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(5) ~~AREA GROUPING OF GROUPED SPECIAL ASSESSMENTS ASSESSMENT B BONDS~~

(a) ~~Whenever~~ If the governing body determines to issue special assessment B bonds pursuant to subs. (9) and (10) under sub. (4), it may group the special assessments levied against benefited lands and issue such the bonds against such the special assessments so grouped as a whole. All such the bonds shall be equally secured by such the assessments without priority one over the other.

(b) ~~The~~ All <sup>of</sup> the following provisions shall be applicable apply to area-grouped special assessment B bonds issued under this section:

1. For the purpose of anticipating the collection of special assessments payable in instalments under this section ~~and after said the~~ instalments have been determined, the governing body may issue area-grouped special assessment B bonds payable out of the proceeds of such the special assessments as provided herein under sub. (4). <sup>of the local governmental unit</sup> ~~Such~~ The bonds shall in no event be are not a general ~~municipal~~ liability.

2. The issue of such the bonds shall be in an amount not to ~~exceed~~ exceeding the aggregate unpaid special assessments levied for the public improvement or projects which such the issue is to finance. ~~Such~~ The bonds shall mature over substantially the same period of time in which the special assessment instalments are to be paid. ~~Such~~ The bonds shall be bearer bonds or may be registered bonds under s. 67.09. The bonds shall be executed as provided in s. 67.08 (1) and shall include a statement that they are payable only from the special debt service fund provided for in subd. 4. and a fund created under sub. (15) (7) for the collection and payment of such the special assessment and such any other provisions <sup>that</sup> as the governing body deems proper to insert.

4. All collections of principal and interest on the underlying special assessments and instalments thereof, either before or after delinquency and after

SECTION 465

of the local governmental unit

1 issuance of a tax certificate under s. 74.57, shall be placed by the ~~municipal~~ treasurer  
2 in a special debt service fund created, designated and identified for the issue of such  
3 the bonds and used only for payment of said the bonds and interest ~~thereon~~ on the  
4 bonds to the holders of the bonds or coupons in accordance with the terms of the issue.

5 Any surplus in the debt service fund, after all bonds and interest ~~thereon~~ on the bonds are fully  
6 paid, shall be paid into the general fund. *plain*

7 5. If the tax certificate is redeemed by any person other than the county, the  
8 county treasurer shall pay to the ~~municipality~~ local governmental unit the full amount received therefor for  
9 the certificate, including interest, and the ~~municipal~~ treasurer shall thereupon pay  
10 the amount of such the remittance into the special debt service fund created for the  
11 payment of such the bonds.

12 7. A holder of the bonds or of any coupons attached thereto shall have to the  
13 bonds has a lien against the special debt service fund created under subd. 4. for  
14 payment of said the bonds and interest ~~thereon~~ on the bonds and against any reserve  
15 fund created under sub. (15) (7) and may either at law or in equity protect and enforce  
16 such the lien and compel performance of all duties required by this section of the  
17 ~~municipality~~ issuing said the bonds.

18 SECTION 466. 66.54 (12) (title) of the statutes is renumbered 66.0719 (title).

19 SECTION 467. 66.54 (12) of the statutes is renumbered 66.0719 (2) and amended  
20 to read:

21 66.0719 (2) If a special assessment is levied for any public improvement, any  
22 amount collected on that special assessment or received from the county shall be  
23 deposited in the general fund of the ~~municipality~~ local governmental unit if the payment for the improvement  
24 was made out of its general fund, deposited in the funds and accounts of a public  
25 utility established under s. ~~66.066~~ 66.0621 (2) (c) if such the improvement was paid

*local governmental unit*

1 out of the proceeds of revenue obligations of the ~~municipality~~ or deposited in the debt  
 2 service fund required for the payment of bonds or notes issued under ch. 67 if ~~such~~  
 3 the improvement was paid out of the proceeds ~~thereof~~ of the bonds or notes. That  
 4 special assessment, when delinquent, shall be returned in trust for collection and the  
 5 ~~municipality shall have~~ has the same rights as provided in sub. (9) (c) s. 66.0713 (3)  
 6 (c).

7 SECTION 468. 66.54 (15) and (15m) of the statutes are renumbered 66.0713 (7)  
 8 and (8) and amended to read: STET

9 ~~66.0713 (7) RESERVE FUND FOR SPECIAL ASSESSMENT B BONDS AND REFUNDING B~~  
 10 ~~BONDS~~ If the governing body determines to issue special assessment B bonds under  
 11 sub. (10) (4) or refunding B bonds under sub. (16) (6), it may establish in its treasury  
 12 a fund to be designated as a reserve fund for the particular bond issue, to be  
 13 maintained until ~~such~~ the obligation is paid or otherwise extinguished. Any surplus  
 14 in the reserve fund after all the bonds have been paid or canceled shall be carried into  
 15 the general fund of the ~~municipal~~ local governmental unit's treasury. The source of said the fund shall be  
 16 established either from proceeds of the bonds, the general fund of the ~~municipal~~  
 17 treasury or by the levy of an irrevocable and irrevocable general tax. Such The  
 18 bonds ~~shall in no event be~~ are not a general ~~municipal~~ of the liability.

19 ~~(8) PAYMENT OF B BONDS FROM TAX LEVY~~ STET Any ~~municipality~~ authorized to issue  
 20 special assessment B bonds, in addition to the special assessments or bond proceeds  
 21 or other sources, may appropriate funds out of its annual tax levy for the payment  
 22 of the bonds. The payment of ~~such~~ the bonds out of funds from a tax levy, ~~however,~~  
 23 may not be construed as constituting an obligation of ~~such~~ the ~~municipality~~ to make  
 24 any other such appropriation.

1           **SECTION 469.** 66.54 (16) of the statutes is renumbered 66.0713 (6) and amended  
2 to read:

3           66.0713 (6) REFUNDING B BONDS. ~~Any~~ <sup>A local governmental unit</sup> municipality may issue refunding B  
4 bonds to refund any outstanding special assessment B bonds issued under sub. (10)  
5 ~~or (11) (4) or (5).~~ ~~These~~ <sup>The</sup> refunding B bonds shall be secured by and payable only  
6 from the special assessments levied to pay for the public improvements financed by  
7 the bonds to be refunded, and shall are not be a general ~~municipal~~ <sup>of the local governmental unit</sup> liability. If bonds  
8 issued under sub. (10) (4) are to be refunded, the provisions of sub. (10) (4) (b) to (e)  
9 shall apply to the refunding B bonds; if bonds issued under sub. (11) (5) are to be  
10 refunded, the provisions of sub. (11) (5) (b) shall apply to the refunding B bonds. If  
11 the governing body determines ~~that it is~~ <sup>plain</sup> necessary to amend the prior assessments  
12 in connection with the issuance of refunding B bonds under this section, it may  
13 reconsider and reopen the assessments under s. ~~66.60~~ 66.0703 (10). The notice and  
14 hearing ~~provided for~~ under s. ~~66.60~~ 66.0703 (10) may be waived under s. ~~66.60~~ (18)  
15 66.0703 (7) (b) by the owners of the property affected. If the assessments are  
16 amended, the refunding B bonds shall be secured by and payable from the special  
17 assessments as amended. If the assessments are amended, all direct and indirect  
18 costs reasonably attributable to the refunding of the bonds may be included in the  
19 cost of the public improvements being financed. If the governing body determines  
20 to issue refunding B bonds, it may create a reserve fund for the issue under sub. (15)  
21 (7).

22           **SECTION 470.** 66.55 of the statutes, as affected by 1997 Wisconsin Act 27, is  
23 renumbered 66.0617.

24           **SECTION 471.** 66.60 (title) of the statutes is renumbered 66.0703 (title) and  
25 amended to read:

(2), (3) and

1           **66.0703 (title) Special assessments and charges, generally.**

2           **SECTION 472.** 66.60 (1) ~~(4)~~ (4) of the statutes are renumbered 66.0703 (1), (4),  
3 (5) and (6) and 66.0703 (1), (4), (5) (intro.) ~~(c)~~ (c) (intro.) and 3. and (d) and (6), as  
4 renumbered, are amended to read:

5           66.0703 (1) (a) Except as provided in sub. ~~(6m)~~ s. 66.0721, as a complete  
6 alternative to all other methods provided by law, any city, town or village may, by  
7 resolution of its governing body, levy and collect special assessments upon property  
8 in a limited and determinable area for special benefits conferred upon ~~such~~ the  
9 property by any municipal work or improvement; and may provide for the payment  
10 of all or any part of the cost of the work or improvement out of the proceeds of ~~such~~  
11 the special assessments.

12           (b) The amount assessed against any property for any work or improvement  
13 which does not represent an exercise of the police power ~~shall~~ may not exceed the  
14 value of the benefits accruing to the property ~~therefrom, and for those representing.~~  
15 If an assessment represents an exercise of the police power, the assessment shall be  
16 upon a reasonable basis as determined by the governing body of the city, town or  
17 village.

18           (4) ~~Prior to~~ Before the exercise of any powers conferred by this section, the governing  
19 body shall declare by preliminary resolution its intention to exercise ~~such~~ the powers  
20 for a stated municipal purpose. ~~Such~~ The resolution shall describe generally the  
21 contemplated purpose, the limits of the proposed assessment district, the number of  
22 instalments in which the special assessments may be paid, or that the number of  
23 instalments will be determined at the hearing required under sub. (7), and direct the  
24 proper municipal officer or employe to make a report ~~thereon~~ on the proposal. ~~Such~~

25           The resolution may limit the proportion of the cost to be assessed.

1 (5) (intro.) The report required by sub. (2) (4) shall consist of:

2 (c) (intro.) ~~An~~ Except as provided in par. (d), an estimate, as to each parcel of  
3 property affected, of:

4 3. The net amount of ~~such~~ the benefits over damages or the net amount of ~~such~~  
5 the damages over benefits.

6 (d) A statement that the property against which the assessments are proposed  
7 is benefited, ~~where~~ if the work or improvement constitutes an exercise of the police  
8 power. ~~In such case~~ If this paragraph applies, the estimates required under par. (c)  
9 shall be replaced by a schedule of the proposed assessments.

10 (6) A copy of the report when completed shall be filed with the municipal clerk  
11 for public inspection. If property of the state <sup>(Plain)</sup> ~~may be~~ subject to assessment under  
12 s. ~~66.64~~ 66.0705, the municipal clerk shall file a copy of the report with the state  
13 agency which manages the property. If the assessment to the property of the state  
14 for a project, as defined under s. ~~66.64~~ 66.0705 (2), is \$50,000 or more, the state  
15 agency shall submit a request for approval of the assessment, with its  
16 recommendation, to the building commission. The building commission shall review  
17 the assessment and shall determine within 90 days of the date on which the  
18 commission receives the report if the assessment is just and legal and if the proposed  
19 improvement is compatible with state plans for the facility which is the subject of the  
20 proposed improvement. If the building commission so determines, it shall approve  
21 the assessment. No project in which the property of the state is assessed at \$50,000  
22 or more may be commenced and no contract on ~~such~~ the project may be let without  
23 approval of the assessment by the building commission under this subsection. The  
24 building commission shall submit a copy of its determination under this subsection

1 to the state agency ~~which~~ that manages the property which is the subject of the  
2 determination.

3 **SECTION 473.** 66.60 (5) of the statutes is renumbered 66.0703 (2) and amended  
4 to read:

5 66.0703 (2) The cost of any work or improvement to be paid in whole or in part  
6 by special assessment on property may include the direct and indirect cost thereof,  
7 the resulting damages ~~occasioned thereby~~, the interest on bonds or notes issued in  
8 anticipation of the collection of the assessments, a reasonable charge for the services  
9 of the administrative staff of the city, town or village and the cost of any architectural,  
10 engineering and legal services, and any other item of direct or indirect cost ~~which~~  
11 that may reasonably be attributed to the proposed work or improvement. The  
12 amount to be assessed against all property for ~~any such~~ the proposed work or  
13 improvement shall be apportioned among the individual parcels in the manner  
14 designated by the governing body.

15 **SECTION 474.** 66.60 (6) of the statutes is renumbered 66.0703 (1) (c) and  
16 amended to read:

17 66.0703 (1) (c) If any property deemed <sup>that is</sup> benefited shall ~~is~~ by reason of any  
18 ~~provision of law~~ be exempt from assessment therefor, ~~such~~ <sup>the</sup> assessment shall be  
19 computed and shall be paid by the city, town or village.

20 **SECTION 475.** 66.60 (6a) of the statutes is renumbered 66.0703 (3) and amended  
21 to read:

22 66.0703 (3) A parcel of land against which ~~has been levied~~ a special assessment  
23 has been levied for the sanitary sewer or water main laid in one of the streets ~~upon~~  
24 ~~which it that the parcel~~ abuts, shall be ~~is~~ entitled to such ~~that~~ <sup>a</sup> deduction or exemption  
25 ~~as~~ <sup>that</sup> the governing body determines to be reasonable and just under the circumstances

1 of each case, when a special assessment is levied for the sanitary sewer or water main  
 2 laid in the other street ~~upon which such that the~~ corner lot abuts. The governing body  
 3 may allow a similar deduction or exemption from special assessments levied for any  
 4 other public improvement.

*was affected by 1997 Wisconsin Act 213,*

5 SECTION 476. 66.60 (6m) of the statutes ~~is~~ renumbered 66.0721, and 66.0721  
 6 (1) (intro.) and (b), (2) and (3) (b) and (c), as renumbered, are amended to read:

7 66.0721 (1) (intro.) In this subsection ~~subsection~~ section:

8 (b) "Eligible farmland" means a parcel of 35 or more acres of contiguous land  
 9 which is devoted exclusively to agricultural use which during the year preceding the  
 10 year in which the land is subject to a special assessment under this ~~subsection~~ section  
 11 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
 12 which, during the 3 years preceding the year in which the land is subject to a special  
 13 assessment under this ~~subsection~~ section, produced gross farm profits, as defined in s. 71.58  
 14 (4), of not less than \$18,000.

15 (2) Except as provided in ~~par. (e) sub. (3)~~, no town sanitary district or town may  
 16 levy any special assessment on eligible farmland for the construction of a sewerage  
 17 or water system.

18 (3) (b) If after an initial special assessment for the construction of a sewerage  
 19 or water system is levied in a service area any eligible farmland subject to ~~subd. 1.~~  
 20 par. (a) or exempted from a special assessment under ~~par. (b) sub. (2)~~ is divided into  
 21 2 or more parcels at least one of which is not devoted exclusively to agricultural use,  
 22 the town sanitary district or town may levy on each parcel on which it has either  
 23 levied a special assessment under ~~subd. 1. par. (a)~~ or has not levied a special  
 24 assessment for the construction of a sewerage or water system a special assessment  
 25 for that purpose that does not exceed the amount of the special assessment for that

*w/po: Proof (3) (b) and (c) w/folio  
 See 66.60 (6m) (2) 2: and 3:  
 to proof*

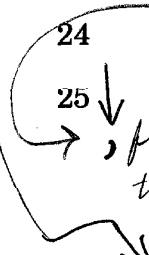


1 purpose that would have been levied on the parcel if the parcel had not been exempt  
 2 under ~~par. (b)~~ sub. (2) or that has already been levied under ~~subd. 1~~ par. (a). The  
 3 special assessment shall be apportioned among the parcels resulting from the  
 4 division in proportion to their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

17 (c) If, after a town sanitary district or town first levies a special assessment for  
 18 the construction of a sewerage or water system in a service area, the eligible  
 19 farmland in that service area exempted from the special assessment under ~~par. (b)~~  
 20 sub. (2) is not devoted exclusively to agricultural use for a period of one year or more,  
 21 the town sanitary district or town may levy on that eligible farmland the special  
 22 assessment for the construction of a sewerage or water system that it would have  
 23 levied if the eligible farmland had not been exempt under ~~par. (b)~~ sub. (2). The town  
 24 sanitary district or town may also charge interest on the special assessment at an

25 annual rate that does not exceed the average interest rate paid by the district or town  
 → <sup>from the date the eligible farmland has not been devoted exclusively</sup>  
 to agricultural use for a period of at least one year,

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1 on its obligations between the time the district or town first levies a special  
2 assessment for the construction of a sewerage or water system in the service area in  
3 which the eligible farmland is located and the time it levies the special assessment  
4 on that eligible farmland. This ~~subdivision~~ paragraph does not apply to any land  
5 unless the town or special purpose district records a lien on that eligible farmland  
6 in the office of the register of deeds within 90 days after it first levies a special  
7 assessment for the construction of a sewerage or water system in the service area in  
8 which the eligible farmland is located, describing the exemption under ~~par. (b) sub.~~  
9 (2) and the potential for a special assessment under this ~~subdivision~~ paragraph.

10 **SECTION 477.** 66.60 (7) of the statutes is renumbered 66.0703 (7) (a) and  
11 amended to read:

12 66.0703 (7) (a) Upon the completion and filing of the report required by sub.  
13 ~~(3)~~ (4), the city, town or village clerk shall ~~cause~~ prepare a notice to be given stating  
14 the nature of the proposed work or improvement, the general boundary lines of the  
15 proposed assessment district including, in the discretion of the governing body, a  
16 small map ~~thereof~~, the place and time at which the report may be inspected, and the  
17 place and time at which all interested persons ~~interested~~, or their agents or  
18 attorneys, may appear before the governing body ~~or a committee thereof of the~~  
19 governing body or the board of public works and be heard concerning the matters  
20 contained in the preliminary resolution and the report. ~~Such~~ The notice shall be  
21 published as a class 1 notice, under ch. 985, in the city, town or village and a copy of  
22 ~~such~~ the notice shall be mailed, at least 10 days before the hearing or proceeding, to  
23 every interested person whose post-office address is known, or can be ascertained  
24 with reasonable diligence. The hearing shall commence not less than 10 ~~and not~~ <sup>✓ if not</sup>  
25 more than 40 days after ~~such~~ publication. <sub>3</sub>

(12) and

to

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SECTION 478. 66.60 (8) ~~and (12)~~ (12) and (15) of the statutes are renumbered 66.0703 (8) to (13) and amended to read:

3 66.0703 (8) (a) After the hearing upon any proposed work or improvement, the  
4 governing body may approve, disapprove or modify, or it may rerefer the report  
5 prepared pursuant to <sup>under</sup> subs. (2) (4) and (3) (5) to the designated officer or employe with  
6 such directions as it deems necessary to change the plans and specifications and to  
7 accomplish a fair and equitable assessment.

8 (b) If an assessment of benefits be is made against any property and an award  
9 of compensation or damages be is made in favor of the same property, the governing  
10 body shall assess against or award in favor thereof of the property only the difference  
11 between such the assessment of benefits and the award of damages or compensation.

12 (c) When the governing body finally determines to proceed with the work or  
13 improvement, it shall approve the plans and specifications therefor and adopt a  
14 resolution directing that such the work or improvement be carried out and paid for  
15 in accordance with the report as finally approved and that payment therefor be made  
16 as therein provided.

17 (d) The city, town or village clerk shall publish the final resolution as a class  
18 1 notice, under ch. 985, in the assessment district and a copy of such the resolution  
19 shall be mailed to every interested person whose post-office address is known, or can  
20 be ascertained with reasonable diligence.

21 (e) When the final resolution is published, all work or improvements therein  
22 described in the resolution and all awards, compensations and assessments arising  
23 therefrom from the resolution are deemed legally <sup>then</sup> authorized and made, subject to  
24 the right of appeal under sub. (12).

1           (9) ~~Where~~ <sup>✓</sup> If more than a single type of project is undertaken as part of a general  
2           improvement affecting any property, the governing body may finally combine the  
3           assessments for all purposes as a single assessment on each property affected,  
4           ~~provided that~~ <sup>✓</sup> ~~each~~ <sup>if</sup> property owner shall be enabled to may object to any such the  
5           assessment for any single purpose or for more than one purpose.

6           (10) If the actual cost of any project shall, upon completion or after the receipt  
7           of bids, be is found to vary materially from the estimates, ~~or~~ if any assessment is void  
8           or invalid for ~~any reason~~, or if the governing body shall ~~determine~~ decides to  
9           reconsider and reopen any assessment, it is ~~empowered~~ may, after giving notice as  
10          provided in sub. (7) (a) and after a public hearing, to amend, cancel or confirm any  
11          ~~such the~~ prior assessment, ~~and thereupon~~. A notice of the resolution amending,  
12          canceling or confirming ~~such the~~ prior assessment shall be given by the clerk as  
13          provided in sub. (8) (d). If the assessments are amended to provide for the refunding  
14          of special assessment B bonds under s. ~~66.54 (16)~~ 66.0713 (6), all direct and indirect  
15          costs reasonably attributable to the refunding of the bonds may be included in the  
16          cost of the public improvements being financed.

17          (11) If the cost of the project shall be is less than the special assessments levied,  
18          the governing body, without notice or hearing, shall reduce each special assessment  
19          proportionately and ~~where~~ if any assessments or instalments thereof have been paid  
20          the excess over cost shall be applied to reduce succeeding unpaid instalments, ~~where~~ <sup>✓</sup> if  
21          the property owner has elected to pay in instalments, or refunded to the property  
22          owner.

23          (12) (a) ~~If any~~ A person having an interest in any a parcel of land affected by  
24          any a determination of the governing body, ~~pursuant to~~ <sup>under</sup> sub. (8) (c), (10) or (11), feels  
25          aggrieved thereby that person may, within 90 days after the date of the notice or of

1 the publication of the final resolution pursuant to <sup>under</sup> sub. (8) (d), appeal ~~therefrom~~ the  
2 determination to the circuit court of the county in which such the property is situated  
3 ~~by causing~~ located. The person appealing shall serve a written notice of appeal ~~to be~~  
4 ~~served~~ upon the clerk of such the city, town or village and ~~by executing~~ execute a bond  
5 to the city, town or village in the sum of \$150 with 2 sureties or a bonding company  
6 to be approved by the city, town or village clerk, conditioned for the faithful  
7 prosecution of such the appeal and the payment of all costs that may be adjudged  
8 against that person. The clerk, in case such if <sup>an</sup> appeal is taken, shall ~~make~~ prepare  
9 a brief statement of the proceedings ~~had~~ in the matter before the governing body,  
10 with its decision ~~thereon~~ on the matter, and shall transmit the ~~same~~ statement with  
11 the original or certified copies of all the papers in the matter to the clerk of the circuit  
12 court.

13 (b) ~~Such~~ The appeal shall be tried and determined in the same manner as cases  
14 originally commenced in such circuit court, and costs awarded as provided in s.  
15 893.80.

16 (c) ~~In case any~~ If a contract has been made for making the improvement such  
17 the appeal ~~shall~~ does not affect such the contract, and certificates or bonds may be  
18 issued in anticipation of the collection of the entire assessment for such the  
19 improvement, including the assessment on any property represented in such the  
20 appeal as if such the appeal had not been taken.

21 (d) Upon appeal pursuant to under this subsection, the court may, based ~~upon~~  
22 on the improvement as actually constructed, render a judgment affirming, annulling  
23 or modifying and affirming, as modified, the action or decision of the governing body.  
24 If the court finds that any assessment or any award of damages is excessive or  
25 insufficient, such the assessment or award need not be annulled, but the court may

1 reduce or increase the assessment or award of damages and affirm the same  
2 assessment or award as so modified.

3 (e) An appeal under this subsection shall be is the sole remedy of any person  
4 aggrieved by a determination of the governing body, whether or not the improvement set  
5 was made according to the plans and specifications therefor, and shall raise/raises  
6 any question of law or fact, stated in the notice of appeal, involving the making of  
7 such the improvement, the assessment of benefits or the award of damages or the  
8 levy of any special assessment therefor. The limitation ~~provided for~~ in par. (a) shall  
9 does not apply to appeals based ~~upon~~ on fraud or ~~upon~~ on latent defects in the  
10 construction of the improvement discovered after such the period of limitation.

11 (f) It shall be is a condition to the maintenance of such an appeal that any  
12 (12) assessment appealed from shall be paid <sup>plain</sup> as and when the same assessment or any  
13 instalments thereof become due and payable, and ~~upon~~. If there is a default in  
14 making such a payment, ~~any such~~ the appeal shall be dismissed.

15 (13) Every special assessment levied under this section shall be is a lien on the  
16 property against which it is levied on behalf of the municipality levying ~~same~~ the  
17 assessment or the owner of any certificate, bond or other document issued by public  
18 authority, evidencing ownership of or any interest in such the special assessment,  
19 from the date of the determination of such the assessment by the governing body.  
20 The governing body shall provide for the collection of such the assessments and may  
21 establish penalties for payment after the due date. The governing body shall provide  
22 <sup>✓</sup> that all assessments or instalments thereof ~~which~~ that are not paid by the date  
23 <sup>✓</sup> specified shall be extended upon the tax roll as a delinquent tax against the property  
24 and all proceedings in relation to the collection, return and sale of property for

1 delinquent real estate taxes shall apply to such the special assessment, except as  
2 otherwise provided by statute.

3 **SECTION 479.** 66.60 (16) of the statutes is repealed.

**NOTE:** Restated as a separate section. See SECTION 161 of this ~~draft~~ <sup>bill</sup>.

4 **SECTION 480.** 66.60 (17) of the statutes is renumbered 66.0703 (14) and  
5 amended to read:

6 66.0703 (14) If any a special assessment or special charge levied pursuant to  
7 under this section shall be is held invalid because such ~~statutes shall be~~ this section  
8 is found to be <sup>plain</sup> unconstitutional, the governing body of ~~such municipality~~ may  
9 thereafter reassess such the special assessment or ~~special charge pursuant to the~~  
10 ~~provisions of~~ under any applicable law.

11 **SECTION 481.** 66.60 (18) of the statutes is renumbered 66.0703 (7) (b) and  
12 amended to read:

13 66.0703 (7) (b) The ~~governing body of any city, town or village may, without any~~  
14 ~~notice or hearing, levy and assess the whole or any part of the cost of any municipal~~  
15 ~~work or improvement as a special assessment upon the property specially benefited~~  
16 ~~thereby whenever notice and hearing thereon is in writing requirements under par.~~  
17 (a) do not apply if <sup>they are</sup> waived by all the owners of property affected by such the special  
18 assessment. <sup>in writing,</sup>

↓ ↓  
19 **SECTION 482.** 66.604 of the statutes is renumbered 66.0717 and amended to  
20 read:

21 **66.0717 Lien of special assessment.** A special assessment levied under any  
22 authority ~~whatsoever shall be~~ is a lien on the property against which it is levied on  
23 behalf of the municipality levying the same assessment or the owner of any  
24 certificate, bond or other document issued by the municipality, evidencing ownership

1 of any interest in such the special assessment, from the date of the levy, to the same  
2 extent as a lien for a tax levied upon real property.

3 **SECTION 483.** 66.605 of the statutes is renumbered 66.0715 (2) and amended  
4 to read:

5 **66.0715 (2)** ~~NOT A~~ SPECIAL ASSESSMENTS DEFERRAL. (a) Notwithstanding any  
6 other statute, the due date of any special assessment levied against property  
7 abutting on or benefited by a public improvement may be deferred on such the terms  
8 and in such the manner as prescribed by its the governing body while no use of the  
9 improvement is made in connection with the property. ~~Such~~ A deferred special  
10 assessment may be paid in instalments within the time prescribed by the governing  
11 body. ~~Any such A deferred~~ special assessment shall be is a lien against the property  
12 from the date of the levy.

13 (b) If a tax certificate is issued under s. 74.57 for property which is subject to  
14 a special assessment that is deferred under this section subsection, the governing  
15 body may provide that the amounts of any deferred special assessments are due on  
16 the date that the tax certificate is issued and are payable as are other delinquent  
17 special assessments from any moneys received under s. 75.05 or 75.36.

18 (c) The lien of any unpaid amounts of special assessments deferred under this  
19 section subsection with respect to which a governing body has not taken action under  
20 sub. (2) par. (b) is not merged in the title to property taken by the county under ch.  
21 75.

NOTE: This section is combined with s. 66.54 (7), relating to annual instalments  
of special assessments. See SECTIONS 197, 198 and 460 of this ~~act~~ <sup>bill</sup>. Note that  
the definitions for the newly combined and renumbered section provided in  
SECTION 198 of this ~~act~~, which previously applied only to the provisions of  
renumbered s. 66.0715 that related to instalment payments, will now apply to  
deferral of special assessments as well.

22 **SECTION 484.** 66.606 of the statutes is renumbered 287.093.



1           **SECTION 485.** 66.608 of the statutes is renumbered 66.1109, and 66.1109 (3) (d),  
2 as renumbered, is amended to read:

3           66.1109 (3) (d) Either the board or the municipality, as specified in the  
4 operating plan as adopted, or amended and approved under this section, shall have  
5 has all powers necessary or convenient to implement the operating plan, including  
6 the power to contract.

7           **SECTION 486.** 66.609 of the statutes is renumbered 66.1007.

8           **SECTION 487.** 66.610 of the statutes is renumbered 62.71, and 62.71 (title), (1),  
9 (2) (intro.), (a), (b), (e), (i) and (n), (3) (a) to (c), (4) ~~intro. and (a) to (c)~~, (5) (b) (intro.)  
10 and 4. and (c) to (e), (6) (intro.), (b) and (c), (7) to (11) and (13), as renumbered, are  
11 amended to read:

12           **62.71 (title) Pedestrian malls in cities of the 1st class cities.** (1) PURPOSE.  
13 The purpose of this section is to authorize ~~any city of the a~~ 1st class city to undertake,  
14 develop, finance, construct and operate pedestrian malls as local improvements.

15 (2) (intro.) ~~As used in In~~ this section: *(CS) Definitions.*

16 (a) "Annual pedestrian mall improvement" includes, ~~without limitation~~  
17 ~~because of enumeration,~~ any reconstruction, replacement or repair of trees,  
18 plantings, furniture, shelters or other pedestrian mall facilities.

19 (b) "Annual pedestrian mall improvement cost" includes, ~~without limitation~~  
20 ~~because of enumeration,~~ planning consultant fees, public liability and property  
21 damage insurance premiums, reimbursement of the city's reasonable and necessary  
22 costs incurred in operating and maintaining a pedestrian mall, levying and  
23 collecting special assessments and taxes, publication costs, and any other costs  
24 related to annual improvements and the operation and maintenance of a pedestrian  
25 mall.

1 (e) "City" means a city of the 1st class city.

2 (i) "Intersecting street" means, unless the council declares otherwise, any  
3 street which meets or intersects a pedestrian mall, but includes only those portions  
4 thereof of the intersecting street which lay between the mall or mall intersection and  
5 the first intersection of such the intersecting street with a street open to general  
6 vehicular traffic.

7 (n) "Pedestrian mall improvement" ~~means, without limitation because of~~  
8 ~~enumeration, includes~~ any construction or installation of pedestrian thoroughfares,  
9 perimeter parking facilities, public seating, park areas, outdoor cafes, skywalks,  
10 sewers, shelters, trees, flower or shrubbery plantings, sculptures, newsstands,  
11 telephone booths, traffic signs, sidewalks, traffic lights, kiosks, water pipes, fire  
12 hydrants, street lighting, ornamental signs, ornamental lights, graphics, pictures,  
13 paintings, trash receptacles, display cases, marquees, awnings, canopies, overhead  
14 or underground radiant heating pipes or fixtures, walls, bollards, chains and all such  
15 other fixtures, equipment, facilities and appurtenances which, in the council's  
16 judgment, will enhance the movement, safety, convenience and enjoyment of  
17 pedestrians and benefit the city and the affected property owners.

18 (3) (a) Upon petition of ~~any~~ a community development advisory body or upon  
19 its own motion, the council may by resolution designate lands to be acquired,  
20 improved and operated as pedestrian malls or may by ordinance designate streets,  
21 including a federal, state, county or any other highway system with the approval of  
22 the jurisdiction responsible for maintaining that highway system, in or adjacent to  
23 business districts to be improved for primarily pedestrian uses. The council may  
24 acquire by gift, purchase, eminent domain, or otherwise, land, real property or  
25 rights-of-way for inclusion in a pedestrian mall district or for use in connection with

1 pedestrian mall purposes. The council may also make improvements on mall  
2 intersections, intersecting streets or upon facilities acquired for parking and other  
3 related purposes, if ~~such~~ the improvements are necessary or convenient to the  
4 operation of the mall.

5 (b) In establishing or improving a pedestrian mall, the council may narrow any  
6 street designated a part of a pedestrian mall, reconstruct or remove any street vaults  
7 or hollow sidewalks existing by virtue of a permit issued by the city, construct  
8 crosswalks at any point on the pedestrian mall, or cause the roadway to curve and  
9 meander within the limits of the street without regard to the uniformity of width of  
10 the street or curve or absence of curve in the center line of ~~such~~ the street.

11 (c) 1. Subject to subd. 2., the council may authorize the payment of the entire  
12 cost of any pedestrian mall improvement established under this section by  
13 appropriation from the general fund, by taxation or special assessments, and by the  
14 issuance of municipal bonds, general or particular special improvement bonds,  
15 revenue bonds, mortgages or certificates, or by any combination of ~~such~~ these  
16 financing methods.

*(CS) Preliminary Findings.*

17 2. If ~~such~~ a pedestrian mall improvement is financed by special assessments  
18 and special improvement bonds are not issued, ~~such~~ the special assessments, when  
19 collected, shall be applied to the payment of the principal and interest on any general  
20 obligation bonds issued or to the reduction of general taxes if ~~such~~ general obligation  
21 bonds or the general tax levy ~~are~~ is used to finance the improvement.

22 (4) ~~that~~ No pedestrian mall may be established under sub. (3) unless the  
23 council finds that all of the following: *That the*

24 (c) ~~The~~ continued unlimited use by private vehicles of all or part of the streets  
25 or parts thereof in the proposed mall district endangers pedestrian safety.

*Ins. 449-23*

①

*That § properties*  
(d) ~~Properties~~ abutting the proposed mall ~~district~~ can be reasonably and adequately provided with emergency vehicle services and delivery and receiving of merchandise or materials either from other streets or alleys or by the limited use of the pedestrian mall for ~~such~~ these purposes.

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*That it*  
(e) ~~It~~ is in the public interest to use ~~such~~ all or part of the street or portions thereof in the proposed mall district primarily for pedestrian purposes.

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(5) (b) (intro.) Upon receiving the authority under par. (a) and upon completion of the public hearing, the commissioner of public works shall prepare a report which shall include all of the following:

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4. A description of the property necessary to be acquired or interfered with and the identity of the owner of each ~~such~~ parcel if the ~~same~~ owner can be readily ascertained by the commissioner.

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(c) In preparing ~~such~~ the report under par. (b), the commissioner of public works shall consult with any community development advisory body which has been organized in the proposed pedestrian mall district.

(d) After referring the report described in par. (b) to the city plan commission for review and recommendations, the commissioner of public works shall submit ~~such~~ the report, with the city plan commission's recommendations, if any, to the council and shall file a copy in the office of the city clerk. The council may ~~then~~ refer the report and recommendations, with any necessary modifications ~~it deems necessary~~, to the board of assessment for action pursuant to subch. II of ch. 32.

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(e) Notwithstanding any other provision of this section, if a petition protesting the establishment of a pedestrian mall or a pedestrian mall improvement, duly signed and acknowledged by the owners of 51% or more of the front footage of lands abutting all or part of a street or part thereof proposed as a pedestrian mall, is filed

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1 with the city clerk at any time prior to the conclusion of all proceedings required  
2 under this section, the council shall terminate its proceedings, and no proposal for  
3 the establishment of the ~~same~~ pedestrian mall or substantially the same pedestrian  
4 mall may be introduced or adopted within one year after ~~such~~ termination of  
5 proceedings *under this paragraph*

6 (6) ORDINANCES; REQUIRED PROVISIONS. (intro.) ~~Any~~ An ordinance establishing  
7 a pedestrian mall shall accomplish all of the following:

8 (b) Designate the streets, including intersecting streets, or parts thereof of  
9 streets to be used as a pedestrian mall.

10 (c) Limit the use of the surface of ~~such~~ all or part of a street or part thereof used  
11 as a pedestrian mall to pedestrian users and to emergency, public works,  
12 maintenance and utility transportation vehicles during such times as ~~the~~ the council *that*  
13 determines appropriate to enhance the purposes and function of the pedestrian mall.

14 (7) USE BY PUBLIC CARRIERS. If the council finds that all or part of a street or part  
15 thereof which is designated as a pedestrian mall is served by a common carrier  
16 engaged in mass transportation of persons within the city and that continued use of  
17 ~~such~~ all or part of the street or part thereof by ~~such~~ the common carrier will benefit  
18 the city, the public and adjacent property, the council may permit ~~such~~ the carrier to  
19 use ~~such~~ all or part of the street or part thereof for ~~such~~ these purposes to the same  
20 extent and subject to the same obligations and restrictions ~~which~~ that *plain* are applicable to  
21 ~~such~~ the carrier in the use of other streets of the city. Upon like findings, the council  
22 may permit use of ~~such~~ all or part of the street or part thereof by taxicabs or other  
23 public passenger carriers.

24 (8) PERMITS. (a) If, at the time an ordinance establishing a pedestrian mall is  
25 ~~adopted~~ *enacted* any property abutting ~~such~~ all or part of the pedestrian mall or part thereof

1 does not have access to some other street or alley for the delivery or receiving of  
2 merchandise or materials, such the ordinance shall provide for either <sup>at least one of</sup> ~~either~~ the following

3 1. The issuance of special access permits to the affected owners for such these  
4 purposes; ~~or~~ .

5 2. The designation of the hours or days on which such the pedestrian mall may  
6 be used for such these purposes without unreasonable interference with the use of  
7 all or part of the mall ~~or part thereof~~ by pedestrians and other authorized vehicles.

8 (b) The council may issue temporary permits for closing all or part of a  
9 pedestrian mall ~~or any part thereof~~ to all vehicular traffic for the promotion and  
10 conduct of sidewalk art fairs, sidewalk sales, craft shows, entertainment programs,  
11 special promotions and for such other special activities consistent with the ordinary  
12 purposes and functions of the pedestrian mall.

13 (9) EXCESS ESTIMATED COST; ASSESSMENT ADJUSTMENTS. (a) If, after the  
14 completion of any pedestrian mall improvement, the commissioner of public works  
15 certifies that the actual cost is less than the estimated cost upon which any aggregate  
16 assessment is based, such the aggregate assessment shall be reduced, subject to par.  
17 (c), by a percentage amount of the excess estimated cost which is equal to the  
18 percentage of the estimated cost financed by such the aggregate assessment. The  
19 city comptroller shall certify to the city treasurer the amount <sup>that is</sup> refundable under this  
20 subsection.

21 (b) If such the aggregate assessment described in par. (a) has been fully  
22 collected, the city treasurer shall refund the excess assessment to the affected  
23 property owners on a proportional basis.

24 (c) If such the aggregate assessment described in par. (a) has not been fully  
25 collected, <sup>↓</sup> the amount of the refundable assessment shall be reduced by a sum

1 determined by the council to be sufficient to cover anticipated assessment collection  
2 deficiencies, and the balance, if any, shall be refunded to the affected owners on a  
3 proportional basis. The treasurer shall deduct the appropriate amount from  
4 instalments due after the receipt of the certificate from the city comptroller.

5 (10) ANNUAL COSTS; SPECIAL ACCOUNT. (a) Concurrently with the submission of  
6 the plan, and annually thereafter by June 15 of each year, the city comptroller and  
7 the commissioner of public works, with the assistance of a community development  
8 advisory body, if any, shall furnish the council with a report estimating the cost of  
9 improving, operating and maintaining any pedestrian mall district for the next fiscal  
10 year. Under the plan in effect, ~~such~~ the report shall include itemized cost estimates  
11 of any proposed changes in the plan under consideration by the council and also a  
12 detailed summary of the estimated costs chargeable to all of the following categories:

13 1. The amount of the annual costs chargeable to the general fund. ~~Such~~ The  
14 amount may not exceed that amount which the city normally allocates from the  
15 general fund for maintenance and operation of a street of similar size and location  
16 not improved as a pedestrian mall.

17 2. The amount of the annual costs chargeable to owners of property in the  
18 district who are benefited by ~~such~~ annual mall improvements. The aggregate  
19 amount assessed against ~~such~~ the owners may not exceed the aggregate benefits  
20 accruing to all ~~such~~ assessable property.

21 3. The amount of the annual costs, if any, to be specially taxed against taxable  
22 property in the district. ~~Such~~ The amount shall be determined by deducting from the  
23 estimated annual costs the amounts under subds. 1. and 2. and the amount of  
24 anticipated rentals received from vendors using pedestrian mall facilities.

1 (b) Moneys appropriated and collected for annual pedestrian mall  
2 improvement costs shall be credited to a special account. The council may incur such  
3 necessary annual costs ~~as it deems necessary~~, whether or not they have been  
4 included in the budget for that fiscal year, except that such nonbudgeted  
5 expenditures shall be included in the estimate required under par. (a) for the next  
6 following fiscal year. Any unexpended balances in ~~such~~ the special account  
7 remaining at the end of a fiscal year shall be carried over to the appropriate category  
8 of the estimate required under par. (a) for the ~~next~~ following fiscal year.

9 (11) NUISANCES: LIMITATION OF LIABILITY. (a) The installation of any furniture,  
10 structure or facility or the permitting of any use in a pedestrian mall district under  
11 a final plan adopted under this section ~~may is not be deemed~~ a nuisance or unlawful  
12 obstruction or condition by reason of the location of ~~such~~ the installation or use.

13 (b) ~~Such installation or use may not cause the~~ The city or any person acting  
14 under permit ~~to be~~ is not liable for injury to persons or property in the absence of  
15 negligence in the construction, maintenance, operation or conduct of ~~such~~ the  
16 installation or use under par. (a).

17 (13) SUBSTANTIAL COMPLIANCE; VALIDITY. Substantial compliance with the  
18 requirements of this section is sufficient to give effect to any proceedings ~~hereunder~~  
19 conducted under this section and any error, irregularity or informality not affecting  
20 substantial justice does not affect the validity of ~~such~~ the proceedings.

21 SECTION 488. 66.615 of the statutes is renumbered 66.0907, and 66.0907 (1),  
22 (2), (3) (a), (c) (intro.) <sup>1. and 2.</sup> ~~and~~ (d), (e) and (f), (5), (6), (7) and (10) (intro.), as renumbered,  
23 are amended to read:

24 66.0907 (1) PART OF STREET; OBSTRUCTIONS. Streets shall provide a right-of-way  
25 for vehicular traffic and, where the council ~~so~~ requires, a sidewalk on either or both



1 sides ~~thereof; the~~ of the street. The sidewalk shall be for the use of persons on foot,  
 2 and no person shall be allowed to may encumber the same the sidewalk with boxes  
 3 or other material; ~~but such~~. The sidewalk shall be kept clear for the ~~uses specified~~  
 4 ~~herein~~ use of persons on foot.

5 (2) GRADE. ~~In all cases where~~ If the grades of sidewalks shall are not have been  
 6 specially fixed by ordinance, the sidewalks shall be laid to the established grade of  
 7 the street.

8 (3) (a) *Authority of council*. The council may ~~from time to time~~ by ordinance  
 9 or resolution determine where sidewalks shall be constructed and establish the  
 10 width, determine the material and prescribe the method of construction of standard  
 11 sidewalks, ~~and the~~. The standard so fixed may be different for different streets, ~~and~~.  
 12 The council may order by ordinance or resolution sidewalks to be laid as provided in  
 13 this subsection.

14 (c) *Notice*. (intro.) A copy of the ordinance, resolution or order directing such  
 15 the laying, removal, replacement or repair of sidewalks shall be served upon the  
 16 owner, or an agent, of each lot or parcel of land in front of which such the work is  
 17 ordered. The board of public works, or either the street commissioner or the city  
 18 engineer if so requested by the council, may serve the notice. Service of the notice  
 19 may be made by: any of the following methods

20 (d) *Default of owner*. ~~Whenever any such owner shall neglect~~ If the owner  
 21 neglects for a period of 20 days after such service of notice under par. (c) to lay,  
 22 remove, replace or repair any such the sidewalk the city may cause such the work  
 23 to be done at the expense of such the owner. All work for the construction of sidewalks  
 24 shall be let by contract to the lowest responsible bidder except as provided in s. 62.15  
 25 (1).

INS.  
455-19

1 (e) *Minor repairs.* If the cost of repairs of any sidewalk in front of any lot or  
2 parcel of land does not exceed the sum of \$100, the board of public works, street  
3 commissioner or city engineer, if so required by the council, may immediately repair  
4 such ~~the~~ sidewalk, without notice or letting the work by contract, and charge the cost  
5 thereof ~~of the repair~~ to the owner of such ~~the~~ lot or parcel of land, as provided in this  
6 section.

7 (f) *Expense.* The board of public works shall keep an accurate account of the  
8 expenses of laying, removing and repairing sidewalks in front of each lot or parcel  
9 of land, whether the work is done by contract or otherwise, and report the same  
10 expenses to the comptroller ~~who~~. The comptroller shall annually prepare a  
11 statement of the expense so incurred in front of each lot or parcel of land and report  
12 the same amount to the city clerk, ~~and the~~. The amount therein charged to each lot  
13 or parcel of land shall be entered by such ~~the~~ clerk in the tax roll as a special tax  
14 against ~~said the~~ lot or parcel of land, and ~~the same shall be collected in all respects~~  
15 like other taxes upon real estate. The council by resolution or ordinance may provide  
16 that the expense so incurred may be paid in up to 10 annual instalments and upon  
17 ~~such determination~~, the comptroller shall prepare the expense statement as herein  
18 ~~required in such manner and with such frequency as the improved to reflect the~~  
19 instalment payment schedule allows. If annual instalments for such ~~expense~~  
20 sidewalk expenses are authorized, the city clerk shall charge the amount to each lot  
21 or parcel of land and enter it on the tax roll as a special tax against such ~~the~~ lot or  
22 parcel each year until all instalments have been entered, and the same amount shall  
23 be collected ~~in all respects~~ like other taxes upon real estate. The council may provide  
24 that the street commissioner or city engineer shall perform the duties imposed by  
25 this section on the board of public works.

1 (5) SNOW AND ICE. The board of public works shall keep the sidewalks of the city  
2 clear of snow and ice in all cases where the owners or occupants of abutting lots fail  
3 to do so, and the expense of ~~so doing~~ clearing in front of any lot or parcel of land shall  
4 be included in the statement to the comptroller required by sub. (3) (f), and in the  
5 comptroller's statement to the city clerk and in the special tax to be levied ~~as therein~~  
6 ~~provided~~. The city may also impose a fine or penalty for neglecting to keep sidewalks  
7 clear of snow and ice.

8 (6) REPAIR AT CITY EXPENSE. ~~Whenever the~~ The council shall ~~by resolution or~~  
9 ~~ordinance so determine,~~ may provide that sidewalks shall be kept in repair by and  
10 at the expense of the city; or ~~the council~~ may direct that a certain proportion of the  
11 cost of construction, reconstruction or repair be paid by the city and the balance by  
12 abutting property owners.

13 (7) RULES. The council may ~~from time to time make all needful rules and~~  
14 ~~regulations by ordinance for carrying the aforesaid~~ implement the provisions into  
15 effect of this section, ~~for regulating~~ regulate the use of the sidewalks of the city and  
16 ~~preventing~~ prevent their obstruction.

17 (10) APPLICATION OF SECTION; DEFINITIONS. (intro.) The provisions of this section  
18 shall do not apply to 1st class cities but ~~shall be applicable~~ apply to towns and  
19 villages, and when applied to towns and villages:

20 SECTION 489. 66.616 of the statutes is renumbered 66.0909, and 66.0909 (1),  
21 as renumbered, is amended to read:

22 66.0909 (1) The standard for construction of curbs and sidewalks on each side  
23 of any a city or village street, <sup>Plain</sup> ~~for any a~~ connecting highway or town road for which  
24 curbs and sidewalks have been prescribed by the governing body of the town, city or  
25 village having jurisdiction ~~thereover~~, shall include curb ramping providing access to

1 crosswalks at intersections and other designated locations. Curb ramping includes  
2 the curb opening, the ramp and that part of the sidewalk or apron leading to and  
3 adjacent to the curb opening. Any person constructing new curbs or sidewalks or  
4 replacing curbs or sidewalks within 5 feet of a legal crosswalk in any city street,  
5 village street, connecting highway or town road shall comply with the standards for  
6 curb ramping under this section.

7 SECTION 490. 66.62 of the statutes is renumbered 66.0701 and amended to  
8 read:

9 **66.0701** ~~Amended~~ **Special assessments by local ordinance.** (1) Except as  
10 provided in s. ~~66.60 (6m)~~ 66.0721, in addition to other methods provided by law, the  
11 ~~common council governing body of any a town, village or 2nd, 3rd or 4th class city,~~  
12 ~~a village board or a town board~~ may, by ordinance, provide that the cost of installing  
13 or constructing any public work or improvement shall be charged in whole or in part  
14 to the property benefited thereby, and to make an assessment against such the  
15 property benefited in such the manner as such council or board the governing body *that*  
16 determines. ~~Such~~ The special assessment ~~shall be~~ is a lien against the property from  
17 the date of the levy.

18 (2) Every ~~such~~ ordinance under this section shall contain provisions for  
19 reasonable notice and hearing. Any person against whose land a special assessment  
20 is levied ~~under any such ordinance~~ under this section shall have the right to under this  
21 section may appeal ~~therefrom~~ in the manner prescribed in s. 66.60 66.0703 (12)  
22 within 40 days of the date of the final determination of the governing body.

23 SECTION 491. 66.625 of the statutes is renumbered 66.0911 and amended to  
24 read:

1           **66.0911 Laterals and service pipes.** ~~Whenever~~ If the governing body shall  
2 by resolution ~~require~~ requires water, heat, sewer and gas laterals or service pipes to  
3 be constructed from the lot line or near the lot line to the main or from the lot line  
4 to the building to be serviced, or both, it may provide that when the work is done by  
5 the city, village or town or under a city, village or town contract, a record of the cost  
6 of constructing ~~such~~ the laterals or service pipes shall be kept and ~~such~~ the cost, or  
7 the average current cost of laying ~~such~~ the laterals or service pipes, shall be charged  
8 and be a lien against the lot or parcel served.

9           **SECTION 492.** 66.63 of the statutes is renumbered 66.0725 and amended to  
10 read:

11           **66.0725 Assessment of condemnation benefits.** (1) As a complete  
12 alternative to any other method provided by law, for the purpose of payment of the  
13 expenses, including ~~such~~ the excess of damages and all other expenses and costs,  
14 incurred for the taking of private property for the purpose set forth in ss. 32.02 (1),  
15 61.34 (3) and 62.22, the governing body of ~~the~~ a town, city or village may, by  
16 resolution, levy and assess the whole or any part of ~~such~~ the expenses, as a special  
17 assessment upon such the property as they determine <sup>that</sup> the governing body  
18 determines is specially benefited thereby, ~~and they by the taking.~~ The governing  
19 body shall include in said the levy the whole or any part of the excess of benefits over  
20 total damages, if any, making therein and make a list of every lot or parcel of land  
21 so assessed, the name of the owner thereof, if known, and the amount levied thereon  
22 on the property.

23           (2) ~~Such~~ The resolution under sub. (1) shall be published as a class 2 notice,  
24 under ch. 985, and with a notice therewith that at a the time and place stated therein,  
25 the governing body will meet at their usual place of meeting and hear all objections

1 ~~which may be made to such~~ the assessment ~~or to any part thereof~~. If such the  
2 resolution levies an assessment against property outside the corporate limits, notice  
3 ~~as provided herein~~ shall be given by mailing a copy of the resolution and the notice  
4 by registered mail to the last-known address of the owner of such the property. A  
5 copy of such the resolution shall be filed with the clerk of the town in which the  
6 property is located.

7 (3) At the time so fixed the governing body shall meet and hear ~~all such~~  
8 objections, and for that purpose may adjourn to a date set by the governing body, until  
9 the hearing is completed, and shall by resolution confirm or modify such the  
10 assessment in whole or in part. At any time before the first day of the next November  
11 thereafter any party liable may pay ~~any such~~ the assessment to the town, city or  
12 village treasurer. On such ~~the~~ first day of November, <sup>①</sup> if any such the assessment  
13 remains unpaid, the treasurer shall make a certified statement showing what  
14 assessments ~~so levied~~ under this section remain unpaid, and file the same statement  
15 with the clerk, who shall ~~extend the same upon~~ place the unpaid assessments on the  
16 tax roll of such municipality, in addition to and as part of all other taxes therein levied  
17 ~~on such land, to be collected therewith~~ for collection.

18 (4) ~~At the time of making out the tax roll, next after the filing of any assessment~~  
19 ~~to pay the expenses incurred in proceedings for the condemnation of lands outside~~  
20 ~~the corporate limits, the~~ The town clerk shall enter in said on the tax roll the benefits  
21 not offset by damages or an excess of benefits over damages which shall be are levied  
22 ~~on the land described as a special assessment by a city or village and shall be collected~~  
23 ~~the same~~ collect the assessment <sup>in the same manner</sup> ~~as~~ other taxes. Such ~~amounts when~~ The  
24 assessments collected shall be paid over to the city or village treasurer to be applied  
25 in payment of any damages or excess of damages over benefits awarded by such the

1 assessment; and in case, If the amount of such special assessments are is insufficient  
2 to pay all damages or excess of damages over benefits so awarded, then the difference  
3 shall be paid by the city or village. ~~Any such damages~~ Damages or excess of damages  
4 over benefits may be paid out of such the fund ~~prior to~~ <sup>before</sup> the collection of such the  
5 special assessments, to be and reimbursed ~~therefrom~~ when collected.

6 (5) Any person against whose land an assessment of benefits is made pursuant  
7 to under this section may appeal ~~therefrom~~ as prescribed in s. 32.06 (10) within 30  
8 days of the adoption of the resolution required under sub. (3).

9 SECTION 493. 66.635 of the statutes is renumbered 66.0731 and amended to  
10 read:

11 **66.0731 Reassessment of invalid condemnation and public**

12 **improvement assessments.** (1) If in ~~any an~~ action, other than an action pursuant  
13 to ~~s. 66.60 (12)~~, for the recovery of damages arising from a failure to make a proper  
14 assessment of benefits and damages, as provided by law, or failure to observe any  
15 provision of law, or because of any act or defect in any proceeding in which benefits  
16 and damages are assessed, and in any action to set aside any <sup>under s.</sup> 66.0703 (12), involving  
17 a special assessment, special assessment certificate, bond or note or tax certificate  
18 based upon ~~such~~ on the special assessment, the court determines that ~~such the~~  
19 assessment is invalid by reason of a defective assessment of benefits and damages,  
20 or for any cause, it shall stay all proceedings, frame an issue therein and summarily  
21 try the same issue and determine the amount which <sup>that</sup> the plaintiff justly ought to pay  
22 or which should be justly assessed against the property in question. ~~Such~~ That  
23 amount shall be ordered to be paid into court for the benefit of the parties entitled  
24 thereto to the amount within a fixed time ~~to be fixed~~. Upon compliance with said the

1 order judgment shall be entered for the plaintiff with costs. If the plaintiff fails to  
2 comply with ~~such~~ the order the action shall be dismissed with costs.

3 (2) If the common council, village board or town board determines that any  
4 special assessment is invalid for any reason, it may reopen and reconsider ~~such~~ the  
5 assessment as provided in s. ~~66.60~~ 66.0703 (10).

6 SECTION 494. 66.64 of the statutes is renumbered 66.0705 and amended to  
7 read:

8 ~~66.0705~~ 66.0705 ~~title~~ **Special Property of public and private entities subject**  
9 **to special assessments for local improvements.** (1) (a) The property of ~~the~~ this  
10 state, except that held for highway right-of-way purposes or acquired and held for  
11 purposes under s. 85.09, and the property of every county, city, village, town, school  
12 district, sewerage district or commission, sanitary or water district or commission,  
13 or any public board or commission within this state, and of every corporation,  
14 company or individual operating any railroad, telegraph, telecommunications,  
15 electric light or power system, or doing any of the business mentioned in ch. 76, and  
16 of every other corporation or company ~~whatever, shall be~~ is in all respects subject to  
17 all special assessments for local improvements.

18 (b) Certificates and improvement bonds ~~therefor~~ for special assessments may  
19 be issued and the lien ~~thereof~~ of the special assessments enforced against ~~such~~  
20 property described in par. (a), except property of the state, in the same manner and  
21 to the same extent as the property of individuals. ~~Such assessments shall~~ Special  
22 assessments on property described in par. (a) may not extend to the right, easement  
23 or franchise to operate or maintain railroads, telegraph, telecommunications or  
24 electric light or power systems in streets, alleys, parks or highways. The amount  
25 represented by any certificate or improvement bond issued ~~as aforesaid~~ shall be



1 under this paragraph is a debt due personally from ~~such~~ the corporation, company  
2 or individual, payable in the case of a certificate when the taxes for the year of its  
3 issue are payable, and in the case of a bond according to the terms ~~thereof~~ of the bond.

4 (2) In this subsection, "assessment" means a special assessment on property  
5 of ~~the~~ this state and "project" means any continuous improvement within overall  
6 project limits regardless of whether small exterior segments are left unimproved. If  
7 the assessment of a project is less than \$50,000, or if the assessment of a project is  
8 \$50,000 or more and the building commission approves the assessment under s.  
9 ~~66.60 (4) 66.0703 (6)~~, the state agency which manages the property shall pay the  
10 assessment from the revenue source which supports the general operating costs of  
11 the agency or program against which the assessment is made.

12 **SECTION 495.** 66.645 of the statutes is repealed.

**NOTE:** Repealed as unnecessary. The provision, which refers to special assessments levied under s. 66.64, provides for the collection and enforcement of those assessments. Collection and enforcement of special assessments are provided elsewhere in the statutes; for example, ss. 66.0701, 66.0703 (13), 66.0717 and 74.53.

13 **SECTION 496.** 66.65 (title) and (1) of the statutes are renumbered 66.0707 (title)  
14 and (1) and amended to read:

15 **66.0707 (title) Assessment or special charge against city, village or**  
16 **town property abutting on improvement in adjacent city, village or town.**

17 (1) A city, village or town may levy special assessments for municipal work or  
18 improvement under s. ~~66.60 upon~~ 66.0703 on property in an adjacent city, village or  
19 town, if ~~such~~ the property abuts ~~upon~~ and benefits from ~~such~~ the work or  
20 improvement and if the governing body of the municipality where the property is  
21 located, ~~by resolution~~ approves ~~such~~ the levy. ~~In any such case the~~ by resolution.  
22 The owner of such  
the property shall be is entitled to the use of the work or improvement ~~upon~~ on which

1 such ~~the~~ assessment is based upon on the same conditions as the owner of property  
2 within the city, village or town.

3 **SECTION 497.** 66.65 (2) of the statutes is renumbered 66.0707 (3) and amended  
4 to read:

5 66.0707 (3) A special assessment or special charge under this section shall be  
6 is a lien against the benefited property and shall be collected by the treasurer in the  
7 same manner as the taxes of the municipality and paid over by the treasurer to the  
8 treasurer of the municipality levying ~~such the~~ assessment.

**NOTE:** The scope of this provision is expanded to include special charges. See  
SECTION 185 of this ~~act~~. *bill*

9 **SECTION 498.** 66.694 of the statutes is renumbered 66.0727 and amended to  
10 read:

11 **66.0727 Special assessments against railroad for street improvement.**

12 (1) (a) If any a city, village or town ~~causes any~~ improves a street, alley or public  
13 highway within its corporate limits to ~~be improved, including~~ by grading, curbing,  
14 or paving or otherwise improving the street, alley or public highway, ~~where~~ <sup>if</sup> ~~if~~ the  
15 entire or partial cost of the improvement is assessed against abutting property, and  
16 if the street, alley or public highway is crossed by the track of ~~any a~~ railroad engaged  
17 as a common carrier, the common council or board of public works of the city, or the  
18 village or town board, shall, at any time after the completion and acceptance of the  
19 improvement by the municipality, file with the local agent of the railroad corporation  
20 operating the railroad a statement showing the amount chargeable to the railroad  
21 corporation for the improvement.

22 (b) The amount chargeable to the railroad corporation ~~shall be an~~ is the amount  
23 equal to the cost of constructing the improvement along the street, alley or public

1 highway immediately in front of and abutting its right-of-way on each side of the  
2 street, alley or public highway at the point where the track crosses the street, alley  
3 or public highway, based upon the price per square yard, lineal foot or other unit of  
4 value used in determining the total cost of the improvement.

5 (2) The amount charged against any a railroad corporation for improving the  
6 street, alley or public highway, fronting or abutting its right-of-way, ~~shall~~ may not  
7 exceed the average amount per front foot assessed against the remainder of the  
8 property fronting or abutting on the improved street, alley or public highway so  
9 improved. The amount calculated under sub. (1) and contained in the statement  
10 ~~shall be~~ is due and payable by the railroad corporation to the municipality, ~~causing~~  
11 filing the statement ~~to be filed~~ within 30 days of the date when the statement ~~shall~~  
12 be ~~is~~ presented to the local representative of the railroad corporation.

13 SECTION 499. 66.695 (title) of the statutes is repealed.

14 SECTION 500. 66.695 of the statutes is renumbered 66.0727 (3) and amended  
15 to read:

16 66.0727 (3) If ~~any~~ a railroad corporation fails or refuses to pay ~~to any~~ a city,  
17 village or town the amount set forth in any statement or claim for ~~the making of~~  
18 street, alley or public highway improvements, ~~as provided in s. 66.694, under this~~  
19 section within the time specified in the statement, the city, village or town ~~shall have~~  
20 ~~a valid~~ has a claim for ~~such~~ that amount against the railroad corporation, and may  
21 maintain an action in any circuit court within this state to recover the amount in the  
22 statement.

23 SECTION 501. 66.696 (title) of the statutes is renumbered 66.0729 (title).

24 SECTION 502. 66.696 of the statutes is renumbered 66.0729 (1) and amended  
25 to read:

1           66.0729 (1) If the track of any a railroad is laid upon or along any a street, alley  
2 or public highway within any city, village or town, the corporation operating the  
3 railroad shall maintain and improve the portion of the street, alley or public highway  
4 that is occupied by its tracks. The railroad corporation shall grade, pave or otherwise  
5 improve the portion of the street, alley or public highway or portion thereof in such  
6 the manner and with such the materials as <sup>that</sup> the common council of the city or the  
7 village or town board determines. The railroad corporation is not required to pave  
8 or improve that portion of the street, alley or public highway occupied by it with  
9 different material or in a different manner from that in which the remainder of the  
10 street is paved or improved. The railroad corporation ~~shall be~~ is liable to pay for  
11 paving, grading or otherwise improving a street, alley or public highway only to the  
12 extent that the actual cost of the improvement exceeds the estimated cost of the  
13 improvement were the street, alley or public highway not occupied by the tracks of  
14 the railroad.

15           **SECTION 503.** 66.697 (title) of the statutes is repealed.

16           **SECTION 504.** 66.697 (1) and (2) of the statutes are renumbered 66.0729 (2) and  
17 (3) and amended to read:

18           66.0729 (2) If any a city, village or town orders any a street, alley or public  
19 highway to be paved, graded, curbed or improved, as provided in ~~s. 66.696 sub. (1)~~,  
20 the clerk of the city, village or town shall ~~cause to be served upon~~ serve the local agent  
21 of the railroad corporation, a notice setting forth the action taken by the city, village  
22 or town relative to the improvement of the street, alley or public highway.

23           (3) If the railroad corporation elects to construct the street, alley or public  
24 highway improvement, it shall within 10 days of the receipt of the notice from the  
25 clerk of the city, village or town, file with the clerk a notice of its intention to construct

1 the street, alley or public highway improvement, and it shall be allowed until the  
2 following June 30 ~~thereafter~~ to complete the work, unless the work is ordered after  
3 May 20 of any year, and in that case the railroad corporation shall be allowed 40 days  
4 from the time the clerk of the municipality presents the notice to the railroad agent,  
5 in which to complete the work.

6 SECTION 505. 66.698 (title) of the statutes is repealed.

7 SECTION 506. 66.698 (1) and (2) of the statutes are renumbered 66.0729 (4) and  
8 (5) and amended to read:

9 66.0729 (4) If ~~any~~ a city, village or town orders ~~any~~ a street, alley or public  
10 highway improved, ~~as provided in s. 66.696, under sub. (1)~~ and serves notice on the  
11 railroad corporation, ~~as provided in s. 66.697, under sub. (2)~~ and the railroad  
12 corporation elects not to construct the improvement or elects to construct the  
13 improvement but fails to construct the improvement within the time ~~provided in s.~~  
14 ~~66.697 under sub. (3)~~, the city, village or town shall ~~proceed to~~ let a contract for the  
15 construction of the improvement, and ~~cause~~ improve the street, alley or public  
16 highway ~~to be improved as determined under s. 66.696, and when sub. (1).~~ When the  
17 improvement is completed and accepted by the city, village or town, the clerk of the  
18 city, village or town shall present to the local agent of the railroad corporation a  
19 statement of the actual cost of the improvement, and the railroad corporation shall,  
20 within 20 days of ~~its~~ receipt of the statement, pay ~~to~~ the treasurer of the city, village  
21 or town the amount shown by the statement.

22 (5) If ~~any~~ a railroad corporation fails to pay the cost of constructing any  
23 pavement or other street improvement ~~as provided under sub. (1)~~, the city, village or  
24 town causing responsible for the improvement to be constructed shall have the right

1 to may enforce collection of the amount by an action ~~at law~~ against the railroad  
2 corporation as provided in s. ~~66.695~~ 66.0727 (3).

3 **SECTION 507.** 66.699 of the statutes is repealed.

NOTE: Restated in renumbered ss. 66.0727 (4) and 66.0729 (6). See SECTIONS  
202 and 203 of this ~~stat.~~

4 **SECTION 508.** 66.70 of the statutes is renumbered 66.0611 and amended to  
5 read:

6 **66.0611 Political subdivisions prohibited from levying tax on incomes.**

7 No county, city, village, town, or other unit of government authorized to levy taxes  
8 ~~shall~~ may assess, levy or collect any tax on income, or measured by income, and any  
9 ~~such~~ tax so assessed or levied is void.

10 **SECTION 509.** 66.73 of the statutes, as affected by 1997 Wisconsin Act 27, is  
11 repealed.

NOTE: Repeals s. 66.73, which authorizes a county, municipal or school board to  
annually provide for and appropriate funds for a program of citizenship  
education, including a ceremony of the induction to citizenship for those who  
have been enfranchised within the past year.

12 **SECTION 510.** 66.74 of the statutes is renumbered 66.0613.

13 **SECTION 511.** 66.75 of the statutes is renumbered 66.0615, and 66.0615 (1)  
14 (dm), (1m) (a) <sup>and (b) 2.</sup> and (2) (a) and (c), as renumbered, are amended to read:

15 66.0615 (1) (dm) "Sponsoring municipality" means ~~any a~~ city, village or town  
16 that creates a district either separately or in combination with another city, village,  
17 town or county.

18 (1m) (a) The governing body of a municipality may enact an ordinance, and a  
19 district, under par. (e), may adopt a resolution, imposing a tax on the privilege of  
20 furnishing, at retail, except sales for resale, rooms or lodging to transients by  
21 hotelkeepers, motel operators and other persons furnishing accommodations that

1 are available to the public, irrespective of whether membership is required for use  
2 of the accommodations. ~~Any A~~ tax imposed under this paragraph is not subject to  
3 the selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales  
4 to the federal government and persons listed under s. 77.54 (9a). ~~Any A~~ tax imposed  
5 under this paragraph by a municipality shall be paid to the municipality and may  
6 be forwarded to a commission if one is created under par. (c), as provided in par. (d).  
7 Except as provided in par. (am), ~~any a~~ tax imposed under this paragraph by a  
8 municipality may not exceed 8%. Except as provided in par. (am), if a tax greater  
9 than 8% under this paragraph is in effect on May 13, 1994, the municipality imposing  
10 the tax shall reduce the tax to 8%, effective on June 1, 1994.

INS,  
469-10

11 (2) (a) ~~Whenever the~~ If a municipality or district has probable cause to believe  
12 that the correct amount of room tax has not been assessed or that the tax return is  
13 not correct, inspect and audit the financial records of any person subject to sub. (1m)  
14 pertaining to the furnishing of accommodations to determine whether ~~or not~~ the  
15 correct amount of room tax is assessed and whether ~~or not~~ any room tax return is  
16 correct.

17 (c) Determine the tax under sub. (1m) according to its best judgment if ~~any a~~  
18 person required to make a return fails, neglects or refuses to do so for the amount,  
19 in the manner and form and within the time prescribed by the municipality or  
20 district.

21 **SECTION 512.** 66.77 of the statutes is renumbered 59.605.

22 **SECTION 513.** 66.80 (title) of the statutes is renumbered 62.63 (title) and  
23 amended to read:

24 **62.63 (title) Benefit funds for officers and employes of first 1st class**  
25 **cities.**

1 SECTION 514. 66.80 (1) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by SECTION 12 of this ~~act~~ bill

2 SECTION 515. 66.80 (2) of the statutes is renumbered 62.63 (2) and amended  
3 to read:

4 62.63 (2) ~~RETIREMENT BOARD~~ RETIREMENT BOARD. Upon approval by By a majority vote of the  
5 its members of, the common council of such a 1st class city the common council shall  
6 may create a retirement board, the members of which shall serve without  
7 compensation, which board shall have full power and authority to administer such  
8 an annuity and benefit fund, and to under this section. The retirement board may  
9 make such rules and regulations under which all participants shall contribute to and  
10 receive benefits from such the fund. Members of the board shall serve without  
11 compensation. Three members of the retirement board shall be city employes elected  
12 by the members of the retirement system and shall serve 4-year terms and 5  
13 members shall be appointed under s. 66.146 62.51 and shall serve 3-year terms. The  
14 common council may provide for contribution by the city to such the annuity and  
15 benefit fund. The executive director of the retirement board shall be appointed under  
16 s. 66.146 62.51.

17 SECTION 516. 66.80 (3) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by SECTION 12 of this ~~act~~ bill

18 SECTION 517. 66.805 of the statutes is renumbered 62.65 and amended to read:

19 62.65 **Death benefit payments to foreign beneficiaries.** ~~A retirement~~  
20 ~~system of any~~ The common council of a 1st class city of the first class may provide by  
21 ~~appropriate enactment of the local legislative body that~~ under the city's retirement  
22 system no beneficiary may be designated for the payment of any retirement  
23 allowance, pension or proceeds of a member of such the retirement system if such the



1 beneficiary is not a resident of either the United States or Canada. If a beneficiary  
2 is designated who is neither a resident of the United States nor Canada, any  
3 contributions or retirement allowance which would have been paid to the beneficiary  
4 had the beneficiary been a resident of either the United States or Canada shall be  
5 deemed is payable to the estate of the deceased member of ~~such~~ the retirement  
6 system. The local legislative body of the city of the first class common council may  
7 also provide by ~~appropriate enactment~~ that if a death benefit would be payable  
8 because of the death of a member of the retirement system and the designated  
9 beneficiary of such the death benefit is not a resident of either the United States or  
10 Canada, the death benefit which would have been paid had the designated  
11 beneficiary been a resident of either the United States or Canada, ~~shall be deemed~~  
12 is payable to the estate of the deceased member. *as affected by 1997 Wisconsin Act 191*

13 SECTION 518. 66.81 of the statutes <sup>is</sup> renumbered 62.63 (4) and amended to  
14 read: *Except as provided in D. 49,852 and subject to D. 767, 265, all*

15 62.63 (4) EXEMPTION OF FUNDS AND BENEFITS FROM TAXATION, EXECUTION AND  
16 ASSIGNMENT. ~~All~~ moneys and assets of any a retirement system of any a 1st class city  
17 of the ~~first class~~ and all benefits and allowances ~~and every portion thereof~~, both  
18 before and after payment to any beneficiary, granted under ~~any such~~ the retirement  
19 system ~~shall be~~ are exempt from any state, county or municipal tax or from  
20 attachment or garnishment process, ~~and shall~~. The benefits and allowances may not  
21 be seized, taken, detained or levied upon by virtue of any executions, or any process  
22 or proceeding ~~whatsoever~~ issued out of or by any court of this state, for the payment  
23 and ratification in whole or in part of any debt, claim, damage, demand or judgment  
24 against any member of or beneficiary under ~~any such~~ the retirement system, ~~and no~~.  
25 No member of or beneficiary under ~~any such~~ the retirement system shall have any

1 right to may assign any benefit or allowance, or any part thereof, either by way of  
 2 mortgage or otherwise; ~~however, this.~~ The prohibition shall against assigning a  
 3 benefit or allowance does not apply to assignments made for the payment of  
 4 insurance premiums. The exemption from taxation ~~contained herein shall under~~  
 5 this section does not apply with respect to any tax on income.

6 SECTION 519. 66.82 of the statutes is renumbered 62.63 (3) and amended to  
 7 read:

8 62.63 (3) (title) INVESTMENT OF RETIREMENT FUNDS IN 1ST CLASS CITIES. The board  
 9 of ~~any a~~ retirement funds are independent of  
 10 control by the investi ~~tion to others provided~~  
 11 ~~to may~~ invest funds. ~~ent of cash required for~~  
 12 current operations, i ~~stments authorized for~~  
 13 investment of funds s. 25.17 (3) (a) and (4).  
 14 The independent ret. ~~subject to the conditions~~  
 15 imposed on the invest ~~ants under s. 25.17 (3) (e)~~  
 16 to (g), (4), (7), (8) and ~~eration of ch. 881. In addition~~  
 17 to all other authority for the investment of funds granted to the board of ~~any a~~  
 18 retirement system of a 1st class city whose funds are independent of the control of  
 19 the investment board, the retirement system board of the city may invest its funds  
 20 in accordance with s. 206.34, 1969 stats. In making investments under this section  
 21 subsection, the board of a retirement system of a 1st class city may invest in shares  
 22 of investments authorized under this section subsection.

*Karen: Please do NOT  
 make any editorial  
 changes in "old" 66.88  
 to 66.918 -- bill 520.  
 The special committee  
 promised MMSD that  
 there would be NO changes  
 other than RN, +  
 changes. Thanks.*

23 SECTION 520. 66.88 ~~to 66.918~~ <sup>is</sup> of the statutes ~~am~~ renumbered 200.21 ~~to 200.65~~  
 24 and 200.21 <sup>(intro.)</sup> (3), (4), (6) ~~and (7)~~ <sup>and (10)</sup>, 200.23 (1) (a) and (b) 1, (2) (a) ~~(intro.)~~ and (b), 200.25  
 25 (1) (a) 1. to 3. and (c), (2), (3), (4), (7) (a) and (8), 200.27 (1), (2) (a) 1. and (b), (3) and

1 ~~(4), 200.29 (1) (b) and (c) 3. and (2) (b), 200.31 (intro.), 200.33 (1) (b), 200.35 (1) (intro.),~~  
 2 ~~(2) (b), (5) (a) and (11) (a) and (c), 200.37 (2) (a) and (3), 200.39 (1), (2), (3), (4) (a) and~~  
 3 ~~(b) and (5) (a) (intro.) and 2., 200.41 (1), (2) and (3), 200.43 (1), 200.45 (1) (b), 200.47~~  
 4 ~~(1) and (2) (a), (cm) 1. and (e), 200.51 (1), 200.55 (1) (a), (b), (c), (d) 1. (intro.) and 3.,~~  
 5 ~~(e) (intro.), (f), (fa) and (g), (1m), (3) (intro.) and (c), (5) (a), (c) 2. and (d), (6) (a) 1. and~~  
 6 ~~(6m), 200.59 (4) and (5) and 200.63,~~ as renumbered, <sup>STE</sup> ~~and~~ amended to read:

INS.  
473-6

7 ~~200.31~~ (3) "Commission" means the metropolitan sewerage commission  
 8 created under s. ~~66.882~~ 200.23.

9 (4) "District" means the metropolitan sewerage district created under s. ~~66.882~~  
 10 200.23.

11 (6) "Local sewer" means any sewer constructed, operated or maintained by any  
 12 municipality. "Local sewer" does not include any sewer that has been incorporated  
 13 into the sewerage system under s. ~~66.896~~ 200.37 (2). If the classification of any sewer  
 14 is unclear, the presumption shall be that the sewer is local.

15 (7) "Municipality" means any city, town, village, sanitary district organized  
 16 under subch. IX of ch. 60 or metropolitan sewerage district organized under ss. ~~66.20~~  
 17 200.01 to ~~66.26~~ 200.15 that is located wholly or partially within the district or that  
 18 contracts for services under s. ~~66.898~~ 200.39.

INS.  
473-18

19 200.23 (1) (a) Except as provided in par. (b), a commission is established under  
 20 ss. ~~66.88 to 66.918~~ this subchapter if the common council of any 1st class city passes  
 21 a resolution of necessity by a majority vote of the members-elect.

22 (b) 1. On April 27, 1982, each metropolitan sewerage district organized under  
 23 s. 59.96, 1979 stats., is reorganized as a district under ss. ~~66.88 to 66.918~~ this  
 24 subchapter and a commission is created under ss. ~~66.88 to 66.918~~ this subchapter.

1           (2) (a) (intro.) Except as provided in s. ~~66.884~~ 200.25 (7), the mayor of the 1st  
2 class city shall appoint 7 individuals as members of the commission, each of whom  
3 shall have his or her principal residence in the 1st class city. Three of the  
4 commissioners appointed under this paragraph shall be elected officials. Each  
5 commissioner appointed under this paragraph may take his or her seat immediately  
6 upon appointment, pending confirmation or rejection by a majority of the  
7 members-elect of the common council. An appointee whose confirmation is pending  
8 may act within the scope of authority of a commissioner until the mayor withdraws  
9 the appointment or the common council rejects the appointment, whichever is  
10 earlier. The mayor shall withdraw any appointment that the common council rejects  
11 and may only resubmit the appointment for confirmation after at least one  
12 subsequent appointment is rejected. For the purposes of this paragraph, "elected  
13 official" means:

14           (b) Except as provided in s. ~~66.884~~ 200.25 (7), an executive council composed  
15 of the elected executive officer of each city, village and town that is wholly or partly  
16 within the boundaries of the district under s. ~~66.888~~ 200.29 (1), except a 1st class city,  
17 shall appoint 4 members of the commission by a majority vote of the members of the  
18 executive council. Each of these members shall have his or her principal residence  
19 within the district but outside the 1st class city. Three of these members shall be  
20 elected officials. Each commissioner appointed under this paragraph may take his  
21 or her seat immediately upon appointment.

22           200.25 (1) (a) 1. Each commissioner appointed by the mayor of the 1st class city  
23 under s. ~~66.882~~ 200.23 (2) (a) who is not an elected officer serves for a 3-year term  
24 or until a successor is appointed, whichever is later.

INS.  
474-21

1           2. Each commissioner appointed by the mayor of the 1st class city under s.  
2 ~~66.882~~ 200.23 (2) (a) who is an elected officer serves for a one-year term or until a  
3 successor is appointed, whichever is later.

4           3. Each commissioner appointed by the executive council under s. ~~66.882~~  
5 200.23 (2) (b) serves for a 3-year term or until a successor is appointed, whichever  
6 is later.

7           (c) Of the initial commissioners who are not elected officers appointed by the  
8 mayor of the 1st class city under s. ~~66.882~~ 200.23 (2) (a), one commissioner has a term  
9 of one year, one commissioner has a term of 2 years and 2 commissioners have a term  
10 of 3 years. One of the initial commissioners appointed by the executive council under  
11 s. ~~66.882~~ 200.23 (2) (b) has a term of one year, one of the initial commissioners has  
12 a term of 2 years and 2 of the initial commissioners have terms of 3 years.

13           (2) SUCCESSORS. The mayor shall appoint successors to commissioners  
14 appointed under s. ~~66.882~~ 200.23 (2) (a) and the executive council shall appoint  
15 successors to commissioners appointed under s. ~~66.882~~ 200.23 (2) (b), as provided in  
16 s. ~~66.882~~ 200.23. Each successor shall be appointed at least 6 weeks before the  
17 expiration of the preceding commissioner's term.

18           (3) CHANGE OF RESIDENCE OR LOSS OF ELECTED STATUS. Any commissioner  
19 appointed under s. ~~66.882~~ 200.23 (2) (a) who moves his or her principal residence  
20 outside the 1st class city and any commissioner appointed under s. ~~66.882~~ 200.23 (2)  
21 (b) who moves his or her principal residence outside the district or into the 1st class  
22 city shall resign. Any commissioner who is an elected official and who is not reelected  
23 or who otherwise leaves the elected office may serve not more than an additional 90  
24 days after leaving office or until a successor is appointed, whichever occurs first.

1           (4) VACANCIES. Vacancies occurring during the term of any commissioner shall  
2 be filled as provided under s. ~~66.882~~ 200.23, but only for the balance of the unexpired  
3 term. All vacancies shall be filled within 90 days. The balance of the unexpired term  
4 constitutes one term for the commissioner appointed to fill the vacancy. A  
5 commissioner appointed to fill a vacancy may be reappointed for subsequent full  
6 terms, as provided in sub. (1) (a).

7           (7) (a) Commencing in 1990, in the year immediately following the date when  
8 the federal decennial census of population becomes available in printed form, the  
9 commission shall reapportion the allocation of appointments between s. ~~66.882~~  
10 200.23 (2) (a) and (b) to reflect as nearly as possible the proportionate populations  
11 within the district of the 1st class city and of the cities, villages and towns that are  
12 represented on the executive council. As part of its reapportionment the commission  
13 may increase the number of seats to not more than 13 and may decrease the number  
14 of seats to not less than 9.

15           (8) REMOVAL FROM OFFICE. Any commissioner appointed by the mayor under s.  
16 ~~66.882~~ 200.23 (2) (a) may be removed by the mayor. Any commissioner appointed by  
17 the executive council under s. ~~66.882~~ 200.23 (2) (b) may be removed by the same  
18 process as is used for appointment.

19           200.27 (1) QUORUM. Six commissioners constitute a quorum for the transaction  
20 of business. If after reapportionment under s. ~~66.884~~ 200.25 (7) the number of  
21 commissioners is increased to 12 or 13, 7 commissioners constitute a quorum. If after  
22 reapportionment under s. ~~66.884~~ 200.25 (7) the number of commissioners is reduced  
23 to 9 or 10, 5 commissioners constitute a quorum.

24           (2) (a) 1. No resolution adopted by the commission under s. ~~66.91~~ 200.55 (1),  
25 (3) (c) or (6), 67.05 (1) or 67.12 (12), no schedule of charges under s. 66.076 66.0821,

INS. 18  
476-18

1 ~~66.898~~ 200.39 (4), ~~66.899~~ 200.41 or ~~66.91~~ 200.55 (5) (b) 3., no decision to borrow  
2 against taxes under s. 67.12 (1) and no decision to borrow under s. 24.61 (3) (a) 7. is  
3 valid unless adopted by an affirmative vote of at least a two-thirds majority of all  
4 commissioners.

5 (b) If one or more resolutions authorizing full financing of the capital budget  
6 adopted under s. ~~66.908~~ 200.53 are not adopted on or before October 15 succeeding  
7 the annual adoption of the budget, the commission may by a vote of a simple majority  
8 of all commissioners annually levy taxes under s. ~~66.91~~ 200.55 (6) (a) 4. or otherwise  
9 appropriate a sum from any source for the purpose of financing the capital budget.  
10 The total levy and appropriation may not exceed \$40,000,000.

11 (3) CHAIRPERSON. The commission shall elect one commissioner as chairperson  
12 of the commission, for a term specified by rule by the commission. The chairperson  
13 is removable at pleasure by the commission. The chairperson shall preside over the  
14 meetings of the commission and shall perform other duties imposed upon the  
15 chairperson by ~~ss. 66.88 to 66.918~~ this subchapter or assigned by the commission.  
16 The commission may also appoint a vice chairperson who may exercise the powers  
17 and shall perform the duties of the chairperson in the absence or disability of the  
18 chairperson.

19 (4) SECRETARY. The commission shall appoint a secretary who is not a member  
20 of the commission. The secretary is removable at pleasure by the commission and  
21 shall receive the compensation the commission determines. The compensation shall  
22 be paid at the time and in the same manner that the salaries of other employes of the  
23 district are paid. The secretary shall maintain all records concerning the district and  
24 shall perform the other duties that are imposed upon the secretary by ~~ss. 66.88 to~~  
25 ~~66.918~~ this subchapter or that are assigned by the commission.

INS. 478-1

1 200.29 (1) (b) The initial boundary of a district created under s. ~~66.882~~ 200.23

2 (1) (b) is the same as the boundary of the district created under s. 59.96 (5), 1979 stats.

3 (c) 3. Within 90 days after all commissioners have been appointed under s.  
4 ~~66.882~~ 200.23, the commission shall adopt rules concerning the factors to be  
5 considered in determining the redefined boundary of the district under subd. 2. The  
6 commission may also establish conditions by rule that shall apply if an area is not  
7 within the district after the boundary is redefined but is subsequently added to the  
8 district under par. (d). When adopting rules under this subdivision the commission  
9 shall consider, among other considerations:

10 (2) (b) The name of a district created under s. ~~66.882~~ 200.23 (1) (b) is the  
11 Milwaukee metropolitan sewerage district.

INS. 478-11

12 **200.31 General duties of the commission.** (intro.) Subject to ss. ~~66.88~~

13 200.21 to ~~66.918~~ 200.65, the commission shall:

INS. 478-13

14 200.33 (1) (b) Except as provided in sub. (2), ss. ~~66.88~~ 200.21 to ~~66.918~~ 200.65

15 do not authorize the commission to operate, maintain, rehabilitate or preserve local  
16 sewers or appurtenant local facilities constructed by a municipality or to separate  
17 combined storm and sanitary sewers.

(c) General powers of the commission.

INS. 478-17

18 200.35 (1) (intro.) To the extent necessary to carry out its duties under s. ~~66.88~~

19 200.31, the commission may project, plan, design, adopt, construct, operate and  
20 maintain:

21 (2) (b) Nothing in ss. ~~66.88 to 66.918~~ this subchapter authorizes the  
22 commission to lay or construct any part of the sewerage system after April 27, 1982,  
23 over, upon or under any land covered by any outlying waters, as defined in s. ~~24.001~~  
24 ~~24.001~~ <sup>24.001 (63)</sup>, unless the commission first obtains the prior consent of both houses of the  
25 legislature and the governor.



1           (5) (a) In its actions under ~~ss. 66.88 to 66.918~~ this subchapter, the commission  
2 shall comply with local zoning and land use ordinances unless it finds that, in  
3 carrying out its responsibilities under ~~ss. 66.88 to 66.918~~ this subchapter, deviation  
4 from these ordinances meets the test of public necessity, as that term is used for the  
5 purposes of ch. 32. The commission may only make determinations of public  
6 necessity by resolution. This paragraph does not authorize the commission to  
7 deviate from floodplain or shoreland zoning ordinances.

8           (11) (a) The commission may enter upon any land or water in the district for  
9 the purpose of making examinations, test borings, tests or surveys in the  
10 performance of its responsibilities under ~~ss. 66.88 to 66.918~~ this subchapter. The  
11 commission shall compensate for damage caused by its examinations, test borings,  
12 tests or surveys. The commission may examine any sewer or sewerage system to  
13 determine if the sewer or sewerage system is defective in operation, construction,  
14 design or supervision.

15           (c) If the consent of the owner cannot be obtained, the district shall obtain a  
16 special entry warrant prior to entry onto the land. To obtain a special entry warrant,  
17 the district shall petition the circuit court for the county in which the land to be  
18 entered is located and shall mail a copy of the petition by registered mail to the  
19 owner's last-known address, if any. If the court determines that entry onto the land  
20 is reasonably related to the performance of the district's responsibilities under ~~ss.~~  
21 ~~66.88 to 66.918~~ this subchapter, the court shall issue the warrant on the district's  
22 affidavit that the district intends to enter the land under this subsection, that the  
23 district has mailed, at least 5 days prior to the affidavit, a copy of the petition for the  
24 warrant to the owner as required in this paragraph and that the district has been  
25 otherwise unable to obtain the owner's consent.

INS.  
480-1

200.37 (2) (a) The commission may temporarily use any public sewer or drain, including any storm sewer or drain, in the district for the purposes of ~~ss. 66.88 to 66.918~~ this subchapter. The commission may incorporate with the sewerage system for use as an outfall sewer into a channeled watercourse or as an interceptor sewer any public sewer or drain, including any storm sewer or drain, and any of their appurtenances, either in their existing condition or with repairs or modifications as the commission may determine. The commission may condemn, close up, abolish, destroy, alter the functions or increase the flow of any of those public sewers and drains incorporated with the sewerage system as it deems necessary to carry out the purposes of ~~ss. 66.88 to 66.918~~ this subchapter. If the commission decides to incorporate or utilize a sewer or drain under this subsection, it shall use the procedures specified in par. (b).

(3) POWER TO REQUIRE CONNECTION. The commission may compel any owner or occupant of any premises located along the line of any interceptor sewer or along the line of any sewer of a municipality that is discharging sewage, refuse or industrial wastes of any kind into any river or canal within the drainage area of the district to change or rebuild any outlet, drain or sewer so as to discharge all the sewage, refuse or industrial wastes into the sewers of the town, city or village or into the district's interceptor sewer under rules adopted by the commission under s. ~~66.902~~ 200.45.

INS.  
480-20

200.39 (1) GENERAL POWER OF THE COMMISSION. Subject to subs. (2) to (6), the commission may contract with any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26~~ subch. I wholly or partially outside the boundaries of the district, but wholly or partially within the same general drainage area as the district for the transmission, treatment or disposal of sewage from any territory located in the city,

1 town, village, sanitary district or metropolitan sewerage district. Each contract  
2 executed under this section shall specify the terms of payment of sewerage service  
3 charges by the contracting party.

4 (2) PRIOR APPROVALS. Before permitting any city, town, village, sanitary district  
5 or metropolitan sewerage district to connect its sewers with or use any of the district's  
6 interceptor sewers under this section, the sewers shall be approved as provided in  
7 s. ~~66.896~~ 200.37 (1). The governing body of the city, town, village, sanitary district  
8 or metropolitan sewerage district may enter into a contract under this section only  
9 by a vote of three-fourths of its members.

10 (3) SERVICE CHARGES FOR OPERATION AND MAINTENANCE. As part of any contract  
11 executed under this section, the commission may assess reasonable and just  
12 sewerage service charges against the contracting party with respect to operating and  
13 maintenance costs. These charges shall be established in accordance with s. ~~66.912~~  
14 200.59 and are subject to review under s. ~~66.912~~ 200.59. The schedule of service  
15 charges may, but need not, be uniform with any other schedule of charges established  
16 by the commission.

17 (4) (a) As part of any contract executed under this section, the commission may  
18 assess reasonable and just sewerage service charges against the contracting party  
19 with respect to capital costs. These sewerage service charges are subject to review  
20 under s. ~~66.912~~ 200.59. The schedule of sewerage service charges with respect to  
21 capital costs used in contracts executed under this section shall be uniform with the  
22 system used to recover capital costs within the district.

23 (b) Except as provided in par. (c), the charges assessed under this subsection  
24 shall be established in accordance with s. ~~66.076~~ 66.0821 or ~~66.91~~ 200.55 (5). In  
25 computing the schedule of charges under this subsection, the commission may

1 consider the factors specified in s. ~~66.076~~ 66.0821 (5) or ~~66.91~~ 200.55 (5). In  
2 computing the schedule of charges under this subsection, the commission may also  
3 consider the fact that sewerage service may not be available to or may be available  
4 to but not utilized by a part of the property located within the territorial limits of a  
5 contracting party at the time of computing the schedule.

6 (5) (a) (intro.) Any city, town, village, sanitary district organized under subch.  
7 IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26~~  
8 subch. I that contracts under this subsection may provide for the payment of charges  
9 from any available source, including:

10 2. Assessments upon and assessments of charges against the whole city, town,  
11 village, sanitary district organized under subch. IX of ch. 60 or metropolitan  
12 sewerage district organized under ~~ss. 66.20 to 66.26~~ subch. I or upon or against any  
13 part thereof that the governing body determines to be benefited by the service.

14 200.41 (1) Notwithstanding ss. ~~66.076~~ 66.0821 and ~~66.91~~ 200.55 (5), if the  
15 commission establishes a system to recover capital costs within the district on the  
16 basis of the value of property in the area to be served, as equalized under s. 70.57,  
17 the commission shall establish a system of sewerage service charges to recover  
18 capital costs which shall be used with respect to any area which is served by the  
19 district and which is outside the boundaries of the district and outside of any  
20 municipality which has contracted with the district under s. ~~66.898~~ 200.39. The  
21 charges shall be equal to the amount the commission would be authorized to levy as  
22 taxes upon the area served if the area were within the district's boundaries.

23 (2) Any charge made by the district under this section is reviewable under s.  
24 ~~66.912~~ 200.59 (5) if the charge has been paid.

INS, 14  
482

1 (3) Section ~~66.91~~ 200.55 (5) (b) and (d) apply to charges assessed under this  
2 section.

3 200.43 (1) GENERAL POWER OF THE COMMISSION. The commission may acquire by  
4 gift, purchase, lease or other methods of acquisition or by condemnation, any real  
5 property situated in the state and all tenements, hereditaments and appurtenances  
6 belonging or in any way appertaining to, or in any interest, franchise, easement,  
7 right or privilege therein, that may be needed for the purpose of projecting, planning,  
8 constructing and maintaining the sewerage system, that may be needed for the  
9 collection, transmission or disposal of all sewage or drainage of the district or that  
10 may be needed for improving any river or stream within the district under s. ~~66.894~~  
11 200.35 (8) (a) or (b).

12 200.45 (1) (b) The rules shall apply throughout the territory served by the  
13 sewerage system and, except as provided in s. ~~66.894~~ 200.35 (5), shall have  
14 precedence over any conflicting ordinance, code or regulation of or permit issued by  
15 any municipality within the territory.

16 200.47 (1) GENERAL POWERS OF THE COMMISSION. The commission may enter into  
17 contracts, agreements or stipulations necessary to perform its duties and exercise its  
18 powers under ~~ss. 66.88 to 66.918~~ this subchapter, including contracts to purchase,  
19 lease or otherwise obtain the use of all necessary equipment, supplies and labor.

20 (2) (a) Except as provided in par. (b), all work done and all purchases of supplies  
21 and materials by the commission shall be by contract awarded to the lowest  
22 responsible bidder complying with the invitation to bid, if the work or purchase  
23 involves an expenditure of \$7,500 or more. If the commission decides to proceed with  
24 construction of any sewer after plans and specifications for the sewer are completed  
25 and approved by the commission and by the department of natural resources under

INS,  
483-3

INS,  
483-12

INS,  
483-16

1 ch. 281, the commission shall advertise by a class 2 notice under ch. 985 for  
 2 construction bids. All contracts and the awarding of contracts are subject to s. ~~66.29~~  
 3 66.0901.

4 (cm) 1. Except as provided under subd. 4., in determining the lowest  
 5 responsible bid for any contract awarded prior to December 31, 1993, the commission  
 6 may evaluate the multiplier effect on state revenues and tax receipts of contract  
 7 moneys which will be spent in this state under the contract. The commission shall  
 8 promulgate by rule any condition and evaluation criterion which it applies to a bid  
 9 evaluated under this subdivision. If the commission accepts a bid evaluated under  
 10 this subdivision, it shall file with the secretary of the commission a written report  
 11 detailing the reasons for its acceptance. The secretary shall make the report  
 12 available for public inspection. The commission shall include in the annual report  
 13 prepared under s. ~~66.886~~ 200.27 (9) a summary of all bids accepted after an  
 14 evaluation under this subdivision.

15 (e) Paragraphs (a) to (d) do not apply to contracts awarded under s. ~~66.905~~  
 16 200.49.

17 INS 484-17 → 200.51 (1) GENERAL POWERS OF THE COMMISSION. The commission may appoint  
 18 or employ professional or technical advisers and experts and other personnel the  
 19 commission requires for the proper execution of its duties under ~~ss. 66.88 to 66.918~~  
 20 this subchapter, fix their compensations and remove or discharge the employes at  
 21 pleasure.

22 INS 484-21 200.55 (1) (a) The district may issue bonds, notes or certificates for the  
 23 purposes provided in s. ~~66.066~~ 66.0621. Except as provided in pars. (b) to (fa), the  
 24 procedure for issuance of these bonds, notes or certificates is as specified in s. ~~66.066~~  
 25 66.0621.

1 (b) The commission has the powers and duties specified for a board or council  
2 in s. ~~66.066~~ 66.0621. The district has the powers and duties specified for a  
3 municipality in s. ~~66.066~~ 66.0621. If s. ~~66.066~~ 66.0621 specifies that a board, council  
4 or municipality shall act by ordinance, the commission shall act by resolution.

5 (c) District bonds issued under s. ~~66.066~~ 66.0621 (2) (a) shall be executed by the  
6 chairperson and secretary of the commission rather than by a chief executive and  
7 clerk.

8 (d) 1. (intro.) Section ~~66.066~~ 66.0621 (2) (a) 2. does not apply to district bonds.  
9 District bonds shall either mature:

10 3. Notwithstanding s. ~~66.066~~ 66.0621 (2) (a) 1., district bonds shall be made  
11 payable within 50 years from the date of the bonds, whether the bonds mature  
12 serially or within a specified term of years.

13 (e) (intro.) Notwithstanding s. ~~66.066~~ 66.0621 (2) (c):

14 (f) Deeds or mortgages that secure principal and interest of bonds under s.  
15 ~~66.066~~ 66.0621 shall be executed by the commission chairperson and secretary  
16 rather than by a chief executive and clerk.

17 (fa) Notwithstanding any contrary provision of s. ~~66.066~~ 66.0621, the district  
18 may issue bond anticipation notes under s. ~~66.066~~ 66.0621 (2) (m) in the form of  
19 commercial paper. If the district issues such commercial paper, the district may  
20 borrow to pay the interest on such paper, may obtain credit and liquidity facilities  
21 and may delegate authority to any person to sell, execute, determine the interest  
22 rates, maturities and amounts of such paper and to conduct the issuance of such  
23 paper as provided by the commission in the resolution under s. ~~66.066~~ 66.0621 (2)  
24 (m) authorizing the issuance. Such issuance under a single resolution shall be  
25 deemed a single issue of securities issued as of the date of the sale of the first such

1 paper and not as a series of refundings. A resolution authorizing the issuance of  
2 commercial paper under this paragraph and any taxes levied or any pledge made on  
3 such issuance is irrevocable as specified in the authorizing resolution.

4 (g) User charges and service charges established by the commission under sub.  
5 (5) or s. ~~66.076~~ 66.0821 to comply with any covenant concerning the sufficiency of the  
6 charges contained in a resolution or ordinance providing for the issuance of revenue  
7 bonds or notes under s. ~~66.066~~ 66.0621 shall be presumed reasonable in any review  
8 of the charges by the public service commission under s. ~~66.912~~ 200.59 (5).

9 (1m) INVESTMENT OF FUNDS. Notwithstanding any of the limits or restrictions  
10 in ss. ~~66.066~~ 66.0621 (2) (d) and (f), ~~66.069~~ (1)(e) 66.0811 (2) and 67.11 (2) on the debt  
11 instruments in which the district or commission may invest any of its funds that are  
12 not immediately needed, the district may invest any such funds in a debt instrument  
13 listed under s. ~~66.04~~ (2) 66.0605 (1). *as Marketing revenue bonds.*

14 (3) (intro.) To enhance the marketability of district bonds or notes issued  
15 under s. ~~66.066~~ 66.0621, the commission may:

16 (c) Levy a direct, irrevocable, annual, general tax in an amount sufficient to  
17 provide for the payment of all the principal and interest on the issue as it matures.  
18 The amount of the levy entered on the tax roll and collected each year shall be  
19 reduced by the amount in the special redemption fund provided under s. ~~66.066~~  
20 66.0621 or in any similar fund that is available for payment of principal and interest  
21 on the issue during the ensuing year. The portion of the principal of the issue not paid  
22 or provided for is a debt of the district and shall be included in determining its debt  
23 limit under article XI, section 3, of the constitution.

24 (5) (a) For service provided to any user, the commission may establish, assess  
25 and collect service charges under s. ~~66.076~~ 66.0821 or under this subsection. For



1 service to any user outside the district and not located in a municipality which has  
2 contracted with the district under s. ~~66.898~~ 200.39, the commission may establish,  
3 assess and collect service charges under s. ~~66.899~~ 200.41. Except as provided under  
4 s. ~~66.899~~ 200.41 (2), any charge made by the district under this subsection is  
5 reviewable under s. ~~66.912~~ 200.59 (5). The sewerage service charges established  
6 under s. ~~66.076~~ 66.0821 or under this subsection with respect to capital costs for  
7 service to any user shall be uniform.

8 (c) 2. The commission may classify users on the basis of uses and may establish  
9 separate charges for separate classes. In computing charges, the commission may  
10 consider any reasonable factor, including wastewater flow or drainage, delivery flow  
11 characteristics, water consumption, type and number of sewerage connections or  
12 plumbing fixtures, population served, lot size, portion of lot improved and assessed  
13 value of property served. The commission may also compute its fee schedules as  
14 needed to meet the requirements of s. ~~66.076~~ 66.0821 or of title II of the water  
15 pollution control act, 33 USC 1251 et seq.

16 (d) 1. Each sanitary district organized under subch. IX of ch. 60 and each  
17 metropolitan sewerage district organized under ~~ss. 66.20 to 66.26~~ subch. I that is  
18 billed by the commission under par. (b) shall, within 5 days of receipt of a bill from  
19 the commission, in turn bill each city, town or village served by the sanitary district  
20 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26~~ subch. I. Each  
21 city, town or village located within the district and billed under this paragraph or  
22 billed by the commission under par. (b) or under s. ~~66.076~~ 66.0821 shall, within 45  
23 days of receiving the bill, pay the full amount billed to the district. Each municipality  
24 may levy a reasonable penalty for late payment by the user to the municipality. Each

1 municipality may provide for the payment of charges to it by any means specified in  
2 s. ~~66.898~~ 200.39 (5).

3 2. Any city, town or village may collect and tax charges made by it to users in  
4 the same manner as water rates are taxed and collected under s. ~~66.069 (1)~~ 66.0809  
5 or ~~66.071 (1) (e)~~ 62.69 (2) (f). Charges taxed under this subdivision are a lien upon  
6 the property served, as provided in s. ~~66.091 (1)~~ 66.0809 or ~~66.071 (1) (e)~~ 62.69 (2) (f). or

NOTE: Corrects an apparent incorrect cross-reference in the last sentence. The cross-reference to s. 66.091 (1) [renumbered s. 893.81] is to a provision dealing with local liability for mob damage, not with liens on property. It appears the correct cross-reference is to s. 66.0809 [former s. 66.069 (1)], which is also cross-referenced earlier in the sentence.

7 (6) (a) 1. To make payments to a county as provided in s. ~~66.882~~ 200.23 (1) (b)  
8 2.;

9 (6m) TAX STABILIZATION FUND. The commission may establish a tax stabilization  
10 fund for any purpose authorized by ss. ~~66.88 to 66.918~~ this subchapter.

INS  
4485

11 200.59 (4) COLLECTION OF FEES BY MUNICIPALITIES. Every sanitary district  
12 organized under subch. IX of ch. 60 or metropolitan sewerage district organized  
13 under ss. ~~66.20 to 66.26~~ subch. I billed by a district under sub. (2) shall in turn bill  
14 every city, town or village served by the sanitary district or metropolitan sewerage  
15 district organized under s. ~~66.20 to 66.26~~ subch. I. Every city, town and village billed  
16 by a district under sub. (2), by a sanitary district or metropolitan sewerage district  
17 organized under ss. ~~66.20 to 66.26~~ subch. I under this subsection shall collect such  
18 charges from the individual sewer system users in the city, town or village and shall  
19 promptly remit the same to the district. The district may adopt rules for the  
20 establishment and administration of collection procedures and the settlement of  
21 such collections with the district as required by this section. Under such rules the  
22 district may provide for reimbursement of the municipality for the expense of

1 collecting late payments of charges. Each municipality shall pay the district in full  
2 within 45 days after receiving a bill from the district. The district or, if the district  
3 does not act, every municipality is empowered to levy a penalty for late payment by  
4 the user to the municipality. Any city, town or village may collect under s. ~~66.076~~  
5 66.0821 (7) any charge which is due under this section and which is delinquent. In  
6 the event that any municipality does not remit such charges to the district within 45  
7 days of the billing date, the district may borrow moneys, repayable in not longer than  
8 18 months, sufficient to offset such uncollected charges.

9 (5) REVIEW BY PUBLIC SERVICE COMMISSION. Except as provided under s. ~~66.899~~  
10 200.41 (2), upon complaint to the public service commission by any user that charges,  
11 rules and practices under this section are unreasonable or unjustly discriminatory,  
12 according to the standards and criteria which the commission is required to follow  
13 under state or federal law, including, without limitation because of enumeration, this  
14 section, 33 USC 1251 et seq. and ch. 283, or upon complaint of a holder of a revenue  
15 bond or other evidence of debt, secured by a mortgage on the sewerage system or any  
16 part thereof or pledge of the income of sewerage service charges, that charges are  
17 inadequate, the public service commission shall investigate the complaint. If  
18 sufficient cause therefor appears, the public service commission shall set the matter  
19 for a public hearing upon 10 days' notice to the complainant and the commission.  
20 After the hearing, if the public service commission determines that the charges, rules  
21 or practices complained of are unreasonable or unjustly discriminatory, it shall  
22 determine and by order fix reasonable charges, rules and practices and shall make  
23 such other order respecting such complaint as may be just and reasonable. The  
24 proceedings under this subsection shall be governed, as far as applicable, by ss.  
25 196.26 to 196.40. The commission may submit the factual data, reports and analyses

1 considered by it in establishing the charges, rules or practices subject to a complaint  
 2 under this subsection. The public service commission shall give due weight to such  
 3 data, reports and analyses. Judicial review of the determination of the public service  
 4 commission may be had by any person aggrieved in the manner prescribed under ch.  
 5 227. If any user pays a charge and the public service commission or court, on appeal  
 6 from the public service commission, finds such charge, after reviewing a complaint  
 7 filed under this subsection, to be excessive, the district shall refund to the user the  
 8 excess plus the interest thereon computed at the rate then paid by the district for  
 9 borrowing funds for a term of one year or less.

10 **200.63 Construction.** Nothing in ss. ~~66.88 200.21~~ to ~~66.914 200.61~~ in any way  
 11 limits or takes away any of the powers of any municipality located in the district,  
 12 relating to the construction, extension or repair of local or sanitary sewers or drains  
 13 except that all plans and specifications for the construction of any local or sanitary  
 14 sewers or extensions thereof shall be submitted to and approved in writing by the  
 15 district before the sewers are constructed.

16 **SECTION 521.** 66.92 of the statutes is repealed.

**NOTE:** Repealed as no longer necessary. Furthermore, housing authorities may carry out housing projects for veterans. See s. 66.0807 (9) (r), as renumbered. [Current s. 66.04 (9) (s).] Section 66.92 authorizes counties, cities, villages and towns to promote and provide housing for veterans and directs the department of veterans affairs (DVA) and the Wisconsin housing and economic development authority to provide information and assistance for the local efforts.

17 **SECTION 522.** 66.925 of the statutes is renumbered 66.1013.

18 **SECTION 523.** 66.93 of the statutes is renumbered 45.051.

19 **SECTION 524.** 66.935 of the statutes is renumbered 66.0625, and 66.0625 (title)  
 20 and (2), as renumbered, are amended to read:

21 **66.0625 (title) Mass Joint issuance of mass transit bonding.**

1           (2) In addition to the provisions of any other statutes specifically authorizing  
2 cooperation between political subdivisions or public transit bodies, unless such those  
3 statutes specifically exclude action under this section, any political subdivision or  
4 public transit body may, for mass transit purposes, issue bonds or, with any other  
5 political subdivision or public transit body, jointly issue bonds.

6           **SECTION 525.** 66.94 of the statutes is repealed.

NOTE: Section 66.94, relating to metropolitan transit authorities, is repealed.  
The statute, originally intended to apply to Milwaukee County and its  
municipalities, apparently has never been utilized nor does it appear likely to  
be utilized in the future.

7           **SECTION 526.** 66.943 of the statutes is renumbered 66.1021, and 66.1021 (1)(a),  
8 (5) (a), (7) (b), (9) and (10) to (12), as renumbered, are amended to read:

9           66.1021 (1) (a) ~~Any~~ A city, village or town may enact an ordinance for the  
10 establishment, maintenance and operation of a comprehensive unified local  
11 transportation system, the major portion of which is ~~or is to be~~ located within, or the  
12 major portion of the service of which is ~~or is to be~~ supplied to the inhabitants of ~~such,~~  
13 the city, village or town, and which system is used ~~or to be used~~ for the transportation  
14 of persons or freight.

15           (5) (a) The first members of the transit commission shall be appointed for  
16 staggered 3-year terms. The term of office of each member ~~thereafter~~ appointed  
17 after the first members of the transit commission shall be 3 years.

18           (7) (b) For the purpose of receiving, considering and acting upon any  
19 complaints or applications that may be presented to it or for the purpose of  
20 conducting investigations or hearings on its own motion the transit commission shall  
21 hold regular meetings at least once a week except in the months of July and August  
22 and special meetings on the call of the chairperson or at the request of the city <sup>COMMON</sup> council  
23 or village or town board.

1           (9) <sup>The initial</sup> ~~Initial~~ acquisition of the properties for the establishment of and to comprise,  
2 the comprehensive unified local transportation system ~~shall be is~~ subject to s. ~~66.065~~  
3 66.0803 or ch. 197.

4           (10) (a) Any city, village, town or federally recognized Indian tribe or band may  
5 by contract under s. ~~66.30~~ 66.0301 establish a joint municipal transit commission  
6 with the powers and duties of city, village or town transit commissions under this  
7 section. Membership on ~~such a~~ the joint transit commission shall be as provided in  
8 the contract established under s. ~~66.30~~ 66.0301.

9           (b) Notwithstanding any other provision of this section, no joint municipal  
10 transit commission under par. (a) may provide service outside the corporate limits  
11 of the parties to the contract under s. ~~66.30~~ 66.0301 which establish the joint  
12 municipal transit commission unless the joint municipal transit commission  
13 receives financial support for the service ~~pursuant to~~ <sup>under</sup> a contract with a public or  
14 private organization for ~~such~~ the service. This paragraph does not apply to service  
15 provided by a joint municipal transit commission outside the corporate limits of the  
16 parties to the contract under s. ~~66.30~~ 66.0301 which establish the joint municipal  
17 transit commission if the joint municipal transit commission is providing the service  
18 on April 28, 1994, without receiving financial support from a public or private  
19 organization for the service, and elects to continue ~~such~~ the service.

20           (11) (a) In lieu of providing transportation services, a city, village or town may  
21 contract with a private organization for ~~such~~ the services.

22           (b) Notwithstanding any other provision of this section, no municipality may  
23 contract with a private organization to provide service outside the corporate limits  
24 of ~~such~~ the municipality unless the municipality receives financial support for the  
25 service ~~pursuant to~~ <sup>under</sup> a contract with a public or other private organization for ~~such~~ the

1 service. This paragraph does not apply to service provided under par. (a) outside the  
2 corporate limits of a municipality if a private organization is providing the service  
3 on April 28, 1994, without receiving financial support from a public or private  
4 organization for the service, and the municipality elects to continue ~~such~~ the service.

5 (12) Notwithstanding any other provision of this section, no transit commission  
6 may provide service outside the corporate limits of the city which establishes the  
7 transit commission unless the transit commission receives financial support for the  
8 service pursuant to ~~a~~ <sup>under</sup> contract with a public or private organization for ~~such~~ the  
9 service. This subsection does not apply to service provided by a transit commission  
10 outside the corporate limits of the city which establishes the transit commission if  
11 the transit commission is providing the service on April 28, 1994, without receiving  
12 financial support from a public or private organization for the service, and elects to  
13 continue ~~such~~ the service.

14 SECTION 527. 66.944 of the statutes is renumbered 66.1023, and 66.1023 (1) (c),  
15 as renumbered, is amended to read:

16 66.1023 (1) (c) Notwithstanding ~~s. 66.94 (29) or~~ any other law, no city, city  
17 transit commission or metropolitan transit authority may be required to contribute  
18 to more than one retirement fund for an affected employe.

19 SECTION 528. 66.945 of the statutes is renumbered 66.0309, and 66.0309 (2) (a)  
20 and (c), (2m), (3) (a) 2. and (b) (intro.), (5), (7), (8) (a), (9) to (11), (12) (b) (intro.) and  
21 1., (13), (14) (a) to (c), (d) (intro.) and 1., (e) and (f), (15) and (16), as renumbered, are  
22 amended to read:

23 66.0309 (2) (a) A regional planning commission may be created by the governor,  
24 or ~~such~~ a state agency or official as the governor designates, upon petition in the form  
25 of a resolution by the governing body of a local governmental unit and the holding

1 of a public hearing on ~~such~~ the petition. If the petition is joined in by the governing  
2 bodies of all the local units in the proposed region, including the county board of any  
3 county, part or all of which is in the proposed region, the governor may dispense with  
4 the hearing. Notice of any public hearing shall be given by the governor by mail at  
5 least 10 days in advance to the clerk of each local unit in the proposed region.

6 (c) Territory included within a regional planning commission that consists of  
7 one county or less in area also may be included in the creation of a multicounty  
8 regional planning commission. ~~Such~~ The creation does not require that the existing  
9 regional planning commission consisting of one county or less in area be terminated  
10 or altered, but upon creation of the multicounty commission, the existing commission  
11 shall cease to have authority to make charges upon participating local governmental  
12 units ~~pursuant to~~ <sup>under</sup> sub. (14) and shall adopt a name other than “regional planning  
13 commission”.

14 (2m) LIMITATION ON TERRITORY. No regional planning commission may be  
15 created to include territory located in 3 or more uniform state districts as established  
16 by 1970 executive order 22 dated August 24, 1970. Any existing regional planning  
17 commission which includes territory located in 3 or more ~~such~~ uniform state districts  
18 shall be dissolved no later than December 31, 1972.

19 (3) (a) 2. Two members from each participating county shall be appointed by  
20 the governor. At least one ~~such~~ appointee shall be a person, selected from a list of  
21 2 or more persons nominated by the county board, who has experience in local  
22 government in elective or appointive offices or who is professionally engaged in  
23 advising local governmental units in the fields of land-use planning, transportation,  
24 law, finance, engineering or recreation and natural resources development. The  
25 governor in making appointments ~~hereunder~~ under this subdivision shall give due



1 weight to the place of residence of the appointees within the various counties  
2 encompassed by the region.

3 (b)(intro.) For any region which does not include a ~~city of the first class~~ 1st class  
4 city, the membership composition of a regional planning commission shall be in  
5 accordance with resolutions approved by the governing bodies of a majority of the  
6 local units in the region, and these units shall have in the aggregate at least half the  
7 population of the region. For the purposes of this determination a county, part or all  
8 of which is within the region, shall be counted as a local unit, but the population of  
9 an approving county shall not be counted. In the absence of the necessary approval  
10 by the local units, the membership composition of a commission shall be determined  
11 as follows:

12 (5) CHAIRPERSON; RULES OF PROCEDURE; RECORDS. Each regional planning  
13 commission shall elect its own chairperson and executive committee and shall  
14 establish its own rules of procedure, and may create and fill ~~such~~ other offices as it  
15 may determine necessary. The commission may authorize the executive committee  
16 to act for it on all matters ~~pursuant to~~ <sup>under</sup> rules adopted by it. The commission shall meet  
17 at least once each year. It shall keep a record of its resolutions, transactions, findings  
18 and determinations, which shall be a public record.

19 (7) ADVISORY COMMITTEES OR COUNCILS; APPOINTMENT. The regional planning  
20 commission may appoint advisory committees or councils whose membership may  
21 consist of individuals whose experience, training or interest in the program may  
22 qualify them to lend valuable assistance to the regional planning commission by  
23 acting in an advisory capacity in consulting with the regional planning commission  
24 on all phases of the commission's program. Members of ~~such~~ advisory bodies shall

1 receive no compensation for their services but may be reimbursed for actual expenses  
2 incurred in the performance of their duties.

3 (8) (a) 1. The regional planning commission may ~~conduct~~ take any of the  
4 following actions:

5 a. Conduct all types of research studies, collect and analyze data, prepare  
6 maps, charts and tables, and conduct all necessary studies for the accomplishment  
7 of its other duties; ~~it may make~~ ,

8 b. Make plans for the physical, social and economic development of the region,  
9 and may adopt by resolution any plan or the portion of any plan so prepared as its  
10 official recommendation for the development of the region; ~~it may publicize~~ ,

11 c. Publicize and advertise its purposes, objectives and findings, and may  
12 distribute reports ~~thereon; it may provide~~ concerning these items.

13 d. Provide advisory services on regional planning problems to the local  
14 government units within the region and to other public and private agencies in  
15 matters relative to its functions and objectives, and may act as a coordinating agency  
16 for programs and activities of ~~such~~ local units and agencies as they relate to its  
17 objectives.

18 2. All public officials shall, upon request, furnish to the regional planning  
19 commission, within a reasonable time, ~~such~~ <sup>✓</sup>available information ~~as~~ <sup>✓</sup>it requires for  
20 its work. In general, the regional planning commission shall have all powers  
21 necessary to enable it to perform its functions and promote regional planning. The  
22 functions of the regional planning commission shall be solely advisory to the local  
23 governments and local government officials comprising the region.

24 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning commission  
25 shall have the function and duty of making and adopting a master plan for the

1 physical development of the region. The master plan, with the accompanying maps,  
2 plats, charts, programs and descriptive and explanatory matter, shall show the  
3 commission's recommendations for such physical development and may include,  
4 ~~among other things without limitation because of enumeration,~~ the general location,  
5 character and extent of main traffic arteries, bridges and viaducts; <sup>plain comma</sup> public places and  
6 areas; parks; parkways; recreational areas; sites for public buildings and structures;  
7 airports; waterways; routes for public transit; and the general location and extent  
8 of main and interceptor sewers, water conduits and other public utilities whether  
9 privately or publicly owned; areas for industrial, commercial, residential,  
10 agricultural or recreational development. The regional planning commission may  
11 amend, extend or add to the master plan or carry any part or subject matter into  
12 greater detail.

13 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be made with  
14 the general purpose of guiding and accomplishing a coordinated, adjusted and  
15 harmonious development of the region which will, in accordance with existing and  
16 future needs, best promote public health, safety, morals, order, convenience,  
17 prosperity or the general welfare, as well as efficiency and economy in the process  
18 of development. The regional planning commission may adopt the master plan as  
19 a whole by a single resolution, or, as the work of making the whole master plan  
20 progresses, may by resolution adopt a part or parts thereof of the master plan, any  
21 such part to correspond generally with one or more of the functional subdivisions of  
22 the subject matter of the plan. The resolution shall refer expressly to the maps, plats,  
23 charts, programs and descriptive and explanatory matter, and other matters  
24 intended by the regional planning commission to form the whole or any part of the  
25 plan, and the action taken shall be recorded on the adopted plan or part thereof of

1 the adopted plan by the identifying signature of the chairperson of the regional  
2 planning commission and a copy of the plan or part ~~thereof~~ of the adopted plan shall  
3 be certified to the legislative bodies of the local governmental units within the region.  
4 The purpose and effect of adoption of the master plan shall be solely to aid the  
5 regional planning commission and the local governments and local government  
6 officials comprising the region in the performance of their functions and duties.

7 (11) MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public  
8 body of a local governmental unit within the region having final authority ~~thereon~~  
9 may refer to the regional planning commission, for its consideration and report, the  
10 ~~following matters:~~ The location of or acquisition of land for any of the items or  
11 facilities which are included in the adopted regional master plan. Within 20 days  
12 after the matter is referred to the regional planning commission or ~~such a~~ longer  
13 period as may be stipulated by the referring officer or public body, the commission  
14 shall report its recommendations to the referring officer or public body. The report  
15 and recommendations of the commission shall be advisory only. ~~State agencies~~ A  
16 state agency may authorize the regional planning commission with the consent of the  
17 commission to act for ~~such~~ the agency in approving, examining or reviewing plats,  
18 under s. 236.12 (2) (a). ~~Regional planning commissions~~ A regional planning  
19 commission authorized by a local unit on November 1, 1980 to act for the local unit  
20 in approving plats may continue to so act until the commission withdraws its consent  
21 or the local unit its approval. A local unit may authorize a regional planning  
22 commission, with the consent of the commission, to conduct an advisory review of  
23 plats.

24 (12) (b) (intro.) In addition to the other powers specified in this section a  
25 regional planning commission may enter into a contract with any local unit within

1 the region under s. ~~66.30~~ 66.0301 to make studies and offer advice on any of the  
2 following topics:

3 1. Land use, thoroughfares, community facilities, and public improvements.

4 **(13) AID FROM GOVERNMENTAL AGENCIES; GIFTS AND GRANTS.** Aid, in any form, for  
5 the purpose of accomplishing the objectives of the regional planning commission may  
6 be accepted from all governmental agencies whether local, state or federal, if the  
7 conditions under which ~~such~~ aid is furnished are not incompatible with the other  
8 provisions of this section. The regional planning commission may accept gifts and  
9 grants from public or private individuals or agencies if the conditions under which  
10 ~~such~~ the grants are made are in accordance with the accomplishment of the  
11 objectives of the regional planning commission.

12 **(14) (a)** For the purpose of providing funds to meet the expenses of a regional  
13 planning commission, the commission shall annually on or before October 1 prepare  
14 and approve a budget reflecting the cost of its operation and services to the local  
15 governmental units within the region. The amount of the budget charged to any local  
16 governmental unit shall be in the proportion of the equalized value for tax purposes  
17 of the land, buildings and other improvements ~~thereon of such~~ on the land of the local  
18 governmental unit, within the region, to the total ~~such~~ equalized value within the  
19 region. The amount charged to a local governmental unit shall not exceed .003 per  
20 cent of ~~such~~ equalized value under its jurisdiction and within the region, unless the  
21 governing body of ~~such~~ the unit expressly approves the amount in excess of ~~such~~ that  
22 percentage. All tax or other revenues raised for a regional planning commission shall  
23 be forwarded by the treasurer of the local unit to the treasurer of the commission on  
24 written order of the treasurer of the commission.

1 (b) Where one-half or more of the land within a county is within a region, the  
2 chairperson of the regional planning commission shall certify to the county clerk,  
3 ~~prior to~~ <sup>before</sup> August 1 of each year, the proportionate amount of the budget charged to the  
4 county for the services of the regional planning commission. Unless the county board  
5 finds ~~such~~ the charges unreasonable, and institutes the procedures ~~set forth below~~  
6 ~~for such a contingency under par. (d)~~, it shall take ~~such necessary~~ legislative action  
7 as necessary to provide the funds called for in the certified statement.

8 (c) Where less than one-half of the land within a county is within a region, the  
9 chairperson of the regional planning commission shall before August 1 of each year  
10 certify to the clerk of the local governmental unit involved a statement of the  
11 proportionate charges assessed to that local governmental unit. ~~Such~~ The clerk shall  
12 extend the amount shown in ~~such~~ the statement as a charge on the tax roll under s.  
13 281.43 (2).

14 (d) (intro.) If any local governmental unit makes a finding by resolution within  
15 20 days of the certification to its clerk that the charges of the regional planning  
16 commission are unreasonable, it may take any of the following actions:

17 1. Submit the issue to arbitration by 3 arbitrators, one to be chosen by the local  
18 governmental unit, one to be chosen by the regional planning commission and the  
19 third to be chosen by the first 2 arbitrators. If the arbitrators are unable to agree,  
20 the vote of 2 shall be the decision. They may affirm or modify the report, and shall  
21 submit their decision in writing to the local governmental unit and the regional  
22 planning commission within 30 days of their appointment unless the time be  
23 extended by agreement of the commission and the local governmental unit. The  
24 decision shall be binding. Election to arbitrate shall be waiver of right to proceed by

1 action. Two-thirds of the expenses of arbitration shall be paid by the party  
2 requesting arbitration and the balance by the other, ~~or~~.

3 (e) By agreement between the regional planning commission and a local  
4 governmental unit, special compensation to the commission for unique and special  
5 services provided to ~~such~~ the local governmental unit may be arranged.

6 (f) The regional planning commission may accept from any local governmental  
7 unit supplies, the use of equipment, facilities and office space and the services of  
8 personnel as part or all of the financial support assessed against ~~such~~ the local  
9 governmental unit.

10 (15) DISSOLUTION OF REGIONAL PLANNING COMMISSIONS. Upon receipt of certified  
11 copies of resolutions recommending the dissolution of a regional planning  
12 commission adopted by the governing bodies of a majority of the local units in the  
13 region, including the county board of any county, part or all of which is within the  
14 region, and upon a finding that all outstanding indebtedness of the commission has  
15 been paid and all unexpended funds returned to the local units which supplied them,  
16 or that adequate provision has been made ~~therefor~~ for the outstanding indebtedness  
17 or unexpended funds, the governor shall issue a certificate of dissolution of the  
18 commission which shall ~~thereupon~~ then cease to exist.

19 (16) WITHDRAWAL. Within 90 days of the issuance by the governor of an order  
20 creating a regional planning commission, any local unit of government within the  
21 boundaries of ~~such~~ the region may withdraw from the jurisdiction of ~~such~~ the  
22 commission by a two-thirds vote of the members-elect of the governing body after  
23 a public hearing. Notice ~~thereof~~ of withdrawal shall be given to the commission by  
24 registered mail not more than 3 nor less than 2 weeks ~~prior thereto~~ before  
25 and by publication of a class 2 notice, under ch. 985. A local unit may withdraw from

1 a regional planning commission at the end of any fiscal year by a two-thirds vote of  
2 the members-elect of the governing body taken at least 6 months ~~prior to~~ <sup>before</sup> the  
3 effective date of such the withdrawal. However, ~~such~~ the local unit shall be  
4 responsible for its allocated share of the contractual obligations of the regional  
5 planning commission continuing beyond the effective date of its withdrawal.

6 SECTION 529. 66.948 of the statutes is renumbered 66.0411.

7 SECTION 530. 66.949 of the statutes is renumbered 66.0133, and 66.0133 (1) (c)  
8 and (3), as renumbered, are amended to read:

9 66.0133 (1) (c) "Performance contract" means a contract for the evaluation and  
10 recommendation of energy conservation and facility improvement measures, and for  
11 the implementation of one or more ~~such~~ of these measures.

12 (3) NOTICE. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9) (a), 59.52  
13 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155,  
14 ~~66.24 (5) (d), 66.299 (2), 66.431 (5) (a) 2., 66.47 (11), 66.505 (10), 66.508 (10) and~~  
15 ~~66.904 (2) 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a) 2.,~~  
16 200.11 (5) (d) and 200.47 (2), before entering into a performance contract under this  
17 section, a local governmental unit shall solicit bids or competitive sealed proposals  
18 from qualified providers. A local governmental unit may only enter into a  
19 performance contract if the contract is awarded by the governing body of the local  
20 governmental unit. The governing body shall give at least 10 days' notice of the  
21 meeting at which the body intends to award a performance contract. The notice shall  
22 include a statement of the intent of the governing body to award the performance  
23 contract, the names of all potential parties to the proposed performance contract, and  
24 a description of the energy conservation and facility improvement measures  
25 included in the performance contract. At the meeting, the governing body shall



1 review and evaluate the bids or proposals submitted by all qualified providers and  
2 may thereafter award the performance contract to the qualified provider that best  
3 meets the needs of the local governmental unit, which need not be the lowest cost  
4 provider.

5 SECTION 531. 66.95 of the statutes is renumbered 66.0431 and amended to  
6 read:

7 66.0431 Prohibiting operators from leaving keys in parked motor  
8 vehicles. The governing body of any a city, village or town may by ordinance require  
9 every passenger motor vehicle to be equipped with a lock suitable to lock either the  
10 starting lever, throttle, steering apparatus, gear shift lever or ignition system;  
11 prohibit any person from permitting a motor vehicle in the person's custody from  
12 standing or remaining unattended on any street, road, or alley or in any other public  
13 place, except an attended parking area, unless either the starting lever, throttle,  
14 steering apparatus, gear shift or ignition of the vehicle is locked and the key for that  
15 lock is removed from the vehicle; and provide forfeitures for such violations of the  
16 ordinance. ~~The foregoing provisions shall~~ This section does not apply to motor  
17 vehicles operated by common carriers of passengers under ch. 194.

18 SECTION 532. 66.955 of the statutes is renumbered 23.235, and 23.235 (3), as  
19 renumbered, is amended to read:

20 23.235 (3) The department of natural resources may conduct research on the  
21 control of nuisance weeds. The secretaries of natural resources and of agriculture,  
22 trade and consumer protection may authorize any person to plant or cultivate  
23 nuisance weeds for the purpose of controlled experimentation.

24 SECTION 533. 66.96 of the statutes is renumbered 66.0407, and 66.0407 (1) ~~is~~  
25 ~~is~~, as renumbered, ~~is~~ amended to read:

① is as affected by 1997 Wisconsin Act 287,

(Intro.)

1 66.0407 (1) ~~The term "destroy"~~ In this section:

2 (a) "Destroy" means the complete killing of weeds or the killing of weed plants  
3 above the surface of the ground by the use of chemicals, cutting, tillage, cropping  
4 system, pasturing livestock, or any or all of these in effective combination, at ~~such~~  
5 a time and in such a manner as will effectually prevent such the weed plants from  
6 maturing to the bloom or flower stage.

*Sec. #; 66.96(2) of the statutes is renumbered 66.0407(1)(b) and 66.0407(2) is amended to read:*

7 ~~The term "noxious weeds"~~ as used in this chapter includes the following:

8 ~~(1)~~ 66.0407(1)(b) "Noxious weed" means Canada thistle, leafy spurge and field bindweed  
9 (creeping Jenny) and any other ~~such weeds as~~ weed the governing body of any  
10 municipality or the county board of any county by ordinance or resolution declares  
11 to be noxious within its respective boundaries.

*SEC # 66.96 (3) to (5) of the statutes are renumbered 66.0407(3) to (5), and 66.0407(3) is amended to read:*

12 ~~(3)~~ 66.0407(3) Every A person owning, occupying or controlling land shall destroy all  
13 noxious weeds on ~~all lands which the person shall own, occupy or control~~ the land.

14 The person having immediate charge of any public lands shall destroy all noxious  
15 weeds on ~~such~~ the lands. The highway patrolman on all federal, state or county  
16 trunk highways shall destroy all noxious weeds on that portion of the highway which  
17 that highway patrolman patrols. The town board ~~shall cause to be destroyed~~ is  
18 responsible for the destruction of all noxious weeds on the town highways.

19 ~~(4) The chairperson of each town, the president of each village and the mayor~~  
20 ~~or manager of each city shall may annually on or before May 15 publish a class 2~~  
21 ~~notice, under ch. 985, that every person is required by law to destroy all noxious~~  
22 ~~weeds, as defined in this section, on lands in the municipality which the person owns,~~  
23 ~~occupies or controls. A town, village or city which has designated as its official~~  
24 ~~newspaper or which uses for its official notices the same newspaper as any other~~

*Change made in Act 287*

1 town, village or city may publish the notice under this subsection in combination  
2 with the other town, village or city.

NOTE: Amends the requirement that the town board chairperson, village president and city mayor or manager annually publish a class 2 notice relating to noxious weeds. The notice is made discretionary. Determination of the necessity of an annual notice is best left to local officials.

3 SECTION 534. 66.97 to 66.99 of the statutes are repealed.

NOTE: Restated as s. 66.0517, with minor amendments. See SECTION 146.

4 SECTION 535. 67.01 (9) (h) of the statutes is amended to read:

5 67.01 (9) (h) To contractor's certificates, general obligation local improvement  
6 bonds or special assessment B bonds issued pursuant to <sup>under s.</sup> ~~s. 66.54~~ 66.0713 except as  
7 ~~therein specified~~ provided in that section or to general obligation local improvement  
8 bonds issued under s. 67.16, except as provided in that section.

9 SECTION 536. 67.05 (5) (b) of the statutes is amended to read:

10 67.05 (5) (b) No city or village may issue any bonds for any purposes other than  
11 for water systems, lighting works, gas works, bridges, street lighting, street  
12 improvements, street improvement funding, hospitals, airports, harbor  
13 improvements, river improvements, breakwaters and protection piers, sewerage,  
14 garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or  
15 refuse or rubbish disposal, parks and public grounds, swimming pools and band  
16 shells ~~thereon~~, veterans housing projects, paying the municipality's portion of the  
17 cost of abolishing grade crossings, for the construction of police facilities and  
18 combined fire and police safety buildings, for the purchase of sites for engine houses,  
19 for fire engines and other equipment of the fire department, for construction of  
20 engine houses, and for pumps, water mains, reservoirs and all other reasonable  
21 facilities for fire protection apparatus or equipment for fire protection, for parking  
22 lots or other parking facilities, for school purposes, for libraries, for buildings for the

1 housing of machinery and equipment, for acquiring and developing sites for industry  
 2 and commerce as will expand the municipal tax base, for financing the cost of  
 3 low-interest mortgage loans under s. ~~66.38~~ 62.237, for providing financial assistance  
 4 to blight elimination, slum clearance, community development, redevelopment and  
 5 urban renewal programs and projects under ss. ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329,  
 6 ~~66.43, 66.431, 66.4325, 66.433~~ 66.1331 to 66.1337 ~~and 66.46~~ 66.1105 or for university  
 7 University of Wisconsin system ~~System~~ System <sup>colleges campuses, as defined in</sup> until the proposition for their issue  
 8 for the special purpose thereof has been submitted to the electors of the city or village  
 9 and adopted by a majority vote. Except as provided under sub. (15), if the common  
 10 council of ~~any a~~ a city or the village board of ~~any a~~ a village declares its purpose to raise  
 11 money by issuing bonds for any purpose other than those ~~above~~ specified in this  
 12 subsection, it shall direct by resolution, which shall be recorded at length in the  
 13 record of its proceedings, the clerk to call a special election for the purpose of  
 14 submitting the question of bonding to the city or village electors. If a number of  
 15 electors of a city or village equal to at least 15% of the votes cast for governor at the  
 16 last general election in their city or village sign and file a petition conforming to the  
 17 requirements of s. 8.40 with the city or village clerk requesting submission of the  
 18 resolution, the city or village may not issue bonds for financing the cost of  
 19 low-interest mortgage loans under s. ~~66.38~~ 62.237 without calling a special election  
 20 to submit the question of bonding to the city or village electors for their approval.


Change from  
 1997 WS  
 Act 237

21 **SECTION 537.** 67.16 of the statutes is created to read:  
 22 **67.16 General obligation-local improvement bonds.** (1) In this section:  
 23 (a) "Debt service fund" means the fund, however derived, set aside for the  
 24 payment of principal and interest on bonds issued under this section.

1 (b) "Governing body" means the body or board vested by statute with the power  
2 to levy special assessments for public improvement.

3 (c) "~~Municipality~~ <sup>local governmental unit</sup>" means a county, city, village, town, farm drainage board,  
4 sanitary district, utility district, public inland lake protection and rehabilitation  
5 district or any other public board, commission or district, except a 1st class city,  
6 authorized by law to levy special assessments for public improvements against the  
7 property benefited by the special improvements.

8 (d) "Public improvement" means the result of the performance of work or the  
9 furnishing of materials or both, for which special assessments are authorized to be  
10 levied against the property benefited by the special assessment.

11 (2) (a) For the purpose of anticipating the collection of special assessments  
12 payable in instalments under s. 66.0621 (3), the governing body of a <sup>local governmental unit</sup> ~~municipality~~   
13 after the instalments have been determined, may issue general obligation-local  
14 improvement bonds under this section.

15 (3) After the expiration of 90 days from the date of a general obligation-local  
16 improvement bond, the bond is conclusive evidence of the legality of all proceedings  
17 up to and including the issue of the bond and prima facie evidence of the proper  
18 construction of the improvement.

NOTE: Provisions of s. 66.54 relating to general obligation-local improvement  
bonds are relocated to ch. 67, relating to general obligation debt. See ALSO  
SECTION 464 of this ~~draft~~ <sup>bill</sup>

19 SECTION 538. 70.11 (18) of the statutes is amended to read:

20 70.11 (18) HOUSING. Property of housing authorities exempt from taxation  
21 under ~~ss. 66.39 (9) and 66.40 (22)~~ s. 66.1201 (22).

22 SECTION 539. 74.53 (1) (b) of the statutes is amended to read:

1           74.53 (1) (b) The cost of razing and removing property and restoring the site  
 2 to a dust-free and erosion-free condition incurred under s. ~~66.05 (2), (5), (8) (b) or~~  
 3 ~~(10) 66.0413 (1) (f), (g) or (i), (8) (d) or (4)~~ <sup>(br) 2y</sup> <sup>(2)</sup> or of filling an excavation incurred under  
 4 s. ~~66.05 (6) 66.0427~~ if the person owned the property when the property was razed  
 5 and removed and the site restored or the excavation was filled.

6           **SECTION 540.** 85.20 (3) (b) 4. of the statutes is amended to read:

7           85.20 (3) (b) 4. The eligible applicant complies with any applicable provisions  
 8 of ss. 59.58 (2) (j) 2., (k) 2. and (L) and (3) (h) 2. and (j), ~~66.94 (30m) and 66.943 66.1021~~  
 9 (10) (b), (11) (b) and (12) with respect to limitation on service.

10          **SECTION 541.** ~~91.75 (9) (a) 1.~~ of the statutes is amended to read:

11          ~~91.75 (9) (a) 1. A reclamation plan, submitted as required by a nonmetallic~~  
 12 ~~mining reclamation ordinance adopted under s. 66.038, 1995 stats. or 295.13, that~~  
 13 ~~fulfills reclamation standards established by the ordinance~~

*Change made in Act 252*

~~NOTE: Amended to reflect the repeal of s. 66.038. See SECTION 84 of this draft.~~

*from INS 2  
INS. 508-14*

14          **SECTION 542.** 103.49 (1) (d), (3) (a) and (b), (4r), (5) (a) and (b), (6m) (a) ~~to~~

15          ~~(e) and (7) (a) and (d)~~ of the statutes, as affected by 1997 Wisconsin Act 35,  
 16 are amended to read:

17          103.49 (1) (d) <sup>✓</sup> "Prevailing 1. Except as provided in subd. 2., "prevailing wage  
 18 rate" for any trade or occupation engaged in the erection, construction, remodeling,  
 19 repairing or demolition of any project of public works in any area means the hourly  
 20 basic rate of pay, plus the hourly contribution for health insurance benefits, vacation  
 21 benefits, pension benefits and any other bona fide economic benefit, paid directly or  
 22 indirectly for a majority of the hours worked in the trade or occupation on projects  
 23 in the area, ~~or if.~~

1           2. If there is no rate at which a majority of the hours worked in the trade or  
2           occupation on projects in the area is paid, ~~then the “prevailing wage” rate~~ for any  
3           trade or occupation engaged in the erection, construction, remodeling, repairing or  
4           demolition of any project of public works in any area ~~shall be~~ means the average  
5           hourly basic rate of pay, weighted by the number of hours worked, plus the average  
6           hourly contribution, weighted by the number of hours worked, for health insurance  
7           benefits, vacation benefits, pension benefits and any other bona fide economic  
8           benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay  
9           of the highest-paid 51% of hours worked in that trade or occupation.

10           (3) (a) Before bids are asked for any work to which this section applies, the state  
11           agency having the authority to prescribe the specifications shall apply to the  
12           department to determine the prevailing wage rate and prevailing hours of labor for  
13           each trade or occupation required in the work under contemplation in the area in  
14           which the work is to be done. The department shall make ~~such~~ investigations and  
15           hold ~~such~~ public hearings as ~~may be~~ necessary to define the trades or occupations  
16           that are commonly employed on projects that are subject to this section and to inform  
17           itself as to the prevailing wage rates and prevailing hours of labor in all areas of the  
18           state for those trades or occupations, with a view to ascertaining the prevailing wage  
19           rate and prevailing hours of labor for each ~~such~~ trade or occupation. The department  
20           shall issue its determination within 30 days after receiving the request and shall file  
21           the ~~same~~ determination with the requesting state agency ~~applying therefor~~. For the  
22           information of the employes working on the project, the prevailing wage rates and  
23           prevailing hours of labor determined by the department and the provisions of subs.  
24           (2) and (6m) shall be kept posted by the state agency in at least one conspicuous and  
25           easily accessible place on the site of the project.