

1999 DRAFTING REQUEST

Bill

Received: **09/08/1998**

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Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC 6-0292**

By/Representing: **Don Dyke, Ron Sklansky**

This file may be shown to any legislator: **NO**

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Subject: **Munis - miscellaneous**

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Pre Topic:

No specific pre topic given

Topic:

Reorganization of chapter 66

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1?	shoveme	1/2-3-23-99 King					
1/2	ME S 3/1/99						

FE Sent For:

For next draft, check w/s. A. list.

Prep. to "as eff'd." need to be deleted on next draft unless there is a delayed eff. date.

4/3/99
4/5/99

4/16-4/14
<END>



-0042/PK
LRB/4751/P
MES/uch
RMM

SOON?

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WPO: make sure
all SEC #'s in INSERTS
are PAVED.
Kg is

Ken Cox

WPO: Proof all amended stats.
w/ stats. If you use the compare
program, please hold all discrepancies
until the compare is done;
then I'll check

1 AN ACT to repeal 30.13 (5), 60.51, 66.01 (14), 66.021 (2m) (title), 66.021 (13), any
2 66.033 (title), 66.035, 66.038, 66.04 (1m) (title), 66.0495 (1) (title), 66.0495 (1) that
3 (a) (title), 66.0495 (1) (b) (title), 66.0495 (1) (d) (title), 66.0495 (2) (title), (a) (title) you
4 and (b) (title), 66.0495 (3) (title), 66.05 (1g) and (1m) (a), 66.05 (8) (d), 66.051 have
5 (1) (c), 66.0585 (title), 66.06, 66.066 (2) (j), 66.067, 66.068 (1), 66.068 (5), 66.069 questions
6 (1) (title), 66.071 (intro.), 66.074, 66.075, 66.081, 66.10, 66.111, 66.12 (1) (d), on.
7 66.123 (title), 66.13, 66.14 (title), 66.197, 66.29 (9) (a), 66.295, 66.30 (4), 66.345, Kg
8 66.37, 66.39, 66.395 (3) (q), 66.40 (3) (d), 66.40 (3) (r), 66.405 (3) (c), 66.41 (title),
9 66.421 (title), 66.424 (title), 66.425 (title), 66.43 (3) (b), 66.43 (16), 66.431 (2m)
10 (f), 66.434 (title), 66.44, 66.47 (6), 66.51 (4), 66.54 (2), 66.54 (3) (title), 66.54 (8),
11 66.60 (16), 66.645, 66.695 (title), 66.697 (title), 66.698 (title), 66.699, 66.73,
12 66.80 (1), 66.80 (3), 66.92, 66.94 and 66.97 to 66.99; to renumber 66.01 (3a),
13 66.01 (12), 66.01 (15), 66.021 (1) (intro.) and (a), 66.021 (16), 66.028, 66.032,
14 66.036, 66.037, 66.04 (1m), (a) and (b), 66.04 (3), 66.046 (title), 66.0485, 66.0495
15 (title), 66.0495 (1) (b), 66.05 (10), 66.051 (2) and (3), 66.071 (title), 66.071 (1)

1 (title), 66.076 (5) (b), 66.083 (title), 66.091, 66.092, 66.117, 66.122 (title), 66.146,
2 66.182, 66.184, 66.187, 66.189, 66.199, 66.28 (title), 66.286, 66.29 (title), 66.296
3 (2m), 66.296 (6), 66.301, 66.302, 66.303, 66.304, 66.305 (title), 66.31, 66.312,
4 66.33, 66.35, 66.375, 66.38, 66.40 (title), 66.403 (title), 66.405 (title), 66.406
5 (title), 66.408 (title), 66.416 (title), 66.417 (title), 66.42 (title), 66.43 (title), 66.43
6 (17), 66.431 (title), 66.47 (title), 66.527 (title), 66.54 (6) (title), 66.54 (9) (title),
7 66.54 (12) (title), 66.55, 66.606, 66.609, 66.696 (title), 66.74, 66.77, 66.925,
8 66.93 and 66.948; *to renumber and amend* 66.01 (title) and (1) to (3), 66.01
9 (4) to (8), 66.01 (9) to (11), 66.01 (16), 66.012, 66.013, 66.014, 66.015, 66.016,
10 66.017, 66.018, 66.019, 66.02, 66.021 (title), 66.021 (1) (am) to (e), 66.021 (2),
11 66.021 (2m), 66.021 (3), 66.021 (4), 66.021 (5), 66.021 (6) (title), 66.021 (6),
12 66.021 (7), 66.021 (8), 66.021 (9), 66.021 (10), 66.021 (11), 66.021 (12), 66.021
13 (15), 66.022, 66.023, 66.024, 66.025, 66.026, 66.027, 66.029, 66.03, 66.031
14 (title), 66.031, 66.033, 66.04 (1), 66.04 (2) and (2m), 66.04 (4), 66.041, 66.042,
15 66.044, 66.045, 66.046, 66.047, 66.048, 66.049, 66.0495 (1) (a), 66.0495 (1) (d),
16 66.0495 (2) (a) and (b), 66.0495 (3), 66.05 (title), 66.05 (1m) (b), 66.05 (1m) (c),
17 66.05 (1m) (d), 66.05 (2) (a), 66.05 (2) (b), 66.05 (2) (c), 66.05 (3), 66.05 (5), 66.05
18 (5m), 66.05 (6), 66.05 (8) (a) to (bm), 66.05 (9), 66.051 (title) and (1) (a) to (bm),
19 66.052, 66.053, 66.057, 66.058, 66.0585, 66.059, 66.061, 66.064, 66.065 (title),
20 66.065 (1), (2), (3), (4) and (4a), 66.065 (5), (6) and (7), 66.066 (title), (1) to (1m)
21 and (2) (intro.) and (a) to (i), 66.066 (2) (k) to (m), (4) and (5), 66.068 (title),
22 66.068 (2) to (4), 66.068 (6) and (7), 66.069 (title), 66.069 (1) (a) to (bn), 66.069
23 (1) (c) and (d), 66.069 (1) (e), 66.069 (2), 66.07, 66.071 (1) (a), 66.071 (1) (b),
24 66.071 (1) (c) to (j), 66.071 (2), 66.072, 66.073, 66.076 (title), 66.076 (1), 66.076
25 (1m), 66.076 (2), 66.076 (3), 66.076 (4), 66.076 (5) (a), 66.076 (6), 66.076 (7),

1 66.076 (8), 66.076 (9), 66.076 (10), 66.076 (11), 66.076 (12), 66.077, 66.078,
2 66.079, 66.08, 66.082, 66.083, 66.085, 66.09 (title), (1), (2), (3) and (4), 66.11,
3 66.113, 66.114, 66.115, 66.119, 66.12 (title) and (1) (a) to (c), 66.12 (2) and (3),
4 66.121, 66.122 (1) (a), 66.122 (1) (b), 66.122 (2), 66.123, 66.124, 66.125, 66.14,
5 66.144, 66.145, 66.18, 66.185, 66.186, 66.19, 66.192, 66.196, 66.20 to 66.26,
6 66.27, 66.28 (1) to (4), 66.285, 66.29 (1) (a), 66.29 (1) (b), 66.29 (1) (c) and (d) and
7 (2) to (8), 66.29 (9) (b), 66.293, 66.296 (title), 66.296 (1), 66.296 (1m), 66.296 (2),
8 66.296 (3), (4) and (5), 66.297, 66.298, 66.299, 66.30 (title), (1) and (2), 66.30 (2g),
9 66.30 (2m), 66.30 (3) and (3m), 66.30 (5) (intro.), (a) and (b), 66.30 (6), 66.305
10 (1) and (2), 66.307, 66.315, 66.32, 66.325, 66.34, 66.36 (title), 66.36, 66.365,
11 66.395 (1) to (2m) and (3) (a) to (p), 66.395 (3) (r) and (s) and (4) to (7), 66.40 (1)
12 to (2m) and (3) (intro.) and (a) to (c), 66.40 (3) (e) to (q), 66.40 (3) (s) and (t) and
13 (4) to (26), 66.401, 66.402, 66.4025, 66.403 (intro.) and (1) to (7), 66.403 (8) and
14 (9), 66.404, 66.405 (1), (2), (2m) and (3) (intro.) and (a), 66.405 (3) (d) to (s),
15 66.406 (1), (2) and (3) (intro.), (a) to (g), 66.406 (3) (h), 66.406 (4) (intro.), (a) and
16 (b), 66.406 (4) (c), 66.406 (5) to (8), 66.407, 66.408 (1), (2), (3) and (4), 66.41,
17 66.411, 66.412, 66.413, 66.414, 66.415, 66.416 (1) to (4), 66.417 (1) to (6), 66.418,
18 66.419 (title), 66.419, 66.42 (intro.), (1) and (2), 66.421, 66.422 (title), 66.422,
19 66.424, 66.425, 66.43 (1), (2), (2m), (3) (intro.) and (a), 66.43 (3) (c) to (n) and (4)
20 to (15), 66.431 (1), (2) and (2m) (intro.) and (a) to (e), 66.431 (2m) (g) to (t) and
21 (3) to (17), 66.432, 66.4325, 66.433, 66.434, 66.435, 66.436, 66.437, 66.45, 66.46,
22 66.462, 66.465, 66.47 (1) to (5), 66.47 (7) to (15), 66.48, 66.49, 66.50, 66.501,
23 66.504, 66.505 (1), (2), (3) and (4), 66.505 (6), (7), (8), (9), (10) and (11), 66.508,
24 66.51 (title) and (1), (2) and (3), 66.52, 66.521, 66.526, 66.527 (1) to (3), 66.53,
25 66.54 (title), 66.54 (1), 66.54 (3), 66.54 (4) (title), 66.54 (4), 66.54 (5), 66.54 (6)

1 (a) and (b), 66.54 (6) (c), 66.54 (6) (d), 66.54 (7), 66.54 (9) (a), 66.54 (9) (b) and
2 (c), 66.54 (10) and (11), 66.54 (12), 66.54 (15) and (15m), 66.54 (16), 66.60 (title),
3 66.60 (1) to (4), 66.60 (5), 66.60 (6), 66.60 (6a), 66.60 (6m), 66.60 (7), 66.60 (8),
4 (9), (10), (11), (12) and (15), 66.60 (17), 66.60 (18), 66.604, 66.605, 66.608,
5 66.610, 66.615, 66.616, 66.62, 66.625, 66.63, 66.635, 66.64, 66.65 (title) and (1),
6 66.65 (2), 66.694, 66.695, 66.696, 66.697 (1) and (2), 66.698 (1) and (2), 66.70,
7 66.75, 66.80 (title), 66.80 (2), 66.805, 66.81, 66.82, 66.88 to 66.918, 66.935,
8 66.943, 66.944, 66.945, 66.949, 66.95, 66.955 and 66.96; **to consolidate,**
9 **renumber and amend** 66.30 (3n) and (3p); **to amend** 29.05 (6), 33.47 (5),
10 60.23 (20), 60.23 (27), 60.24 (3) (j), 61.73, 62.03 (1), subchapter II (title) of
11 chapter 62 [precedes 62.50], 67.01 (9) (h), 67.05 (5) (b), 70.11 (18), 74.53 (1) (b),
12 85.20 (3) (b) 4., 91.75 (9) (a) 1., 103.49 (1) (d), (3) (a) and (b), (4r), (5) (a) and (b),
13 (6m) (a), (b), (c), (d) and (e) and (7) (a) and (d), 103.50 (1) (d), (7) (a), (b), (c), (d)
14 and (e) and (8), 117.132 (1m) (a), 755.045 (2), 823.21 and 893.76; and **to create**
15 36.32 (title), 62.63 (1), 62.69 (1), 62.69 (2) (b), subchapter I (title) of chapter 66
16 [precedes 66.0101], 66.0101 (1m), 66.0103, 66.0117 (1), 66.0119 (1) (c), 66.0123
17 (1), 66.0137 (title) and (1), 66.0139 (1), subchapter II (title) of chapter 66
18 [precedes 66.0201], 66.0217 (1) (b), 66.0217 (4) (a) 6., subchapter III (title) of
19 chapter 66 [precedes 66.0301], 66.0303 (title) and (1), 66.0311 (title) and (1),
20 66.0313 (1), subchapter IV (title) of chapter 66 [precedes 66.0401], 66.0413 (1)
21 (title), 66.0413 (1) (a) and (b), 66.0413 (1) (br) (title), 66.0413 (1) (br) 1., 66.0413
22 (1) (d), 66.0413 (1) (k), 66.0413 (2) (a) 2. and 3., 66.0413 (3) (title), 66.0413 (4)
23 (title), 66.0423 (1), 66.0425 (10), 66.0435 (10), subchapter V (title) of chapter 66
24 [precedes 66.0501], 66.0517, subchapter VI (title) of chapter 66 [precedes
25 66.0601], 66.0601 (1) (title), 66.0601 (1) (b) (title), 66.0601 (1) (c) (title), 66.0603

1 (title), 66.0627, subchapter VII (title) of chapter 66 [precedes 66.0701], 66.0701
 2 (1) (intro.), 66.0701 (9) (a), 66.0707 (2), 66.0709 (title), 66.0709 (1), 66.0711 (1),
 3 66.0713 (10) (title), 66.0715 (title), 66.0715 (1), 66.0719 (1), 66.0721 (title),
 4 66.0727 (4), 66.0729 (6), subchapter VIII (title) of chapter 66 [precedes
 5 66.0801], 66.0801, 66.0805 (1), 66.0807 (1), 66.0811 (title), 66.0813 (title),
 6 66.0813 (1) (title), 66.0813 (1) (intro.), 66.0813 (2) (title), 66.0813 (3) (title),
 7 66.0813 (3) (a), 66.0813 (4) (title), 66.0813 (5) (title), 66.0813 (6) (title), 66.0813
 8 (7) (title), subchapter IX (title) of chapter 66 [precedes 66.0901], 66.0923 (5),
 9 66.0927 (1) (am), subchapter X (title) of chapter 66 [precedes 66.1001], 66.1003
 10 (1), 66.1019 (title), subchapter XI (title) of chapter 66 [precedes 66.1101],
 11 subchapter XII (title) of chapter 66 [precedes 66.1201], 66.1201 (9) (w),
 12 subchapter XIII (title) of chapter 66 [precedes 66.1301], 67.16, 120.25 (title) and
 13 chapter 200 of the statutes; **relating to:** the reorganization and modernization
 14 of chapter 66 of the statutes.

Analysis by the Legislative Reference Bureau ^(ES)

→ This bill is explained in the NOTES provided by
 the Joint Legislative Council in the bill.

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

~~JOINT LEGISLATIVE COUNCIL~~ ^{no (B)} ^{bill} PREFATORY NOTE: This ~~bill~~ ^{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 ~~draft~~ → 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 ~~draft~~ bill makes no substantive changes in the statutory provisions treated by the ~~draft~~ bill. Substantive changes in the ~~draft~~ are identified in notes to the provisions substantively affected. If a question arises about the effect of any modification made by this ~~draft~~, the special committee intends that the revisions in this ~~draft~~ 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 ~~draft~~ bill which identifies the treatment by this ~~draft~~ of current statutory provisions within ch. 66.

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

WPO: In this component's props, change " + 1.16 lines" to " + 0.16 lines" → CHAPTER 66 GENERAL MUNICIPAL LAW

- Subchapter I General Powers; Administration ✓
- Subchapter II Incorporation; Municipal Boundaries ✓
- Subchapter III Intergovernmental Cooperation ✓

WPO: In this entire table, change "row" props to 0.01 top and 0.01 bottom, and global apply to the table.

Subchapter IV	Regulation
Subchapter V	Officers and Employes
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

SUBCHAPTER I
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 municipalities.
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.

Local governmental units

- 66.0137 Provision of insurance.
- 66.0139 Disposal of abandoned property.
- 66.0141 Accident record systems.
- SUBCHAPTER II
INCORPORATION; MUNICIPAL BOUNDARIES***
- 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.
- 66.0225 Municipal boundaries fixed by judgment.
- 66.0227 Detachment of territory.
- 66.0229 Consolidation.
- 66.0231 Notice of certain litigation affecting municipal status or boundaries.
- 66.0233 Town participation in actions to test alterations of town boundaries.
- 66.0235 Adjustment of assets and liabilities on division of territory.
- SUBCHAPTER III
INTERGOVERNMENTAL COOPERATION***
- 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.

***SUBCHAPTER V
OFFICERS AND EMPLOYES***

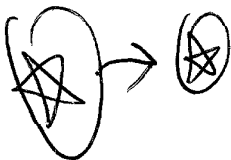
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- 66.1301 Urban redevelopment.
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- 66.1307 Urban redevelopment; regulation of corporations.
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- 66.1335 Housing and community development authorities.
- 66.1337 Urban renewal.
- 66.1339 Villages to have certain city powers.
- 66.1341 Towns to have certain city powers.

SECTION 1. 29.05 (6) of the statutes is amended to read:

INS
13-1
from INS2

1 29.05 (6) ACCESS TO STORAGE PLACES. For purposes of enforcing this chapter, the
 2 department and its wardens shall be permitted by the owner or occupant of any cold
 3 storage warehouse or building used for the storage or retention of wild animals, or
 4 carcasses or parts thereof, to enter and examine said premises subject to ~~ss. 66.122~~
 5 and ~~66.123~~ s. 66.0119; and the owner or occupant, or the agent, servant, or employe
 6 of the owner, shall deliver to any such officer any wild animal, or carcass or part
 7 thereof, in his or her possession during the closed season therefor, whether taken
 8 within or without the state.

9 SECTION 2. 30.13 (5) of the statutes is repealed.

WPO: Search/Fix
all "NOTE:"
refs. to remove bold.

NOTE: Replaced by s. 66.0495, which is renumbered s. 30.13 (5). See SECTIONS 114 to 125 of this ~~draft~~ bill

10 SECTION 3. 33.47 (5) of the statutes is amended to read:

INS MCG
3-14A
INS MCG
3-14B

11 33.47 (5) Any special assessment or special charge levied shall be in accordance
 12 with s. 66.60 ss. ~~66.0703 and 66.0627~~ *and* to the extent it is applicable to and not in
 13 conflict with this subsection, *that those sections are*

14 SECTION 4. 36.32 (title) of the statutes is created to read:

15 ~~36.11~~ *no (B)* ~~36.32~~ *11(1A)* ~~(title)~~ *WPO - fix bold font* **Furnishing of services to school districts.** *(15) - No (B)*

16 SECTION 5. 60.23 (20) of the statutes is amended to read:

17 60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ss. 59.54 (21) and
 18 95.50 (3), dispose of any dead animal within the town or contract for the removal and
 19 disposition with any private disposal facility. A town may enter into a contract with
 20 any other governmental unit under s. 66.30 ~~66.0301~~ to provide for the removal and
 21 disposition. A town may recover its costs under this subsection by ~~levying a special~~
 22 ~~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 161 and 343 of this ~~draft~~ bill

36.11
(19)
(title)

1 SECTION 6. 60.23 (27) of the statutes is amended to read:

2 60.23 (27) TOWN HOUSING AUTHORITIES, BLIGHTED AREAS. Engage in certain
3 housing and redevelopment activities. The provisions of ss. ~~66.40 66.1201 to 66.425~~
4 66.1211, 66.1301 to 66.1329, 66.43, 66.431, 66.1331 to 66.1333 and 66.4325 66.1335,
5 except the provisions of s. 66.40 66.1201 (10) and any other provisions that conflict
6 with statutes relating to towns and town boards, shall apply to towns, and the powers
7 and duties conferred and imposed by ss. ~~66.40 66.1201 to 66.425~~ 66.1211, 66.1301 to
8 66.1329, 66.43, 66.431, 66.1331 to 66.1333 and 66.4325 66.1335, except the powers
9 and duties conferred and imposed by s. 66.40 66.1201 (10) and any other powers that
10 conflict with statutes relating to towns and town boards, upon mayors, common
11 councils and specified city officials are hereby conferred upon town board
12 chairpersons, town boards and town officials performing duties similar to the duties
13 of such the specified city officials and common councils respectively. Any town
14 housing authorities created under this subsection shall be entitled to may
15 participate in any state grants-in-aid for housing in the same manner as city
16 housing authorities created under ss. ~~66.40 66.1201 to 66.404 66.1211.~~

17 SECTION 7. 60.24 (3) (j) of the statutes is amended to read:

18 60.24 (3) (j) Publish annually, at his or her discretion, a notice regarding
19 noxious weeds under s. ~~66.0429(4)~~ ^{66.0407(4)} and, at his or her discretion, appoint one or more
20 commissioners of noxious weeds under ss. ~~66.96 to 66.99~~ s. 66.0517.

NOTE: Amends the reference to the town board chairperson's duties to annually publish a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds to reflect that the publication and appointment duties are made optional. See SECTION 533 of this ~~draft~~ bill

21 SECTION 8. 60.51 of the statutes is repealed.

NOTE: Repealed as unnecessary. The section cross-references selected provisions of ch. 66 which on their own terms apply to towns.

1 SECTION 9. 61.73 of the statutes is amended to read:

2 **61.73 Village housing authorities.** The provisions of ss. ~~66.395 to~~
3 ~~66.425~~ ^{66.1201 to} 66.1329 apply to villages, and the powers and duties conferred and imposed
4 by ss. 66.395 66.1201 ^{to} ~~66.425~~ 66.1329 upon mayors, councils and specified city
5 officials are conferred upon presidents, village boards and village officials
6 performing duties similar to the duties of the specified city officials respectively. Any)

7 An ordinance or resolution heretofore passed before June 4, 1949 by any a village
8 board creating a housing authority in substantially the manner provided in ss. 66.40
9 66.1201 ^{to} ~~66.404~~ 66.1211 is valid, and any village housing authorities may
10 participate in any state grants-in-aid for housing in the same manner as city
11 housing authorities created under ss. 66.395 66.1201 ^{to} ~~66.404~~ 66.1213.

12 SECTION 10. 62.03 (1) of the statutes is amended to read:

13 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)
14 and (k), 62.175 and, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class
15 cities under special charter.

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

16 SECTION 11. Subchapter II (title) of chapter 62 [precedes 62.50] of the statutes
17 is amended to read:

18 CHAPTER 62
19 SUBCHAPTER II

20 ~~POLICE AND FIRE DEPARTMENTS IN CITIES OF THE FIRST CLASS~~
21 CITIES

22 SECTION 12. 62.63 (1) of the statutes is created to read:

WFO:
hard returns
delete return

ins. hyphen

1 62.63 (1) ESTABLISHMENT OF FUNDS. By a majority vote of the members-elect, the
2 common council of a 1st class city may create, establish, maintain and administer
3 annuity and benefit funds for city officers and employees, including officers and
4 employes of boards, agencies, departments and divisions of the city government and
5 of a housing authority established under s. 66.1201.

NOTE: Restates s. 66.80 (1) and (3) repealed by SECTIONS 514 and 516 of this
draft. bill

6 SECTION 13. 62.69 (1) of the statutes is created to read:

7 62.69 (1) APPLICATION. This section applies to 1st class cities.

NOTE: Restates s. 66.071 (intro.), repealed by SECTION 189 of this *draft. bill*

8 SECTION 14. 62.69 (2) (b) of the statutes is created to read:

9 62.69 (2) (b) In this subsection, all acts authorized to be done by the
10 commissioner of public works, except enforcement of regulations approved by the
11 common council, shall be approved by the common council *before such acts may take*
12 *An action not approved*
~~as provided in this paragraph has no force or effect.~~

NOTE: Restates a portion of s. 66.071 (1) (b) that is repealed by SECTION 192 of
this *draft. bill*

13 SECTION 15. 66.01 (title) and (1) to (3) of the statutes are renumbered 66.0101

14 (1) to (3), and 66.0101 (2) and (3), as renumbered, are amended to read: *plain*

15 66.0101 (2) (a) ~~A "charter ordinance" is any ordinance which enacts, amends~~
16 ~~or repeals the whole or any part of the charter of a city or village, or makes the~~
17 ~~election mentioned in sub. (4) A city or village may enact a charter ordinance. Such~~
18 ~~A charter ordinance shall be so designated as a charter ordinance, shall require~~
19 ~~requires~~ a two-thirds vote of the members-elect of the legislative body of such the
20 city or village, and shall be is subject to referendum as hereinafter prescribed
21 provided in this section.

1 (b) ~~Every~~ A charter ordinance ~~which that~~ amends or repeals ~~the whole or any~~
2 ~~part of~~ a city or village charter shall designate specifically the portion of the charter
3 ~~se~~ ^{that is} amended or repealed, ~~and every~~ A charter ordinance ~~which that~~ makes the
4 election ~~mentioned in~~ under sub. (4) shall designate specifically each enactment of
5 the legislature or portion ~~thereof, of the enactment~~ ^{that is} made inapplicable to ~~such~~ the city
6 or village by the election ~~mentioned in~~ sub. (4).

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

NOTE: "Charter ordinance" is now defined in a separate subsection. See
SECTION 24 of this ~~draft~~

bill

16 SECTION 16. 66.01 (3a) of the statutes is renumbered 66.0101 (12).

17 SECTION 17. 66.01 (4) to (8) of the statutes are renumbered 66.0101 (4) to (8)
18 and amended to read:

19 66.0101 (4) ~~Any~~ A city or village may elect ~~in the manner prescribed in~~ under
20 this section that ~~the whole or any part of any laws~~ law relating to the local affairs and
21 government of ~~such~~ the city or village other than ~~such~~ those enactments of the
22 legislature of statewide concern as shall with uniformity affect every city or every
23 village shall not apply to ~~such~~ the city or village, and ~~thereupon such laws or parts~~

1 thereof shall cease when the election takes effect, the law ceases to be in effect in such
2 the city or village.

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

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

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

22 (8) ~~Every charter, charter amendment or~~^A charter ordinance enacted or
23 approved by a vote of the electors shall ~~control and prevail~~ controls over any prior or
24 subsequent act of the legislative body of the city or village. ~~Whenever~~ If the electors
25 of any city or village by a majority vote have adopted or determined to continue to

1 operate under either ch. 62 or 64, or have determined the method of selection of
 2 members of the governing board, the question shall not again be submitted to the
 3 electors, nor action taken ~~thereon~~ on the question, within a period of 2 years. Any
 4 election to change or amend the charter of any city or village, other than a special
 5 election as provided in s. 9.20 (4), shall be held at the time provided by statute for
 6 holding the spring election.

7 SECTION 18. 66.01 (9) to (11) of the statutes are renumbered 66.0101 (9) (a), (b)
 8 and (d) and amended to read:

9 66.0101 (9) (a) The legislative body of any a city or village, by resolution
 10 adopted by a two-thirds vote of its members—elect may, and upon petition complying
 11 with s. 9.20 shall, submit to the electors ~~in the manner prescribed in~~ under s. 9.20
 12 (4) to (6) the question of holding a charter convention under one or more plans
 13 proposed in ~~said~~ the resolution or petition.

14 (b) The ballot shall be in substantially the following form:

15 Shall a charter convention be held?
 16 *Prop 16 centered* YES NO →

17 If a charter convention be is held what plan do you favor?
 18 *Prop 18 centered* PLAN 1 PLAN 2 →

19 [Repeat for each plan proposed.]

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

21 (c) If a majority of the electors voting ~~thereon~~ [✓] vote for a charter convention, ~~such~~
 22 the convention shall be held pursuant to the plan favored by a majority of the total
 23 votes cast for all plans. If no plan receives a majority, the 2 plans receiving the
 24 highest number of votes shall be again submitted to the electors and a convention
 25 shall ~~thereupon~~ be held pursuant to the plan favored by a majority of the votes cast.

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

9 SECTION 19. 66.01 (12) of the statutes is renumbered 66.0101 (10).

10 SECTION 20. 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.

11 SECTION 21. 66.01 (15) of the statutes is renumbered 66.0101 (11).

12 SECTION 22. 66.01 (16) of the statutes is renumbered ~~66.0101~~ ^{61.188} and amended to

13 read:

14 ~~66.0101~~ ^{61.188 (title)} Certain villages may become cities by charter ordinance. Any

15 village having a population of 1,000 or more may proceed under ~~this section~~ s.
 16 66.0101 to organize as a city of the appropriate class. The village may by charter or
 17 charter ordinance adopted under ~~this section~~ s. 66.0101 elect not to be governed by
 18 ch. 62 or ~~this chapter~~ ch. 66 in whole or in part or may create ~~such~~ that system of

19 government as is ~~deemed~~ ^{considered} by the village to be most appropriate for its situation. The

1 charter or charter ordinance may include ~~but is not limited to~~ provision for the
 2 following, ~~without limitation because of enumeration:~~ ^{method} method of election of members
 3 of the council by districts, at-large or by a combination of methods, procedure for
 4 election of the first common council, creation and selection of all administrative
 5 officers, departments, boards and commissions, powers and duties of all officers,
 6 boards and commissions and terms of office. The charter or charter ordinance ~~shall~~
 7 may not alter those provisions of ch. 62 dealing with police and fire departments or
 8 chs. 115 to 121 dealing with education. Any village incorporated after August 12,
 9 1959, may not become a city under this ~~subsection~~ ^{section} unless it meets the standards for
 10 incorporation in ss. ~~66.015 and 66.016~~ 66.0205 and 66.0207.

11 **SECTION 23.** Subchapter I (title) of chapter 66 [precedes 66.0101] of the statutes
 12 is created to read:

13 **CHAPTER 66**

14 **SUBCHAPTER I**

15 **GENERAL POWERS; ADMINISTRATION**

16 **SECTION 24.** 66.0101 (1m) of the statutes is created to read:

17 66.0101 (1m) In this section, "charter ordinance" means an ordinance that
 18 enacts, amends or repeals the charter, or any part of the charter, of a city or village
 19 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 15 to 22 of this ~~draft~~ ^{bill}.

20 **SECTION 25.** 66.0103 of the statutes is created to read:

21 **66.0103 Code of ordinances.** (1) The governing body of a city, village, town
 22 or county may authorize the preparation of a code of some or all of its general
 23 ordinances. The code may be ~~enacted~~ ^{enacted} by an ordinance that incorporates the code by

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1 reference. A copy of the code shall be available for public inspection not less than 2
2 weeks before ~~its adoption~~ ^{it is enacted}. After the code is ~~adopted~~ ^{enacted}, a copy shall be maintained and
3 available for public inspection in the office of the city, village, town or county clerk.

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

NOTE: Restates current s. 66.035.

6 SECTION 26. 66.0117 (1) of the statutes is created to read:

7 66.0117 (1) In this section: ^{Local governmental unit}

8 (a) ~~"Municipality"~~ means a ^{city} ~~town~~ village, ^{town} ~~city~~ county, school district, technical
9 college district, town sanitary district or public inland lake protection and
10 rehabilitation district.

11 (b) "Statement" means [✓] all of the following:

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

local governmental units
local governmental unit
NOTE: Creates a definition for s. 66.0117, relating to judgments against ~~municipality~~. 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 ~~municipality~~ anywhere else in the statutes. The term "community centre" first appeared in this section when separate statutes were consolidated and revised in ~~ch~~ 396, laws of 1921. ^{chapter}

15 SECTION 27. 66.0119 (1) (c) of the statutes is created to read:

16 66.0119 (1) (c) "Public building" has the meaning given ~~under~~ ⁱⁿ s. 101.01 (12).

17 SECTION 28. 66.012 of the statutes is renumbered 66.0215 and amended to
18 read:

19 66.0215 ~~When~~ Towns may become Incorporation of certain towns
20 adjacent to 1st class cities. (1) PETITION. Whenever If the resident population of

1 any a town exceeds 5,000 as shown by the last federal census or by a census herein
2 provided for and under sub. (2), if the town is adjacent to a city of the first 1st class
3 city and contains an equalized valuation in excess of \$20,000,000 and if a petition has
4 been presented and signed by 100 or more persons, each an elector and taxpayer of
5 said the town, and, in addition thereto, said petition contains containing the
6 signatures of at least ~~one-half~~ ^{50%} of the owners of real estate in said the town which
7 petition requests and requesting submission of the question to the electors of the
8 town and, is filed with the clerk of the town, the procedure for becoming a fourth 4th
9 class city is initiated.

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

22 (3) NOTICE OF REFERENDUM. Notice of the referendum shall be given by
23 publication of the resolution in a newspaper published in such the town, if there be
24 is one, otherwise in a newspaper designated in the resolution, once a week for 4

1 successive weeks, the first publication to be not more than 4 weeks before the
2 referendum.

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

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

17 (6) CITY POWERS. ~~Every A city thus incorporated shall thenceforth be under this~~
18 section is a body corporate and politic, with the powers and privileges of a municipal
19 corporation at common law and conferred by ch. 62.

20 (7) EXISTING ORDINANCES. (a) Ordinances in force in the territory or any part
21 thereof, ~~so far as~~ of the territory, to the extent not inconsistent with ch. 62, ~~shall~~
22 continue in force until altered or repealed.

23 (b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force
24 in any part of the territory ~~shall continue~~ continues in force until altered under s.
25 59.692 (7) (ad).

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

7 (9) FIRST CITY ELECTION. Within 10 days after incorporation of the city, the town
8 board ~~with and the town clerk of which who received the petition was filed~~ shall fix
9 a time for the first city election, designate the polling place or places, and name 3
10 inspectors of election for each place. Ten days' previous notice of the election shall
11 be given by the clerk by publication in the newspapers selected under sub. (3) and
12 by posting notices in 3 public places in the city. Failure to give such notice does not
13 invalidate the election. The election shall be conducted as is prescribed by chs. 5 to
14 12, except that no registration of voters shall may be required. The inspectors shall
15 make returns to the board which shall, within one week after the election, canvass
16 the returns and declare the result. The clerk shall notify the officers–elect and issue
17 certificates of election. If the first election is on the first Tuesday in April the officers
18 ~~se~~ elected shall and their appointees commence and hold their offices as for a regular
19 term, ~~as shall also their appointees~~. Otherwise they shall commence within 10 days
20 and hold until the regular city election and the qualification of their successors, and
21 the term of their appointees shall ~~expire~~ expires as soon as successors qualify.

22 **SECTION 29.** 66.0123 (1) of the statutes is created to read:

23 66.0123 (1) In this section, “governmental unit” means a town board or school
24 board.

1 SECTION 30. 66.013 of the statutes, as affected by 1997 Wisconsin Act 27, is
2 renumbered 66.0201, and 66.0201 (1) and (2) (intro.), as renumbered, are amended
3 to read:

4 66.0201 (1) PURPOSE. It is ~~declared to be~~ the policy of this state that the
5 development of territory from town to incorporated status proceed in an orderly and
6 uniform manner and that toward this end each proposed incorporation of territory
7 as a village or city be reviewed as provided in ss. 66.013 66.0201 to 66.019 66.0213
8 to assure compliance with certain minimum standards which take into account the
9 needs of both urban and rural areas.

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

12 SECTION 31. 66.0137 (title) and (1) of the statutes are created to read:

13 66.0137 (title) Provision of insurance. (1) In this section, "municipality"
14 means a city, village, town, county, school district (as enumerated in
15 has the meaning given under s. 845.01 (1) (a) (i) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) 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15 SECTION 32. 66.0139 (1) of the statutes is created to read:
16 66.0139 (1) In this section, "municipality" means a city, village, town or county.

17 SECTION 33. 66.014 of the statutes is renumbered 66.0203, and 66.0203 (1), (2)
18 (a) to (e), (3), (4) (a), (7) (a), (8) (b), (9) (a), (d) to (f) and (h) and (10), as renumbered,
19 are amended to read:

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

In
DEFINITION.
local governmental unit
sewerage
means a city, village, town, county, school district (as enumerated in
*has the meaning given under s. 845.01 (1) (a) (i) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) 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district and, without limitation because of
enumeration, any other political subdivision
*political subdivision of the state**

① (2) ~~4/1/10~~ (a) The petition for incorporation of a village or city shall be in
2 writing signed by 50 or more persons who are both electors and freeholders in the
3 territory to be incorporated if the population of the proposed village or city includes
4 300 or more persons; otherwise by 25 or more ~~such electors and freeholders~~ persons
5 who are both electors and freeholders in the territory to be incorporated.

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

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

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

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

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

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

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

14 (7) (a) No action to contest the validity of an incorporation on any grounds
15 ~~whatsoever~~, whether procedural or jurisdictional ~~shall~~, may be commenced after 60
16 days from the date of issuance of the charter of incorporation by the secretary of state.

17 (8) (b) On the basis of the hearing the circuit court shall find if the standards
18 under s. ~~66.015~~ 66.0205 are met. If the court finds that the standards are not met,
19 the court shall dismiss the petition. If the court finds that the standards are met the
20 court shall refer the petition to the department and ~~thereupon~~ the department shall
21 determine whether ~~or not~~ the standards under s. ~~66.016~~ 66.0207 are met.

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

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

8 (e) The determination of the department made in accordance with the
 9 standards under ss. ~~66.015~~ 66.0203, ~~66.016~~ 66.0207 and ~~66.021~~ (11) 66.0217 (6) (c)
 10 shall be either one of the following:

11 1. The petition as submitted ~~shall be~~ is dismissed; ~~— •~~

12 2. The petition as submitted ~~shall be~~ is granted and ~~an incorporation~~
 13 ~~referendum held~~; ~~— •~~

14 3. The petition as submitted shall be is dismissed with a recommendation that
 15 a new petition be submitted to include more or less territory as specified in the
 16 department's findings and determination.

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

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

Standards to be applied by the circuit court.

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

4 SECTION 34. 66.015 of the statutes is renumbered 66.0205, and 66.0205 (intro.)
5 and (5), as renumbered, are amended to read:

6 *66.0205* (intro.) Before referring the incorporation petition as provided in s.
7 66.014 ~~66.0203~~ (2) to the department, the court shall determine whether the petition
8 meets the formal and signature requirements and shall further find that the
9 following minimum requirements are met:

10 (5) ^(title) STANDARDS WHEN NEAR FIRST ~~1ST~~ ^{1st} SECOND ~~2ND~~ OR THIRD ~~3RD~~ ^{3rd} CLASS CITY. Where
11 If the proposed boundary of a metropolitan village or city is within 10 miles of the
12 boundary of a ^{1st class} city of the first ~~1st~~ class or 5 miles of a ^{2nd or 3rd class} city of the ~~2nd~~ or third
13 ~~3rd~~ class, the minimum area requirements shall be are 4 and 6 square miles for
14 villages and cities, respectively.

15 SECTION 35. 66.016 of the statutes is renumbered 66.0207, and 66.0207 (1) (a)
16 and (b) and (2) (intro.) and (b), as renumbered, are amended to read:

17 66.0207 (1) (a) *Characteristics of territory.* The entire territory of the proposed
18 village or city shall be reasonably homogeneous and compact, taking into
19 consideration natural boundaries, natural drainage basin, soil conditions, present
20 and potential transportation facilities, previous political boundaries, boundaries of
21 school districts, shopping and social customs. An isolated municipality shall have
22 a reasonably developed community center, including some or all of ~~such~~ features
23 such as retail stores, churches, post office, telecommunications exchange and similar
24 centers of community activity.

1 (b) *Territory beyond the core.* The territory beyond the most densely populated
2 one-half square mile specified in s. ~~66.015~~ 66.0205 (1) or the most densely populated
3 square mile specified in s. ~~66.015~~ 66.0205 (2) shall have an average of more than 30
4 housing units per quarter section or an assessed value, as defined in s. ~~66.021~~
5 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable
6 to existing or potential mercantile, manufacturing or public utility uses. The
7 territory beyond the most densely populated square mile as specified in s. ~~66.015~~
8 66.0205 (3) or (4) shall have the potential for residential or other urban land use
9 development on a substantial scale within the next 3 years. The department may
10 waive these requirements to the extent that water, terrain or geography prevents
11 such the development.

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

16 (b) *Level of services.* The level of governmental services desired or needed by
17 the residents of the territory compared to the level of services offered by the proposed
18 village or city and the level available from a contiguous municipality which files a
19 certified copy of a resolution as provided in s. ~~66.014~~ 66.0203 (6).

20 **SECTION 36.** 66.017 of the statutes is renumbered 66.0209, and 66.0209 (title),
21 (1), (2) and (4), as renumbered, are amended to read:

22 **66.0209** (title) **Review of the action incorporation-related orders and**
23 **decisions.** (1) The order of the circuit court made under s. ~~66.014~~ 66.0203 (8) or (9)
24 (f) may be appealed to the court of appeals.

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

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

9 **SECTION 37.** 66.018 of the statutes is renumbered 66.0211, and 66.0211 (title),
10 (2), (3) and (5), as renumbered, are amended to read:

11 **66.0211** (title) **Referendum Incorporation referendum procedure.**

12 (2) NOTICE OF REFERENDUM. Notice of the referendum shall be given by
13 publication of the order of the circuit court in a newspaper having general circulation
14 in the territory. ~~Such publication~~ Publication shall be once a week for 4 successive
15 weeks, ~~the.~~ The first publication ~~to~~ may not be ~~not~~ more than 4 weeks before the
16 referendum.

17 (3) RETURN. An incorporation referendum shall be conducted in the same
18 manner as an annexation referendum under s. ~~66.021 (5) insofar as~~ 66.0217 (7) to
19 the extent applicable except that the ballot shall contain the words “For a city
20 [village]” and “Against a city [village]”. The inspectors shall make a return to the
21 circuit court.

22 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an
23 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
24 court shall certify the fact to the secretary of state and supply the secretary of state
25 with a copy of a description of the legal boundaries of the village or city and the

1 associated population and a copy of a plat thereof of the village or city. Within 10 days
2 of receipt of the description and plat, the secretary of state shall forward 2 copies to
3 the department of transportation, and one copy each to the department of
4 administration, ~~one copy to~~ the department of revenue and ~~one copy to~~ the
5 department of commerce. The secretary of state shall issue a certificate of
6 incorporation and record the ~~same~~ certificate.

7 **SECTION 38.** 66.019 of the statutes is renumbered 66.0213 and amended to
8 read:

9 **66.0213 Powers of new village or city: elections; adjustment of taxes;**
10 **reorganization as village. (1) VILLAGE OR CITY POWERS.** Every A village or city
11 incorporated under ~~this section shall be ss. 66.0201 to 66.0213~~ is a body corporate and
12 politic, with powers and privileges of a municipal corporation at common law and
13 conferred by these statutes.

14 (2) EXISTING ORDINANCES. (a) Ordinances in force in the territory incorporated
15 or any part thereof of the territory, ~~insofar as to the extent~~ not inconsistent with chs.
16 61 and 62, ~~shall~~ continue in force until altered or repealed.

17 (b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force
18 in any part of the territory ~~shall continue~~ continues in force until altered under s.
19 59.692 (7) (ad).

20 (3) INTERIM OFFICERS. All officers of the village or town embracing the territory
21 thus ^{that is} incorporated as a village or city ~~shall~~ continue in their powers and duties until
22 the first meeting of the board of trustees or common council at which a quorum is
23 present. Until a village or city clerk is chosen and qualified all oaths of office and
24 other papers shall be filed with the circuit court, ^{with} ~~whom~~ ^{which} the petition was filed,

1 ~~who.~~ The court shall deliver them the oaths and other papers with the petition to the
2 village or city clerk when that clerk qualifies.

3 (4) FIRST VILLAGE OR CITY ELECTION. (a) Within 10 days after incorporation of
4 the village or city, the clerk of the circuit court with whom the petition was filed shall
5 fix a time for the first election, and where appropriate designate the polling place or
6 places, and name 3 inspectors of election for each place. The time for the election
7 shall be fixed no less than 40 nor more than 50 days after the date of the certificate
8 of incorporation issued by the secretary of state, irrespective of any other provision
9 in the statutes. Nomination papers shall conform to ch. 8 insofar as to the extent
10 applicable. ~~Such~~ Nomination papers shall be signed by not less than 5% nor more
11 than 10% of the total votes cast at the referendum election, and be filed no later than
12 15 days before the time fixed for the election. Ten days' previous notice of the election
13 shall be given by the clerk of the circuit court by publication in the newspapers
14 selected under s. ~~66.018~~ 66.0211 (2) and by posting notices in 3 public places in ~~such~~
15 the village or city, but failure to give such notice ~~shall~~ does not invalidate the election.

16 (b) The election shall be conducted as prescribed by ch. 6, except that no
17 registration of voters ~~shall~~ may be required. The inspectors shall make returns to
18 the clerk of the circuit court who shall, within one week after ~~such~~ the election,
19 canvass the returns and declare the result. The clerk shall notify the officers-elect
20 and issue certificates of election. If the first election is on the first Tuesday in April
21 the officers so elected and their appointees shall commence and hold their offices as
22 for a regular term. Otherwise they shall commence within 10 days and hold their
23 offices until the regular village or city election and the qualification of their
24 successors and the terms of their appointees ~~shall~~ expire as soon as successors
25 qualify.

1 (5) TAXES LEVIED BEFORE INCORPORATION; HOW COLLECTED AND DIVIDED. ~~Whenever~~
2 ~~If~~ a village or city is incorporated ~~from territory within any town or towns~~, after the
3 assessment of taxes in any year and before the collection of ~~such~~ the taxes, the tax
4 ~~se~~ assessed shall be collected by the town treasurer of the town or the town treasurers
5 of the different towns of which ~~such~~ the village or city formerly constituted a part,
6 and all moneys collected from the tax levied for town purposes shall be divided
7 between the village or city and the town or the towns, as provided by s. ~~66.03~~ 66.0235
8 (13) (a) 1., for the division of property owned jointly by towns and villages.

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

NOTE: dkdkdkd



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.

1 SECTION 39. 66.02 of the statutes, as affected by 1997 Wisconsin Act 27, is
2 renumbered 66.0229 and amended to read:

3 **66.0229 Consolidation.** Subject to s. ~~66.023~~ 66.0307 (7), any a town, village
4 or city may be consolidated with a contiguous town, village or city, by ordinance,
5 passed by a two-thirds vote of all the members of each board or council, fixing the
6 terms of the consolidation and ratified by the electors at a referendum held in each
7 municipality. The ballots shall bear the words, "for consolidation", and "against
8 consolidation", and if a majority of the votes cast ~~thereon~~ in each municipality are
9 for consolidation, the ordinances shall ~~then be in~~ take effect and have the force of a
10 contract. The ordinance and the result of the referendum shall be certified as
11 provided in s. ~~66.018~~ 66.0211 (5); if a town the certification shall be preserved as
12 provided in ss. ~~60.03~~ 66.0235 ^{and} ~~and 66.018~~ 66.0211 (5) respectively. Consolidation
13 shall does not affect the preexisting rights or liabilities of any municipality and
14 actions ~~thereon~~ on those rights or liabilities may be commenced or completed as
15 ~~though if there were no consolidation had been effected.~~ ^{Any} Δ consolidation
16 ordinance proposing the consolidation of a town and another municipality shall,
17 within 10 days after its adoption and prior to its submission to the voters for
18 ratification at a referendum, be submitted to the circuit court and the department
19 of administration for a determination whether ~~such the~~ proposed consolidation is in
20 the public interest. The circuit court shall determine whether the proposed
21 ordinance meets the formal requirements of this section and shall then refer the
22 matter to the department of administration, which shall find as prescribed in s.
23 66.014 66.0203 whether the proposed consolidation is in the public interest in

1 accordance with the standards in s. ~~66.016~~ 66.0207. The department's findings shall
2 have the same status as incorporation findings under ss. ~~66.014~~ 66.0203 to ~~66.019~~
3 66.0213.

4 SECTION 40. Subchapter II (title) of chapter 66 [precedes 66.0201] of the
5 statutes is created to read:

6 CHAPTER 66

7 SUBCHAPTER II

8 INCORPORATION; MUNICIPAL BOUNDARIES

*WPO:
hard return*

(title)

9 SECTION 41. 66.021 (title) of the statutes is renumbered 66.0217 and amended
10 to read:

11 66.0217 (title) Annexation of territory initiated by electors and
12 property owners.

13 SECTION 42. 66.021 (1) (intro.) and (a) of the statutes are renumbered 66.0217
14 (1) (intro.) and (a).

15 SECTION 43. 66.021 (1) (am) to (e) of the statutes are renumbered 66.0217 (1)
16 *(c) to (g)* and 66.0217 (1) ~~(d)~~ *and (f)* and (e) as renumbered, are amended to read:

17 66.0217 (1) *(d)* "Owner" means the holder of record of an estate in possession
18 in fee simple, or for life, in land or real property, or a vendee of record under a land
19 contract for the sale of an estate in possession in fee simple or for life but does not
20 include the vendor under a land contract. A tenant in common or joint tenant shall
21 ~~be considered such is an~~ owner to the extent of his or her interest.

22 *(e)* "Petition" includes the original petition and any counterpart thereof of the
23 original petition.

24 *(f)* "Real property" means land and the improvements thereon to the land.

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1 SECTION 44. 66.021 (2) of the statutes is renumbered 66.0217 (3), and 66.0217
 2 (3) ~~(title)~~ (intro.) and (a) (title), as renumbered, are amended to read:

3 66.0217 (3) ~~ANNEXATION~~ METHODS OTHER METHODS OF ANNEXATION. (intro.) Subject to
 4 s. ~~66.029~~ 66.0307 (7) ~~← plaint~~, territory contiguous to any a city or village may be annexed ~~thereto~~ to
 5 the city or village in the following ways:

6 (a) (title) Direct annexation by one-half approval.

7 SECTION 45. 66.021 (2m) (title) of the statutes is repealed.

8 SECTION 46. 66.021 (2m) of the statutes is renumbered 66.0217 (10) (b) and
 9 amended to read:

10 66.0217 (10) (b) ~~Whenever~~ For purposes of this section, if a number of electors
 11 cannot be determined on the basis of reported election statistics, the number shall
 12 be determined in accordance with s. 60.74 (6).

13 SECTION 47. 66.021 (3) of the statutes is renumbered 66.0217 (4), and 66.0217
 14 (4) (title), (a) (intro.) and (b), as renumbered, are amended to read:

15 66.0217 (4) (title) NOTICE OF PROPOSED ANNEXATION. (a) (intro.) The An
 16 annexation under sub. (3) shall be initiated by publishing in the territory proposed
 17 for annexation a class 1 notice, under ch. 985, of intention to circulate an annexation
 18 petition. The notice shall contain:

19 (b) The person who causes has the notice ~~to be~~ published shall serve a copy of
 20 the notice, within 5 days after its publication, upon the clerk of each municipality
 21 affected, upon the clerk of each school district affected and upon each owner of land
 22 in a town if that land will be in a city or village after the annexation. Such service
 23 Service may be either by personal service or by registered certified mail with return
 24 receipt requested. If required under sub. (6) (a), a copy of the notice shall be mailed
 25 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 48. 66.021 (4) of the statutes is renumbered 66.0217 (5) and amended to read:

66.0217 (5) ~~(title)~~ PETITION ANNEXATION PETITION. (a) The An 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 may withdraw his or her name therefrom from the petition. No additional signatures shall may 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 is void unless filed within 6 months of the date of publication of the notice.

SECTION 49. 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

Should have been subd. 1. in par. (a) b.

very drafting style

1 petition and if rejected no further action shall ~~may~~ be taken ~~thereon~~ on the petition.
2 Acceptance may consist of adoption of an annexation ordinance. Failure to reject the
3 petition ~~shall obligate~~ obligates the city or village to pay the cost of any referendum
4 favorable to annexation.

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

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

1 The referendum shall be held at ~~some~~ a convenient place within the town to be
2 specified in the notice.

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

9 (c) *Publication of notice.* The notice shall be published in a newspaper of
10 general circulation in the area proposed to be annexed on the publication day next
11 preceding the referendum election and one week prior to ~~such~~ that publication.

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

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

24 (f) *Costs.* If the referendum is against annexation, the costs of the election shall
25 be borne by the towns involved in the proportion that the number of electors of each

1 town within the territory proposed to be annexed, voting in the referendum, bears
2 to the total number of electors in such that territory, voting in the referendum.

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

7 SECTION 50. 66.021 (6) (title) of the statutes is renumbered 66.0217 (10) (title)
8 and amended to read:

9 66.0217 (10) (title) QUALIFICATIONS OF ELECTORS AND OWNERS: ELECTOR
10 DETERMINATION.

11 SECTION 51. 66.021 (6) of the statutes is renumbered 66.0217 (10) (a) and
12 amended to read: (title), (a), (b) and (d) ✓

13 66.0217 (10) (a) Qualifications Under this section, qualifications as to electors
14 and owners shall be determined as of the date of filing any a petition, except that all
15 qualified electors residing in the territory proposed for annexation on the day of the
16 ~~conduct of a referendum election shall be entitled to~~ may vote therein in the election.
17 Residence and ownership ~~must~~ shall be bona fide and not acquired for the purpose
18 of defeating or invalidating the annexation proceedings.

19 SECTION 52. 66.021 (7) of the statutes, as affected by 1997 Wisconsin Act 27,
20 are renumbered 66.0217 (8), and 66.0217 (8) (a) and ~~(p)~~ ^{STET}, as renumbered, are amended
21 to read: (title), (a), (b) and (c) ✓

22 66.0217 (8) (a) An ordinance for the annexation of the territory described in the
23 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
24 members of the governing body not less than 20 days after the publication of the
25 notice of intention to circulate the petition and not later than 120 days after the date

only (a)

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1 of filing with the city or village clerk of the petition for annexation or of the
 2 referendum election if favorable to the annexation. If the annexation is subject to
 3 sub. (11) [✓](6) the governing body shall first review the reasons given by the
 4 department of ~~administration~~ that the proposed annexation is against the public
 5 interest. Subject to s. 59.692 (7), ~~such~~ an ordinance under this subsection may
 6 temporarily designate the classification of the annexed area for zoning purposes
 7 until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before
 8 introduction of an ordinance containing ~~such~~ a temporary classification, the
 9 proposed classification shall be referred to and recommended by the plan
 10 commission. The authority to make ~~such~~ a temporary classification ~~shall~~ is not be
 11 effective when the county ordinance prevails during litigation as provided in s. 59.69
 12 (7).

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

17 SECTION 53. 66.021 (8) of the statutes, as affected by 1997 Wisconsin Act 27,
 18 is renumbered 66.0217 (9) and amended to read:

19 66.0217 (9) FILING REQUIREMENTS; SURVEYS. (a) The clerk of a city or village
 20 which has annexed territory shall file immediately with the secretary of state a
 21 certified copy of the ordinance, certificate and plat, and shall send one copy to each
 22 company that provides any utility service in the area that is annexed. The clerk shall
 23 also record the ordinance with the register of deeds and file a signed copy of the
 24 ordinance with the clerk of any affected school district. Failure to file, record or send
 25 ~~shall~~ does not invalidate the annexation and the duty to file, record or send ~~shall~~ is

P.P. 43
fixed
instead

✓
only
(b)

1 is a continuing one. The ordinance that is filed, recorded or sent shall describe the
2 annexed territory and the associated population. The information filed with the
3 secretary of state shall be utilized in making recommendations for adjustments to
4 entitlements under the federal revenue sharing program and distribution of funds
5 under ch. 79. The clerk shall certify annually to the secretary of state and record with
6 the register of deeds a legal description of the total boundaries of the municipality
7 as those boundaries existed on December 1, unless there has been no change in the
8 12 months preceding.

9 (b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary
10 of state shall forward 2 copies of the ordinance, certificate and plat to the department
11 of transportation, one copy to the department of administration, one copy to the
12 department of revenue, one copy to the department of public instruction, one copy
13 to the department of commerce, one copy to the department of natural resources, one
14 copy to the department of agriculture, trade and consumer protection and 2 copies
15 to the clerk of the municipality from which the territory was annexed.

16 (c) Any city or village may direct a survey of its present boundaries to be made,
17 and when properly attested the survey and plat may be filed in the office of the
18 register of deeds in the county in which the city or village is located, ~~whereupon.~~
19 Upon filing, the survey and plat shall be are prima facie evidence of the facts ~~therein~~
20 set forth in the survey and plat.

21 **SECTION 54.** 66.021 (9) of the statutes is renumbered 66.0217 (12) and amended
22 to read:

23 66.0217 (12) VALIDITY OF PLATS. ~~Where any~~ If an annexation is declared invalid
24 but ~~prior to such~~ ^{before} the declaration and subsequent to ~~such~~ the annexation a plat ~~has~~

1 ~~been is~~ submitted and ~~has been is~~ approved as required in s. 236.10 (1) (a), ~~such the~~
 2 plat ~~shall be deemed is~~ validly approved despite the invalidity of the annexation.

3 SECTION 55. 66.021 (10) of the statutes is renumbered 66.0217 (11), and
 4 66.0217 (11) (title) and (a), as renumbered, are amended to read:

5 66.0217 (11) (title) ACTION TO CONTEST ANNEXATION. (a) An action on any
 6 grounds ~~whatsoever~~, whether ~~denominated~~ procedural or jurisdictional, to contest
 7 the validity of an annexation shall be commenced within the time after adoption of
 8 the annexation ordinance provided by s. 893.73 (2). During the action, the
 9 application of, and jurisdiction over, any county zoning in the area annexed is as
 10 provided under s. 59.69 (7).

(NOTE) A cross-reference to s. 59.69 (7) is added for convenience.

11 SECTION 56. 66.021 (11) of the statutes, as affected by 1997 Wisconsin Act 27,
 12 is renumbered 66.0217 (6), and 66.0217 (6) (title), (a) and (c) (intro.), as renumbered,
 13 are amended to read:

14 66.0217 (6) (title) REVIEW DEPARTMENT REVIEW OF ANNEXATIONS. (a) *Annexations*
 15 *within populous counties.* No annexation proceeding within a county having a
 16 population of 50,000 or more shall be ~~is~~ valid unless the person ~~causing publishing~~
 17 a notice of annexation ~~to be published under sub. (3) shall~~ ~~(4)~~ ⁽⁴⁾ ~~within 5 days of the~~ ^{within 5 days of the publication}
 18 ~~publication mail~~ ⁽⁴⁾ ~~mails~~ a copy of the notice, legal description and a scale map of the
 19 ~~proposed annexation~~ to the clerk of each municipality affected and the department
 20 ~~of administration.~~ ^{within 5 days of the publication} The department may within 20 days after receipt of the notice
 21 mail to the clerk of the town within which the territory lies and to the clerk of the
 22 proposed annexing village or city a notice that in its opinion the annexation is against
 23 the public interest. ~~No later than 10 days after mailing the notice, the department~~
 24 ~~shall advise the clerk of the town in which the territory is located and the clerk of the~~

that advises

1 village or city to which the annexation is proposed ~~and advising~~ the clerks of the
 2 reasons the annexation is against the public interest as defined in par. (e). The
 3 annexing municipality shall review the advice before final action is taken. *plain*

NOTE: 1. Eliminates, as redundant, reference to mailing a copy of the legal description and scale map since the description and map are a required content of the notice under renumbered sub. (4) (a) [former sub. (3) (a)].

2. Eliminates, as unnecessary, the additional 10 days currently allowed the department of commerce to give its reason for determining that a proposed annexation is against the public interest after it gives notice of that determination.

4 (c) *Definition of public interest.* (intro.) For purposes of this subsection, public
 5 interest is determined by the department of administration after consideration of the
 6 following:

7 SECTION 57. 66.021 (12) of the statutes, as affected by 1997 Wisconsin Act 27,
 8 is renumbered 66.0217 (2) and amended to read:

9 66.0217 (2) ~~UNANIMOUS~~ UNANIMOUS DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If a
 10 petition for direct annexation signed by all of the electors residing in the territory and
 11 the owners of all of the real property in the territory is filed with the city or village
 12 clerk, and with the town clerk of the town or towns in which the territory is located,
 13 together with a scale map and a legal description of the property to be annexed, an
 14 annexation ordinance for the annexation of the territory may be enacted by a
 15 two-thirds vote of the elected members of the governing body of the city or village
 16 without compliance with the notice requirements of sub. (3) (4). In such annexations
 17 an annexation under this subsection, subject to sub. (11) (6), the person filing the
 18 petition with the city or village clerk and the town clerk shall, within 5 days of the
 19 filing, mail a copy of the scale map and a legal description of the territory to be
 20 annexed to the department of administration and the governing body shall review
 21 the advice of the department, if any, before enacting the annexation ordinance.

1 **SECTION 58.** 66.021 (13) of the statutes is repealed.

NOTE: Repeals as unnecessary a provision providing that the procedure for annexation by unanimous approval under current s. 66.021 (12) does not eliminate the required review by the department of commerce of annexations in counties over 50,000 population. The subsection on annexations by unanimous approval [sub. (12)] expressly states that annexations under that provision are subject to department of ~~commerce~~ review. *administration*

2 **SECTION 59.** 66.021 (15) of the statutes, as affected by 1997 Wisconsin Act 27,
3 is renumbered 66.0221 and amended to read:

4 **66.0221** ~~66.0221~~ **Annexation of and creation of town islands.** (1) Upon its
5 own motion, a city or village by a two-thirds vote of the entire membership of its
6 governing body may enact an ordinance annexing territory which comprises a
7 portion of a town or towns and which was completely surrounded by territory of the
8 city or village on December 2, 1973. The ordinance shall include all surrounded town
9 areas except those exempt by mutual agreement of all of the governing bodies
10 involved. The annexation ordinance shall contain a legal description of the territory
11 and the name of the town or towns from which the territory is detached. Upon
12 enactment of the ordinance, the city or village clerk immediately shall file 6 certified
13 copies of the ordinance in the office of the secretary of state, together with 6 copies
14 of a scale map. The secretary of state shall forward 2 copies of the ordinance and scale
15 map to the department of transportation, one copy to the department of natural
16 resources, one copy to the department of revenue and one copy to the department of
17 administration. This ~~subsection~~ ^{section} does not apply if the town island was created only
18 by the annexation of a railroad right-of-way or drainage ditch. This ~~subsection~~ ^{section} does
19 not apply to land owned by a town government which has existing town government
20 buildings located ~~thereon~~ on the land. No town island may be annexed under this
21 ~~subsection~~ ^{section} if the island consists of over 65 acres or contains over 100 residents.
22 Section 66.0217 (11) applies to annexations under this subsection.

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

7 (3) The governing body of ~~any a~~ city, village or town involved may, or if a petition
8 conforming to the requirements of s. 8.40 signed by a number of qualified electors
9 thereof equal to at least 5% of the votes cast for governor in the city, village or town
10 at the last gubernatorial election, demanding a referendum ~~thereon~~, is presented to
11 it within 30 days after the passage of either of the ordinances ~~herein provided for~~
12 under sub. (2) shall, ~~cause the question to be submitted~~ submit the question to the
13 electors of the city, village or town whose electors petitioned ~~therefor~~ for detachment,
14 at a referendum election called for ~~such~~ that purpose within 30 days after the filing
15 of ~~such~~ the petition, or after the enactment of either ordinance. ~~Whenever~~ If a
16 number of electors cannot be determined on the basis of reported election statistics,
17 the number shall be determined in accordance with s. 60.74 (6). The governing body
18 of the municipality shall appoint 3 election inspectors who ~~shall be~~ ^{are} resident electors
19 to supervise the referendum. The ballots shall contain the words "For Detachment"
20 and "Against Detachment". The inspectors shall certify the results of the election by
21 their attached affidavits ~~annexed thereto~~ and file a copy with the clerk of each town,
22 village or city involved, and none of the ordinances ~~so provided for shall~~ may take
23 effect nor be in force unless a majority of the electors ~~shall~~ approve the same question.
24 The referendum election shall be conducted in accordance with chs. 6 and 7 ~~insofar~~
25 as to the extent applicable.

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

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

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

1 **SECTION 64.** 66.023 of the statutes, as affected by 1997 Wisconsin Acts 27 and
2 35, is renumbered 66.0307, and 66.0307 (4) (c) and (10), as renumbered, are amended
3 to read:

4 66.0307 (4) (c) *Comment on plan.* Any person may comment on the plan during
5 the hearing and may submit written comments before, at or within 20 days following
6 the hearing. All comments shall be considered by each participating municipality.
7 ~~Any~~ A county zoning agency under s. 59.69 (2) or regional planning commission
8 whose jurisdiction includes any participating municipality shall comment in writing
9 on the plan's effect on the master plan adopted by the regional planning commission
10 under s. ~~66.945~~ 66.0309 (9), or development plan adopted by the county board or
11 county planning agency under s. 59.69 (3), and on the delivery of municipal services,
12 and may comment on any other aspect of the plan. ~~Any~~ A county in the regional
13 planning commission's jurisdiction may submit comments on the effect of the
14 cooperative plan on the master plan adopted under s. ~~66.945~~ 66.0309 (9) and on the
15 delivery of county services or on any other matter related to the plan.

16 **(10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS.** A
17 boundary change under a cooperative plan shall be accomplished by the enactment
18 of an ordinance by the governing body designated to do so in the plan. The filing and
19 recording requirements under s. ~~66.021 (8)~~ 66.0217 (9) (a), as they apply to cities and
20 villages under s. ~~66.021 (8)~~ 66.0217 (9) (a), apply to municipalities under this
21 subsection. The requirements for the secretary of state ~~shall be~~ are the same as those
22 required in s. ~~66.021 (8)~~ 66.0217 (9) (a).

23 **SECTION 65.** 66.024 of the statutes is renumbered 66.0219, and 66.0219 ~~title~~
24 (intro.), (1) to (3), (4) (a) and (b) and (5) to (9), as renumbered, are amended to read:

there is no (a) in current law; there is a "(5m)" in draft does not in "(5m)".

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

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

23

1 (b) Application to the circuit court shall be by petition subscribed by the officers
2 designated by the governing body, and shall have attached ~~as a part thereof~~: the scale
3 map, a certified copy of the resolution of the governing body and an affidavit of the
4 publication and filing required under par. (a). ~~Sueh~~ The petition shall be filed in the
5 circuit court not less than 30 days but no more than 45 days after the publication of
6 the notice of intention.

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

16 (b) If a petition protesting the annexation is found insufficient the court shall
17 proceed to hear all parties interested for or against the application. The court may
18 ~~in its discretion~~ adjourn ~~sueh~~ the hearing from time to time, direct a survey to be
19 made and refer any question for examination and report ~~thereon~~. ~~Any~~ A town whose
20 territory is involved in the proposed annexation shall, upon application, be a party
21 and is entitled to be heard on any relevant matter pertaining thereto.

22 (3) DISMISSAL. If for any reason the proceedings are dismissed, the court may,
23 ~~in its discretion~~, order entry of judgment against the city or village for ~~sueh~~
24 disbursements or any part ~~thereof~~ as have been of disbursements incurred by the
25 parties opposing the annexation.

① (4) ~~REFERENDUM ELECTION; WHEN ORDERED AND HELD~~ (a) If the court, after ~~such~~
2 the hearing, is satisfied ~~as to the correctness of that~~ the description of the territory
3 or any survey is accurate and that the provisions of this section have been complied
4 with, it shall make an order so declaring and shall direct a referendum election
5 within the territory ~~which shall be described in the order~~, on the question, ^{of} whether
6 ~~such the~~ area should be annexed. ~~Such~~ The order shall direct 3 electors named
7 ~~therein in the order~~ residing in the town in which the territory proposed to be
8 annexed lies, to perform the duties of inspectors of election.

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

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

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

23 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim zoning
24 ordinance to become effective only upon approval of the annexation at the
25 referendum election may be enacted by the governing body of the city or village.

1 Subject to s. 59.692 (7), the ordinance may temporarily designate the classification
2 of the annexed area for zoning purposes until the zoning ordinance is amended as
3 prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance shall be referred
4 to and recommended by the plan commission prior to introduction. Authority to
5 make such a temporary classification ~~shall is~~ not be effective when the county zoning
6 ordinance prevails during litigation as provided in s. 59.69 (7).

7 (7) APPEAL. Any ~~appeal~~ ^{An} Appeal from the order of the circuit court ~~shall be is~~
8 limited to contested issues determined by such the circuit court. Such ^{An} appeal
9 shall not stay the conduct of the referendum election ~~provided herein~~, if one is
10 ordered, but the statement of the election results and the copies of the certificate and
11 plat ~~shall~~ may not be filed with the secretary of state until the appeal has been
12 determined.

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

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

19 SECTION 66. 66.025 of the statutes, as affected by 1997 Wisconsin Act 27, is
20 renumbered 66.0223 and amended to read:

21 **66.0223 ~~Annexation of owned territory~~ Annexation of owned territory owned by city or village.**
22 In addition to other methods provided by law and subject to ss. 59.692 (7) and ~~66.023~~
23 66.0307 (7), territory owned by and lying near but not necessarily contiguous to a
24 village or city may be annexed to a village or city by ordinance enacted by the board
25 of trustees of the village or the common council of the city, provided that in the case

1 of noncontiguous territory the use of the territory by the city or village is not contrary
 2 to any town or county zoning regulation. The ordinance shall contain the exact
 3 description of the territory annexed and the names of the towns from which
 4 detached, and ~~shall operate to attach~~ attaches the territory to the village or city upon
 5 the filing of ~~6 7~~ certified copies thereof of the ordinance in the office of the secretary
 6 of state, together with ~~6 7~~ copies of a plat showing the boundaries of the territory
 7 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
 8 of state to the department of transportation, one copy to the department of
 9 administration, one copy to the department of natural resources, one copy to the
 10 department of revenue and one copy to the department of public instruction. Within
 11 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
 12 or delivered to the clerk of the county in which the annexed territory is located.
 13 Section 66.0217 (11) applies to annexations under this section.

NOTE: 1. Requires that a copy of the annexation ordinance and the plat showing the boundaries of the attached territory be mailed or delivered to the department of administration 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 section. [*Kaiser v. City of Madison*, 99 Wis. 2d 341, 299 NW2d 257 (Ct. App. 1980).]

14 SECTION 67. 66.026 of the statutes is renumbered 66.0231 and amended to
 15 read:

16 **66.0231** ~~(title)~~ Notice of certain litigation affecting municipal status or
 17 boundaries. Whenever any proceedings If a proceeding under ss. 61.187, 61.189,
 18 61.74, 62.075, 66.012, ~~66.013 to 66.019, 66.021, 66.022, 66.023, 66.025~~ 66.0201 to
 19 66.0213, 66.0215, 66.0217, 66.0221, 66.0223, 66.0227, 66.0307 or other sections
 20 relating to an incorporation, annexation, consolidation, dissolution or detachment of

and or

1 territory of a city or village ~~are is~~ contested by instigation of legal proceedings, the
 2 clerk of the city or village involved in the proceedings shall file with the secretary of
 3 state 4 copies of a notice of the commencement of the action. The clerk shall ~~also~~ file
 4 with the secretary of state 4 copies of any judgments rendered or appeals taken in
 5 such cases. The notices or copies of judgments that are required under this section
 6 may also be filed by an officer or attorney of any party of interest. The secretary of
 7 state shall forward to the department of transportation 2 copies and to the
 8 department of revenue and the department of administration one copy each of any
 9 notice of action or judgment filed with the secretary of state under this section.

10 SECTION 68. 66.027 of the statutes is renumbered 66.0225 and amended to
 11 read:

12 **66.0225** ~~(title)~~ **Municipal boundaries, fixed by judgment.** Any 2
 13 municipalities whose boundaries are immediately adjacent at any point and who are
 14 parties to ~~any an~~ action, proceeding or appeal in court for the purpose of testing the
 15 validity or invalidity of ~~any an~~ annexation, incorporation, consolidation or
 16 detachment, [✓] may enter into a written stipulation, compromising and settling ~~any~~
 17 such the litigation and determining the common boundary line between the
 18 municipalities. The court having jurisdiction of the litigation, whether ~~it is a the~~
 19 circuit court, the court of appeals or the supreme court, may enter a final judgment
 20 incorporating the provisions of the stipulation and fixing the common boundary line
 21 between the municipalities involved. ~~Any A~~ stipulation changing boundaries of
 22 municipalities shall be approved by the governing bodies of the detaching and
 23 annexing municipalities and s. 66.021 66.0217 (8) and (10) ~~shall~~ (9) and (11) ^{shall} apply. *plain*
 24 ~~Any A~~ change of ~~civil~~ municipal boundaries under this section is subject to a
 25 referendum of the electors residing within the territory annexed or detached, if

1 within 30 days after the publication of the stipulation to change boundaries in a
 2 newspaper of general circulation in the area proposed to be annexed or detached, a
 3 petition for a referendum conforming to the requirements of s. 8.40 signed by at least
 4 20% of the electors of the area to be annexed or detached, is filed with the clerk of the
 5 municipality from which the area is proposed to be detached. The referendum shall
 6 be conducted as are annexation referenda. If the referendum election is opposed to
 7 detachment from the municipality, all proceedings under this section are void. For
 8 the purposes of this section, ^{In} "municipalities" ² includes means cities, villages and
 9 towns.

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10 SECTION 69. 66.028 of the statutes is renumbered 66.0305

and 66.0305(4)(b)
 as renumbered is
 amended to read:

11 SECTION 70. 66.029 of the statutes is renumbered 66.0233 and amended to

12 read:

13 ~~66.0233~~ **66.0233** ~~and~~ **Town boundaries, participation in actions to test**
 14 **alterations of town boundaries.** In proceedings whereby a proceeding in which
 15 territory is may be attached to or detached from any a town, the town is an interested
 16 party, and the town board may institute, maintain or defend an action brought to test
 17 the validity of such the proceedings, and may intervene or be impleaded in any such
 18 the action.

19 SECTION 71. 66.03 of the statutes, as affected by 1997 Wisconsin Act 27, is
 20 renumbered 66.0235, and 66.0235 (1), (2), (2c) (a) 2., (2m) to (10), (11) ^g (a) 4. and (b)
 21 and (13) ^{(a) 1. and} (aa) to (c), as renumbered, are amended to read:

22 66.0235 (1) DEFINITION. In this section, ~~"municipalities"~~ ^{Strike} "local governmental unit" includes means town
 23 sanitary districts, school districts, technical college districts, towns, villages and
 24 cities.

and 237

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Orin A. 60.79(2)(c)

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SECTION 71

from Act 237

local governmental unit

1 (2) BASIS. (a) Except as otherwise provided in this section when territory is
 2 transferred, in any manner provided by law, from one municipality to another, there
 3 shall be assigned to such other the latter municipality ~~that~~ that proportion of the
 4 assets and liabilities of the first municipality as the assessed valuation of all taxable
 5 property in the territory transferred bears to the assessed valuation of all the taxable
 6 property of the entire municipality from which said the territory is taken according
 7 to the last assessment roll of such the municipality. The clerk of any a municipality
 8 to which territory is transferred as aforesaid, within 30 days of the effective date of
 9 such the transfer, shall certify to the clerk of the municipality from which such
 10 territory was transferred and to the clerk of the school district in which such the
 11 territory is located a metes and bounds description of the land area involved and
 12 upon. Upon receipt of such the description the clerk of the municipality from which
 13 such the territory was transferred shall certify to the department of revenue and to
 14 the clerk of the school district in which such the territory is located the latest
 15 assessed value of the real and personal property located within the transferred
 16 territory, and shall make such any further reports as ~~may~~ be needed by the
 17 department of revenue in the performance of duties required by law.

18 (b) When the transfer of territory from one municipality to another results from
 19 the incorporation of a new city or village, the proportion of the assets and liabilities
 20 assigned to such the new city or village shall be based on the average assessed
 21 valuation for the preceding 5 years of the property transferred in proportion to the
 22 average assessed valuation for the preceding 5 years of all the taxable property of the
 23 entire municipality from which said the territory is taken, according to the
 24 assessment rolls of such the municipality for said those years. In any such case the
 25 The certification by the clerk of the municipality from which territory was

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1 transferred because of the incorporation shall include the assessed value of the real
2 and personal property within the territory transferred for each of the last 5 years.
3 The preceding 5 years shall include the assessment rolls for the 5 calendar years
4 prior to the incorporation.

5 (2c) (a) 2. The clerk of any school district to which territory is transferred,
6 within 30 days of the effective date of the transfer, shall certify to the clerk of the
7 ~~municipality~~ from which the territory was transferred a metes and bounds
8 description of the land area involved. Upon receipt of the description the clerk of the
9 ~~municipality~~ from which the territory was transferred shall certify to the
10 department of revenue the latest assessed value of the real and personal property
11 located within the transferred territory, file one copy of the certification with the
12 school district clerk and one copy with the department of public instruction and make
13 such any further reports ^{plain} as are needed by the department of revenue in the
14 performance of duties required by law.

15 (2m) ATTACHMENT AND DETACHMENT WITHIN 5 YEARS. ~~Whenever~~ If territory is
16 attached to or consolidated with a school district, and the territory or any part thereof
17 of the territory is detached ~~therefrom~~ from the district within 5 years after the
18 attachment or consolidation, the school district to which it is transferred ~~shall be~~ is
19 entitled, in the apportionment of assets and liabilities, only to the assets or liabilities
20 or proportionate part thereof apportioned to the school district as the result of the
21 original attachment or consolidation.

22 (3) REAL ESTATE. (a) The title to real estate ~~shall~~ may not be transferred under
23 this section except by agreement, but the value thereof of real estate shall be included
24 in determining the assets of the ~~municipality~~ owning the same real estate and in
25 making the adjustment of assets and liabilities.

1 (b) The right to possession and control of school buildings and sites ~~shall pass~~
2 passes to the school district in which they are situated immediately upon the
3 attachment or detachment of any school district territory becoming effective, except
4 that in 1st class city school districts the right to possession and control of school
5 buildings and sites ~~shall pass~~ passes on July 1 following the adoption of the ordinance
6 authorized by s. ~~66.021 (7)~~ 66.0217 (8). The asset value of school buildings and sites
7 shall be the value of the use ~~thereof~~ of the buildings and sites, which shall be
8 determined at the time of adjustment of assets and liabilities.

9 (c) When as a result of ~~any an~~ an annexation ~~whereby~~ a school district is left
10 without a school building, any moneys are received by ~~such~~ the school district as a
11 result of the division of assets and liabilities required by s. ~~66.03~~ this section, which
12 are derived from values that were capital assets, ~~such~~ the moneys and interest
13 ~~thereon~~ on the moneys shall be held in trust by ~~such~~ the school district and dispensed
14 only for procuring new capital assets or remitted to an operating district as the
15 remainder of the suspended district becomes a part of ~~such~~ the operating district, and
16 ~~shall in no case~~ may not be used to meet current operating expenditures. ~~This shall~~
17 ~~include any funds in the hands of any district officers on July 1, 1953, resulting from~~
18 ~~such action previously taken under s. 66.03.~~ The boards involved shall, as part of
19 their duties in division of assets and liabilities in school districts, make a written
20 report of the allocation of assets and liabilities to the state superintendent of public
21 instruction and any local superintendent of schools whose territory is involved in the
22 division of assets.

23 (4) PUBLIC UTILITIES. Any A public utility plant, including any dam, power
24 house, power transmission line and other structures and property operated and used
25 in connection ~~therewith shall belong~~ with the plant, belongs to the ~~municipality~~ in

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1 which the major portion of the patrons of ~~such~~ the utility reside. The value of ~~such~~
 2 the utility, unless fixed by agreement of all parties interested shall be determined
 3 and fixed by the public service commission upon notice to the ~~municipalities~~
 4 local governmental units interested, in the manner provided by law. The commission shall certify the amount
 5 of the compensation to the clerks of each ~~municipality~~ interested and ~~said~~ that
 6 amount shall be used by the apportionment board ~~or boards~~ in adjusting assets and
 7 liabilities.

8 (5) APPORTIONMENT BOARD. The boards or councils of the ~~municipalities~~, or
 9 committees, thereof selected for that purpose, acting together, shall constitute an
 10 apportionment board. When any ~~a~~ municipality is dissolved by reason of ~~because~~ all
 11 of its territory being so is transferred the board or council thereof of ~~the~~ municipality
 12 existing at the time of ~~such~~ dissolution shall, for the purpose of this section, continue
 13 to exist as the governing body of ~~such~~ the ~~municipality~~ until there has been an
 14 apportionment of assets by agreement of the interested ~~municipalities~~ or by an order
 15 of the circuit court. After an agreement for apportionment of assets has been entered
 16 into between the interested ~~municipalities~~, or an order of the circuit court becomes
 17 final, a copy of ~~such~~ the apportionment agreement, or of ~~such~~ the order, certified to
 18 by the clerks of the interested ~~municipalities~~, shall be filed with the department of
 19 revenue, the department of natural resources, the department of transportation, the
 20 state superintendent of public instruction, the department of administration, and
 21 with any other department or agency of the state from which the town may be
 22 entitled by law to receive funds or certifications or orders relating to the distribution
 23 or disbursement of funds, with the county treasurer, with the treasurer of any
 24 ~~municipality~~, or with any other entity from which payment would have become due
 25 if ~~such~~ the dissolved ~~municipality~~ from which ~~such~~ territory was transferred had



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1 continued in existence. Subject to ss. 79.006 and 86.303 (4), thereafter payments
 2 from the shared revenue account made pursuant to ch. 79, payments of forest crop
 3 taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school
 4 purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77
 5 and all payments due from a department or agency of the state, from a county, from
 6 a ~~municipality~~, or from any other entity from which payments would have become
 7 due if such ~~the dissolved municipality from which such territory was transferred~~ had
 8 continued in existence, shall be paid to the interested ~~municipality~~ as provided by
 9 such ~~the~~ agreement for apportionment of assets or by any order of apportionment by
 10 the circuit court and such ~~the~~ payments shall have the same force and effect as if
 11 made to the dissolved ~~municipality from which such territory was transferred~~.

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

19 (7) ADJUSTMENT, HOW MADE. (a) The apportionment board shall determine,
 20 except for public utilities, such assets and liabilities from the best information
 21 obtainable and shall assign to the ~~municipality~~ to which the territory is transferred
 22 its proper proportion thereof ~~thereof~~ of assets and liabilities by assigning the excess of
 23 liabilities over assets, or by assigning any particular asset or liability to either
 24 ~~municipality~~, or in such other another manner as will best meet that meets the
 25 requirements of the particular case.

local governmental unit

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

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

16 (8) APPEAL TO COURT. ~~In case~~ If the apportionment board is unable to agree, the
17 circuit court of the county in which either ~~municipality~~ is situated, may, upon the
18 petition of either ~~municipality~~ make the adjustment of assets and liabilities
19 pursuant to under this section, including review of any alternative method provided for in
20 sub. (2c) (b) and the correctness of the findings thereunder made under sub. (2c) (b).

21 (9) TRANSCRIPT OF RECORDS. ~~When~~ If territory shall be is detached from a
22 ~~municipality by creation of a new municipality or otherwise,~~ the proper officer of the
23 ~~municipality~~ from which the territory was detached shall furnish, upon demand by
24 the proper officer of the ~~municipality~~ created from the detached territory or to which
25 it is annexed, authenticated transcript of all public records in that officer's office

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1 pertaining to the detached territory. The ~~municipality~~ receiving the transcript shall
2 pay ~~therefor~~ for the transcript.

3 (10) STATE TRUST FUND LOANS. When territory transferred in any manner
4 provided by law from one ~~municipality~~ to another is liable for state trust fund loans
5 secured under subch. II of ch. 24, the clerk of the ~~municipality~~ to which territory is
6 transferred shall within 30 days of the effective date of ~~such~~ the transfer certify a
7 metes and bounds description of the transferred area to the clerk of the ~~municipality~~
8 from which the land was transferred. ~~Thereupon, the~~ The clerk of the ~~municipality~~
9 from which ~~such~~ territory was transferred shall then certify to the board of
10 commissioners of public lands: (a) the effective date of ~~such~~ the transfer of territory; (b),
11 the last preceding assessed valuation of the territory liable for state trust fund loans
12 ~~prior to~~ before transfer of a part of ~~such~~ the territory; (c) and the assessed valuation of the
13 territory so transferred. ~~Thereafter, the~~ The board shall in making its annual
14 certifications of the amounts due on account of state trust fund loans distribute
15 annual charges for interest and principal on ~~any such~~ outstanding loans covered by
16 this subsection in the proportion that the assessed valuation of the territory so
17 transferred ~~shall bear~~ bears to the assessed valuation of the area liable for state trust
18 fund loans as constituted immediately before the transfer of territory, ~~provided,~~
19 ~~however, that any.~~ A transfer of territory effective subsequent to January 1 of any
20 year ~~shall~~ may not be considered until the succeeding year.

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

23 (b) ~~Thereafter, in~~ In making their the annual certifications of the amounts due
24 on account of state trust fund loans the board of commissioners of public lands shall
25 use the new name of the school district, ~~provided that any.~~ A transfer of territory

1 effective subsequent to January 1 of any year ~~shall~~ may not be considered by it until
2 the succeeding year.

3 ~~(1b)~~ (aa) *Apportionment when town is nonexistent.* If the town in which
4 territory was located on January 1 is nonexistent when the city or village determines
5 its budget, any taxes certified to the town or required by law to be levied against ~~such~~
6 the territory shall be included in the budget of the city or village and levied against
7 ~~such~~ the territory, together with the city or village tax for local municipal purposes.

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

21 (bb) *Apportionment when court returns territory to former status.* ~~Whenever~~
22 If territory which has been annexed, consolidated, detached or incorporated returns
23 to its former status by reason of a final court determination, there shall be an
24 apportionment of general property taxes and current aids and shared revenues to
25 ~~adjust such assets between the municipalities,~~ local governmental units and no other apportionment of assets

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local governmental units

1 and liabilities. The basis of the apportionment shall be determined by the
 2 apportionment board subject to appeal to the circuit court, ~~but the~~. The
 3 apportionment shall ~~insofar as to the extent~~ practicable equitably adjust ~~such assets~~
 4 the taxes, aids and revenues between the ~~municipalities~~ involved on the basis of the
 5 portion of the calendar year the territory was located in the respective
 6 ~~municipalities~~.

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7 (c) *Certification by clerk.* The clerk of the ~~municipality~~ which assessed ~~such the~~
 8 special and general tax and special assessment shall certify to the clerk of the
 9 ~~municipality~~ to which the territory was attached or returned, a list of all the property
 10 located ~~therein~~ in the attached or returned territory to which is charged any
 11 uncollected taxes and assessments. The certification shall be made within 30 days
 12 after the effective date of the transfer of the property, but failure to ~~se~~ certify ~~shall~~
 13 does not affect the validity of the claim.

14 SECTION 72. Subchapter III (title) of chapter 66 [precedes 66.0301] of the
 15 statutes is created to read:

CHAPTER 66

SUBCHAPTER III

INTERGOVERNMENTAL COOPERATION

SECTION 73. 66.0303 (title) and (1) of the statutes are created to read:

20 **66.0303** (title) **Municipal interstate cooperation.** (1) In this section,
 21 "municipality" has the meaning given ~~in~~ ⁱⁿ s. 66.0301 (1) (a).

22 SECTION 74. 66.031 (title) of the statutes is renumbered 66.0401 (title) and
 23 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.

1 SECTION 75. 66.031 of the statutes is renumbered 66.0401 (1), and 66.0401 (1)
2 (intro.), as renumbered, is amended to read:

3 66.0401 (1) ~~WIND ENERGY~~ AUTHORITY TO RESTRICT SYSTEMS LIMITED. (intro.) No county,
4 city, town or village may place any restriction, either directly or in effect, on the
5 installation or use of a solar energy system, as defined in s. 13.48 (2)(h) 1. g., or a wind
6 energy system, as defined in s. ~~66.032~~ 66.0415 (1) (m), unless the restriction satisfies
7 one of the following conditions:

8 SECTION 76. 66.0311 (title) and (1) of the statutes are created to read:

9 66.0311 (title) **Intergovernmental cooperation in financing and**
10 **undertaking housing projects.** (1) In this section, "municipality" has the
11 meaning given ~~under~~ⁱⁿ s. 66.0301 (1) (a).

12 SECTION 77. 66.0313 (1) of the statutes is created to read:

13 66.0313 (1) In this section, "law enforcement agency" has the meaning given
14 ~~under~~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 334 of this ~~bill~~ ^{bill}

15 SECTION 78. 66.032 of the statutes is renumbered 66.0403, ^{and 66.0403 (1) (h),}

16 SECTION 79. 66.033 (title) of the statutes is repealed. ^{as renumbered, is}

17 SECTION 80. 66.033 of the statutes is renumbered 66.0401 (2) and amended to
18 read:

19 66.0401 (2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. Any A
20 county, city, village or town may provide by ordinance for the trimming of vegetation
21 which blocks solar energy, as defined in s. ~~66.032~~ 66.0415 (1) (k), from a collector
22 surface, as defined under s. 700.41 (2) (b) or which ~~block~~^{blocks} wind from a wind energy

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and 66.0403 (1) (h),
as renumbered, is
amended to read:

blocks

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1 system, as defined in s. ~~66.032~~ 66.0415 (1) (m). The ordinance may include, but is
2 not limited to, a designation of responsibility for the costs of the trimming. The
3 ordinance may not require the trimming of vegetation that was planted by the owner
4 or occupant of the property on which the vegetation is located before the installation
5 of the solar or wind energy system.

6 SECTION 81. 66.035 of the statutes is repealed. bill

NOTE: The substance of the repealed section is restated in new s. 66.0103. See SECTION 25 of this ~~draft~~.

7 SECTION 82. 66.036 of the statutes is renumbered 145.195.

8 SECTION 83. 66.037 of the statutes is renumbered 66.1111.

9 SECTION 84. 66.038 of the statutes is repealed.

NOTE: Repeals s. 66.038, relating to nonmetallic mining reclamation, as no longer necessary. The provision, by its terms, does not apply after December 31, 1996. See s. 66.038 (7).

This section was RP; by Act 258

~~SEC. 85. 66.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is~~

11 renumbered 66.0601 (1) (a) and amended to read:

12 66.0601 (1) (a) *Bonus to state institution.* No appropriation or bonus of any
13 kind, except for a donation, may be made by any a town, village, or city, nor any
14 municipal liability created nor tax levied, as a consideration or inducement to the
15 state to locate any public educational, charitable, reformatory, or penal institution.

16 SECTION 86. 66.04 (1m) (title) of the statutes, as affected by 1997 Wisconsin Act
17 27, is repealed.

18 SECTION 87. 66.04 (1m) (a) and (b) of the statutes, as affected by 1997
19 Wisconsin Act 27, are renumbered 66.0601 (1) (b) and (c).

20 SECTION 88. 66.04 (2) ~~and (2m)~~ and (2s) of the statutes are renumbered 66.0603 (1) ~~and~~
21 (2) and 66.0603 (1) (a) (intro.) and (b) to (d) and (2) (intro.), as renumbered, are
22 amended to read:

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

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

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

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

21 (2) DELEGATION OF INVESTMENT AUTHORITY. (intro.) Any A county, city, village,
22 town, school district, drainage district, technical college district or other governing
23 board, as defined in s. 34.01 (1), may delegate the investment authority over any of
24 its funds not immediately needed to a state or national bank, or trust company, which