paving or otherwise improving the street, alley or public highway, where, if the entire or partial cost of the improvement is assessed against abutting property, and if the street, alley or public highway is crossed by the track of any a railroad engaged as a common carrier, the common council or board of public works of the city, or the village or town board, shall, at any time after the completion and acceptance of the improvement by the municipality, file with the local agent of the railroad corporation operating the railroad a statement showing the amount chargeable to the railroad corporation for the improvement.

(b) The amount chargeable to the railroad corporation shall be an is the amount equal to the cost of constructing the improvement along the street, alley or public highway immediately in front of and abutting its right-of-way on each side of the street, alley or public highway at the point where the track crosses the street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of the improvement.

(2) The amount charged against any a railroad corporation for improving the street, alley or public highway, fronting or abutting its right-of-way, shall may not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on the improved street, alley or public highway so improved. The amount calculated under sub. (1) and contained in the statement shall be is due and payable by the railroad corporation to the municipality causing filing the statement to be filed within 30 days of the date when the statement shall be is presented to the local representative of the railroad corporation.

Section 553. 66.695 (title) of the statutes is repealed.

Section 554. 66.695 of the statutes is renumbered 66.0727 (3) and amended to read:

66.0727 (3) If any a railroad corporation fails or refuses to pay to any a city, village or town the amount set forth in any statement or claim for the making of street, alley or public highway improvements, as provided in s. 66.694, under this section within the time specified in the statement, the city, village or town shall have a valid has a claim for such that amount against the railroad corpora-
66.0729 (4) If any a city, village or town orders any street, alley or public highway improved, as provided in s. 66.696, under sub. (1) and serves notice on the railroad corporation, as provided in s. 66.697, under sub. (2) and the railroad corporation elects not to construct the improvement or elects to construct the improvement but fails to construct the improvement within the time provided in s. 66.697 under sub. (3), the city, village or town shall proceed to let a contract for the construction of the improvement, and cause improve the street, alley or public highway to be improved as determined under s. 66.696, and when sub. (1). When the improvement is completed and accepted by the city, village or town, the clerk of the city, village or town shall present to the local agent of the railroad corporation a statement of the actual cost of the improvement, and the railroad corporation shall, within 20 days of its receipt of the statement, pay to the treasurer of the city, village or town the amount shown by the statement.

(5) If any a railroad corporation fails to pay the cost of constructing any pavement or other street improvement as provided under sub. (1), the city, village or town causing responsible for the improvement to be constructed shall have the right to may enforce collection of the amount by an action at law against the railroad corporation as provided in s. 66.695.

SECTION 561. 66.699 of the statutes is repealed.

NOTE.  Restated in renumbered ss. 66.0727 (4) and 66.0729 (6). See Sections 209 and 210 of this bill.

SECTION 562. 66.70 of the statutes is renumbered 66.0611 and amended to read:

66.0611 Political subdivisions prohibited from levying tax on incomes. No county, city, village, town, or other unit of government authorized to levy taxes shall may assess, levy or collect any tax on income, or measured by income, and any such tax so assessed or levied is void.

SECTION 563. 66.73 of the statutes is repealed.

NOTE.  Repeals s. 66.73, which authorizes a county, municipal or school board to annually provide for and appropriate funds for a program of citizenship education, including a ceremony of the induction to citizenship for those who have been enfranchised within the past year.

SECTION 564. 66.74 of the statutes is renumbered 66.0613.

SECTION 565. 66.75 (title), (1) and (1m) (a) to (e) and (f) 1. and 2. of the statutes are renumbered 66.0615 (title), (1) and (1m) (a) to (e) and (f) 1. and 2., and 66.0615 (1) (dm) and (1m) (a) and (b) 2., as renumbered, are amended to read:

66.0615 (1) (dm) “Sponsoring municipality” means any a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(1m) (a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. Any A tax imposed under this paragraph is not subject to the selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). Any A tax imposed under this paragraph by a municipality shall be paid to the municipality and may be forwarded to a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), any A tax imposed under this paragraph by a municipality may not exceed 8%. Except as provided in par. (am), if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

(b) 2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.30 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.

SECTION 566. 66.75 (1m) (f) 3. of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0615 (1m) (f) 3.

SECTION 567. 66.75 (1m) (f) 4. and 5., (2) and (3) of the statutes are renumbered 66.0615 (1m) (f) 4. and 5., (2) and (3), and 66.0615 (2) (a) and (c), as renumbered, are amended to read:

66.0615 (2) (a) Whenever the If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. (1m) pertaining to the furnishing of accommodations to determine whether or not the correct amount of room tax is assessed and whether or not any room tax return is correct.

(c) Determine the tax under sub. (1m) according to its best judgment if any a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

SECTION 568. 66.77 of the statutes is renumbered 59.605.

SECTION 569. 66.80 (title) of the statutes is renumbered 62.63 (title) and amended to read:
62.63 (title) Benefit funds for officers and employees of first 1st class cities.

SECTION 570. 66.80 (1) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by Section 15 of this bill.

SECTION 571. 66.80 (2) of the statutes is renumbered 62.63 (2) and amended to read:

62.63 (2) RETIREMENT BOARD. Upon approval by the common council of such city, the board of a retirement system of a 1st class city may create a retirement board, the members of which shall serve without compensation, which board shall have full power and authority to administer such an annuity and benefit fund, and to under this section. The retirement board may make such rules and regulations under which all participants shall contribute to and receive benefits from such the fund. Members of the board shall serve without compensation. Three members of the retirement board shall be city employees elected by the members of the retirement system and shall serve 4–year terms and 5 members shall be appointed under s. 66.446 62.51 and shall serve 3–year terms. The common council may provide for contribution to such the annuity and benefit fund. The executive director of the retirement board shall be appointed under s. 66.446 62.51.

SECTION 572. 66.80 (3) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by Section 15 of this bill.

SECTION 573. 66.805 of the statutes is renumbered 62.65 and amended to read:

62.65 Death benefit payments to foreign beneficiaries. A retirement system of any city may provide by appropriate enactment of the local legislative body that under the city's retirement system no beneficiary may be designated for the payment of any retirement allowance, pension or proceeds of a member of such the retirement system if such the beneficiary is not a resident of either the United States or Canada. If a beneficiary is designated who is neither a resident of the United States nor Canada, any contributions or retirement allowance which would have been paid to the beneficiary had the beneficiary been a resident of either the United States or Canada shall be deemed payable to the estate of the deceased member of such the retirement system. The local legislative body of the city of the first class common council may also provide by appropriate enactment that if a death benefit would be payable because of the death of a member of the retirement system and the designated beneficiary of such the death benefit is not a resident of either the United States or Canada, the death benefit which would have been paid had the designated beneficiary been a resident of either the United States or Canada, shall be deemed payable to the estate of the deceased member.

SECTION 574. 66.81 of the statutes is renumbered 62.63 (4) and amended to read:

62.63 (4) EXEMPTION OF FUNDS AND BENEFITS FROM TAXATION, EXECUTION AND ASSIGNMENT. Except as provided in s. 49.852 and subject to s. 767.265, all moneys and assets of any a retirement system of any a 1st class city of the first class city and all benefits and allowances and every portion thereof, both before and after payment to any beneficiary, granted under any such the retirement system shall be are exempt from any state, county or municipal tax or from attachment or garnishment process. The benefits and allowances may not be seized, taken, detained or levied upon by virtue of any execution, or any process or proceeding whatsoever issued out of or by any court of this state, for the payment and ratification in whole or in part of any debt, claim, damage, demand or judgment against any member of or beneficiary under any such the retirement system, and no. No member of or beneficiary under any such the retirement system shall have any right to may assign any benefit or allowance, or any part thereof, either by way of mortgage or otherwise; however, this. The prohibition shall against assigning a benefit or allowance does not apply to assignments made for the payment of insurance premiums. The exemption from taxation contained herein shall under this section does not apply with respect to any tax on income.

SECTION 575. 66.82 of the statutes is renumbered 62.63 (3) and amended to read:

62.63 (3) INVESTMENT OF RETIREMENT FUNDS IN 1ST CLASS CITIES. The board of any a retirement system in of a 1st class city, whose funds are independent of control by the investment board, shall have the power in addition to others provided to may invest funds from the system, in excess of the amount of cash required for current operations, in loans, securities and any other investments authorized for investment of funds of the public employe trust fund under s. 25.17 (3) (a) and (4). The independent retirement system board shall be then is subject to the conditions imposed on the investment board in making the investments under s. 25.17 (3) (e) to (g), (4), (7), (8) and (15) but is exempt from the operation of ch. 881. In addition to all other authority for the investment of funds granted to the board of any a retirement system of a 1st class city whose funds are independent of the control of the investment board, the retirement system board of the city may invest its funds in accordance with s. 206.34, 1969 stats. In making investments under this section subsection, the board of a retirement system of a 1st class city may invest in shares of investments authorized under this section subsection.

SECTION 576. 66.88 of the statutes is renumbered 200.21, and 200.21 (intro.), (3), (4), (6), (7) and (10), as renumbered, are amended to read:
200.21 Definitions. (intro.) In ss. 66.88 to 66.918 this subchapter:

(3) “Commission” means the metropolitan sewerage commission created under s. 66.882 200.23.

(4) “District” means the metropolitan sewerage district created under s. 66.882 200.23.

(6) “Local sewer” means any sewer constructed, operated or maintained by any municipality. “Local sewer” does not include any sewer that has been incorporated into the sewerage system under s. 66.896 200.37 (2). If the classification of any sewer is unclear, the presumption shall be that the sewer is local.

(7) “Municipality” means any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ss. 66.20 200.01 to 66.26 200.15 that is located wholly or partially within the district or that contracts for services under s. 66.898 200.39.

(10) “Sewerage service area” means the area of the district and the area for which service is provided by contract under s. 66.898 200.39.

SECTION 577. 66.882 of the statutes is renumbered 200.23, and 200.23 (1) (a) and (b) 1. and (2) (a) (intro.) and (b), as renumbered, are amended to read:

200.23 (1) (a) Except as provided in par. (b), a commission is established under ss. 66.88 to 66.918 this subchapter if the common council of any 1st class city passes a resolution of necessity by a majority vote of the members—elect.

(b) 1. On April 27, 1982, each metropolitan sewerage district organized under s. 59.96, 1979 stats., is reorganized as a district under ss. 66.88 to 66.918 this subchapter and a commission is created under ss. 66.88 to 66.918 this subchapter.

(2) (a) (intro.) Except as provided in s. 66.884 200.25 (7), the mayor of the 1st class city shall appoint 7 individuals as members of the commission, each of whom shall have his or her principal residence in the 1st class city. Three of the commissioners appointed under this paragraph shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment, pending confirmation or rejection by a majority of the members—elect of the common council. An appointee whose confirmation is pending may act within the scope of authority of a commissioner until the mayor withdraws the appointment or the common council rejects the appointment, whichever is earlier. The mayor shall withdraw any appointment that the common council rejects and may only resubmit the appointment for confirmation after at least one subsequent appointment is rejected. For the purposes of this paragraph, “elected official” means:

(b) Except as provided in s. 66.884 200.25 (7), an executive council composed of the elected executive officer of each city, village and town that is wholly or partly within the boundaries of the district under s. 66.888 200.29 (1), except a 1st class city, shall appoint 4 members of the commission by a majority vote of the members of the executive council. Each of these members shall have his or her principal residence within the district but outside the 1st class city. Three of these members shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment.

SECTION 578. 66.884 of the statutes is renumbered 200.25, and 200.25 (1) (a) 1. to 3. and (c), (2), (3), (4), (7) (a) and (8), as renumbered, are amended to read:

200.25 (1) (a) 1. Each commissioner appointed by the mayor of the 1st class city under s. 66.882 200.23 (2) (a) who is not an elected officer serves for a 3-year term or until a successor is appointed, whichever is later.

2. Each commissioner appointed by the mayor of the 1st class city under s. 66.882 200.23 (2) (a) who is an elected officer serves for a one-year term or until a successor is appointed, whichever is later. 3. Each commissioner appointed by the executive council under s. 66.882 200.23 (2) (b) serves for a 3-year term or until a successor is appointed, whichever is later.

(c) Of the initial commissioners who are not elected officers appointed by the mayor of the 1st class city under s. 66.882 200.23 (2) (a), one commissioner has a term of one year, one commissioner has a term of 2 years and 2 commissioners have a term of 3 years. One of the initial commissioners appointed by the executive council under s. 66.882 200.23 (2) (b) has a term of one year, one of the initial commissioners has a term of 2 years and 2 of the initial commissioners have terms of 3 years.

(2) SUCCESSORS. The mayor shall appoint successors to commissioners appointed under s. 66.882 200.23 (2) (a) and the executive council shall appoint successors to commissioners appointed under s. 66.882 200.23 (2) (b), as provided in s. 66.882 200.23. Each successor shall be appointed at least 6 weeks before the expiration of the preceding commissioner’s term.

(3) CHANGE OF RESIDENCE OR LOSS OF ELECTED STATUS. Any commissioner appointed under s. 66.882 200.23 (2) (a) who moves his or her principal residence outside the 1st class city and any commissioner appointed under s. 66.882 200.23 (2) (b) who moves his or her principal residence outside the district or into the 1st class city shall resign. Any commissioner who is an elected official and who is not reelected or who otherwise leaves the elected office may serve not more than an additional 90 days after leaving office or until a successor is appointed, whichever occurs first.

(4) VACANCIES. Vacancies occurring during the term of any commissioner shall be filled as provided under s. 66.882 200.23, but only for the balance of the unexpired term. All vacancies shall be filled within 90 days. The balance of the unexpired term constitutes one term for the commissioner appointed to fill the vacancy. A commis-
sioner appointed to fill a vacancy may be reappointed for
subsequent full terms, as provided in sub. (1) (a).

(7) (a) Commencing in 1990, in the year immediately
following the date when the federal decennial census of
population becomes available in printed form, the com-
mmission shall reapportion the allocation of appointments
between s. 66.882 200.23 (2) (a) and (b) to reflect as
nearly as possible the proportionate populations within
the district of the 1st class city and of the cities, villages
and towns that are represented on the executive council.
As part of its reapportionment the commission may
increase the number of seats to not more than 13 and may
decrease the number of seats to less than 9.

(8) REMOVAL FROM OFFICE. Any commissioner
appointed by the mayor under s. 66.882 200.23 (2) (a)
may be removed by the mayor. Any commissioner
appointed by the executive council under s. 66.882
200.23 (2) (b) may be removed by the same process as is
used for appointment.

SECTION 579. 66.886 of the statutes is renumbered
200.27, and 200.27 (1), (2) (a) 1. and (b), (3) and (4), as
renumbered, are amended to read:

200.27 (1) QUORUM. Six commissioners constitute
a quorum for the transaction of business. If after reap-
portionment under s. 66.884 200.25 (7) the number of com-
mmissioners is increased to 12 or 13, 7 commissioners
constitute a quorum. If after reapportionment under s.
66.884 200.25 (7) the number of commissioners is
reduced to 9 or 10, 5 commissioners constitute a quorum.

(2) (a) 1. No resolution adopted by the commission
under s. 66.91 200.55 (1), (3) (c) or (6), 67.05 (1) or 67.12
(12), no schedule of charges under s. 66.076 66.0821,
66.898 200.39 (4), 66.899 200.41 or 66.91 200.55 (5) (b)
3., no decision to borrow against taxes under s. 67.12 (1)
and no decision to borrow under s. 24.61 (3) (a) 7. is valid
unless adopted by an affirmative vote of at least a two−
thirds majority of all commissioners.

(b) If one or more resolutions authorizing full financ-
ing of the capital budget adopted under s. 66.908 200.53
are not adopted on or before October 15 succeeding
the annual adoption of the budget, the commission may by a
vote of a simple majority of all commissioners annually
levy taxes under s. 66.91 200.55 (6) (a) 4. or otherwise
appropriate a sum from any source for the purpose of
financing the capital budget. The total levy and appropri-
ation may not exceed $40,000,000.

(3) CHAIRPERSON. The commission shall elect one
commissioner as chairperson of the commission, for a
term specified by rule by the commission. The chair-
person is removable at pleasure by the commission. The
chairperson shall preside over the meetings of the com-
mmission and shall perform other duties imposed upon the
chairperson by ss. 66.88 to 66.918 this subchapter or
assigned by the commission. The commission may also
appoint a vice chairperson who may exercise the powers
and shall perform the duties of the chairperson in the
absence or disability of the chairperson.

(4) SECRETARY. The commission shall appoint a sec-
retary who is not a member of the commission. The sec-
retary is removable at pleasure by the commission and
shall receive the compensation the commission deter-
mines. The compensation shall be paid at the time and in
the same manner that the salaries of other employees of
the district are paid. The secretary shall maintain all records
concerning the district and shall perform the other duties
that are imposed upon the secretary by ss. 66.88 to 66.918
this subchapter or that are assigned by the commission.

SECTION 580. 66.888 of the statutes is renumbered
200.29, and 200.29 (1) (b) and (c) 3. and (2) (b), as
renumbered, are amended to read:

200.29 (1) (b) The initial boundary of a district
created under s. 66.882 200.23 (1) (b) is the same as the
boundary of the district created under s. 59.96 (5), 1979
stats.

(c) 3. Within 90 days after all commissioners have
been appointed under s. 66.882 200.23, the commission
shall adopt rules concerning the factors to be considered
in determining the redefined boundary of the district
under subd. 2. The commission may also establish con-
ditions by rule that shall apply if an area is not within the
district after the boundary is redefined but is subse-
quently added to the district under par. (d). When adopt-
ing rules under this subdivision the commission shall
consider, among other considerations:

(2) (b) The name of a district created under s. 66.882
200.23 (1) (b) is the Milwaukee metropolitan sewerage
district.

SECTION 581. 66.89 of the statutes is renumbered
200.31, and 200.31 (intro.), as renumbered, is amended to
read:

200.31 General duties of the commission. (intro.)
Subject to ss. 66.88 200.21 to 66.918 200.65, the com-
mision shall:

SECTION 582. 66.892 of the statutes is renumbered
200.33, and 200.33 (1) (b), as renumbered, is amended to
read:

200.33 (1) (b) Except as provided in sub. (2), ss.
66.88 200.21 to 66.918 200.65 do not authorize the com-
mision to operate, maintain, rehabilitate or preserve
local sewers or appurtenant local facilities constructed by
a municipality or to separate combined storm and san-
itary sewers.

SECTION 583. 66.894 of the statutes is renumbered
200.35, and 200.35 (1) (intro.), (2) (b), (5) (a) and (11) (a)
and (c), as renumbered, are amended to read:

200.35 (1) General powers of the commission.
(intro.) To the extent necessary to carry out its duties
under s. 66.89 200.31, the commission may project, plan,
design, adopt, construct, operate and maintain:
(2) (b) Nothing in ss. 66.88 to 66.918 this subchapter authorizes the commission to lay or construct any part of the sewerage system after April 27, 1982, over, upon or under any land covered by any outlying waters, as defined in s. 29.001 (63), unless the commission first obtains the prior consent of both houses of the legislature and the governor.

(5) (a) In its actions under ss. 66.88 to 66.918 this subchapter, the commission shall comply with local zoning and land use ordinances unless it finds that, in carrying out its responsibilities under ss. 66.88 to 66.918 this subchapter, deviation from these ordinances meets the test of public necessity, as that term is used for the purposes of ch. 32. The commission may only make determinations of public necessity by resolution. This paragraph does not authorize the commission to deviate from floodplain or shoreland zoning ordinances.

(11) (a) The commission may enter upon any land or water in the district for the purpose of making examinations, test borings, tests or surveys in the performance of its responsibilities under ss. 66.88 to 66.918 this subchapter. The commission shall compensate for damage caused by its examinations, test borings, tests or surveys. The commission may examine any sewer or sewerage system to determine if the sewer or sewerage system is defective in operation, construction, design or supervision.

(c) If the consent of the owner cannot be obtained, the district shall obtain a special entry warrant prior to entry onto the land. To obtain a special entry warrant, the district shall petition the court for the county in which the land to be entered is located and shall mail a copy of the petition by registered mail to the owner’s last-known address, if any. If the court determines that entry onto the land is reasonably related to the performance of the district’s responsibilities under ss. 66.88 to 66.918 this subchapter, the court shall issue the warrant on the district’s affidavit that the district intends to enter the land under this subsection, that the district has mailed, at least 5 days prior to the affidavit, a copy of the petition for the warrant to the owner as required in this paragraph and that the district has been otherwise unable to obtain the owner’s consent.

SECTION 584. 66.896 of the statutes is renumbered 200.39, and 200.39 (2) (a) and (3), as renumbered, are amended to read:

200.39 (2) (a) The commission may temporarily use any public sewer or drain, including any storm sewer or drain, in the district for the purposes of ss. 66.88 to 66.918 this subchapter. The commission may incorporate with the sewerage system for use as an outfall sewer into a channeled watercourse or as an interceptor sewer any public sewer or drain, including any storm sewer or drain, and any of their appurtenances, either in their existing condition or with repairs or modifications as the commission may determine. The commission may condemn, close up, abolish, destroy, alter the functions or increase the flow of any of those public sewers and drains incorporated with the sewerage system as it deems necessary to carry out the purposes of ss. 66.88 to 66.918 this subchapter. If the commission decides to incorporate or utilize a sewer or drain under this subsection, it shall use the procedures specified in par. (b).

(3) POWER TO REQUIRE CONNECTION. The commission may compel any owner or occupant of any premises located along the line of any interceptor sewer or along the line of any sewer of a municipality that is discharging sewage, refuse or industrial wastes of any kind into any river or canal within the drainage area of the district to change or rebuild any outlet, drain or sewer so as to discharge all the sewage, refuse or industrial wastes into the sewers of the town, city or village or into the district’s interceptor sewer under rules adopted by the commission under s. 66.902 200.45.

SECTI0N 585. 66.898 of the statutes is renumbered 200.39, and 200.39 (1) to (3), (4) (a) and (b) and (5) (a) (intro.) and 2., as renumbered, are amended to read:

200.39 (1) GENERAL POWER OF THE COMMISSION. Subject to subs. (2) to (6), the commission may contract with any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. I wholly or partially outside the boundaries of the district, but wholly or partially within the same general drainage area as the district for the transmission, treatment or disposal of sewage from any territory located in the city, town, village, sanitary district or metropolitan sewerage district. Each contract executed under this section shall specify the terms of payment of sewerage service charges by the contracting party.

(2) PRIOR APPROVALS. Before permitting any city, town, village, sanitary district or metropolitan sewerage district to connect its sewers with or use any of the district’s interceptor sewers under this section, the sewers shall be approved as provided in s. 66.896 200.37 (1). The governing body of the city, town, village, sanitary district or metropolitan sewerage district may enter into a contract under this section only by a vote of three-fourths of its members.

(3) SERVICE CHARGES FOR OPERATION AND MAINTENANCE. As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party with respect to operating and maintenance costs. These charges shall be established in accordance with s. 66.912 200.59 and are subject to review under s. 66.912 200.59. The schedule of service charges may, but need not, be uniform with any other schedule of charges established by the commission.

(4) (a) As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party
with respect to capital costs. These sewerage service charges are subject to review under s. 66.076 66.0821 or 66.91 200.55 (5). The schedule of sewerage service charges with respect to capital costs used in contracts executed under this section shall be uniform with the system used to recover capital costs within the district.

(b) Except as provided in par. (c), the charges assessed under this subsection shall be established in accordance with s. 66.076 66.0821 or 66.91 200.55 (5). In computing the schedule of charges under this subsection, the commission may consider the factors specified in s. 66.076 66.0821 (5) or 66.91 200.55 (5). In computing the schedule of charges under this subsection, the commission may also consider the fact that sewerage service may not be available to or may be available to but not utilized by a part of the property located within the territorial limits of a contracting party at the time of computing the schedule.

(5) (a) (intro.) Any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. I that contracts under this subsection may provide for the payment of charges from any available source, including:

2. Assessments upon and assessments of charges against the whole city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. I or upon or against any part thereof that the governing body determines to be benefited by the service.

SECTION 586. 66.899 of the statutes is renumbered 200.41, and 200.41 (1) to (3), as renumbered, are amended to read:

200.41 (1) Notwithstanding ss. 66.076 66.0821 and 66.91 200.55 (5), if the commission establishes a system to recover capital costs within the district on the basis of the value of property in the area to be served, as equalized under s. 70.57, the commission shall establish a system of sewerage service charges to recover capital costs which shall be used with respect to any area which is served by the district and which is outside the boundaries of the district and outside of any municipality which has contracted with the district under s. 66.898 200.39. The charges shall be equal to the amount the commission would be authorized to levy as taxes upon the area served if the area were within the district’s boundaries.

(2) Any charge made by the district under this section is reviewable under s. 66.913 200.59 (5) if the charge has been paid.

(3) Section 66.91 200.55 (5) (b) and (d) apply to charges assessed under this section.

SECTION 587. 66.90 of the statutes is renumbered 200.43, and 200.43 (1), as renumbered, is amended to read:

200.43 (1) GENERAL POWER OF THE COMMISSION. The commission may acquire by gift, purchase, lease or other methods of acquisition or by condemnation, any real property situated in the state and all tenements, hereditaments and appurtenances belonging or in any way appertaining to, or in any interest, franchise, easement, right or privilege therein, that may be needed for the purpose of projecting, planning, constructing and maintaining the sewerage system, that may be needed for the collection, transmission or disposal of all sewage or drainage of the district or that may be needed for improving any river or stream within the district under s. 66.894 200.35 (8) (a) or (b).

SECTION 588. 66.902 of the statutes is renumbered 200.45, and 200.45 (1) (b), as renumbered, is amended to read:

200.45 (1) (b) The rules shall apply throughout the territory served by the sewerage system and, except as provided in s. 66.894 200.35 (5), shall have precedence over any conflicting ordinance, code or regulation of or permit issued by any municipality within the territory.

SECTION 589. 66.904 (title), (1) and (2) (title) of the statutes are renumbered 200.47 (title), (1) and (2) (title), and 200.47 (1), as renumbered, is amended to read:

200.47 (1) GENERAL POWERS OF THE COMMISSION. The commission may enter into contracts, agreements or stipulations necessary to perform its duties and exercise its powers under s. 66.88 to 66.918 this subchapter, including contracts to purchase, lease or otherwise obtain the use of all necessary equipment, supplies and labor.

SECTION 590. 66.904 (2) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 200.47 (2) (a) and amended to read:

200.47 (2) (a) Except as provided in par. (b), all work done and all purchases of supplies and materials by the commission shall be by contract awarded to the lowest responsible bidder complying with the invitation to bid, if the work or purchase involves an expenditure of $20,000 or more. If the commission decides to proceed with construction of any sewer after plans and specifications for the sewer are completed and approved by the commission and by the department of natural resources under ch. 281, the commission shall advertise by a class 2 notice under ch. 985 for construction bids. All contracts and the awarding of contracts are subject to s. 66.29 66.0901.

SECTION 591. 66.904 (2) (b) to (e) and (3) to (5) of the statutes are renumbered 200.47 (2) (b) to (e) and (3) to (5), and 200.47 (2) (cm) 1. and (e), as renumbered, are amended to read:

200.47 (2) (cm) 1. Except as provided under subd. 4., in determining the lowest responsible bid for any contract awarded prior to December 31, 1993, the commission may evaluate the multiplier effect on state revenues and tax receipts of contract moneys which will be spent in this state under the contract. The commission shall promulgate by rule any condition and evaluation criterion which it applies to a bid evaluated under this subdivision. If the
commission accepts a bid evaluated under this subdivision, it shall file with the secretary of the commission a written report detailing the reasons for its acceptance. The secretary shall make the report available for public inspection. The commission shall include in the annual report prepared under s. 66.886 200.27 (9) a summary of all bids accepted after an evaluation under this subdivision.

(e) Paragraphs (a) to (d) do not apply to contracts awarded under s. 66.905 200.49.

SECTION 592. 66.905 of the statutes is renumbered 200.49.

SECTION 593. 66.906 of the statutes is renumbered 200.51, and 200.51 (1), as renumbered, is amended to read:

200.51 (1) General powers of the commission. The commission may appoint or employ professional or technical advisers and experts and other personnel the commission requires for the proper execution of its duties under ss. 66.88 to 66.913 this subchapter, fix their compensations and remove or discharge the employees at pleasure.

SECTION 594. 66.908 of the statutes is renumbered 200.53.

SECTION 595. 66.91 of the statutes is renumbered 200.55, and 200.55 (1) (a) to (c), (d) 1. (intro.) and 3., (e) (intro.) and (f) to (g), (1m), (3) (intro.) and (c), (5) (a), (c) 2. and (d), (6) (a) 1. and (6m), as renumbered, are amended to read:

200.55 (1) (a) The district may issue bonds, notes or certificates for the purposes provided in s. 66.066 66.0621. Except as provided in pars. (b) to (fa), the procedure for issuance of these bonds, notes or certificates is as specified in s. 66.066 66.0621.

(b) The commission has the powers and duties specified for a board or council in s. 66.066 66.0621. The district has the powers and duties specified for a municipality in s. 66.066 66.0621. If s. 66.066 66.0621 specifies that a board, council or municipality shall act by ordinance, the commission shall act by resolution.

(c) District bonds issued under s. 66.066 66.0621 (2) (a) shall be executed by the chairperson and secretary of the commission rather than by a chief executive and clerk.

(d) 1. (intro.) Section 66.066 66.0621 (2) (a) 2. does not apply to district bonds. District bonds shall either mature:

3. Notwithstanding s. 66.066 66.0621 (2) (a) 1., district bonds shall be made payable within 50 years from the date of the bonds, whether the bonds mature serially or within a specified term of years.

(e) (intro.) Notwithstanding s. 66.066 66.0621 (2) (c):

(f) Deeds or mortgages that secure principal and interest of bonds under s. 66.066 66.0621 shall be exe-
section 597. 66.912 of the statutes is renumbered 200.59, and 200.59 (4) and (5), as renumbered, are amended to read:

200.59 (4) collection of fees by municipalities. every sanitary district organized under subch. ix of ch. 60 or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. 1 billed by a district under sub. (2) shall in turn bill every city, town or village served by the sanitary district or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. 1. every city, town and village billed by a district under sub. (2), by a sanitary district or metropolitan sewerage district organized under ss. 66.20 to 66.26 subch. 1 under this subsection shall collect such charges from the individual sewer system users in the city, town or village and shall promptly remit the same to the district. the district may adopt rules for the establishment and administration of collection procedures and the settlement of such collections with the district as required by this section. under such rules the district may provide for reimbursement of the municipality for the expense of collecting late payments of charges. each municipality shall pay the district in full within 45 days after receiving a bill from the district. the district or, if the district does not act, every municipality is empowered to levy a penalty for late payment by the user to the municipality. any city, town or village may collect under s. 66.076 66.0821 (7) any charge which is due under this section and which is delinquent. in the event that any municipality does not remit such charges to the district within 45 days of the billing date, the district may borrow moneys, repayable in not longer than 18 months, sufficient to offset such uncollected charges.

(5) review by public service commission. except as provided under s. 66.899 200.41 (2), upon complaint to the public service commission by any user that charges, rules and practices under this section are unreasonable or unjustly discriminatory, according to the standards and criteria which the commission is required to follow under state or federal law, including, without limitation because of enumeration, this section, 33 USC 1251 et seq. and ch. 283, or upon complaint of a holder of a revenue bond or other evidence of debt, secured by a mortgage on the sewerage system or any part thereof or pledge of the income of sewerage service charges, that charges are inadequate, the public service commission shall investigate the complaint. if sufficient cause therefor appears, the public service commission shall set the matter for a public hearing upon 10 days’ notice to the complainant and the commission. after the hearing, if the public service commission determines that the charges, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable charges, rules and practices and shall make such other order respecting such complaint as may be just and reasonable. the proceedings under this subsection
shall be governed, as far as applicable, by ss. 196.26 to 196.40. The commission may submit the factual data, reports and analyses considered by it in establishing the charges, rules or practices subject to a complaint under this subsection. The public service commission shall give due weight to such data, reports and analyses. Judicial review of the determination of the public service commission may be had by any person aggrieved in the manner prescribed under ch. 227. If any user pays a charge and the public service commission or court, on appeal from the public service commission, finds such charge, after reviewing a complaint filed under this subsection, to be excessive, the district shall refund to the user the excess plus the interest thereon computed at the rate then paid by the district for borrowing funds for a term of one year or less.

SECTION 598. 66.914 of the statutes is renumbered 200.61.

SECTION 599. 66.916 of the statutes is renumbered 200.63 and amended to read: 200.63 Construction. Nothing in ss. 66.88 200.21 to 66.914 200.61 in any way limits or takes away any of the powers of any municipality located in the district, relating to the construction, extension or repair of local or sanitary sewers or drains except that all plans and specifications for the construction of any local or sanitary sewers or extensions thereof shall be submitted to and approved in writing by the district before the sewers are constructed.

SECTION 600. 66.918 of the statutes is renumbered 200.65.

SECTION 601. 66.92 of the statutes is repealed. Note: Repealed as no longer necessary. Furthermore, housing authorities may carry out housing projects for veterans. See s. 66.0807 (9) (r), as renumbered. [Current s. 66.04 (9) (s).] Section 66.92 authorizes counties, cities, villages and towns to promote and provide housing for veterans and directs the department of veterans affairs (DVA) and the Wisconsin housing and economic development authority to provide information and assistance for the local efforts.

SECTION 602. 66.925 of the statutes is renumbered 66.1013.

SECTION 603. 66.93 of the statutes is renumbered 45.051.

SECTION 604. 66.935 of the statutes is renumbered 66.0625, and 66.0625 (title) and (2), as renumbered, are amended to read: 66.0625 (title) Mass Joint issuance of mass transit bonding.

(2) In addition to the provisions of any other statutes specifically authorizing cooperation between political subdivisions or public transit bodies, unless such those statutes specifically exclude action under this section, any political subdivision or public transit body may, for mass transit purposes, issue bonds or, with any other political subdivision or public transit body, jointly issue bonds.

SECTION 605. 66.94 of the statutes, as affected by 1999 Wisconsin Act 9, is repealed.

Note: Section 66.94, relating to metropolitan transit authorities, is repealed. The statute, originally intended to apply to Milwaukee County and its municipalities, apparently has never been utilized nor does it appear likely to be utilized in the future.

SECTION 606. 66.943 of the statutes is renumbered 66.1021, and 66.1021 (1) (a), (5) (a), (7) (b), (9) and (10) to (12), as renumbered, are amended to read:

66.1021 (1) (a) Any city, village or town may enact an ordinance for the establishment, maintenance and operation of a comprehensive unified local transportation system, the major portion of which is or is to be located within, or the major portion of the service of which is or is to be supplied to the inhabitants of such the city, village or town, and which system is used or to be used for the transportation of persons or freight.

(5) (a) The first members of the transit commission shall be appointed for staggered 3-year terms. The term of office of each member therefrom appointed after the first members of the transit commission shall be 3 years.

(7) (b) For the purpose of receiving, considering and acting upon any complaints or applications that may be presented to it or for the purpose of conducting investigations or hearings on its own motion the transit commission shall hold regular meetings at least once a week except in the months of July and August and special meetings on the call of the chairperson or at the request of the city common council or village or town board.

(9) Initial The initial acquisition of the properties for the establishment of, and to comprise, the comprehensive unified local transportation system shall be is subject to s. 66.065 66.0803 or ch. 197.

(10) (a) Any city, village, town or federally recognized Indian tribe or band may by contract under s. 66.30 66.0301 establish a joint municipal transit commission with the powers and duties of city, village or town transit commissions under this section. Membership on such a the joint transit commission shall be as provided in the contract established under s. 66.30 66.0301.

(b) Notwithstanding any other provision of this section, no joint municipal transit commission under par. (a) may provide service outside the corporate limits of the parties to the contract under s. 66.30 66.0301 which establish the joint municipal transit commission unless the joint municipal transit commission receives financial support for the service pursuant to under a contract with a public or private organization for such the service. This paragraph does not apply to service provided by a joint municipal transit commission outside the corporate limits of the parties to the contract under s. 66.30 66.0301 which establish the joint municipal transit commission if
the joint municipal transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue such the service.

(11) (a) In lieu of providing transportation services, a city, village or town may contract with a private organization for such the services.

(b) Notwithstanding any other provision of this section, no municipality may contract with a private organization to provide service outside the corporate limits of such the municipality unless the municipality receives financial support for the service pursuant to under a contract with a public or other private organization for such the service. This paragraph does not apply to service provided under par. (a) outside the corporate limits of a municipality if a private organization is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and the municipality elects to continue such the service.

(12) Notwithstanding any other provision of this section, no transit commission may provide service outside the corporate limits of the city which establishes the transit commission unless the transit commission receives financial support for the service pursuant to under a contract with a public or private organization for such the service. This subsection does not apply to service provided by a transit commission outside the corporate limits of the city which establishes the transit commission if the transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue such the service.

SECTION 607. 66.944 of the statutes is renumbered 66.1023, and 66.1023 (1) (c), as renumbered, is amended to read:

66.1023 (1) (c) Notwithstanding s. 66.941 (20) or any other law, no city, county transit commission or metropolitan transit authority may be required to contribute to more than one retirement fund for an affected employe.

SECTION 608. 66.945 (title), (1) to (7) and (8) (title) of the statutes are renumbered 66.0309 (title), (1) to (7) and (8) (title), and 66.0309 (2) (a) and (c), (2m), (3) (a) 2. and (b) (intro.), (5) and (7), as renumbered, are amended to read:

66.0309 (2) (a) A regional planning commission may be created by the governor, or such a state agency or official as the governor designates, upon petition in the form of a resolution by the governing body of a local governmental unit and the holding of a public hearing on such the petition. If the petition is joined in by the governing bodies of all the local units in the proposed region, including the county board of any county, part or all of which is in the proposed region, the governor may dispense with the hearing. Notice of any public hearing shall be given by the governor by mail at least 10 days in advance to the clerk of each local unit in the proposed region.

(c) Territory included within a regional planning commission that consists of one county or less in area also may be included in the creation of a multicounty regional planning commission. Such creation does not require that the existing regional planning commission consisting of one county or less in area be terminated or altered, but upon creation of the multicounty commission, the existing commission shall cease to have authority to make charges upon participating local governmental units pursuant to under sub. (14) and shall adopt a name other than “regional planning commission”.

(2m) LIMITATION ON TERRITORY. No regional planning commission may be created to include territory located in 3 or more uniform state districts as established by 1970 executive order 22 dated August 24, 1970. Any existing regional planning commission which includes territory located in 3 or more such uniform state districts shall be dissolved no later than December 31, 1972.

(3) (a) 2. Two members from each participating county shall be appointed by the governor. At least one such appointee shall be a person, selected from a list of 2 or more persons nominated by the county board, who has experience in local government in elective or appointive offices or who is professionally engaged in advising local governmental units in the fields of land-use planning, transportation, law, finance, engineering or recreation and natural resources development. The governor in making appointments hereunder under this sub-section shall give due weight to the place of residence of the appointees within the various counties encompassed by the region.

(b) (intro.) For any region which does not include a city of the first class 1st class city, the membership composition of a regional planning commission shall be in accordance with resolutions approved by the governing bodies of a majority of the local units in the region, and these units shall have in the aggregate at least half the population of the region. For the purposes of this determination a county, part or all of which is within the region, shall be counted as a local unit, but the population of an approving county shall not be counted. In the absence of the necessary approval by the local units, the membership composition of a commission shall be determined as follows:

(5) CHAIRPERSON; RULES OF PROCEDURE; RECORDS. Each regional planning commission shall elect its own chairperson and executive committee and shall establish its own rules of procedure, and may create and fill other offices as it may determine necessary. The commission may authorize the executive committee to act for it on all matters pursuant to under rules adopted by it. The commission shall meet at least once each year. It shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.
(7) ADVISORY COMMITTEES OR COUNCILS; APPOINTMENT. The regional planning commission may appoint advisory committees or councils whose membership may consist of individuals whose experience, training or interest in the program may qualify them to lend valuable assistance to the regional planning commission by acting in an advisory capacity in consulting with the regional planning commission on all phases of the commission’s program. Members of such advisory bodies shall receive no compensation for their services but may be reimbursed for actual expenses incurred in the performance of their duties.

SECTION 609. 66.945 (8) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0309 (8) (a) and amended to read:

66.0309 (8) (a) The regional planning commission may conduct take any of the following actions:

a. Conduct all types of research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties.

b. Consistent with the elements specified in s. 66.0295 66.1001, make plans for the physical, social and economic development of the region, and may, consistent with the elements specified in s. 66.0295 66.1001, adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region.

c. Publicize and advertise its purposes, objectives and findings, and may distribute reports thereon; it may provide concerning these items.

d. Provide advisory services on regional planning problems to the local government units within the region and to other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such local units and agencies as they relate to its objectives.

2. All public officials shall, upon request, furnish to the regional planning commission, within a reasonable time, such available information as it requires for its work. In general, the regional planning commission shall have all powers necessary to enable it to perform its functions and promote regional planning. The functions of the regional planning commission shall be solely advisory to the local governments and local government officials comprising the region.

SECTION 610. 66.945 (8) (b) of the statutes is renumbered 66.0309 (8) (b).

SECTION 611. 66.945 (9) and (10) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0309 (9) and (10) and amended to read:

66.0309 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning commission shall have the function and duty of making and adopting a master plan for the physical development of the region. The master plan, with the accompanying maps, plats, charts, programs and descriptive and explanatory matter, shall show the commission’s recommendations for such physical development and shall contain at least the elements described in s. 66.0295 66.1001. The regional planning commission may amend, extend or add to the master plan or carry any part or subject matter into greater detail.

(10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. The regional planning commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may by resolution adopt a part or parts thereof of the master plan, any such part to correspond with one or more of the elements specified in s. 66.0295 66.1001. The resolution shall refer expressly to the maps, plats, charts, programs and descriptive and explanatory matter, and other matters intended by the regional planning commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof of the adopted plan by the identifying signature of the chairperson of the regional planning commission and a copy of the plan or part thereof of the adopted plan shall be certified to the legislative bodies of the local governmental units within the region. The purpose and effect of adoption of the master plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties.

SECTION 612. 66.945 (11) to (16) of the statutes are renumbered 66.0309 (11) to (16), and 66.0309 (11), (12) (b) (intro.) and 1., (13), (14) (a) to (c), (d) (intro.) and 1., (e) and (f), (15) and (16), as renumbered, are amended to read:

66.0309 (11) MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public body of a local governmental unit within the region having final authority thereon may refer to the regional planning commission, for its consideration and report, the following matters: The location of or acquisition of land for any of the items or facilities which are included in the adopted regional master plan. Within 20 days after the matter is referred to the regional planning commission or such a longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body. The report and recommendations of the commission shall be advisory only. State agencies A state agency may authorize the regional planning commission with the consent of the commission to act for such the agency in approv-
Regional planning commissions. A regional planning commission authorized by a local unit on November 1, 1980 to act for the local unit in approving plats may continue to so act until the commission withdraws its consent or the local unit its approval. A local unit may authorize a regional planning commission, with the consent of the commission, to conduct an advisory review of plats.

(12) (b) (intro.) In addition to the other powers specified in this section a regional planning commission may enter into a contract with any local unit within the region under s. 66.30 66.0301 to make studies and offer advice on any of the following topics:

1. Land use, thoroughfares, community facilities, and public improvements.

(13) AID FROM GOVERNMENTAL AGENCIES; GIFTS AND GRANTS. Aid, in any form, for the purpose of accomplishing the objectives of the regional planning commission may be accepted from all governmental agencies whether local, state or federal, if the conditions under which such aid is furnished are not incompatible with the other provisions of this section. The regional planning commission may accept gifts and grants from public or private individuals or agencies if the conditions under which such the grants are made are in accordance with the accomplishment of the objectives of the regional planning commission.

(14) (a) For the purpose of providing funds to meet the expenses of a regional planning commission, the commission shall annually on or before October 1 prepare and approve a budget reflecting the cost of its operation and services to the local governmental units within the region. The amount of the budget charged to any local governmental unit shall be in the proportion of the equalized value for tax purposes of the land, buildings and other improvements thereon of such the land of the local governmental unit, within the region, to the total equalized value within the region. The amount charged to a local governmental unit shall not exceed .003 per cent of such equalized value under its jurisdiction and within the region, unless the governing body of such the unit expressly approves the amount in excess of such that percentage. All tax or other revenues raised for a regional planning commission shall be forwarded by the treasurer of the local unit to the treasurer of the commission on written order of the treasurer of the commission.

(b) Where one−half or more of the land within a county is within a region, the chairperson of the regional planning commission shall certify to the county clerk, prior to before August 1 of each year, the proportionate amount of the budget charged to the county for the services of the regional planning commission. Unless the county board finds such the charges unreasonable, and institutes the procedures set forth below for such a contention under par. (d), it shall take such necessary legislative action as necessary to provide the funds called for in the certified statement.

(c) Where less than one−half of the land within a county is within a region, the chairperson of the regional planning commission shall before August 1 of each year certify to the clerk of the local governmental unit involved a statement of the proportionate charges assessed to that local governmental unit. Such The clerk shall extend the amount shown in such the statement as a charge on the tax roll under s. 281.43 (2).

(d) (intro.) If any local governmental unit makes a finding by resolution within 20 days of the certification to its clerk that the charges of the regional planning commission are unreasonable, it may take any of the following actions:

1. Submit the issue to arbitration by 3 arbitrators, one to be chosen by the local governmental unit, one to be chosen by the regional planning commission and the third to be chosen by the first 2 arbitrators. If the arbitrators are unable to agree, the vote of 2 shall be the decision. They may affirm or modify the report, and shall submit their decision in writing to the local governmental unit and the regional planning commission within 30 days of their appointment unless the time be extended by agreement of the commission and the local governmental unit. The decision shall be binding. Election to arbitrate shall be waiver of right to proceed by action. Two−thirds of the expenses of arbitration shall be paid by the party requesting arbitration and the balance by the other.

(e) By agreement between the regional planning commission and a local governmental unit, special compensation to the commission for unique and special services provided to such the local governmental unit may be arranged.

(f) The regional planning commission may accept from any local governmental unit supplies, the use of equipment, facilities and office space and the services of personnel as part or all of the financial support assessed against such the local governmental unit

(15) DISSOLUTION OF REGIONAL PLANNING COMMISSIONS. Upon receipt of certified copies of resolutions recommending the dissolution of a regional planning commission adopted by the governing bodies of a majority of the local units in the region, including the county board of any county, part or all of which is within the region, and upon a finding that all outstanding indebtedness of the commission has been paid and all unexpended funds returned to the local units which supplied them, or that adequate provision has been made therefore for the outstanding indebtedness or unexpended funds, the governor shall issue a certificate of dissolution of the commission which shall thereupon then cease to exist.

(16) WITHDRAWAL. Within 90 days of the issuance by the governor of an order creating a regional planning commission, any local unit of government within the
boundaries of such the region may withdraw from the jurisdiction of such the commission by a two-thirds vote of the members–elect of the governing body after a public hearing. Notice of withdrawal shall be given to the commission by registered mail not more than 3 nor less than 2 weeks before withdrawal and by publication of a class 2 notice, under ch. 985. A local unit may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the members–elect of the governing body taken at least 6 months prior to the effective date of such the withdrawal. However, such the local unit shall be responsible for its allocated share of the contractual obligations of the regional planning commission continuing beyond the effective date of its withdrawal.

Section 613. 66.948 of the statutes is renumbered 66.0411.

Section 614. 66.949 of the statutes is renumbered 66.0133, and 66.0133 (1) (c) and (3), as renumbered, are amended to read:

66.0133 (1) (c) “Performance contract” means a contract for the evaluation and recommendation of energy conservation and facility improvement measures, and for the implementation of one or more such of these measures.

3 Notice. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9) (a), 59.52 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155, 66.24 (5) (d), 66.299 (2), 66.431 (5) (a) 2., 66.47 (11), 66.505 (10), 66.508 (10) and 66.904 (2) 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a) 2., 200.11 (5) (d) and 200.47 (2), before entering into a performance contract under this section, a local governmental unit shall solicit bids or competitive sealed proposals from qualified providers. A local governmental unit may only enter into a performance contract if the contract is awarded by the governing body of the local governmental unit. The governing body shall give at least 10 days’ notice of the meeting at which the body intends to award a performance contract. The notice shall include a statement of the intent of the governing body to award the performance contract, the names of all potential parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract. At the meeting, the governing body shall review and evaluate the bids or proposals submitted by all qualified providers and may thereafter award the performance contract to the qualified provider that best meets the needs of the local governmental unit, which need not be the lowest cost provider.

Section 615. 66.95 of the statutes is renumbered 66.0431 and amended to read:

66.0431 Prohibiting operators from leaving keys in parked motor vehicles. The governing body of any a city, village or town may by ordinance require every passenger motor vehicle to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system; prohibit any person from permitting a motor vehicle in the person’s custody from standing or remaining unattended on any street, road, or alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for that lock is removed from the vehicle; and provide forfeitures for such violations. The foregoing provisions shall of the ordinance. This section does not apply to motor vehicles operated by common carriers of passengers under ch. 194.

Section 616. 66.955 of the statutes is renumbered 23.235, and 23.235 (3), as renumbered, is amended to read:

23.235 (3) The department of natural resources may conduct research on the control of nuisance weeds. The secretaries of natural resources and of agriculture, trade and consumer protection may authorize any person to plant or cultivate nuisance weeds for the purpose of controlled experimentation.

Section 617. 66.96 (title) and (1) of the statutes are renumbered 66.0407 (title) and (1) (intro.), and 66.0407 (1) (intro.), as renumbered, are amended to read:

66.0407 (1) (intro.) The term “destroy.” In this section:

(a) “Destroy” means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such a time and in such a manner as will effectually prevent such the weed plants from maturing to the bloom or flower stage.

Section 618. 66.96 (2) of the statutes is renumbered 66.0407 (1) (b) and amended to read:

66.0407 (1) (b) The term “noxious weeds” as used in this chapter includes the following: “Noxious weed” means Canada thistle, leafy spurge and field bindweed (creeping Jenny) and any other such weeds as weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

Section 619. 66.96 (3) to (5) of the statutes are renumbered 66.0407 (3) to (5), and 66.0407 (3), as renumbered, is amended to read:

66.0407 (3) Every A person owning, occupying or controlling land shall destroy all noxious weeds on all lands which the person shall own, occupy or control the land. The person having immediate charge of any public lands shall destroy all noxious weeds on such the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board shall cause to be destroyed is
Section 620. 66.97 to 66.99 of the statutes are repealed.

Note: Restated as s. 66.0517, with minor amendments.
See section 154.

Section 621. 67.01 (9) (h) of the statutes is amended to read:

67.01 (9) (h) To contractor’s certificates, general obligation local improvement bonds or special assessment B bonds issued pursuant to s. 66.54 under s. 66.0713 except as therein specified, provided in that section or to general obligation local improvement bonds issued under s. 67.16, except as provided in that section.

Section 622. 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 water works, 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 62.237, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 66.425 66.43, 66.431, 66.4325, 66.435 and 66.46 66.1329 and 66.1331 to 66.1337 or for university University of Wisconsin System System college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose therefor 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 a city or the village board of any a village declares its purpose to raise money by issuing bonds for any purpose other than those above specified in this subsection, 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 62.237 without calling a special election to submit the question of bonding to the city or village electors for their approval.

Section 623. 67.16 of the statutes is created to read:

67.16 General obligation–local improvement bonds. (1) In this section:

(a) “Debt service fund” means the fund, however derived, set aside for the payment of principal and interest on bonds issued under this section.

(b) “Governing body” means the body or board vested by statute with the power to levy special assessments for public improvement.

d) “Local governmental unit” means a county, city, village, town, farm drainage board, sanitary district, utility district, public inland lake protection and rehabilitation district or any other public board, commission or district, except a 1st class city, authorized by law to levy special assessments for public improvements against the property benefited by the special improvements.

(d) “Public improvement” means the result of the performance of work or the furnishing of materials or both, for which special assessments are authorized to be levied against the property benefited by the special assessments.

(2) (a) For the purpose of anticipating the collection of special assessments payable in instalments under s. 66.0621 (3), the governing body of a local governmental unit, after the instalments have been determined, may issue general obligation–local improvement bonds under this section.

(3) After the expiration of 90 days from the date of a general obligation–local improvement bond, the bond is conclusive evidence of the legality of all proceedings up to and including the issue of the bond and prima facie evidence of the proper construction of the improvement.

Note: Provisions of s. 66.54 relating to general obligation–local improvement bonds are relocated to ch. 67, relating to general obligation debt. See also section 518 of this bill.

Section 624. 70.11 (18) of the statutes is amended to read:

70.11 (18) Housing. Property of housing authorities exempt from taxation under ss. 66.39 (9) and 66.40 (22) s. 66.1201 (22).

Section 625. 74.53 (1) (b) of the statutes is amended to read:

74.53 (1) (b) The cost of razing and removing property and restoring the site to a dust–free and erosion–free condition incurred under s. 66.05 (2), (5), (8) (bg) or (10)
af fidavit is filed in proper form and order. If a state and state agency applying therefor "trade or occupation. The department shall there is no rate at which a majority of the hours contribution for health insurance benefits, vacation hours of labor information for work performed in the area in the area within the previous 12 months. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(4r) COMPLIANCE. (a) When the department finds that a state agency has not requested a determination under sub. (3) (a) or that a state agency, contractor or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2), the department shall notify the state agency, contractor or subcontractor of the noncompliance and shall file the determination with the state agency, contractor or subcontractor within 30 days after such notice.

(b) Upon completion of a project and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until such an affidavit is filed in proper form and order.

(c) Upon completion of a project and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor’s agents and subcontractors. A state agency may not authorize a final payment until such an affidavit is filed in proper form and order. If a state agency authorizes a final payment before such an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person specified in sub. (2m) has been
or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

(5) (a) Each contractor, subcontractor or contractor’s or subcontractor’s agent thereof performing work on a project that is subject to this section shall keep and furnish on request by the department, copies of payroll records and other records and information relating to the wages paid to persons described in sub. (2m) and an accurate record of the number of hours worked by each of those persons and the actual wages paid therefor for the hours worked.

(b) It shall be the duty of the department to enforce this section. To this end it may demand and examine, and it shall be the duty of every contractor, subcontractor and contractor’s and subcontractor’s agent thereof to keep, and furnish on request by the department, copies of payroll records and other records and information relating to the wages paid to persons described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter and chs. 104 to 106. Every contractor, subcontractor or contractor performing work on a project that is subject to this section is subject to the requirements of ch. 101 relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

(6m) (a) Except as provided in pars. (b), (d) and (f), any contractor, subcontractor or contractor’s or subcontractor’s agent thereof who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both. Each day that any such a violation continues shall be considered a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing such the project, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project that is not subject to this section during a week in which the employee works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing such the project to be deducted from the individual’s pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

(e) Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing such the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(7) (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies and to the University of Wisconsin Hospitals and Clinics Authority a list of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with any such name the address of the person and shall specify when such the person failed to pay the prevailing wage rate and when such the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency or the University of Wisconsin Hospitals and Clinics Authority may not award any contract to such the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(d) Any person submitting a bid on a project that is subject to this section shall be required, on the date the person submits the bid, to identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3).
Section 629. 103.50 (1) (d), (7) (a) to (e) and (8) of the statutes are amended to read:

103.50 (1) (d) “Prevailing wage rate” means the average hourly basic rate of pay, weighted by the number of hours worked, the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefits, paid directly or indirectly, for a majority of the hours worked in the trade or occupation in that area, or if:

2. If there is no rate at which a majority of the hours worked in the trade or occupation in the area is paid, then the prevailing wage rate shall be “prevailing wage rate” means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly, for all hours worked at the hourly basic rate of pay of the highest-paid 51% of hours worked in that trade or occupation in that area.

(7) (a) Except as provided in pars. (b), (d) and (f), any contractor, subcontractor or contractor’s or subcontractor’s agent thereof who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both. Each day that any such a violation continues shall be considered a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing such the project, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project that is not subject to this section during a week in which the employee works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (1).

(c) Any person employed on a project that is subject to this section who knowingly permits a contractor, subcontractor or contractor’s or subcontractor’s agent thereof to pay him or her less than the prevailing wage rate set forth in the contract governing such the project, who gives up, waives or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing such the project to be deducted from the individual’s pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

(e) Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing such the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

(3) Enforcement and prosecution. The Department of Transportation shall require adherence to sub. (2) and (6). The Department of Transportation may demand and examine, and it shall be the duty of every contractor, subcontractor and contractor’s or subcontractor’s agent thereof to keep and furnish to upon request by the department of transportation, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (2m) for work to which this section applies. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall make such investigation as necessary and prosecute violations in a court of competent jurisdiction. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

NOTE: For consistency, s. 103.49 (prevailing wage rates for state building projects) is amended to make editorial changes that parallel those made to current s. 66.293 (prevailing wage rates for municipalities) by Section 335.

Section 630. 117.132 (1m) (a) of the statutes is amended to read:

117.132 (1m) (a) “Annexed” means annexed or attached under s. 66.021, 66.022, 66.023, 66.024, 66.025 or 66.027, 66.0217, 66.0219, 66.0221, 66.0223, 66.0225, 66.0227 or 66.0307.

Section 631. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77 and 1999 Wisconsin Act 9, is amended to read:

119.04 (I) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to
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(26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 and 120.25 are applicable to a 1st class city school district and board.

**SECTION 632.** 120.25 (title) of the statutes is created to read:

120.25 (title) School board cooperation in acquiring school facilities.

**SECTION 633.** 182.025 (1) of the statutes is amended to read:

182.025 (1) Any domestic corporation formed to furnish water, heat, light, power, telegraph or telecommunications service or signals by electricity may, subject to the provisions of ch. 200 and by an affirmative vote of at least two-thirds of its outstanding shares entitled to vote thereon, or any cooperative association organized under ch. 185 to furnish water, heat, light, power, telegraph or telecommunications service to its stockholders or members only may, by a vote of a majority of a quorum of its stockholders or members present at any regular or special meeting held upon due notice as to the purpose of the meeting or when authorized by the written consent of the holders of a majority of its capital stock outstanding and entitled to vote or of a majority of its members, mortgage or trust deed any or all of the property, rights and privileges and franchises that it may then own or thereafter acquire, to secure the payment of its bonds or notes to a fixed amount or in amounts to be from time to time determined by the board of directors, and may, in and by such mortgage or deed of trust, provide for the disposal of any of its property and the substitution of other property in its place. Every such mortgage or deed of trust may be recorded in the office of the register of deeds of the county in which such corporation is located at the time of such recording, and such record shall have the same effect as if the instrument were filed in the proper office as a chattel mortgage or financing statement, and so remain until satisfied or discharged without any further affidavit, continuation statement or proceeding whatever. For this purpose the location of such corporation shall be deemed to be: as to a corporation or a cooperative association not at the time subject to either s. 180.0501 or 185.08, the location designated in its articles as then in effect; as to a corporation subject to s. 180.0501, the location of its registered office; and as to a cooperative association subject to s. 185.08, the location of its principal office or registered agent as designated thereunder.

**SECTION 634.** 182.031 (2) of the statutes is amended to read:

182.031 (2) **Powers; Place of Business.** Every such corporation shall possess all the rights and powers conferred upon corporations by chs. 180 and 200. It may have its principal place of business without the state. If its principal place of business is outside the state, process in actions against it may be served as provided in s. 180.1510 for service on a foreign stock corporation authorized to transact business in this state.

**SECTION 635.** 182.70 (9) (a) of the statutes is amended to read:

182.70 (9) (a) The company may, after certification from the commission according to the procedures under ss. 200.03 and 200.04, issue bonds or other obligations secured by pledge, assignment, mortgage or trust deed of its property.

**SECTION 636.** 182.71 (7) (c) of the statutes is amended to read:

182.71 (7) (c) The company may, after certification from the commission according to the procedures under ss. 200.03 and 200.04, issue capital stock or negotiable bonds. The money received by the company upon account of capital stock or sale of its negotiable bonds shall be used to pay the original cost of purchase, construction or improvement of the reservoir system. All tolls collected under sub. (5) shall be applied only to the payment of cost of maintenance and operation of the system and payment of the net return on capital so that the capital stock and bonds of the corporation shall be maintained at par value at all times.

**SECTION 637.** 195.60 (2) of the statutes is amended to read:

195.60 (2) The office shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties relating to railroads. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the office and 10% of the expenditures so determined shall be expenditures for state government operations. The office shall deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 200.10. A sum equal to the remainder plus 10% of the remainder shall be assessed by the office to the several railroads in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. Such assessment shall be paid within 30 days after the bill has been mailed to the several railroads, which bill shall constitute notice of assessment and demand of payment thereof. The total amount which may be assessed to the railroads under authority of this subsection shall not exceed 1.75% of the total gross operating revenues of such railroads, during such calendar year, derived from intrastate operations. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (2) (g). The railroads shall furnish such financial information as the office requires.

**SECTION 638.** 196.02 (7) of the statutes is amended to read:

196.02 (7) **Commission Initiative.** In any matter within its jurisdiction, including, but not limited to, chs. 197 and 200 and this chapter, the commission may
initiate, investigate and order a hearing at its discretion upon such notice as it deems proper.

SECTION 639. 196.195 (1) of the statutes is amended to read:

196.195 (1) Regulation imposed. Except as provided in this section and ss. 196.202, 196.203, 196.215 and 196.219, a telecommunications utility is subject to every applicable provision of this chapter and ch. 200 201.

SECTION 640. 196.195 (5) of the statutes is amended to read:

196.195 (5) Commission action. If after the proceeding, under subs. (2), (3) and (4) the commission has determined that effective competition exists in the market for the telecommunications service which justifies a lesser degree of regulation and that lesser regulation in that market will serve the public interest, the commission may, by order, suspend any of the following provisions of law, except as provided under subs. (7) and (8): ch. 200 201 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s. 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s. 196.78; s. 196.79; and s. 196.805.

SECTION 641. 196.202 (2) of the statutes is amended to read:

196.202 (2) Scope of regulation. A commercial mobile radio service provider is not subject to ch. 200 201 or this chapter, except a commercial mobile radio service provider is subject to s. 196.218 (3) to the extent not preempted by federal law. If the application of s. 196.218 (3) to a commercial mobile radio service provider is not preempted, a commercial mobile radio service provider shall respond to the protection of the commercial mobile radio service provider’s competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to administer the universal service fund.

SECTION 642. 196.203 (1) of the statutes, as affected by 1997 Wisconsin Act 140, is amended to read:

196.203 (1) Except as provided in this section, alternative telecommunications utilities are exempt from all provisions of ch. 200 201 and this chapter.

SECTION 643. 196.203 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 140, is amended to read:

196.203 (3) (a) In response to a petition from any interested person, or upon its own motion, the commission shall determine whether the public interest requires that any provision of ch. 200 201 or this chapter be imposed on a person providing or proposing to provide service as an alternative telecommunications utility in a relevant market. In making this determination, the commission may consider factors including the quality of service, customer complaints, concerns about the effect on customers of local exchange telecommunications utilities and the extent to which similar services are available from alternative sources.

SECTION 644. 196.203 (4) of the statutes is amended to read:

196.203 (4) The commission may impose any provision of ch. 200 201 or this chapter on one or more, but not necessarily all, alternative telecommunications utilities providing service in a relevant market.

SECTION 645. 196.795 (5) (a) of the statutes is amended to read:

196.795 (5) (a) No holding company which is not subject to any regulatory power of the commission except under this section, ss. 196.52, 196.525 and 196.84 and except under ch. 200 201 if the commission has made a determination under sub. (7) (a) which makes such holding company a public service corporation, as defined under s. 200 201.01 (2).

SECTION 646. 196.795 (5) (b) of the statutes is amended to read:

196.795 (5) (b) The commission has full access to any book, record, document or other information relating to a holding company system to the extent that such information is relevant to the performance of the commission’s duties under ch. 200 201, this chapter or any other statute applicable to the public utility affiliate. The commission may require a holding company to keep any record or document which is necessary for the commission to perform its duties under this section and which is consistent with generally accepted accounting and record-keeping practices of the particular type of business involved. Any information obtained under this paragraph is subject to sub. (9), when applicable.

SECTION 647. 196.80 (1m) (d) of the statutes is amended to read:

196.80 (1m) (d) Consolidate or merge with any Wisconsin corporation if substantially all of the assets of the corporation consist of the entire stock of the public utility. The total of the resulting securities outstanding of the possessor corporation which have not been authorized previously under ch. 200 201 shall require authorization under ch. 200 201 as a condition precedent to the merger or consolidation.

SECTION 648. 196.85 (1) of the statutes is amended to read:

196.85 (1) If the commission in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make appraisals of the property of any public utility, power district or sewage system or to render any engineering or accounting services to any public utility, power district or sewage system, the public utility, power district or sewage system shall pay the expenses attributable to the investiga-
tion, including the cost of litigation, appraisal or service. The commission shall mail a bill for the expenses to the public utility, power district or sewerage system either at the conclusion of the investigation, appraisal or services, or during its progress. The bill constitutes notice of the assessment and demand of payment. The public utility, power district or sewerage system shall, within 30 days after the mailing of the bill pay to the commission the amount of the special expense for which it is billed. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g). The total amount in any one calendar year for which any public utility, power district or sewerage system is liable, by reason of costs incurred by the commission within the calendar year, including charges under s. 200.10 201.10 (3), may not exceed four-fifths of one percent of its gross operating revenues derived from intrastate operations in the last preceding calendar year. Nothing in this subsection shall prevent the commission from rendering bills in one calendar year for costs incurred within a previous year. For the purpose of calculating the costs of investigations, appraisals and other services under this subsection, 90% of the costs determined shall be costs of the commission and 10% of the costs determined shall be costs of state government operations.

**Section 649.** 196.85 (2) of the statutes is amended to read:

196.85 (2) The commission shall annually, within 90 days of the commencement of each fiscal year, calculate the total of its expenditures during the prior fiscal year which are reasonably attributable to the performance of its duties relating to public utilities, sewerage systems and power districts under this chapter and chs. 66, 198 and 200 201 and expenditures of the state for state government operations to support the performance of such duties. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the commission and 10% of the expenditures so determined shall be expenditures for state government operations. The commission shall deduct from this total all amounts chargeable to public utilities, sewerage systems and power districts under sub. (1) and s. 200.10 201.10 (3). The commission shall assess a sum equal to the remainder plus 10% of the remainder to the public utilities and power districts in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. If, at the time of payment, the prior year’s expenditures made under this section exceeded the payment made under this section in the prior year, the commission shall charge the remainder to the public utilities and power districts in proportion to their gross operating revenues during the last calendar year. If, at the time of payment it is determined that the prior year’s expenditures made under this section were less than the payment made under this section in the prior year, the commission shall credit the difference to the current year’s payment. The assessment shall be paid within 30 days after the bill has been mailed to the public utilities and power districts. The bill constitutes notice of the assessment and demand of payment. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g).

**Section 650.** Chapter 200 (title) of the statutes is renumbered chapter 201 (title).

**Section 651.** Chapter 200 (title) of the statutes is created to read:

**CHAPTER 200**

**METROPOLITAN SEWERAGE DISTRICTS**

**Section 652.** Subchapter I (title) of chapter 200 [precedes 200.01] of the statutes is created to read:

**CHAPTER 200**

**SUBCHAPTER I**

**DISTRICTS GENERALLY**

**Section 653.** 200.01 to 200.05 of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 201.01 to 201.05.

**Section 654.** 200.06 (title) and (1) of the statutes are renumbered 201.06 (title) and (1).

**Section 655.** 200.06 (2) of the statutes is renumbered 201.06 (2) and amended to read:

201.06 (2) The commission may attach to the issuance of any certificate under this chapter such terms, conditions or requirements as in its judgment are reasonably necessary to protect the public interest. Any public service corporation dissatisfied with any of the terms or conditions so imposed by the commission in such certificate of authority shall be limited in its remedy to an action to modify or set aside the commission order authorizing a certificate of authority, as provided by s. 200.08 201.08. Any public service corporation issuing securities pursuant to any certificate of authority, not having brought any such action to set aside such order shall be deemed thereby to have waived any and all objections to the terms, conditions and requirements contained in such certificate of authority.

**Section 656.** 200.07 to 200.11 of the statutes, as affected by 1997 Wisconsin Act 283, are renumbered 201.07 to 201.11.

**Section 657.** 200.12 of the statutes is renumbered 201.12 and amended to read:

201.12 **Judicial sale of corporation, reorganization.** Whenever the rights, powers, privileges and franchises of any domestic public service corporation shall be sold at judicial sale or pursuant to the foreclosure of a mortgage, the purchaser shall, within 60 days after the sale, organize a new corporation pursuant to the laws respecting corporations for similar purposes and shall convey to the new corporation the rights, privileges and franchises which the former corporation had, or was entitled to have, at the time of the sale and which are provided by the statutes applicable to domestic public ser-
vice corporations. The amount of securities that may be issued by the new corporation for the purpose of acquiring the property of the former corporation shall be determined in accordance with ss. 200.04, 200.05 and 200.06.

Section 658. 200.13 of the statutes is renumbered 201.13.

Section 659. 200.14 of the statutes is renumbered 201.14 and amended to read:

201.14 Validation of securities issued without certificate. Securities issued by any such corporation, for the issuance of which a certificate should have been, but through excusable neglect or mistake was not, applied for, may be validated by the commission upon application of such corporation, signed and verified by the president and secretary, and setting forth the information required by s. 200.05 201.05 (1), and in addition thereto a concise statement of the reasons why such application was not made at the time such securities were issued. If the commission shall find and determine that such failure to make application was due to excusable neglect or mistake, and was not occasioned by any design to evade compliance with the law, and that such issue was otherwise in accordance with law, the commission shall issue to the corporation a validating certificate.

Section 660. 200.15 of the statutes is renumbered 201.15.

Section 661. Subchapter II (title) of chapter 200 [precedes 200.21] of the statutes is created to read:

CHAPTER 200
SUBCHAPTER II
DISTRICTS INCLUDING 1ST CLASS CITIES

Section 662. 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) “Local approval” includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22)

and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8) 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

Section 663. 632.103 (2) (a) 1. of the statutes is amended to read:

632.103 (2) (a) 1. Costs incurred in the course of enforcing ss. 66.0413 and 66.0427 or a local ordinance relating to demolition, with respect to the building or other structure for which the funds are withheld.

Section 664. 755.045 (2) of the statutes is amended to read:

755.045 (2) A municipal judge may issue civil warrants to enforce matters which are under the jurisdiction of the municipal court. Municipal judges are also authorized to issue inspection warrants under ss. 66.122 and 66.123 s. 66.0119.

Section 665. 823.21 of the statutes is amended to read:

823.21 Dilapidated buildings declared nuisances. Any building which, under s. 66.05 (1m), 66.0413 (1) (b) L., has been declared so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or has been determined to be unreasonable to repair under s. 66.05 (1m), 66.0413 (1) (b) L, is a public nuisance and may be proceeded against under this chapter.

Section 666. 823.215 of the statutes is amended to read:

823.215 Dilapidated wharves and piers in navigable waters declared nuisances. Any wharf or pier in navigable waters which is declared so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use under s. 66.0495 (1) (b) 30.15 (5m) (a) 2, or repair is determined unreasonable under that section is a public nuisance and may be proceeded against under this chapter.

Section 667. 893.33 (5) of the statutes is amended to read:

893.33 (5) This section bars all claims to an interest in real property, whether rights based on marriage, remainders, reversions and reverter clauses in covenants restricting the use of real estate, mortgage liens, old tax deeds, death and income or franchise tax liens, rights as heirs or under will, or any claim of any nature, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within the 30–year period provided by sub. (2) there has been recorded in the office of the register of deeds some instrument expressly referring to the existence of the claim, or a notice pursuant to this section. This section
does not apply to any action commenced or any defense or counterclaim asserted, by any person who is in possession of the real estate involved as owner at the time the action is commenced. This section does not apply to any real estate or interest in real estate while the record title to the real estate or interest in real estate remains in a railroad corporation, a public service corporation as defined in s. 200.01, an electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of a railroad corporation, a public service corporation or an electric cooperative, or to claims or actions founded upon mortgages or trust deeds executed by that cooperative or corporation, or trustees or receivers of that cooperative or corporation. This section also does not apply to real estate or an interest in real estate while the record title to the real estate or interest in real estate remains in the state or a political subdivision or municipal corporation of this state.

SECTION 668. 893.76 of the statutes is amended to read:

893.76 Order to repair or remove building or restore site; contesting. An application under s. 66.05 (4) 66.0413 (1) (h) to a circuit court for an order restraining the inspector of buildings or other designated officer from razing and removing a building or part of a building and restoring a site to a dust−free and erosion−free condition shall be made within 30 days after service of the order issued under s. 66.05 (4m) 66.0413 (1) (h) or be barred.

SECTION 669. 893.765 of the statutes is amended to read:

893.765 Order to remove wharves or piers in navigable waters; contesting. An application under s. 66.0495 (3) 30.15 (5m) (c) to circuit court for a restraining order prohibiting the removal of a wharf or pier shall be made within 30 days after service of the order issued under s. 66.0495 (4) 30.15 (5m) (a) or be barred.

SECTION 670. 946.15 of the statutes is amended to read:

946.15 Public construction contracts at less than full rate. (1) Any employer, or any agent or employe of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.29 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.29 66.0903 (3), 103.49 (3) or 103.50 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class E felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.29 66.0901 (1) (c) or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.29 66.0903 (3), 103.49 (3) or 103.50 (3) by a local governmental unit, as defined in s. 66.29 66.0903 (1) (d), under s. 66.29 66.0903 (6) who gives up, waives or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employe of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.29 66.0903 (3), 103.49 (3) or 103.50 (3) by a local governmental unit, as defined in s. 66.29 66.0903 (1) (d), under s. 66.29 66.0903 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person’s pay is guilty of a Class E felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.29 66.0903 (3), 103.49 (3) or 103.50 (3) by a local governmental unit, as defined in s. 66.29 66.0903 (1) (d), under s. 66.29 66.0903 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

SECTION 671. 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:
946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 200.09, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

**SECTION 672. Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in column C:

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</table>
SECTION 673. Initial applicability.

(1) The treatment of sections 60.23 (20) and 66.0627 of the statutes first applies to costs for removal and disposition of dead animals, conservation work and snow removal incurred on the effective date of this subsection.

(2) The treatment of sections 66.021 (3) (b) and 66.0217 (4) (a) 6. of the statutes first applies to notices of intent to circulate an annexation petition submitted for publication on the effective date of this subsection.

(3) The treatment of section 66.021 (4) (a) of the statutes first applies to annexation petitions first circulated on the effective date of this subsection.

(4) The treatment of section 66.025 of the statutes first applies to:

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</table>
(a) Annexation ordinances enacted on the effective date of this paragraph.
(b) Actions to contest the validity of an annexation commenced on the effective date of this paragraph.
(5) The treatment of section 66.045 (3) of the statutes first applies to privileges applied for on the effective date of this subsection.
(6) The treatment of section 66.0707 (2) of the statutes first applies to costs incurred on the effective date of this subsection.
(7) The treatment of section 66.296 (2) (a) and (c) of the statutes first applies to discontinuance resolutions introduced on the effective date of this subsection.

SECTION 674. Effective date.
(1) This act takes effect on January 1, 2001.

NOTE: The following list shows the general treatment of provisions of ch. 66 by this bill. The left-hand column (“Current Section”) lists the current provisions of ch. 66. The right-hand column (“Treatment”) shows the general treatment of each provision by this bill.

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