

1 interest, and debt service fund requirements, local and school tax equivalents,
 2 additions and improvements, and other necessary disbursements or indebtedness.
 3 Beginning with taxes levied in 1995, payable in 1996, payments for local and school
 4 tax equivalents shall at least be equal to the payment made on the property for taxes
 5 levied in 1994, payable in 1995, unless a lower payment is authorized by the
 6 governing body of the municipality. Income in excess of these requirements may be
 7 used to purchase and hold interest bearing bonds, issued for the acquisition of the
 8 utility, ~~or~~; bonds issued by the United States or any municipal corporation of this
 9 state, ~~or~~; insurance upon the life of an officer or manager of ~~such~~ the utility; ~~or~~ may
 10 be paid into the general fund.

11 (3) Any A city, town or village may use funds derived from its water plant ~~above~~
 12 ~~such as are necessary~~ [↓] to meet operation, maintenance, depreciation, interest and
 13 ~~debt service funds,~~ ^{↓ ↓ Δ} new construction or equipment or other indebtedness, for
 14 sewerage construction work other than ~~such as~~ that which is chargeable against
 15 abutting property; ~~or they may turn such~~ the funds may be placed into the general
 16 fund to be used for general city purposes, ~~or may place such funds in a special fund~~
 17 to be used for special municipal purposes.

18 **SECTION 179.** 66.069 (1) (e) of the statutes is renumbered 66.0811 (1) and
 19 amended to read:

20 66.0811 (1) Any A city, village or town owning a public utility ~~shall be~~ is entitled
 21 to the same rate of return as permitted for privately owned utilities.

22 **SECTION 180.** [✓] 66.069 (2) of the statutes is renumbered 66.0813, and 66.0813 (1),
 23 (2), (3) (a), (5) and (6), as renumbered, are amended to read:

24 66.0813 (1) Any A town, town sanitary district, village or city owning water,
 25 light or power plant or equipment may serve persons or places outside its corporate

1 limits, including adjoining municipalities not owning or operating a similar utility,
2 and may interconnect with another municipality, whether contiguous or not, and for
3 ~~such~~ these purposes may use equipment owned by ~~such~~ the other municipality.

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

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

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

23 (6) ~~Any~~ A town, village or city owning a public utility, or the board of any
24 municipal public utility appointed under s. ~~66.068~~ 66.0805, may enter into
25 agreements with any other ~~such~~ towns, villages or cities owning public utilities, or

1 any other ~~such~~ boards of municipal public utilities, for mutual aid in the event of an
2 emergency or disaster in any of their respective service areas. ~~Such~~ The agreements
3 may include, ~~but are not limited to~~, provisions for the movement of employes and
4 equipment in and between the service areas of the various participating
5 municipalities for the purpose of rendering ~~such~~ aid and, for the reimbursement of
6 a municipality rendering ~~such~~ aid by the municipality receiving the aid.

7 **SECTION 181.** 66.07 of the statutes is renumbered 66.0817, and 66.0817 (intro.)
8 and (1) to (6), as renumbered, are amended to read:

9 **66.0817** ~~(intro.)~~ Sale or lease of municipal public utility plant. (intro.) Any

10 A town, village or city may sell or lease any complete public utility plant owned by
11 it, ^{plain} ~~in~~ ^{the} ~~manner~~ ^{following} ~~as provided in this section:~~ ^{manner}

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

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

24 (3) The municipality shall submit the preliminary agreement when executed
25 to the department of transportation or public service commission, which shall

1 determine whether the interests of the municipality and of the its residents thereof
2 will be best served by the sale or lease, and if it so determines, shall fix the price and
3 other terms.

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

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

17 (6) If the municipality has revenue or mortgage bonds outstanding relating to
18 ~~such~~ the utility plant and which by their terms may not be redeemed concurrently
19 with the sale or lease transaction, an escrow fund with a domestic bank as trustee
20 may be established for the purpose of holding, administering and distributing ~~such~~
21 that portion of the sales or lease proceeds ~~as may be necessary~~ to cover the payment
22 of the principal, any redemption premium and interest which will accrue on the
23 principal through the earliest retirement date of the bonds. During the period of the
24 escrow arrangement ~~such~~ the funds may be invested in securities or other
25 investments as described in s. 201.25 (1) (a), (b), (dm) and (j), 1969 stats., and in

1 deposits or certificates of deposit with any state or national bank doing business in
2 this state ~~66.0701~~ (1). ⁰⁶⁰³

NOTE: 1. The references in sub. (1) to "resolution or ordinance" are affected by the treatment of s. 66.06 by SECTIONS 154 and 227, which delete the current provision that the phrase "resolution or ordinance", when used in specified sections, means "ordinance" only. Thus, the references to "resolution or ordinance" in sub. (1) will now include either kind of action, not just "ordinance".

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

3 SECTION 182. Subchapter VII (title) of chapter 66 [precedes 66.0701] of the
4 statutes is created to read:

5 CHAPTER 66

6 SUBCHAPTER VII

7 SPECIAL ASSESSMENTS

8 SECTION 183. 66.⁰⁹⁰¹~~0701~~ (1) (intro.) of the statutes is created to read:

9 66.⁰⁹⁰¹~~0701~~ (1) (intro.) In this section:

10 SECTION 184. 66.⁰⁹⁰¹~~0701~~ (9) (a) of the statutes is created to read:

11 66.⁰⁹⁰¹~~0701~~ (9) (a) Notwithstanding sub. (1) (a), in this subsection, "municipality"
12 does not include the department of transportation.

13 SECTION 185. 66.0707 (2) of the statutes is created to read:

14 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627
15 against real property in an adjacent city, village or town that is served by current
16 services rendered by the municipality imposing the special charge if the municipality
17 in which the property is located approves the imposition by resolution. The owner
18 of the property is entitled to the use and enjoyment of the service for which the special
19 charge is imposed on the same conditions as the owner of property within the city,
20 village or town.

wfo: SORT.
out-69-0603

INS. 149-X move to p. 186

These sections must move to 64

Handwritten notes and stamps in the right margin, including a large 'X' and some illegible text.

NOTE: Expands the scope of s. 66.65, renumbered s. 66.0707, to include special charges. Currently, the provision is limited to special assessments against property in an adjacent city, village or town that abuts and benefits from a public work or improvement. See SECTIONS 496 and 497 of this ~~stat.~~ bill

1 SECTION 186. 66.0709 (title) of the statutes is created to read:

2 66.0709 (title) Preliminary payment of improvements funded by
3 special assessments.

4 SECTION 187. 66.0709 (1) of the statutes is created to read:

5 66.0709 (1) In this section:

6 (a) ~~"Municipality"~~ ^{Local governmental unit} has the meaning given in s. 66.0713 (1) (c).

7 (b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

8 SECTION 188. 66.071 (title) of the statutes is renumbered 62.69 (title).

9 SECTION 189. 66.071 (intro.) of the statutes is repealed.

NOTE: The repealed provision is restated as s. 62.69 (1). See SECTION 13 of this ~~stat.~~ bill

10 SECTION 190. 66.071 (1) (title) of the statutes is renumbered 62.69 (2) (title).

11 SECTION 191. 66.071 (1) (a) of the statutes is renumbered 62.69 (2) (c) and
12 amended to read:

13 62.69 (2) (c) ~~Water rates shall be collected in the manner and by any one whom~~
14 ~~the common council may from time to time determine determines,~~ and shall be
15 ~~accounted for and paid to such the other officials in such the manner and at such the~~
16 ~~times as the council may from time to time prescribe prescribes. Such persons~~

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

20 SECTION 192. 66.071 (1) (b) of the statutes is renumbered 62.69 (2) (a) and
21 amended to read:

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

7 **SECTION 193.** 66.071 (1) (c) to (j) of the statutes are renumbered 62.69 (2) (d)
8 to (L), and 62.69 (2) (e), (f), (g) 2. (intro.) and a., (h) and (k), as renumbered, are
9 amended to read:

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

1 (f) All water rates for water furnished to any building or premises, and the cost
2 of repairing meters, service pipes, stops or stop boxes, ~~shall be~~ are a lien on the lot,
3 part of lot or parcel of land on which ~~such~~ the building or premises ~~shall be situated~~
4 is located. If any water rates or bills for the repairing of meters, service pipes, stops
5 or stop boxes remain unpaid on ~~the first day of~~ the ¹ ~~same~~ unpaid
6 rates or bills shall be certified to the city comptroller of ~~such city~~ on or before ~~the first~~
7 ~~day of~~ the ¹ ~~next following~~ day of November ~~next following~~ and shall be placed by the comptroller upon the tax
8 roll and collected in the same manner as other taxes on real estate are collected in
9 said the city. The charge for water supplied by the city in all premises where meters
10 are attached and connected, shall be at rates fixed by the commissioner of public
11 works and for the quantity indicated by the meter. If ~~in any case~~, the commissioner
12 of public works ~~shall determine~~ determines that the quantity indicated by the meter
13 is materially incorrect or if a meter has been off temporarily ~~on account of~~ due to
14 repairs, the commissioner of public works shall ~~determine in the best manner in the~~
15 ~~commissioner's power~~ estimate the quantity used, and ~~such determination shall be~~
16 the determination is conclusive. No water rate or rates duly assessed against any
17 property ~~shall~~ may be thereafter remitted or changed except by the common council
18 of ~~such city~~. Under this paragraph, if an unpaid charge or bill is for utility service
19 furnished and metered by the waterworks directly to a mobile home unit in a licensed
20 mobile home park, the delinquent amount ~~shall become~~ is a lien on the mobile home
21 unit rather than a lien on the parcel of real estate on which the mobile home unit is
22 located. A lien on a mobile home unit may be enforced using the procedures under
23 s. 779.48 (2).

24 (g) 2. (intro.) If this paragraph applies, the commissioner of public works may
25 use par. (e) (f) to collect unpaid charges and bills incurred after the owner of a rental

1 dwelling unit has provided the commissioner of public works with written notice
2 under subd. 1. only if the commissioner of public works complies with at least one of
3 the following:

4 a. In order to comply with this subd. 2. a., the commissioner of public works
5 shall send bills for water service to a customer who is a tenant in the tenant's own
6 name. Each time that a commissioner of public works notifies a customer who is a
7 tenant that charges for water service provided by the waterworks to the customer are
8 past due for more than one billing cycle, the commissioner of public works shall also
9 serve a copy of the notice on the owner of the rental dwelling unit in the manner
10 provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental
11 dwelling unit, and the owner of the rental dwelling unit provides the commissioner
12 of public works, no later than 21 days after the date on which the tenant vacates the
13 rental dwelling unit, with a sworn affidavit that contains a forwarding address for
14 the tenant, the date that the tenant vacated the rental dwelling unit and a meter
15 reading reflecting the service for which the tenant is responsible, the commissioner
16 of public works shall continue to send past-due notices to the customer at his or her
17 forwarding address until the past-due charges are paid or until the past-due
18 charges have been certified to the comptroller under par. (e) (f).

19 (h) The city commissioner of public works ~~of a city~~ may issue a permit to the
20 county in which ~~it~~ the city is located, to any national home for disabled soldiers, or
21 to any other applicant to obtain water from the city's water system for use outside
22 of the limits of the city; and for that purpose to connect any pipe that is laid outside
23 of the city limits with water pipe in the city. No permit may be issued until the
24 applicant files with the commissioner of public works a bond in ~~such~~ ^{plain} sum and
25 with ~~such~~ ^{plain} surety as the commissioner ~~shall approve, conditioned~~ approves on the

SECTION 193

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

Set as service

1 ~~in no event ever be~~ is not liable for any damage in case of failure to supply water by
2 reason of any condition beyond its control.

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

22 **SECTION 194.** 66.071 (2) of the statutes is renumbered 62.69 (3) and amended
23 to read:

1 62.69 (3) UTILITY DIRECTORS. (a) ~~The term~~ In this subsection, "electric plant"
2 as used in this section ~~shall mean~~ means a plant for the production, transmission,
3 delivery and furnishing of electric light, heat or power directly to the public.

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

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

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

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

11 SECTION 195. 66.0711 (1) of the statutes is created to read:

12 66.0711 (1) In this section:

13 (a) "~~Municipality~~" ^{Local governmental unit} has the meaning given in s. 66.0713 (1) (c).

14 (b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

15 SECTION 196. 66.0713 (10) (title) of the statutes is created to read:

16 66.0713 (10) (title) LEGALITY OF PROCEEDINGS; CONCLUSIVE EVIDENCE.

17 SECTION 197. 66.0715 (title) of the statutes is created to read:

18 **66.0715 (title) Deferral of special assessments; payment of special**
19 **assessments in instalments.**

20 SECTION 198. 66.0715 (1) of the statutes is created to read:

21 66.0715 (1) DEFINITIONS. In this section:

22 (a) "Governing body" has the meaning given in s. 66.0713 (1) (b).

23 (b) "~~Municipality~~" has the meaning given in s. 66.0713 (1) (c).

24 (c) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

25 SECTION 199. 66.0719 (1) of the statutes is created to read:

SECTION 199

1 66.0719 (1) In this section:

2 (a) "~~Municipality~~" has the meaning given in s. 66.0713 (1) (c).

3 (b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

4 **SECTION 200.** 66.072 of the statutes is renumbered 66.0825, and 66.0825 (2) to
5 (4), (5) (a) and (b) and (6), as renumbered, are amended to read:

6 66.0825 (2) The fund of each utility district shall be provided by taxation of the
7 property in such the district, upon an annual estimate by the department in charge
8 of public works in cities and villages, and by the town chairperson in towns, filed by
9 October 1. Separate account shall be kept of each district fund.

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

14 (4) Before the vote is effective to establish, vacate, alter or consolidate a utility
15 district, a hearing shall be held as provided in s. ~~66.60 (7)~~ 66.0703 (7) (a). In towns
16 the notice may be given by posting in 3 public places in said the town, one of which
17 shall be in the proposed district, at least 2 weeks prior to such the hearing.

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

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

Local governmental unit

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

8 SECTION 201. 66.0721 (title) of the statutes is created to read:

9 **66.0721 (title) Special assessments on certain farmland for**
 10 **construction of sewerage or water system.**

11 SECTION 202. 66.0727 (4) of the statutes is created to read:

12 66.0727 (4) This section does not preclude a city, village or town from using any
 13 other lawful method to compel a railroad corporation to pay its proportionate share
 14 of a street, alley or public highway improvement.

NOTE: Restates s. 66.699, which is repealed by SECTION 507.

15 SECTION 203. 66.0729 (6) of the statutes is created to read:

16 66.0729 (6) This section does not preclude a city, village or town from using any
 17 other lawful method to compel a railroad corporation to pay its proportionate share
 18 of a street, alley or public highway improvement.

NOTE: Restates s. 66.699, which is repealed by SECTION 507.

19 SECTION 204. 66.073 of the statutes, as affected by 1997 Wisconsin ^{Acts 35 and 204} ~~Acts 35 and 204~~
 20 renumbered 66.0823, and 66.0823 (2), (3) (f), (g) and (h), (4) (a), (5) (b), (c), (e), (f) and
 21 (i), (6) (intro.), (a), (f), (g), (h) and (o), (7), (8) (a) 3. and 4., (b) and (c), (9), (10), (11),
 22 (12), (13) (intro.), (b), (d), (e), (g), (j), (k), (L), ^(M) ~~(n)~~ and (o), (14), (15), (16) (b), (17) and
 23 (18), as renumbered, are amended to read:

(M)

Acts 35 and 204
are
set

1 66.0823 (2) FINDING AND DECLARATION OF NECESSITY. It is declared that the
2 operation of electric utility systems by municipalities of this state and the
3 improvement of the systems through joint action in the fields of the generation,
4 transmission and distribution of electric power and energy is are in the public
5 interest; that there is a need in order to ensure the stability and continued viability
6 of the municipal systems to provide for a means by which municipalities which
7 operate the systems may act jointly in all ways possible, including development of
8 coordinated bulk power and fuel supply programs and efficient, community-based
9 energy systems; and that, the necessity in the public interest for the provisions
10 hereinafter enacted in this section is declared as a matter of legislative
11 determination.

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

16 (g) "Project" means any plant, works, system, facilities, and real and personal
17 property of any nature whatsoever, together with all parts thereof, and
18 appurtenances thereto, used or useful in the generation, production, transmission,
19 distribution, purchase, sale, exchange, or interchange of electric power and energy,
20 or any interest therein or right to capacity thereof and the acquisition of fuel of any
21 kind for any such these purposes, including, but not limited to, the acquisition of fuel
22 deposits and the acquisition or construction and operation of facilities for extracting
23 fuel from natural deposits, for converting it for use in another form, for burning it in
24 place, for transportation, storage and reprocessing or for any energy conservation

WFO: 2 spaces after colon.

1 measure which involves public education or the actual fitting and application of a
2 device.

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

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

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

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

SECTION 204

1 (e) The voting requirements for action by the board; ~~but, unless.~~ Unless
2 specifically provided otherwise, a majority of directors ~~shall constitute~~ constitutes a
3 quorum and a majority of the quorum ~~shall be~~ is necessary for any action taken by
4 the board.

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

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

15 (6) POWERS. ^(introd.) The general powers of an electric company ~~shall~~ include the power
16 to:

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

23 (f) Contract with any person or public agency within or outside the state, for
24 the construction of any project or for the sale or transmission of electric power and
25 energy generated by any project, or for any interest ~~therein~~ in a project or any right

1 to capacity thereof of a project, on such terms and for such ~~the~~ period of time as its
2 board of directors ~~shall determine~~ determines.

3 (g) Purchase, sell, exchange, transmit or distribute electric power and energy
4 within and outside the state in ~~such~~ the amounts ~~as it shall determine to be necessary~~
5 and appropriate to make the most effective use of its powers and to meet its
6 responsibilities, and to enter into agreements with any person or public agency with
7 respect to ~~such~~ the purchase, sale, exchange, or transmission, on ~~such~~ terms and for
8 ~~such~~ the period of time ^{that} as its board of directors ~~shall determine~~ determines. A

9 company may not sell power and energy at retail unless requested to do so by a
10 municipal member within the service area of that municipal member.

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

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

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

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

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

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

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

4 (9) SALE OF EXCESS CAPACITY. (a) An electric company may sell or exchange ^{to any other person or public agency,}
5 excess power and energy produced or owned by it not required by any of the
6 contracting municipalities for such ^{plain} consideration and ^{plain} for such ^{plain} period and upon
7 such ^{plain} terms and conditions ~~as it may determine~~ ^{PLAIN} ~~determines~~ to any other person
8 or public agency.

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

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

16 (b) Advance plans submitted by a municipal electric utility under s. 196.491
17 shall include consideration of alternatives to any proposed addition to any bulk
18 electric generating facility as defined under s. 196.491. ~~Such~~ The alternatives shall
19 include, ~~but not be limited to,~~ community-based energy systems and energy
20 conservation measures.

21 (11) TYPES OF BONDS. (a) An electric company may issue such ^{PLAIN} types of bonds
22 ~~as it may determine~~ ^{PLAIN} ~~it determines~~, subject only to any agreement with the holders
23 of particular bonds, including bonds as to which the principal and interest are
24 payable exclusively from all or a portion of the revenues from one or more projects,
25 ~~or~~ from one or more revenue producing contracts made by the company with any

1997
7
10
204

1 person or public agency, or from its revenues generally, or which may be additionally
2 secured by a pledge of any grant, subsidy, or contribution from any public agency or
3 other person, or a pledge of any income or revenues, funds, or moneys of the company
4 from any source ~~whatsoever.~~ that

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

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

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

20 (12) FORM AND SALE OF BONDS. (a) Bonds of an electric company shall be
21 authorized by resolution of the board of directors and may be issued under ~~such the~~
22 resolution or under a trust indenture or other security instrument in one or more
23 series and shall bear ~~such date or the~~ dates, mature at ~~such time or the~~ times, bear
24 interest at ~~such rate or the~~ rates, be in ~~such denomination or the~~ denominations, be
25 in the form of coupon bonds or registered bonds under s. 67.09, have ~~such the~~ rank

1 or priority, be executed in ~~such the~~ manner, be payable in ~~such the~~ medium of
2 payment, at ~~such place or the~~ places, and be subject to ~~such the~~ terms of redemption,
3 with or without premium, ~~as such the~~ resolution, trust indenture or other security
4 instrument ~~may provide~~ provides, and without limitation by the provisions of any
5 other law limiting amounts, maturities or interest rates.

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

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

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

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

17 (d) Covenant and prescribe as to events of default and terms and conditions
18 upon which any ~~or all~~ of its bonds shall become or may be declared due before
19 maturity, as to the terms and conditions upon which ~~such the~~ declaration and its
20 consequences may be waived and as to the consequences of default and the remedies
21 of bondholders.

22 (e) Covenant as to the mortgage or pledge of or the grant of a security interest
23 in any real or personal property and all or any part of the revenues from any project
24 ~~or projects~~ or any revenue producing contract or contracts made by the company with

1 any person or public agency to secure the payment of bonds, subject to ~~such~~ existing
2 agreements with the holders of bonds ~~as may then exist~~.

3 (g) Covenant as to the purposes to which the proceeds from the sale of any bonds
4 ~~then or thereafter to be issued~~ may be applied, and the pledge of ~~such~~ the proceeds
5 to secure the payment of the bonds.

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

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

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

16 (m) Covenant as to the appointing and providing for the duties and obligations
17 of a ~~paying agent or~~ one or more paying agents or other fiduciaries within or outside
18 the state. *plain space*

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

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

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

21 (15) BONDS ELIGIBLE FOR INVESTMENT. ~~Bonds issued by a company under this~~
22 ~~section are hereby made securities in which all~~ All public officers and agencies of the
23 state and ~~all political subdivisions,~~ of the state and all insurance companies, trust
24 companies, banks, savings banks, savings and loan associations, investment
25 companies, executors, administrators, trustees and other fiduciaries may properly

1 ~~and legally~~ invest funds, including capital in their control or belonging to them, in
2 bonds issued by a company under this section. ~~Such~~ The bonds are hereby made
3 ~~securities which may properly and legally~~ be deposited with and received by any
4 officer or agency of the state or any political subdivision for any purpose for which
5 the deposit of bonds or obligation of the state or any political subdivision is ~~now or~~
6 ~~may hereafter~~ be authorized by law.

7 (16) (b) The property of a company, including any proportional share of any
8 property owned by a company in conjunction with any other person or public agency,
9 is ~~declared to be~~ public property used for essential public and governmental purposes
10 and ~~such~~ the property or proportional share, a company and its income ~~shall be~~ are
11 exempt from all taxes of the state or any state public body except that for each project
12 owned or partly owned by it, a company shall make payments ~~in lieu of taxes~~ to
13 the state equal to the amount which would be paid to the state under ss. 76.01 to
14 76.26 for ~~such~~ the project or share ~~thereof~~ of the project if it were deemed to be owned
15 by a company under s. 76.02 (2). The payment shall be determined, administered
16 and distributed by the state in the same manner as the taxes paid by companies
17 under ss. 76.01 to 76.26.

18 (17) SUCCESSOR. A company shall, if the contract ^(plain) ~~so~~ provides, be the successor
19 to any nonprofit corporation, agency or any other entity ~~theretofore~~ previously
20 organized by ~~such~~ the contracting municipalities to provide the same or a related
21 function, and the company ~~shall be~~ is entitled to all rights and privileges and shall
22 assume all obligations and liabilities of the other entity under existing contracts to
23 which the other entity is a party.

24 (18) OTHER STATUTES. The powers granted under this section do not limit the
25 powers of municipalities to enter into intergovernmental cooperation or contracts or

1 to establish separate legal entities under s. ~~66.30~~ ss. 66.0301 to 66.0311 or any other
2 applicable law, or otherwise to carry out their powers under applicable statutory
3 provisions, nor ~~shall such~~ do the powers granted under this section limit the powers
4 reserved to municipalities by state law.

INS
171-4

5 **SECTION 205.** 66.074 of the statutes is repealed.

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

6 **SECTION 206.** 66.075 of the statutes is repealed.

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

7 **SECTION 207.** 66.076 (title) of the statutes is renumbered 66.0821 (title) and
8 amended to read:

9 **66.0821** (title) **Sewerage system, service charge and storm water**
10 **systems.**

11 **SECTION 208.** 66.076 (1) of the statutes, as affected by 1997 Wisconsin ^{Acts and 213} ~~Act~~ 53,
12 is renumbered 66.0821 (2) (a) and amended to read:

13 66.0821 (2) (a) ^{h.} In addition to all other methods provided by law, any a
14 municipality may construct, acquire or lease, extend or improve any plant and
15 equipment within or without its corporate limits for the collection, transportation,
16 storage, treatment and disposal of sewage or storm water and surface water,
17 including the necessary lateral, main and interceptor sewers necessary in connection
18 therewith, and any a town, village or city may arrange for such the service to be
19 furnished by a metropolitan sewerage district or joint sewerage system. Except as
20 provided in s. 66.60 (6m), payment for ~~the project~~ ^{(of such projects} ~~may be provided~~
21 from the general fund, from taxation, special assessments, sewerage service charges,

WFO
171-4

1 or from the proceeds of either municipal obligations, revenue bonds or from any
2 combination of these enumerated methods of financing.

NOTE: The deleted sentence is restated as s. 66.0813 (3) (a) by SECTION 237.

Handwritten notes: A circle containing "INS, 172-2" with an arrow pointing to line 3.

3 SECTION 209. 66.076 (1m) of the statutes is renumbered 66.0821 (1) (a) and
4 amended to read: *intro.*

5 66.0821 (1) (a) In this section, *intro.* "municipality" means *intro.* any a town, village, city
6 or metropolitan sewerage district created under ss. ~~66.20~~ 200.01 to ~~66.26~~ 200.15 or
7 under ss. 66.88 200.21 to ~~66.918~~ 200.65.

8 SECTION 210. 66.076 (2) of the statutes is renumbered 66.0821 (3) (b) and
9 amended to read:

10 66.0821 (3) (b) ~~Where payment~~ If funding under par. (a) in whole or in part is
11 ~~made~~ by the issue and sale of revenue bonds, the payments shall be made as provided
12 in s. ~~66.066~~. ~~The provisions of s. 66.066 which are~~ 66.0621 to the extent not
13 ~~inconsistent with this section are made a part of this section. The term, In this~~
14 paragraph, "public utility" as used in s. 66.066 shall for this purpose include 66.0621
15 includes the sewerage system, accessories, equipment and other property, including
16 land. The mortgage or revenue bonds or mortgage certificates ~~shall do not~~ constitute
17 an indebtedness of the municipality ~~but shall and may~~ be secured only by the
18 sewerage system and its revenue, and the franchise provided for in this section.

19 SECTION 211. 66.076 (3) of the statutes is renumbered 66.0821 (6) and amended
20 to read:

21 66.0821 (6) ~~In the event of~~ If there is a sale of the mortgaged sewerage system
22 premises on a judgment of foreclosure and sale, the price paid for the ~~same shall~~
23 premises may not exceed the amount of the judgment and the costs of sale to and
24 including the recording of the sheriff's deed. The purchaser on the foreclosure sale

1 may operate and maintain said the sewerage system and collect sewerage service
2 charges, and for that purpose ~~shall be is~~ deemed to have a franchise from the
3 municipality. The term “purchaser” ~~shall include~~ includes the purchaser’s
4 successors or assigns. The rates to be charged, in addition to the contributions, if any,
5 which the municipality has obligated itself to make toward the capital or operating
6 costs of the plant, shall be sufficient to meet the requirements of operation,
7 maintenance, repairs, depreciation, interest and an amount sufficient to amortize
8 the judgment debts and all additional capital costs which the purchaser contributes
9 to the plan over a period not exceeding 20 years, ~~and in.~~ In addition to the foregoing,
10 the purchaser of the premises ~~shall be entitled to~~ may earn a reasonable amount, as
11 determined by the public service commission, on the actual amount of the
12 purchaser’s investment in the premises represented by the purchase price of the
13 premises, plus any additions made to the ~~same~~ investment by the purchaser or minus
14 any payments made by the municipality on account of ~~such~~ the investments. The
15 municipality may ~~at any time~~ by payment reduce ~~such~~ the investment of the
16 purchaser and after full payment of the purchase price plus the cost of subsequent
17 improvements the premises shall revert to the municipality. ~~So long as~~ While the
18 premises are owned by the private purchaser, the ~~same~~ premises shall be considered
19 a public utility and be are subject to ch. 196 ~~so far as~~ to the extent applicable.

20 **SECTION 212.** 66.076 (4) of the statutes is renumbered 66.0821 (4) (a) and
21 amended to read:

22 66.0821 (4) (a) The governing body of the municipality may establish sewerage
23 service charges in ~~such~~ an amount as to meet all or part of the requirements for the
24 construction, reconstruction, improvement, extension, operation, maintenance,
25 repair and depreciation of the sewerage system, and for the payment of all or part

SECTION 212

1 of the principal and interest of any indebtedness incurred ~~thereof~~ for those purposes,
2 including the replacement of funds advanced by or paid from the general fund of the
3 municipality. Service charges made by a metropolitan sewerage district to any town,
4 village or city shall ~~in turn~~ be levied by ~~such~~ the town, village or city against the
5 individual sewer system users within the corporate limits of ~~such~~ the municipality,
6 and the ~~responsibility for collecting such~~ municipality shall collect the charges and
7 promptly ~~remitting same~~ remit them to the metropolitan sewerage district ~~shall lie~~
8 ~~with such municipality~~. Delinquent charges shall be collected in accordance with
9 sub. (7) (4)(c).

10 **SECTION 213.** 66.076 (5) (a) of the statutes, as affected by 1997 Wisconsin Act
11 53, is renumbered 66.0821 (4) (b) and amended to read:

12 66.0821 (4) (b) For the purpose of making equitable charges for all services
13 rendered by the sanitary sewerage system to the municipality or to citizens,
14 corporations and other users, the property benefited ~~thereby~~ by the system may be
15 classified, taking into consideration the volume of water, including surface or drain
16 waters, the character of the sewage or waste and the nature of the use made of the
17 sewerage system, including the sewage disposal plant. The charges may also include
18 standby charges to property not connected but for which ~~such~~ sewerage system
19 facilities have been made available.

20 **SECTION 214.** 66.076 (5) (b) of the statutes, as ~~affected~~ *created* by 1997 Wisconsin Act
21 53, is renumbered 66.0821 (4) (c).

22 **SECTION 215.** 66.076 (6) of the statutes is renumbered 66.0821 (3) (c) and
23 amended to read:

24 66.0821 (3) (c) Any municipality may pledge, assign or otherwise hypothecate
25 the net earnings or profits derived or to be derived from a sewerage system to secure

1 the payment of the costs of purchasing, constructing or otherwise acquiring a
2 sewerage system or any part thereof of a sewerage system, or for extending or
3 improving such the sewerage system, in the manner provided in s. 66.066 (4) as the
4 same has been and from time to time may be amended or recreated 66.0621 (5).

5 SECTION 216. 66.076 (7) of the statutes is renumbered 66.0821 (4) (c) and
6 amended to read:

7 66.0821 (4) (c) Sewerage service charges shall be collected and taxed and shall
8 be a lien upon the property served in the same manner as water rates are taxed and
9 collected under s. 66.069 (1) or 66.071 (1) (e), so far as ~~66.0809~~ or 62.69 (2) (f) to the
10 extent applicable, except that charges of a metropolitan sewerage district created
11 under ss. 66.88 200.21 to 66.918 200.65 shall be assessed and collected as provided
12 in s. 66.91 ~~200.55~~ (5) plain

13 SECTION 217. 66.076 (8) of the statutes is renumbered 66.0821 (2) (b) and
14 amended to read:

15 66.0821 (2) (b) The governing body of any a municipality, and the officials in
16 charge of the management of the sewerage system as well as other officers of the
17 municipality, shall be are governed in the discharge of their powers and duties under
18 this section by s. 66.069 ss. 66.0809 to ~~66.0731~~ ^{66.0813} or 66.071 (1) (e), which are hereby
19 ~~made a part of this section so far as applicable and not inconsistent herewith~~ 62.69
20 (2) (f), to the extent consistent with this section, or, in the case of a metropolitan
21 sewerage district created under ss. 66.88 200.21 to 66.918 200.65, by ss. 66.91 200.55
22 and ~~66.912~~ 200.59.

23 SECTION 218. 66.076 (9) of the statutes, as affected by 1997 Wisconsin Act 53,
24 is renumbered 66.0821 (5) (a) and amended to read:

1 66.0821 (5) (a) If ~~any a~~ user of a service complains to the public service
2 commission that rates, rules and practices are unreasonable or unjustly
3 discriminatory, or if a holder of a mortgage or revenue bond or mortgage certificate
4 or other evidence of debt, secured by a mortgage on the sewerage system or any part
5 thereof of the system or pledge of the income of sewerage service charges, complains
6 that rates are inadequate, the public service commission shall investigate the
7 complaint. If there appears to be sufficient cause for the complaint, the commission
8 shall set the matter for a public hearing upon 10 days' notice to the complainant and
9 the town, village or city. After the hearing, if the public service commission
10 determines that the rates, rules or practices complained of are unreasonable or
11 unjustly discriminatory, it shall determine and by order fix reasonable rates, rules
12 and practices and ~~shall may~~ make ~~such any~~ other order respecting the complaint as
13 ~~may be that is~~ just and reasonable, including, in the case of standby charges imposed
14 under sub. ~~(5) (b)~~ ^{(4) (c)}, an order that a municipality refund to the user any amount of the
15 standby charges that have been collected if the user has filed a complaint with the
16 public service commission not later than 60 days after receiving a notice of charge
17 that relates to an increased standby charge. The proceedings under this ~~subsection~~ ^{paragraph}
18 shall be ~~are~~ governed, as far as to the extent applicable, by ss. 196.26 to 196.40. The
19 commission shall bill any expense of the commission attributable to a proceeding
20 under this ~~subsection~~ ^{paragraph} to the town, village or city under s. 196.85 (1).

21 **SECTION 219.** 66.076 (10) of the statutes is renumbered 66.0821 (5) (b) and
22 amended to read:

23 66.0821 (5) (b) Judicial review of the a determination of the public service
24 commission under par. (a) may be had by any person aggrieved in the manner
25 prescribed in ch. 227.

1 **SECTION 220.** 66.076 (11) of the statutes, as affected by 1997 Wisconsin Act 53,
2 is renumbered 66.0821 (1) (b) and amended to read:

3 66.0821 (1) (b) ~~The word in this section, "sewerage" as used in this section shall~~
4 ~~be considered~~ ^{"Sewerage"} is a comprehensive term, including all constructions for collection,
5 transportation, pumping, treatment and final disposition of sewage or storm water
6 and surface water.

7 **SECTION 221.** 66.076 (12) of the statutes is renumbered 66.0821 (7) and
8 amended to read:

9 66.0821 (7) The authority ~~hereby given shall be~~ under this section is in addition
10 to any power which municipalities ~~now~~ otherwise have with respect to sewerage or
11 sewage disposal. Nothing in this section shall be construed as restricting or
12 interfering with any powers and duties of the department of health and family
13 services as prescribed by law.

14 **SECTION 222.** 66.077 of the statutes is renumbered 66.0819 and amended to
15 read:

16 **66.0819 Combining water and sewer utilities.** (1) ~~Any~~ A town, village, or
17 city of the ~~fourth~~ class may construct, acquire, or lease, or extend and improve, a
18 plant and equipment within or without its corporate limits for the furnishing of
19 water to the municipality or to its inhabitants, and for the collection, treatment, and
20 disposal of sewage, including the lateral, main and intercepting sewers, and all
21 necessary equipment ~~necessary in connection therewith.~~ ^{Such} The plant and
22 equipment, whether the structures and equipment for the furnishing of water and
23 for the disposal of sewage ~~shall be~~ are combined or separate, may by ordinance be
24 constituted a single public utility.

1 (2) The provisions of this chapter and chs. 196 and 197 relating to a water
2 system, including, ~~but not limited to,~~ those provisions relating to the regulation of
3 a water system by the public service commission, ~~shall~~ apply to a consolidated water
4 and sewage disposal system as a single public utility. In prescribing rates,
5 accounting and engineering practices, extension rules, service standards or other
6 regulations for a consolidated water and sewage disposal system, the public service
7 commission shall treat the water system and the sewage disposal system separately,
8 unless the commission finds that the public interest requires otherwise.

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

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

14 **SECTION 223.** 66.078 of the statutes is renumbered 66.0623 and amended to
15 read:

16 **66.0623 Refunding village, town, sanitary and inland lake district**
17 **bonds.** Any A village, town, town sanitary district established under s. 60.71 (1) or
18 public inland lake protection and rehabilitation district established under ch. 33
19 which has undertaken to construct a combined sewer and water system and issued
20 revenue bonds payable from the combined revenues of the system and which is
21 unable to provide sufficient funds to complete the construction of the system and to
22 meet maturing principal of the revenue bonds, may, with the consent of all of the
23 holders of noncallable bonds, refund all or any part of its outstanding indebtedness,
24 including revenue bonds, by issuing term bonds maturing in not more than 20 years,

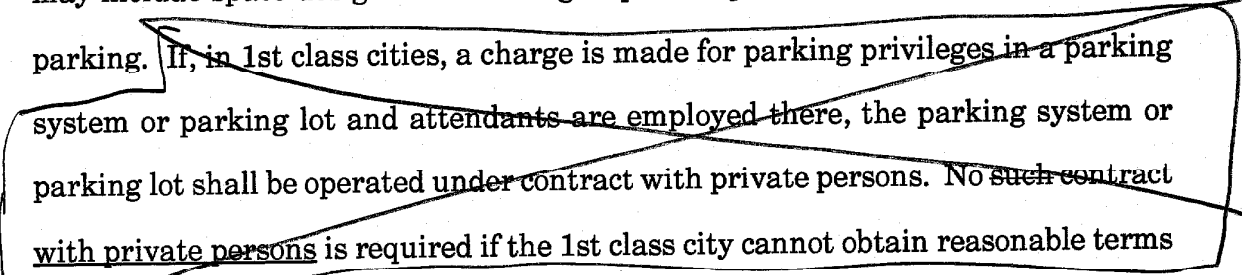
1 payable solely from the revenues of the combined sewer and water system and
 2 redeemable at par on any interest payment date. ~~Such~~ The bonds may be issued as
 3 provided in s. ~~66.066~~ 66.0621 (2) and shall pledge income from hydrant rentals and
 4 all sewer and water charges and may contain any covenants authorized by law,
 5 except if bonds are issued under this section to refund floating indebtedness, the
 6 bonds shall be are subject to the prior lien and claim of all bonds issued to refund
 7 revenue bonds issued prior to the refunding.

as affected by 1997 Wisconsin Act 56,

8 **SECTION 224.** 66.079 of the statutes ~~is~~ ^{is} renumbered 66.0827 and amended to
 9 read:

10 **66.0827 Parking systems. (1)** ~~Any~~ A city, village or town ~~without necessity~~
 11 ~~of a referendum~~ may purchase, acquire, rent from a lessor, construct, extend, add to,
 12 improve, conduct, operate or rent to a lessee a municipal parking system for the
 13 parking of vehicles, including parking lots and other parking facilities, upon its
 14 public streets or roads or public grounds and issue revenue bonds to acquire funds
 15 for any one or more of these purposes. The parking lots and other parking facilities
 16 may include space designed for leasing to private persons for purposes other than
 17 parking. ~~If, in 1st class cities, a charge is made for parking privileges in a parking~~
 18 ~~system or parking lot and attendants are employed there, the parking system or~~
 19 ~~parking lot shall be operated under contract with private persons. No such contract~~
 20 ~~with private persons is required if the 1st class city cannot obtain reasonable terms~~
 21 ~~and conditions.~~ The provisions of s. ~~66.066~~ 66.0621 governing the issuance of
 22 revenue bonds apply, ~~so far as to the extent~~ to the extent applicable, to revenue bonds issued under
 23 this subsection. The municipal parking systems are public utilities under article XI,
 24 section 3, of the constitution. Revenue Principal and interest of revenue bonds issued
 25 under this subsection are payable solely, ~~both principal and interest,~~ from the

Proof of Focus



Handwritten notes: "KOUO" and a bracketed mark on the left margin.

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

revenues to be derived from the parking system, including without limitation revenues from parking meters or other parking facilities. Any revenue derived from ~~any a~~ facility financed by a revenue bond issued under this subsection ~~shall~~ may be used only to pay the principal and interest of that revenue bond, except that after the principal and interest of that revenue bond have been paid in full the revenue derived from the facility may be used for any purpose.

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

(a) The cost of constructing any parking system or facility, including the cost of the land, may be assessed against a benefited area, ~~such the~~ benefited area and assessments to be determined in the manner prescribed by either subch. II of ch. 32 or s. ~~66.60~~ 66.0703, except that the number of annual instalments in which ~~such the~~ assessment is payable ~~shall~~ may not exceed 20.

(b) The cost of operating and maintaining any parking system or facility may be assessed not more than once in each calendar year against all property in a benefited area, ~~such the~~ area and ~~such~~ assessments to be determined in the manner prescribed by either subch. II of ch. 32 or by s. ~~66.60~~ 66.0703. ~~Such~~ The costs may include a payment in lieu of taxes, operating, maintenance and replacement costs, and interest on any unpaid capital cost. ✓

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

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

1 (2) Sections 66.0803 to 66.0823 do not deprive the office of the commissioner
 2 of railroads, department of transportation or public service commission of any power
 3 under ss. 195.05 and 197.01 to 197.10 and ch. 196.

NOTE: Restates a portion of s. 66.06, repealed by this ~~draft~~ bill, and provides a definition of "municipal public utility" for purposes of the subchapter. The current provision stating that the phrase "resolution or ordinance", when used in specified sections, means ordinances only is deleted as unnecessary.

4 SECTION 228. 66.0805 (1) of the statutes is created to read:

5 66.0805 (1) Except as provided in sub. (6), the governing body of a city shall,
 6 and the governing body of a village or town may, provide for the nonpartisan
 7 management of a municipal public utility by creating a commission under this
 8 section. The board of commissioners, under the general control and supervision of
 9 the governing body, shall be responsible for the entire management of and shall
 10 supervise the operation of the utility. The governing body shall exercise general
 11 control and supervision of the commission by ~~enacting~~ ^{enacting} ordinances governing
 12 the commission's operation. The board shall consist of 3, 5 or 7 commissioners.

NOTE: 1. Restates s. 66.068 (1), repealed by SECTION 171.

2. Provides that the "general control and supervision" of the utility commission by the municipal governing body is by means of ordinance governing the commission's operation. Previous law was silent on the issue.

13 SECTION 229. 66.0807 (1) of the statutes is created to read:

14 66.0807 (1) In this section, "privately owned public utility" includes a
 15 cooperative association organized under ch. 185 for the purpose of producing or
 16 furnishing utility service to its members only.

NOTE: By adding cooperatives to the definition of "privately owned public utility" (cooperatives are otherwise excluded from the definition of "public utility"; see ss. 196.01 (5) and 66.0801 (1) (b), the latter created by this ~~draft~~ bill), municipalities are authorized to enter into a joint operation agreement with a cooperative. See, also, SECTION 162.

17 SECTION 230. 66.081 of the statutes is repealed.

NOTE: Repeals an archaic provision of the statutes relating to the recording of orders and court certificates drawn on a municipal treasurer.

1 SECTION 231. 66.0811 (title) of the statutes is created to read:

2 66.0811 (title) **Municipal public utility revenues.**

3 SECTION 232. 66.0813 (title) of the statutes is created to read:

4 66.0813 (title) **Provision of utility service outside of municipality by**
5 **municipal public utility.**

6 ~~SECTION 233. 66.0813 (1) (title) of the statutes is created to read:~~

7 ~~66.0813 (1) (title) DEFINITIONS.~~

8 SECTION 234. 66.0813⁰⁸²¹ (1) (intro.) of the statutes is created to read:

9 66.0813⁰⁸²¹ (1) (intro.) In this section:

10 SECTION 235. 66.0813⁰⁸²¹ (2) (title) of the statutes is created to read:

11 66.0813⁰⁸²¹ (2) (title) GENERAL AUTHORITY.

12 SECTION 236. 66.0813 (3) (title) of the statutes is created to read:

13 66.0813 (3) (title) FUNDING.

14 SECTION 237. 66.0813 (3) (a) of the statutes is created to read:

15 66.0813⁰⁸²¹ (3) (a) Except as provided in s. ~~66.0824~~^{66.0721}, all or a portion of the cost of
16 exercising the authority under sub. (2) may be funded, to the extent applicable, from
17 the municipality's general fund, by taxation, special assessment or sewerage service
18 charges, by municipal obligations or revenue bonds or from any combination of these
19 sources.

NOTE: Restates language deleted from current s. 66.076 (1) by SECTION 208.

20 SECTION 238. 66.0813⁰⁸²¹ (4) (title) of the statutes is created to read:

21 66.0813⁰⁸²¹ (4) (title) SERVICE CHARGES.

22 SECTION 239. 66.0813⁰⁸²¹ (5) (title) of the statutes is created to read:

23 66.0813 (5) (title) UNREASONABLE OR DISCRIMINATORY RATES, RULES AND PRACTICES.

*as affected by
1997 Wisconsin
Act 213,*

1 SECTION 240. 66.0818⁰⁸²¹ (6) (title) of the statutes is created to read:

2 66.0818⁰⁸²¹ (6) (title) FORECLOSURE SALE.

3 SECTION 241. 66.0818⁰⁸²¹ (7) (title) of the statutes is created to read:

4 66.0818⁰⁸²¹ (7) (title) RELATION TO OTHER AUTHORITY.

and (3)(c)

5 SECTION 242. 66.082 of the statutes is renumbered 66.0419, and 66.0419 (2) (e)

6 as renumbered, ^{are} amended to read:

7 66.0419 (2) (e) "Franchise fee" means any fee, assessment or other
8 compensation which a municipality requires a cable operator to pay, with respect to
9 the operation of cable television systems, solely because of the cable operator's status
10 as such, and includes any compensation required under s. 66.045 66.0425.

INS.
184-10

11 SECTION 243. 66.083 (title) of the statutes is renumbered 66.0423 (title).

12 SECTION 244. 66.083 of the statutes is renumbered 66.0423 (2) and amended
13 to read:

14 66.0423 (2) Cities and [↓]villages and [↓]towns ^{enacted} not subject to an ordinance ~~amended~~
15 under s. 59.55 (4), may, by ordinance, regulate the retail sales, other than auction
16 sales, made by transient merchants, as defined in s. 130.065 (1m), 1987 stats., and
17 provide penalties for violations of those ordinances.

NOTE: Authorizes a town that is not subject to a county ordinance regulating retail sales, other than auction sales, made by transient merchants to regulate these sales by its own ordinance. Also ^{see} the definitions in 66.0423(1), bill SECTION 103 ^{CS}

CS
auto ref.

18 SECTION 245. 66.085 of the statutes is renumbered 66.0421, and 66.0421 (1) (a)

19 and (b) and (4), as renumbered, are amended to read:

20 66.0421 (1) (a) "Cable operator" has the meaning given in s. 66.082 66.0419 (2)

21 (b).

22 (b) "Cable service" has the meaning given in s. 66.082 66.0419 (2) (c).

1 (4) REPAIR RESPONSIBILITY. A cable operator shall be is responsible for any
2 repairs to a building required because of the construction, installation, disconnection
3 or servicing of facilities to provide cable service.

4 SECTION 246. 66.09 (title), (1), (2), (3) and (4) of the statutes are renumbered
5 66.0117 (title) and (2) to (5) and amended to read:

6 (6) 66.0117 (title) Judgment against municipalities, etc.

(b) local governmental units

7 (2) (a) When If a final judgment for the payment of money shall be is recovered
8 against a town, village, city, county, school district, technical college district, town
9 sanitary district, public inland lake protection and rehabilitation district or
10 community center ~~municipality~~ or against any an officer thereof, in any action by or
11 against the officer in the officer's name of office, of the ~~municipality~~ when the
12 judgment should is to be paid by such ~~the~~ municipality, the judgment creditor, or the
13 judgment creditor's assignee or attorney, may file a statement with the clerk of
14 circuit court a certified transcript of the judgment, together with the judgment
15 creditor's affidavit of payments made, if any, and the amount due and that the
16 judgment has not been appealed from or removed to another court, or if so appealed
17 or removed has been affirmed. The clerk of circuit court shall send a copy of the
18 statement to the appropriate municipal clerk.

local governmental unit
plain
the municipality
plain

19 (b) The If a statement is filed under par. (a), the amount due, with costs and
20 interest to the time when the money will be available for payment, shall be added to
21 the next tax levy, and shall, when received, be paid to satisfy the judgment. If the
22 judgment is appealed after filing the transcript with the clerk of circuit court, and
23 before the tax is collected, the money shall not be collected on that levy. If the
24 municipal clerk of circuit court fails to include the proper amount in the first tax levy,

1 he or she shall include it or ~~such~~ the portion ~~as is~~ required to complete it in the next
2 levy.

3 (3) In the case of school districts, town sanitary districts, or public inland lake
4 protection and rehabilitation districts ~~or community centers, transcript and affidavit~~
5 a statement shall be filed with the clerk of the town, village or city in which the
6 district or any part of it lies, and levy shall be made against the taxable property of
7 the district ~~or center~~.

8 (4) No process for the collection of ~~such~~ a judgment shall issue until after the
9 time when the money, [✓] if collected upon the first tax levy ~~as herein provided, would~~
10 be under sub. (2) (b), [✓] is available for payment, and then only by leave of court upon
11 motion.

12 (5) If by reason of dissolution or other cause, pending action, or after judgment,
13 ~~the transcript~~ a statement cannot be filed with the clerk ~~therein designated~~
14 described in sub. (2) (a) or (3), it shall be filed with the clerk or clerks whose duty it
15 is to make up the tax roll for the property liable.

16 SECTION 247. Subchapter IX (title) of chapter 66 [precedes 66.0901] of the
17 statutes is created to read:

18 CHAPTER 66

19 SUBCHAPTER IX

20 PUBLIC WORKS AND PROJECTS

21 SECTION 248. 66.091 of the statutes is renumbered 893.81.

22 SECTION 249. 66.092 of the statutes is renumbered 66.0409.

23 SECTION 250. 66.0923 (5) of the statutes is created to read:

*INS
149-X
move from
P. 149, ll. 8-10*

1 66.0923 (5) AUDITORIUM BOARD. (a) The ordinance shall provide for the
2 establishment of a joint county-city auditorium board to be composed of all of the
3 following:

4 1. The mayor or chief executive of the city, and the chairperson of the county
5 board, who shall serve as members of the board during their respective terms of
6 office.

7 2. Four members to be appointed by the county board chairperson and
8 confirmed by the county board.

9 3. Four members to be appointed by the mayor or other chief executive officer
10 of the city and confirmed by the city council.

11 (b) Under par. (a) 2. and 3., the initial term of one member shall be one year,
12 the initial term of one member shall be 2 years, the initial term of one member shall
13 be 3 years and the initial term of one member shall be 4 years. The respective
14 successors of the members under par. (a) 2. and 3. shall be appointed and confirmed
15 for terms of 4 years. All appointees shall serve until their successors are appointed
16 and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be
17 filled for the unexpired term in the manner in which the original appointment was
18 made.

19 (c) The mayor or chief executive of the city, and the county board chairperson,
20 each may appoint not more than 2 public officials to the board under par. (a).

21 **SECTION 251.** 66.0927 (1) (am) of the statutes is created to read:

22 66.0927 (1) (am) "Hospital" means a general county-city hospital.

23 **SECTION 252.** 66.10 of the statutes is repealed.

NOTE: Repealed as unnecessary. This section provides alternative means of
publication when ss. 66.01 to 66.08 require publication in the official paper of a
municipality other than a city and there is no official newspaper. Chapter 985,

relating to publication of legal notices, covers the subject matter of the repealed section.

1 SECTION 253. Subchapter X (title) of chapter 66 [precedes 66.1001] of the
2 statutes is created to read:

3 CHAPTER 66

4 SUBCHAPTER X

5 PLANNING, HOUSING AND TRANSPORTATION

6 SECTION 254. 66.1003 (1) of the statutes is created to read:

7 66.1003 (1) In this section, "public way" means all or any part of a road, street,
8 slip, pier, lane or paved alley.

9 SECTION 255. 66.1019 (title) of the statutes is created to read:

10 66.1019 (title) **Housing codes to conform to state law.**

11 SECTION 256. 66.11 of the statutes is renumbered 66.0501, and 66.0501 (1), (2)
12 and (3), as renumbered, are amended to read:

13 66.0501 (1) DEPUTY SHERIFFS AND MUNICIPAL POLICE. No person ~~shall~~ may be
14 appointed deputy sheriff of any county or police officer for any city, village or town
15 unless that person is a citizen of the United States. This section ~~shall~~ does not affect
16 apply to common carriers, nor apply or to a deputy sheriff not required to take an oath
17 of office.

18 (2) ELIGIBILITY OF OTHER OFFICERS. Except as expressly authorized by statute,
19 no member of a town, village or county board, or city council, ~~shall~~ during the term
20 for which the member is elected, ~~be~~ is eligible for any office or position which during
21 ~~such~~ that term has been created by, or the selection to which is vested in, ~~such~~ the
22 board or council, but ~~such~~ the member ~~shall be~~ is eligible for any elective office. The
23 governing body may be represented on city, village or town boards and commissions

WPO: hard return

plain strike

1 where no additional ~~remuneration compensation, except a per diem~~, is paid ~~such~~^{to} ~~the~~
2 representatives of the governing body and may fix the tenure of such ~~these~~
3 representatives notwithstanding any other statutory provision. A representative of
4 a governing body who is a member of a city, village or town board or commission may
5 receive a per diem only if the remaining members of the board or commission may
6 receive a per diem. This subsection shall does not apply to a member of any such
7 board or council described in this subsection who resigns from said ~~the~~ board or
8 council before being appointed to an office or position which was not created during
9 the member's term in office.

10 (3) APPOINTMENTS ON CONSOLIDATION OF OFFICES. Whenever offices are
11 consolidated, the occupants of which are members of the same statutory committee
12 or board and which are serving in that office because of holding another office or
13 position, the common council or village board may designate another officer or
14 officers or make ~~such~~ any additional appointments as may be necessary to procure
15 the number of committee or board members provided for by statute.

NOTE: Amends the prohibition, in sub. (2), of payment of additional remuneration to a representative of a governing body who sits on a city, village or town board or commission. The amendment provides that a representative of a governing body who is a member of a city, village or town board or commission may receive a per diem if the remaining members of the board or commission also may receive a per diem.

16 SECTION 257. Subchapter XI (title) of chapter 66 [precedes 66.1101] of the
17 statutes is created to read:

18 CHAPTER 66

19 SUBCHAPTER XI

20 DEVELOPMENT

21 SECTION 258. 66.111 of the statutes is repealed.

NOTE: Repeals s. 66.111, relating to allowing the same fee to other officers when a fee is allowed to one officer for the performance of the same services. This provision is not necessary because fees generally are no longer part of the salary structure for municipal officers.

1 SECTION 259. 66.113 of the statutes is renumbered 66.0515 and amended to
2 read:

3 **66.0515 Receipts for fees.** Every officer or employe upon receiving fees for
4 ~~any official duty or service~~ shall, if ~~required~~ ^{requested to do so} by the person paying the same fees,
5 deliver to ~~the person paying a particular receipted account of such~~ ^{That} the fees, specifying ^{a receipt for}
6 for what they ^{which account each portion of the fees} respectively accrued; and if the officer fails to do so the officer shall be
7 liable to the party paying the same for 3 times the amount paid.

NOTE: Renumbers and amends s. 66.113 to provide that a municipal employe, as well as an officer, must supply a receipt for any fee received when requested to do so by the person paying the fee. The penalty for failure to supply a receipt is eliminated; violations may be prosecuted under s. 946.12, relating to misconduct in public office.

8 SECTION 260. 66.114 of the statutes is renumbered 66.0111, and 66.0111 (title),
9 (1), (2) and (4), as renumbered, are amended to read: or cash deposit ^B

10 ^B 66.0111 (title) **Bail Bond under municipal ordinances.** (1) When any If
11 a person is arrested for the violation of a city, village or town ordinance and the action
12 is to be in circuit court, the chief of police or police officer designated by the chief,
13 marshal or clerk of court may accept from the person a bond, in an amount not to
14 exceed the maximum penalty for the violation, with sufficient sureties, or ~~the~~
15 ~~person's personal bond upon depositing the amount thereof in money~~ a cash deposit,
16 for appearance in the court having jurisdiction of the offense. A receipt shall be
17 issued therefor for the bond or cash deposit.

18 (2) (a) If the person ~~so arrested and released~~ fails to appear, personally or by
19 an authorized attorney or agent, before the court at the time fixed for hearing of the
20 case, ~~then the bond and money deposited, or such portion thereof as~~ an amount the

grammar

That

1 court ~~may determine~~ determines to be an adequate penalty, plus costs, including any
2 applicable fees prescribed in ch. 814, may be declared forfeited by the court or may
3 be ordered applied ~~upon~~ to the payment of any penalty which ~~may be~~ is imposed after
4 an ex parte hearing, together with the costs. In either event, ~~the~~ any surplus, ~~if any,~~
5 shall be refunded to the person who made the deposit.

6 (b) ~~The provisions of this~~ This subsection shall does not apply to violations of
7 parking ordinances. Bond ~~on bail~~ cash deposit given for appearance to answer a
8 charge under any ~~such~~ parking ordinance may be forfeited in the manner determined
9 by the governing body.

10 (4) This section ~~shall~~ does not apply to ordinances enacted under ch. 349.

NOTE: Reference to "bail" is deleted and replaced by reference to "cash deposit".
This is consistent with other statutes dealing with municipal ordinances, which
generally do not use the term "bail", but rather refer to "cash deposit" or a
variation of that term.

11 **SECTION 261.** 66.115 of the statutes is renumbered 66.0109 and amended to
12 read:

13 **66.0109 Penalties under county and municipal ordinances.** ~~Where~~ If a
14 statute requires that the penalty under any county or municipal ordinance ~~shall~~
15 conform to the penalty provided by statute ~~such~~ the ordinance may impose only a
16 forfeiture and may provide for imprisonment ~~in ease~~ if the forfeiture is not paid.

17 **SECTION 262.** 66.117 of the statutes is renumbered 66.0115.

18 **SECTION 263.** 66.119 of the statutes, as affected by 1997 Wisconsin Act 27, is
19 renumbered 66.0113, and 66.0113 (1) (a) (intro.) and (b) 5., (3) (a), (c) and (d) and (4),
20 as renumbered, are amended to read:

21 66.0113 (1) (a) (intro.) ~~The~~ Except as provided in sub. (5), the governing body
22 of ~~any~~ a county, town, city, village, town sanitary district or public inland lake
23 protection and rehabilitation district may by ordinance adopt and authorize the use

1 of a citation under this section to be issued for violations of ordinances, including
2 ordinances for which a statutory counterpart exists.

3 (b) 5. A designation of the offense in ~~such a manner as~~ that can be readily
4 understood by a person making a reasonable effort to do so.

5 (3) (a) The person named as the alleged violator in a citation may appear in
6 court at the time specified in the citation or may mail or deliver personally a cash
7 deposit in the amount, within the time and to the court, clerk of court or other official
8 specified in the citation. If a person makes a cash deposit, the person may
9 nevertheless appear in court at the time specified in the citation, ~~provided that~~ but
10 the cash deposit may be retained for application against any forfeiture, restitution,
11 penalty assessment, jail assessment, crime laboratories and drug law enforcement
12 assessment or domestic abuse assessment that may be imposed.

13 (c) If the alleged violator makes a cash deposit and fails to appear in court, the
14 citation may serve as the initial pleading and the violator shall be considered to have
15 tendered a plea of no contest and submitted to a forfeiture, the penalty assessment
16 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime
17 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
18 applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the
19 amount of the deposit. The court may either accept the plea of no contest and enter
20 judgment accordingly or reject the plea. If the court finds the violation meets the
21 conditions in s. 800.093 (1), the court may summon the alleged violator into court to
22 determine if restitution shall be ordered under s. 800.093. If the court accepts the
23 plea of no contest, the defendant may move within 10 days after the date set for the
24 appearance to withdraw the plea of no contest, open the judgment and enter a plea
25 of not guilty if the defendant shows to the satisfaction of the court that the failure

1 to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea
2 of no contest is accepted and not subsequently changed to a plea of not guilty, no costs
3 or fees may be taxed against the violator, but a penalty assessment, a jail assessment,
4 a crime laboratories and drug law enforcement assessment and, if applicable, a
5 domestic abuse assessment shall be assessed. If the court rejects the plea of no
6 contest, an action for collection of the forfeiture, penalty assessment, jail assessment,
7 crime laboratories and drug law enforcement assessment and any applicable
8 domestic abuse assessment may be commenced. A city, village, town sanitary district
9 or public inland lake protection and rehabilitation district may commence action
10 under s. ~~66.12~~ [✓] 66.0114 (1) and a county or town may commence action under s.
11 778.10. The citation may be used as the complaint in the action for the collection of
12 the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
13 enforcement assessment and any applicable domestic abuse assessment.

14 (d) If the alleged violator does not make a cash deposit and fails to appear in
15 court at the time specified in the citation, the court may issue a summons or warrant
16 for the defendant's arrest or consider the nonappearance to be a plea of no contest
17 and enter judgment accordingly if service was completed as provided under par. (e)
18 or the county, town, city, village, town sanitary district or public inland lake
19 protection and rehabilitation district may commence an action for collection of the
20 forfeiture, penalty assessment, jail assessment and crime laboratories and drug law
21 enforcement assessment and any applicable domestic abuse assessment. A city,
22 village, town sanitary district or public inland lake protection and rehabilitation
23 district may commence action under s. ~~66.12~~ [✓] 66.0114 (1) and a county or town may
24 commence action under s. 778.10. The citation [✓] 66.0114 may be used as the complaint in the
25 action for the collection of the forfeiture, penalty assessment, jail assessment and

1 crime laboratories and drug law enforcement assessment and any applicable
2 domestic abuse assessment. If the court considers the nonappearance to be a plea
3 of no contest and enters judgment accordingly, the court shall promptly mail a copy
4 or notice of the judgment to the defendant. The judgment shall allow the defendant
5 not less than 20 days from the date of the judgment to pay any forfeiture, penalty
6 assessment, jail assessment and crime laboratories and drug law enforcement
7 assessment and any applicable domestic abuse assessment imposed. If the
8 defendant moves to open the judgment within 6 months after the court appearance
9 date fixed in the citation, and shows to the satisfaction of the court that the failure
10 to appear was due to mistake, inadvertence, surprise or excusable neglect, the court
11 shall reopen the judgment, accept a not guilty plea and set a trial date.

12 (4) RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a
13 citation under this section ~~shall~~ does not preclude the governing body from adopting
14 any other ordinance or providing for the enforcement of any other law or ordinance
15 relating to the same or any other matter. The issuance of a citation under this section
16 ~~shall~~ does not preclude the proceeding under any other ordinance or law relating to
17 the same or any other matter. ~~The proceeding~~ Proceeding under any other ordinance
18 or law relating to the same or any other matter ~~shall~~ does not preclude the issuance
19 of a citation under this section.

20 SECTION 264. 66.12 (title) and (1) ^{(title) and} (a) to (c) of the statutes, as affected by 1997
21 Wisconsin Act 27, are renumbered 66.0114 (title) and (1) (a) to (c), and 66.0114 (1)
22 (a) and (b), as renumbered, are amended to read:

23 66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,
24 village, town sanitary district or public inland lake protection and rehabilitation
25 district is a civil action. All forfeitures and penalties imposed by any an ordinance

1 or bylaw of the city, village, town sanitary district or public inland lake protection and
2 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in
3 an action in the name of the city or village before the municipal court or in an action
4 in the name of the city, village, town sanitary district or public inland lake protection
5 and rehabilitation district before a court of record. If the action is in municipal court,
6 the procedures under ch. 800 apply and the procedures under this section do not
7 apply. If the action is in a court of record, it shall be commenced by warrant or
8 summons under s. 968.04 or, if applicable, by citation under s. 778.25 or 778.26. A
9 law enforcement officer may arrest the offender in all cases without warrant under
10 s. 968.07. ~~The affidavit where~~ If the action is commenced by warrant the affidavit
11 may be the complaint. The affidavit or complaint shall be is sufficient if it alleges
12 that the defendant has violated an ordinance or bylaw, specifying the ordinance or
13 bylaw by section, chapter, title or otherwise with sufficient plainness to identify the
14 ordinance or bylaw. The judge may release a defendant without ~~bail~~ a cash deposit
15 or may permit him or her to execute an unsecured appearance bond upon arrest. In
16 arrests without a warrant or summons a statement on the records of the court of the
17 offense charged ~~shall stand as~~ is the complaint unless the court directs that a formal
18 complaint be issued. In all actions under this paragraph the defendant's plea shall
19 be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead,
20 which. A plea of not guilty on failure to plead shall put puts all matters in the case
21 at issue, any other provision of law notwithstanding. The defendant may enter a not
22 guilty plea by certified mail.

23 (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to
24 345.53, may contain a provision for stipulation of guilt or no contest of any or all
25 violations under those ordinances, and may designate the manner in which the



1 stipulation is to be made and may fix the penalty to be paid. When a person charged
2 with a violation for which stipulation of guilt or no contest is authorized makes a
3 timely stipulation ~~and~~, pays the required penalty and pays the penalty assessment
4 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime
5 laboratorics and drug law enforcement assessment imposed by s. 165.755 and any
6 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated
7 official, the person need not appear in court and no witness fees or other additional
8 costs may be taxed unless the local ordinance so provides. A court appearance is
9 required for a violation of a local ordinance in conformity with s. 346.63 (1).

10 (bm) The official receiving the penalties shall remit all moneys collected to the
11 treasurer of the city, village, town sanitary district or public inland lake protection
12 and rehabilitation district in whose behalf the sum was paid, except that all jail
13 assessments shall be remitted to the county treasurer, within 20 days after its receipt
14 by ~~him or her; and in case of any failure in the payment~~ the official. If timely
15 remittance is not made, the treasurer may collect the payment of the officer by action,
16 in the name of the office, and upon the official bond of the officer, with interest at the
17 rate of 12% per year from the ~~time when it should have been paid~~ date it was due ^{on} _{which}

18 In the case of the penalty assessment imposed by s. 165.87, the crime laboratories
19 and drug law enforcement assessment imposed by s. 165.755, the driver
20 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
21 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
22 district or public inland lake protection and rehabilitation district shall remit to the
23 state treasurer the ~~sum~~ amount required by law to be paid on the actions so entered
24 during the preceding month on or before the first day of the next succeeding month.
25 The governing body of the city, village, town sanitary district or public inland lake

1 protection and rehabilitation district shall by ordinance designate the official to
2 receive the penalties and the terms under which the official ~~shall qualify~~ qualifies.

NOTE: Reference to “bail” in sub. (1) (a) is changed to “cash deposit” for consistency of reference in the statutes.

3 **SECTION 265.** 66.12 (1) (d) of the statutes is repealed.

NOTE: The substance of the repealed paragraph is relocated in renumbered s. 66.0114 (1) (a).

4 **SECTION 266.** 66.12 (2) and (3) of the statutes are renumbered 66.0114 (2) and
5 (3), and 66.0114 (3) (b), as renumbered, is amended to read:

6 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of ~~any~~
7 an ordinance or bylaw of ~~any a~~ city, village, town, town sanitary district or public
8 inland lake protection and rehabilitation district shall be paid into the city, village,
9 town, town sanitary district or public inland lake protection and rehabilitation
10 district treasury for the use of the city, village, town, town sanitary district or public
11 inland lake protection and rehabilitation district, except as ~~otherwise~~ provided in
12 par. (c), sub. (1) ~~(b)~~ (bm) and s. 165.87. The judge shall report and pay into the
13 treasury, quarterly, or at more frequent intervals if so required, all moneys collected
14 belonging to the city, village, town, town sanitary district or public inland lake
15 protection and rehabilitation district, ~~which.~~ The report shall be certified and filed
16 in the office of the treasurer; ~~and the.~~ The judge ~~shall be~~ is entitled to duplicate
17 receipts ~~for such moneys~~, one of which he or she shall file with the city, village or town
18 clerk or with the town sanitary district or the public inland lake protection and
19 rehabilitation district.

20 **SECTION 267.** Subchapter XII (title) of chapter 66 [precedes 66.1201] of the
21 statutes is created to read:

22

CHAPTER 66

SUBCHAPTER XII

HOUSING AUTHORITIES

1
2
3 SECTION 268. 66.1201 (9) ~~(9)~~ of the statutes is created to read:

4 66.1201 (9) ~~(9)~~ ^x To, within its area of operation, either by itself or with the
5 department of veterans affairs, undertake and carry out studies and analyses of
6 veterans' housing needs and meeting those needs and make the study results
7 available to the public, including the building, housing and supply industries.

NOTE: Relocates, in general housing authority law, s. 66.39 (1). Section 66.39 is
repealed by SECTION 351 of this ~~bill~~ bill

8 SECTION 269. 66.121 of the statutes is renumbered 75.377 and amended to
9 read:

10 ~~75.377 (1)~~ **75.377 (1) Inspection of property subject to tax certificate.** A county
11 ~~or a city authorized to act under s. 74.87~~ may enter any real property for which a tax
12 certificate has been issued under s. 74.57, or may authorize another person to enter
13 the real property, to determine the nature and extent of environmental pollution, as
14 defined in s. 299.01 (4).

NOTE: Under s. 75.06, for purposes of ch. 75, "county" includes a city authorized
to act under s. 74.87; therefore, reference to the latter is deleted from
renumbered s. 75.377 as unnecessary.

15 SECTION 270. 66.122 (title) of the statutes is renumbered 66.0119 (title).

16 SECTION 271. 66.122 (1) (a) of the statutes is renumbered 66.0119 (1) (b) and
17 amended to read:

18 66.0119 (1) (b) ~~Any~~ "Peace officer" means a state, county, city, village, town,
19 town sanitary district or public inland lake protection and rehabilitation district
20 officer, agent or employe charged under statute or municipal ordinance with powers
21 or duties involving inspection of real or personal property, including buildings,
22 building premises and building contents, ~~is deemed a peace officer for the purpose~~

1 of applying for, obtaining and executing special inspection warrants under s. 66.123
2 for inspection purposes.

NOTE: The stricken language at the end of the paragraph is relocated to s.
66.0119 (2), as renumbered. See SECTION 273 of this ~~bill~~ *bill*.

3 SECTION 272. 66.122 (1) (b) of the statutes is renumbered 66.0119 (1) (a) and
4 amended to read:

5 66.0119 (1) (a) "Inspection purposes" include, ~~without limitation because of~~
6 ~~enumeration,~~ such purposes as building, housing, electrical, plumbing, heating, gas,
7 fire, health, safety, environmental pollution, water quality, waterways, use of water,
8 food, zoning, property assessment, meter and obtaining data required to be
9 submitted in an initial site report or feasibility report under subch. III of ch. 289 or
10 s. 291.23, 291.25, 291.29 or 291.31 or an environmental impact statement related to
11 one of those reports.

12 SECTION 273. 66.122 (2) of the statutes is renumbered 66.0119 (2) and amended
13 to read:

14 66.0119 (2) A peace officer may apply for, obtain and execute a special
15 inspection warrant issued under this section. Except in cases of emergency where
16 no special inspection warrant ~~shall be~~ is required, special inspection warrants shall
17 be issued for inspection of personal or real properties which are not public buildings
18 or for inspection of portions of public buildings which are not open to the public only
19 upon showing that consent to entry for inspection purposes has been refused. The
20 definition of "public building" under s. 101.01 (12) ~~applies to this section.~~

21 SECTION 274. 66.123 (title) of the statutes is repealed. *1997 Wis Cons in Act*

22 SECTION 275. 66.123 of the statutes *is* renumbered 66.0119 (3), and 66.0119 (3)

23 (intro.), as renumbered, is amended to read:

1 66.0119 (3) (intro.) The following forms for use under s. ~~66.122~~ this section are
2 illustrative and not mandatory:

3 SECTION 276. 66.124 of the statutes is renumbered 66.0417, and 66.0417 (title),
4 as renumbered, is amended to read:

5 66.0417 (title) ~~Order authority~~ Local enforcement of certain food and
6 health regulations.

7 SECTION 277. 66.125 of the statutes is renumbered 66.0121 and amended to
8 read:

9 66.0121 **Orders; action; proof of demand.** No action ~~shall~~ may be brought
10 upon ~~any~~ a city, village, town or school district order until ~~the expiration~~ of 30 days
11 after a demand for the payment of the ~~same shall have~~ order has been made. If an
12 action is brought and the defendant fails to appear and defend the action, judgment
13 shall not be entered without affirmative proof of the demand. If judgment is entered
14 without proof of the demand, the judgment ~~shall be~~ is void.

15 SECTION 278. 66.13 of the statutes is repealed.

NOTE: Repealed as unnecessary. This section provides a statute of limitations relating to an action or proceeding to test the validity of a municipal contract. Virtually identical provisions are contained in s. 893.75.

16 SECTION 279. Subchapter XIII (title) of chapter 66 [precedes 66.1301] of the
17 statutes is created to read:

18 CHAPTER 66

19 SUBCHAPTER XIII

20 URBAN REDEVELOPMENT AND RENEWAL

21 SECTION 280. 66.14 (title) of the statutes is repealed.

22 SECTION 281. 66.14 of the statutes is renumbered 62.09 (4) (d) and amended
23 to read:

wpo: hard return

Ins. 200-20

1 62.09 (4) (d) ~~Any A city, however incorporated,~~ may pay the cost of ~~any an~~
2 official bond furnished by an officer ~~thereof of the city,~~ pursuant to law or any rules
3 or regulations requiring the ~~same bond,~~ if ~~said the officer shall furnish~~ furnishes a
4 bond with a surety company or companies authorized to do business in this state,
5 ~~said cost.~~ The cost of the bond furnished by the officer may not to exceed the current
6 rate of premium per year on the amount of said the bond or obligation by said surety
7 executed by the surety. The cost of ~~any such the bond in such city~~ shall be charged
8 to the fund appropriated and set up in the budget for the department, board,
9 commission or other body, the officer of which is required to furnish a bond.

NOTE: Renumbers and amends s. 66.14 for placement in ch. 62, relating to cities. The renumbering makes the provision inapplicable to a 1st class city under s. 62.03 (1). Section 66.145 (renumbered s. 62.55) treats 1st class cities separately for this purpose.

10 **SECTION 282.** 66.144 of the statutes is renumbered 62.53 and amended to read:

11 **62.53 Residency required for public officials in 1st class cities.** Any
12 public official, as defined in s. ~~66.146~~ 62.51 (1) (b), may not serve more than 180 days
13 after his or her confirmation unless he or she resides within the boundaries of the
14 1st class city by which he or she is employed.

15 **SECTION 283.** 66.145 of the statutes is renumbered 62.55 and amended to read:

16 **62.55 (title) Requirements for surety bonds of officers and employes in**
17 **~~cities of the first 1st class cities.~~** ~~When any~~ If an office or position in the service
18 of ~~any city of the first a 1st class city~~ involves fiduciary responsibility or the handling
19 of money, the appointing officer may require the appointee to furnish a bond or other
20 security to ~~such the~~ officer and the ~~said~~ city for the faithful performance of the
21 appointee's duty, ~~the.~~ The amount to of the bond or security shall be fixed by the
22 appointing officer, with the approval of the mayor, ~~and notice.~~ Notice of the mayor's
23 approval shall be given to the city clerk by the mayor. Each bond shall be approved

SECTION 283

1 by the city attorney as to the form and execution thereof, and by the common council
 2 as to the sufficiency of the sureties therein; provided, however, that any. Any surety
 3 company, the bonds of which are accepted by the judge of any court of record in this
 4 state, or which is approved by the comptroller of the said city, shall be is sufficient
 5 security on any such the bond, and that the. The premium on such a bond under this
 6 section, within the limits fixed by law, shall be paid out of the city treasury. The
 7 appointing officer shall immediately after the execution of such the bond file the
 8 same bond with the city clerk, and it shall be the duty of the. The city clerk to shall
 9 require compliance with the terms of this section requiring the filing of bonds with
 10 the city clerk by officers and employes, and all such bonds. Bonds of city officers and
 11 employes under this section, duly witnessed and acknowledged, after being approved
 12 by the common council, shall be delivered to the city comptroller, who shall have
 13 them recorded in the office of the register of deeds and, after such recording by the
 14 city comptroller in the office of the register of deeds, the said. After the bonds are
 15 recorded, the bonds shall be returned to the city clerk, who shall keep them on file
 16 in the city clerk's office; except that after the recording of the bond of the city clerk
 17 by the city comptroller, said that bond shall remain on file in the office of the city
 18 comptroller. Each bond filed by any surety company shall be accompanied by a
 19 duplicate of said the bond, which ~~duplicate~~ ^{The duplicate} shall be filed by the clerk with the city
 20 comptroller.

21 SECTION 284. 66.146 of the statutes is renumbered 62.51.

22 SECTION 285. 66.18 of the statutes is renumbered 66.0137 (2) and amended to
23 read:

24 66.0137 (2) LIABILITY AND WORKER'S COMPENSATION INSURANCE. The state, or any
25 ~~municipality as defined in s. 345.05 (1) (c), is empowered to or a~~ local governmental unit may

Local governmental unit

1 procure risk management services and liability insurance covering the state or
2 ~~municipality~~ and its officers, agents and employes and worker's compensation
3 insurance covering officers and employes of the state or ~~municipality~~. A municipality
4 may participate in and pay the cost of risk management services and liability and
5 worker's compensation insurance through a municipal insurance mutual organized
6 under s. 611.23.

7 SECTION 286. 66.182 of the statutes is renumbered 66.0137 (3). 237

155, 191 and

8 SECTION 287. 66.184 of the statutes, as affected by 1997 Wisconsin Act 27, is
9 renumbered 66.0137 (4).

10 SECTION 288. 66.185 of the statutes is renumbered 66.0137 (5) and amended
11 to read:

12 66.0137 (5) HOSPITAL, ACCIDENT AND LIFE INSURANCE. ~~Nothing in the statutes~~
13 ~~shall be construed to limit the authority of the state or municipalities, as defined in~~
14 ~~s. 345.05, to~~ The state or a municipality may provide for the payment of premiums
15 for hospital, surgical and other health and accident insurance and life insurance for
16 employes and officers and their spouses and dependent children, ~~and such authority~~
17 ~~is hereby granted.~~ A municipality may also provide for the payment of premiums for
18 hospital and surgical care for its retired employes. In addition, a municipality may,
19 by ordinance or resolution, elect to offer to all of its employes a health care coverage
20 plan through a program offered by the group insurance board under ch. 40.

21 Municipalities which elect ~~A municipality~~ that elects to participate under s. 40.51 (7)
22 ~~shall be~~ is subject to the applicable sections of ch. 40 instead of this section. subsection

23 SECTION 289. 66.186 of the statutes is renumbered 62.61 and amended to read:

24 62.61 (title) **Health insurance; first 1st class cities.** The common council
25 of any a 1st class city may, by ordinance or resolution, provide for, including the

1 payment of premiums of, general hospital, surgical and group insurance for both
2 active and retired city officers and city employes and their respective dependents and
3 for payment of premiums therefor in private companies, or may, by ordinance or
4 resolution, elect to offer to all of its employes a health care coverage plan through a
5 program offered by the group insurance board under ch. 40. Municipalities which
6 elect to participate under s. 40.51 (7) ~~shall be~~ are subject to the applicable sections
7 of ch. 40 instead of this section. Contracts for ~~such~~ insurance under this section may
8 be entered into for active officers and employes separately from ~~such~~ contracts for
9 retired officers and employes. Appropriations may be made for the purpose of
10 financing ~~such~~ insurance under this section. Moneys accruing to ~~such~~ a fund to
11 finance insurance under this section, by investment or otherwise, ~~shall~~ may not be
12 diverted for any other purpose than those for which ~~such~~ the fund was set up or to
13 defray management expenses of ~~such~~ the fund or to partially pay premiums ~~so as to~~
14 reduce costs to the city or to persons covered by ~~such~~ the insurance, or both.

15 **SECTION 290.** 66.187 of the statutes is renumbered 62.59.

16 **SECTION 291.** 66.189 of the statutes is renumbered 62.67.

17 **SECTION 292.** 66.19 of the statutes is renumbered 66.0509, and 66.0509 (1) to
18 (4), as renumbered, are amended to read:

19 (19) 66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or ~~66.01~~ ^{✓ 66.0101}
20 to establish a civil service system of selection, tenure and status, and the system may
21 be made applicable to all municipal personnel except the chief executive and
22 members of the governing body, members of boards and commissions including
23 election officials, employes subject to s. 62.13, members of the judiciary and
24 supervisors. Any town may establish a civil service system under this subsection.
25 For veterans there shall be no restrictions as to age, and veterans and their spouses

1 shall be given preference points in accordance with s. 230.16 (7). The system may
2 also include uniform provisions in respect to attendance, leave regulations,
3 compensation and payrolls for all personnel included ~~thereunder~~ in the system. The
4 governing body of any city, village or town establishing a civil service system under
5 this section may exempt from the system the librarians and assistants subject to s.
6 43.09 (1).

7 (2) (a) Any town may establish a civil service system under sub. (1) and in ~~such~~
8 the departments ~~as~~ ^{that} the town board may determine. Any person who has been
9 employed in ~~any such a~~ department for more than 5 years ~~prior to~~ ^{before} the establishment
10 of ~~such a~~ civil service system applicable to that department is eligible to appointment
11 without examination.

12 (b) Any town not having a civil service system and having exercised the option
13 of placing assessors under civil service under s. 60.307 (3) may establish a civil
14 service system for assessors under sub. (1), unless ~~such~~ the town has come within the
15 jurisdiction of a county assessor under s. 70.99.

16 (3) When any town has established a system of civil service, the ordinance
17 establishing the system may not be repealed for a period of 6 years after its
18 enactment, and ~~thereafter~~ after the 6-year period it may be repealed only by
19 proceedings under s. 9.20 by referendum vote. This subsection ~~shall~~ does not apply
20 ~~where~~ if a town comes, before the expiration of the 6 years, within the jurisdiction
21 of a county assessor under s. 70.99.

22 (4) Any civil service system established under the provisions of this section
23 shall provide for the appointment of a civil service board or commission and for the
24 removal of the members of ~~such~~ the board or commission for cause by the mayor with
25 approval of the council, ~~and in cities organized under the provisions of ss. 64.01 to~~

(Intro) and

1 64.15 by the city manager and the council in a city organized under ss. 64.01 to 64.15,
2 and by the board in villages and towns in a village or town.

3 SECTION 293. 66.192 of the statutes is renumbered 66.0503, and 66.0503 (1)(b),
4 (3), (4) and (5), as renumbered, are amended to read:

INS
206-4

5 ~~66.0503 (1)(b)~~ (b) With the office of alderperson or council member in any city in
6 which the district from which such the alderperson or council member is elected is
7 coterminous with the boundaries of any supervisory district established under s.
8 59.10 (3).

9 (3) Removal from office of any incumbent of such consolidated office shall
10 vacate said an office consolidated under this section vacates the office in its entirety
11 whether effected under ss. 17.09, 17.12 and 17.13 or other pertinent statute.

12 (4) Compensation for such consolidated office an office consolidated under this
13 section shall be separately established by the several governing bodies affected
14 thereby by the consolidation as though no consolidation of offices had occurred.

15 (5) Tenure for such combination officer shall coincide an officer of an office
16 consolidated under this section coincides shall coincide with the term for county
17 supervisors.

18 SECTION 294. 66.196 of the statutes is renumbered 66.0505 and amended to
19 read:

20 66.0505 Compensation of governing bodies. An elected official of any
21 county, city, town or village, who by virtue of the office held by that official is entitled
22 to participate in the establishment of the salary attending that office, shall not
23 during the term of such the office collect salary in excess of the salary provided at the
24 time of that official's taking office. This provision is of statewide concern and applies
25 only to officials elected after October 22, 1961.

Karen: Please do not make any editorial changes in "old" ss. 66.20 to 66.26, bills 297 -- the special committee promised that the bill would have NO changes in ss 66.20-66.26 other than RN; & X-refs.

97 of the statutes is repealed.

66.197, which authorizes a county board to increase the salary of an elected official during the official's term of office. The statute is in direct conflict with ss. 59.22 (1) (a) 1., which prohibits the increase or decrease of an elected official's salary during the official's term of office. Section 66.197 is retained since the policy of the latter statute is consistent with typical Wisconsin practice regarding the salary of an elected official.

99 of the statutes is renumbered 66.0507.

SECTION 295. 00.20 to 00.26 of the statutes ~~are~~^{is} renumbered 200.01 to 200.15.

~~and 200.01 (intro.), 200.02, 200.05 (3) (b) and (6), 200.09 (1), (9) and (10), 200.11 (1) (b) and (d) and (9), 200.13 (1) (j), (m) and (n), (2), (3) (a), (4), (12) and (13) and 200.15 (2) and (4) as renumbered, ~~are~~^{is} amended to read:~~

200.01 Metropolitan sewerage districts, definitions. (intro.) Unless the context requires otherwise, for the purposes of ss. ~~66.20 to 66.26~~ this subchapter, the following terms have the designated meanings:

200.03 Applicability. Sections ~~66.20 to 66.26~~ shall apply This subchapter applies to all areas of the state except those areas included in a metropolitan sewerage district created under ss. ~~66.88 200.21 to 66.918 200.65~~.

200.05 (3) (b) Conduct the hearing to permit any person to present any oral or written pertinent and relevant information relating to the purposes and standards of ss. ~~66.20 to 66.26~~ this subchapter; and

(6) No resolution for the formation of a district encompassing the same or substantially the same territory shall be made by any municipality for one year following the issuance of an order denying the formation under ss. ~~66.20 to 66.26~~ this subchapter.

200.09 (1) A district formed under ss. ~~66.20 to 66.26~~ this subchapter shall be governed by a 5-member commission appointed for staggered 5-year terms. Except

DN
will redraft an insert

INS 207-9

INS 207-13

INS 207-19

1 as provided in sub. (11), commissioners shall be appointed by the county board of the
2 county in which the district is located. If the district contains territory of more than
3 one county, the county boards of the counties not having the greatest population in
4 the district shall appoint one commissioner each and the county board of the county
5 having the greatest population in the district shall appoint the remainder. Of the
6 initial appointments, the appointments for the shortest terms shall be made by the
7 counties having the least amount of population, in reverse order of their population
8 included in the district. Commissioners shall be residents of the district. Initial
9 appointments shall be made no sooner than 60 days and no later than 90 days after
10 issuance of the department order forming a district or after completion of any court
11 proceedings challenging such order. A per diem compensation not to exceed \$50 may
12 be paid to commissioners. Commissioners may be reimbursed for actual expenses
13 incurred as commissioners in carrying out the work of the commission.

14 (9) Chapter 276, laws of 1971, shall apply to every metropolitan sewerage
15 district that had been operating, prior to April 30, 1972, under ss. 66.20 to 66.209,
16 1969 stats. Commissioners for such districts who were in office on April 30, 1972
17 shall continue to serve until their respective terms are completed. The county board
18 of the county having the greatest population in the district shall appoint 2 additional
19 members to each such commission no sooner than 60 days and no later than 90 days
20 after April 30, 1972. One such member shall have a 5-year term and one such
21 member shall have a 4-year term. The county board of those counties having
22 population within the district that did not appoint the preceding 2 members if any
23 shall, each in turn according to their population in the district, appoint successors
24 to each of the 3 commissioners who held office on April 30, 1972, until their allotted
25 number of appointments, as specified under sub. (1) is filled. The governor may

INSI
209-6

1 adjust terms of the successors to the 3 original commissioners in order that the
2 appointment schedules are consistent with s. ~~66.23 200.09~~ this section

3 (10) Sections ~~66.20 200.01~~ to ~~66.26 200.15~~ do not affect the continued validity
4 of contracts and obligations previously entered into by a metropolitan sewerage
5 district operating under ss. 66.20 to 66.209, 1969 stats., prior to April 30, 1972, nor
6 validity of any such district.

7 200.11 (1) (b) *Plans*. The commission shall prepare and by resolution adopt
8 plans and standards of planning, design and operation for all projects and facilities
9 which will be operated by the district or which affect the services to be provided by
10 the district. Commissions may and are encouraged to contract with regional or
11 area-wide planning agencies for research and planning services. The commission's
12 plans shall be consistent with adopted plans of a regional planning commission or
13 area-wide planning agency organized under s. ~~66.945 66.0309~~.

14 (d) *Rules*. The commission may adopt rules for the supervision, protection,
15 management and use of the systems and facilities operated by the district. Such
16 rules may, in the interest of plan implementation, restrict or deny the provision of
17 utility services to lands which are described in adopted master plans or development
18 plans of a municipality or county as not being fit or appropriate for urban or
19 suburban development. Rules of the district shall be adopted and enforced as
20 provided by s. ~~66.902 200.45~~. Notwithstanding any other provision of law, such rules
21 or any orders issued thereunder, may be enforced under s. 823.02 and the violation
22 of any rule or any order lawfully promulgated by the commission is declared to be a
23 public nuisance.

24 (9) EXTRATERRITORIAL SERVICE BY CONTRACT. A district may provide service to
25 territory outside the district, including territory in a county not in that district,

1 under s. ~~66.30~~ 66.0301, subject to ss. ~~66.20~~ 200.01 to ~~66.26~~ 200.15 and ~~66.902~~ 200.45,

2 except that s. ~~66.23~~ 200.09 (1) does not require the appointment of a commissioner

3 from that territory. →

INS.
20-3

4 ~~200.13(1)~~ (j) The commission may provide that the special assessment may be

5 paid in annual instalments not more than 10 in number, and may, for the purpose

6 of anticipating collection of the special assessments, and after said instalments have

7 been determined, issue special improvement bonds payable only out of the special

8 assessment, and s. ~~66.54~~ 66.0713 shall apply to and govern the instalment payments

9 and the issuance of said bonds, except that the assessment notice shall be

10 substantially in the following form:

centered

11 → INSTALMENT ASSESSMENT NOTICE →

12 Notice is hereby given that a contract has been (or is about to be) let for (describe

13 the improvements) and that the amount of the special assessment therefor has been

14 determined as to each parcel of real estate affected thereby, and a statement of the

15 same is on file with the commission; that it is proposed to collect the same in

16 instalments, as provided by s. ~~66.54~~ 66.0713, with interest thereon at% per year;

17 that all assessments will be collected in instalments, as above provided, except such

18 assessments as the owners of the property shall, within 30 days from the date of this

19 notice, file with the commission a statement in writing that they elect to pay in one

20 instalment, in which case the amount of the instalment shall be placed upon the next

21 ensuing tax roll.

22 (m) Section ~~66.60~~ (17) 66.0703 (14) shall be applicable to assessments made

23 under this section.

(intro.)

24 (n) The commission may provide for a deferred due date on the levy of the

25 special assessment as to real estate which is in agricultural use or which is otherwise

1 not immediately to receive actual service from the sewer or other facility for which
2 the assessment is made. Such assessments shall be payable as soon as such lands
3 receive actual service from the sewer or other facility. Any such special assessments
4 shall be a lien against the property from the date of the levy. For the purpose of
5 anticipating collection of special assessments for which the due date has been
6 deferred, the commission may issue special improvement bonds payable only out of
7 the special assessments. Section ~~66.54~~ 66.0713 shall apply to and govern the
8 issuance of bonds, except that the assessment notice shall be substantially in the
9 following form:

10

centered → DEFERRED ASSESSMENT NOTICE →

11

12

13

14

15

16

17

18

19

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvements) and that the amount of the special assessment therefor has been determined as to each parcel of real estate affected thereby, and a statement of the same is on file with the commission. It is proposed to collect the same on a deferred basis consistent with actual use of the improvements. All assessments will be collected in instalments, as above provided, except such assessments for which the owners of the property, within 30 days from the date of this notice, file with the commission a statement in writing that they elect not to have the due date deferred, in which case the amount of the levy shall be placed upon the next ensuing tax roll.

20

21

22

23

24

25

(2) TAX LEVY. The commission may levy a tax upon the taxable property in the district as equalized by the department of revenue for state purposes for the purpose of carrying out and performing duties under ~~ss. 66.20 to 66.26~~ this subchapter but the amount of any such tax in excess of that required for maintenance and operation and for principal and interest on bonds or promissory notes shall not exceed, in any one year, one mill for each dollar of the district's equalized valuation, as determined

1 under s. 70.57. The tax levy may be spread upon the respective real estate and
2 personal property tax rolls of the city, village and town areas included in the district
3 taxes, and shall not be included within any limitation on county or municipality
4 taxes. Such moneys when collected shall be paid to the treasurer of such district.

5 (3) (a) The commission may establish service charges in such amount as to meet
6 all or part of the requirements for the construction, reconstruction, improvement,
7 extension, operation, maintenance, repair and depreciation of functions authorized
8 by ~~ss. 66.20 to 66.26~~ this subchapter, and for the payment of all or part of the principal
9 and interest of any indebtedness incurred thereof.

10 (4) BORROWING. A district under ~~ss. 66.20 to 66.26~~ this subchapter may borrow
11 money and issue municipal obligations under ~~ss. 66.066~~ 66.0621 and ~~66.54~~ 66.0713
12 and ch. 67.

13 (12) EXEMPTION FROM LEVIES. Lands designated as permanent open space,
14 agricultural protection areas or other undeveloped areas not to be served by public
15 sanitary sewer service in plans adopted by a regional planning commission or other
16 area-wide planning agency organized under s. ~~66.945~~ 66.0309 and approved by the
17 board of supervisors of the county in which the lands are located shall not have
18 property taxes, assessments or service charges levied against them by the district.

19 (13) APPLICATION OF OTHER LAWS. Section ~~66.076~~ 66.0821 shall apply to all
20 districts now or hereafter organized and operating under ~~ss. 66.20 to 66.26~~ this
21 subchapter.

22 200.15 (2) Proceedings leading to the addition of other territory to a district
23 may be initiated by petition from a municipal governing body or upon motion of the
24 commission. Upon receipt of the petition or upon adoption of the motion, the
25 commission shall hold a public hearing preceded by a class 2 notice under ch. 985.

21
22
23
24
25
212-20

King ↑
No changes
in SEC.
297

approve the annexation upon a determination that the 00.05 (4) (b) and (c) and 66.26 200.15 (3) are met. Approval under this section shall be subject to review under ch. 227. 00.09 (1) does not require the appointment of a commissioner under this section if that territory, on the day before the initiation of less than 8.5% of the total population served by the

7 district.

8 SECTION 298. 66.27 of the statutes *is* renumbered 66.1001 and amended to
9 read:

10 **66.1001 Relief from conditions of gifts and dedications.** (1) If the
11 governing body of a county, city, town or village accepts a gift or dedication of land
12 made on condition that the land be devoted to a special purpose, and the condition
13 subsequently becomes impossible or impracticable, ~~such~~ the governing body may by
14 resolution or ordinance enacted by a two-thirds vote of its ~~members-elect~~ *members-elect* either to
15 grant the land back to the donor or dedicator or the heirs of the donor or dedicator,
16 or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant
17 relieving the county, city, town or village of the condition, pursuant to article XI,
18 section 3a, of the constitution.

19 (2) (a) If ~~such~~ the donor or dedicator of land to a county, city, town or village or
20 the heirs of the donor or dedicator are unknown or cannot be found, ~~such~~ the
21 resolution or ordinance described under sub. (1) may provide for the commencement
22 of an action under this section for the purpose of relieving the county, city, town or
23 village of the condition of the gift or dedication.

24 (b) Any ~~such~~ action under this subsection shall be brought in a court of record
25 in the manner provided in ch. 801. A lis pendens shall be filed *as* provided in s. 840.10 *or recorded*

as affected by 1997 Wisconsin Act 304,

plain Act 304

1 upon the commencement of the action. Service upon persons whose whereabouts are
2 unknown may be made in the manner prescribed in s. 801.12.

3 (c) The court may render judgment in ~~such action~~ an action under this
4 subsection relieving the county, city, town or village of the condition of the gift or
5 dedication.

6 **SECTION 299.** 66.28 (title) of the statutes is renumbered 66.0139 (title).

7 **SECTION 300.** 66.28 (1) to (4) of the statutes are renumbered 66.0139 (2) to (5)
8 and amended to read:

9 66.0139 (2) ~~Cities, villages, towns and counties~~ ^{political subdivision} ~~A municipality~~ may dispose of
10 any personal property which has been abandoned, or remained unclaimed for a
11 period of 30 days, after the taking of possession of the property by the city, village,
12 ~~town or county officers~~ an officer of the municipality, by any means determined to be
13 in the best interest of the city, village, town or county ~~municipality~~. If the property
14 is not disposed of in a sale open to the public, every city, village, town and county ~~the~~
15 ~~municipality~~ shall maintain an inventory of such ~~the~~ property, a record of the date
16 and method of disposal, including the consideration received for the property, if any,
17 and the name and address of the person taking possession of the property. ~~Such~~ The
18 inventory shall be kept as a public record for a period of not less than 2 years from
19 the date of disposal of the property. Any means of disposal other than public auction
20 shall be specified by ordinance. If the disposal is in the form of a sale, all receipts from
21 the sale, after deducting the necessary expenses of keeping the property and
22 conducting the sale, shall be paid into the city, village, town or county ~~municipal~~
23 treasury of the

24 (3) ~~Cities, villages, towns and counties~~ ~~A municipality~~ may safely dispose of
25 abandoned or unclaimed flammable, explosive or incendiary substances, materials