

1 district, each district shall receive a share in the proportion that its property tax levy
2 for school purposes bears to the total school tax levy.

3 **SECTION 157.** 66.0585 of the statutes is renumbered 66.0435 (9) and amended
4 to read:

5 66.0435 (9) MUNICIPALITIES; PARKING FEES ON MOBILE HOMES. ~~Any municipality~~
6 A licensing authority may assess parking fees at the rates under s. ~~66.058~~ this
7 section on mobile homes, as defined in s. 70.111 (19) except mobile homes which are
8 located in campgrounds licensed under s. 254.47 and mobile homes which are located
9 on land where the principal residence of the owner of the mobile home is located,
10 regardless of whether ~~or not~~ the mobile home is occupied during all or part of any
11 calendar year.

12 **SECTION 158.** 66.059 of the statutes is renumbered 66.0619, and 66.0619 (1)
13 (intro.), (b) and (c), (2), (2m) (a) and (d), (4) (a) and (c) and (5) to (7), as renumbered,
14 are amended to read:

15 66.0619 (1) (intro.) ~~Any county, town, sanitary district, public inland lake~~
16 ~~protection and rehabilitation district, city or village~~ A municipality, in addition to
17 any other authority to borrow money and issue its municipal obligations, may also
18 borrow money and issue its public improvement bonds to finance the cost of
19 construction or acquisition, including site acquisition, of any revenue-producing
20 public improvement of ~~such~~ the municipality. In this section, unless the context or
21 subject matter otherwise requires:

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

Because this deals with bonding, reluctant to make this change

1 expenses of operating and maintaining the public improvement for such the calendar
2 year.

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

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

21 (2m) (a) A resolution, adopted under sub. (2) by the governing body of a
22 municipality, need not be submitted to the electors of the municipality for approval,
23 unless within 30 days after the resolution is adopted there is filed with the clerk of
24 the municipality a petition, conforming to the requirements of s. 8.40 and requesting
25 a referendum ~~thereon~~ on the resolution, signed by electors numbering at least 10%

*WFO: 100
change
Leave as shown
PLG*

1 of the votes cast in the municipality for governor at the last general election. Any
2 A resolution, adopted under sub. (2) ~~at the discretion of the municipal governing~~
3 ~~body~~, may be submitted by the governing body of the municipality to the electors
4 without waiting for the filing of a petition.

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

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

14 1. The proportion of revenues of the public improvement necessary for the
15 reasonable and proper operation and maintenance ~~thereof; and~~ of the public
16 improvement.

17 2. The proportion of revenues necessary for the payment of debt service on the
18 public improvement bonds. ~~Such~~ The revenues shall be paid into a special fund in
19 the treasury of the municipality known as the "Public Improvement Bond Account".

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

23 (5) Annually, on or before August 1 the officer or department of the
24 municipality responsible for the operation of the public improvement shall file with
25 the governing body, or its designated representative, a detailed statement setting

1 forth the amount of the debt service on the public improvement bonds issued for the
2 public improvement for the succeeding calendar year and an estimate for ~~such~~ that
3 year of the total revenues to be derived from the ownership and operation of the
4 public improvement and the total cost of operating and maintaining the public
5 improvement.

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

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

18 (7) ~~Whenever~~ If revenue bonds have been issued by a municipality pursuant
19 to law and an ordinance authorizing their issuance without limitation as to amount
20 has been enacted by the governing body of the municipality, public improvement
21 bonds may be issued under the ordinance with the same effect as though they were
22 revenue bonds. ~~Such~~ The bonds ~~shall be~~ are public improvement bonds and this
23 section ~~shall apply thereto~~ applies to the bonds, except that nothing contained in this
24 subsection shall ~~in any way~~ impair the contract between the municipality and the
25 holders of any outstanding revenue bonds. ~~Whatever liens have been~~ Liens created

1 in favor of any outstanding revenue bonds issued under the ordinance shall apply to
2 public improvement bonds so issued under this subsection. The public improvement
3 bonds ~~shall be~~ are payable on a parity with the revenue bonds issued under the
4 ordinance if the public improvement bonds are issued in compliance with the
5 requirements of the ordinance for the issuance of parity bonds under the ordinance.

6 SECTION 159. 66.06 of the statutes is repealed.

NOTE: Replaced by s. 66.0725, created by SECTION 231.

7

SECTION 160. Subchapter VI ^{stat} ~~of~~ of chapter 66 [precedes 66.0601] of the
8 statutes is created to read:

9 CHAPTER 66

10 SUBCHAPTER VI

11 FINANCE; REVENUES

12 SECTION 161. 66.0601 (1) (title) of the statutes is created to read:

13 66.0601 (1) (title) PROHIBITED APPROPRIATIONS.

14 SECTION 162. 66.0601 (1) (b) (title) of the statutes is created to read:

15 66.0601 (1) (b) (title) *Payments for abortions restricted.*

16 SECTION 163. 66.0601 (1) (c) (title) of the statutes is created to read:

17 66.0601 (1) (c) (title) *Payments for abortion-related activity restricted.*

18 SECTION 164. 66.0603 (title) of the statutes is created to read:

19 66.0603 (title) **Investments.**

20 SECTION 165. 66.061 of the statutes is renumbered 66.0815, and 66.0815 (title),

21 (1) (a), (c) and (d) and (2), as renumbered, are amended to read:

22 66.0815 (title) **Franchises; Public utility franchises and service**

23 **contracts.** (1) (a) Any ~~Any~~ A city, village or town may grant to any person or corporation

24 the right to construct and operate therein ~~a water system or to furnish light, heat or~~

1 ~~power a public utility in the city, village or town,~~ subject to reasonable rules and
2 regulations prescribed by ordinance.

NOTE: Expands the franchise authority under sub. (1) to include any public utility.

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

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

22 (2) SERVICE CONTRACTS. (a) ~~Cities, villages and towns~~ A city, village or town may
23 contract for furnishing light, heat, water, or motor bus or other systems of public

1 transportation to the municipality or to the its inhabitants thereof for a period of not
2 more than 30 years or for an indeterminate period if the prices are subject to
3 adjustment at intervals of not greater than 5 years. The public service commission
4 ~~shall have~~ has jurisdiction ~~relative to~~ over the rates and service to any city, village
5 or town where light, heat or water is furnished to ~~such~~ the city, village or town under
6 any contract or arrangement, to the same extent that the public service commission
7 has jurisdiction where that service is furnished directly to the public.

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

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

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

25 SECTION 166. 66.0627 of the statutes is created to read:

1 **66.0627 Special charges for current services.** (1) In this section, “service”
2 includes snow and ice removal, weed elimination, street sprinkling, oiling and
3 tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal,
4 recycling, storm water management, including construction of storm water
5 management facilities, tree care, removal and disposition of dead animals under s.
6 60.23 (20), soil conservation work under s. 92.115, and snow removal under s. 86.105.

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

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

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

22 (4) A special charge is not payable in instalments. If a special charge is not paid
23 within the time determined by the governing body, the special charge is delinquent.
24 A delinquent special charge becomes a lien on the property against which it is

1 imposed as of the date of delinquency. The delinquent special charge shall be
2 included in the current or next tax roll for collection and settlement under ch. 74.

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

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

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

In addition:

1. Expands the examples in the definition of "service" to expressly include
removal and disposition of dead animals under s. 60.23 (20), conservation work
under s. 92.115 [as renumbered by this bill] and snow removal under s. 86.105.
Previously, these services were authorized to be funded by special assessment
under s. 66.345, repealed by this bill. See SECTION 358 of this bill.

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

9 SECTION 167. 66.064 of the statutes is renumbered 66.0807 and amended to
10 read:

11 **66.0807 Joint operation of public utility or public transportation**
12 **system.** Any

13 (2) A city, village or town served by any a privately owned public utility, motor
14 bus or other systems of public transportation rendering local service may contract
15 with the owner thereof of the utility or system for the leasing, public operation, joint
16 operation, extension and improvement of the utility or system by the municipality;
17 or, with funds loaned by the municipality, may contract for the stabilization by
18 municipal guaranty of the return upon or for the purchase by instalments out of
19 earnings or otherwise of that portion of said the public utility or system which is
20 operated within such the municipality and any territory immediately adjacent and

1 tributary thereto to the municipality; or may contract for the accomplishment of any
2 object agreed upon between the parties relating to the use, operation, management,
3 value, earnings, purchase, extension, improvement, sale, lease or control of ~~such the~~
4 utility or system property. The provisions of s. ~~66.07~~ 66.0817 relating to preliminary
5 agreement, and approval by the department of transportation or public service
6 commission, ~~and ratification by the electors, shall be applicable~~ apply to the
7 contracts authorized by this section. The department of transportation or public
8 service commission shall, when ~~any such a~~ a contract under this section is approved
9 by it and consummated, cooperate with the parties in respect to making valuations,
10 appraisals, estimates and other determinations specified in ~~such the~~ contract to be
11 made by it.

NOTE: In order to facilitate public-private cooperation, deletes the referendum
requirement for preliminary contracts.
See, also, SECTION 222.

12 **SECTION 168.** 66.065 (title) of the statutes is renumbered 66.0803 (title) and
13 amended to read:

14 **66.0803** (title) **Acquisition of public utility or bus transportation**
15 **system.**

16 **SECTION 169.** 66.065 (1), (2), (3), (4) and (4a) of the statutes are renumbered
17 66.0803 (1) (a), (b), (c), (d) and (e), and 66.0803 (1) (a) and (c) to (e), as renumbered,
18 are amended to read:

19 **66.0803 (1) (a)** ~~Any A~~ town, village or city may construct, acquire or lease any
20 plant and equipment located ~~within or without~~ in or outside the municipality, ~~and~~
21 including interest in or lease of land, for furnishing water, light, heat, or power, to
22 the municipality; or ~~to~~ its inhabitants; may acquire a controlling portion of the stock
23 of any corporation owning private waterworks or lighting plant and equipment; and

1 may purchase the equity of redemption in a mortgaged or bonded waterworks or
2 lighting system, including the cases where the municipality shall in the franchise
3 have has reserved right to purchase. The character or duration of the franchise,
4 permit or grant under which any public utility is operated, ~~shall~~ does not affect the
5 power to acquire the ~~same hereunder~~ public utility under this subsection. Two or
6 more public utilities owned by the same person or corporation, or 2 or more public
7 utilities subject to the same lien or charge, may be acquired as a single enterprise
8 ~~under any proceeding heretofore begun or hereafter commenced, and the~~. The board
9 or council may at any time agree with the owner or owners of any public utility or
10 utilities as to on the agreed value thereof, of the utility or utilities and to may contract
11 to purchase or acquire the same hereunder at such that value, upon such those terms
12 and conditions as may be mutually agreed upon between said the board or council
13 and said the owner or owners.

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

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

22 (e) The provisions of ~~subs. (2), (3) and (4) shall~~ pars. (b) to (d) do not apply to
23 the acquisition of any plant, equipment or public utility for furnishing water service
24 when ~~such the~~ the plant, equipment or utility is acquired by the municipality by
25 dedication or without monetary or financial consideration. After a public utility is

1 constructed, acquired or leased under this subsection, pars. (b) to (d) do not apply to
2 any subsequent construction, acquisition or lease in connection with that public
3 utility.

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

4 **SECTION 170.** 66.065 (5), (6) and (7) of the statutes are renumbered 66.0803 (2)
5 (a) to (c) and amended to read:

6 66.0803 (2) (a) ~~Any~~ A city, village or town may by action of its governing body
7 and with a referendum vote provide, acquire, own, operate or engage in a municipal
8 bus transportation system where no existing bus, rail or other local transportation
9 system exists in ~~such~~ the municipality. ~~Any~~ A city, village or town in which there
10 exists any local transportation system by similar action and referendum vote may
11 acquire, own, operate or engage in the operation of a municipal bus transportation
12 system upon acquiring the local transportation system by voluntary agreement with
13 the owners ~~thereof of the system~~, or pursuant to law, or upon securing a certificate
14 from the department of transportation under s. 194.23.

15 (b) ~~Any~~ A street motor bus transportation company operating pursuant to ch.
16 194 shall, by acceptance of authority under that chapter, be deemed to have
17 consented to a purchase of its property actually used and useful for the convenience
18 of the public by the municipality in which the major part of ~~such~~ the property is
19 situated or operated.

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

1 **SECTION 171.** 66.066 (title), (1) to (1m) and (2) (intro.) and (a) to (i) of the
2 statutes, ~~as affected by 1997 Wisconsin Act 35,~~ are renumbered 66.0621 (title), (1)
3 to (3) and (4) (intro.) and (a) to (i), and 66.0621 (1) (a) and (b), (2), (3) and (4) (intro.)
4 and (a) to (i), as renumbered, are amended to read:

5 66.0621 (1) (a) "Municipality" means ~~any a~~ city, village, town, county,
6 commission created by contract under s. ~~66.30~~ 66.0301, public inland lake protection
7 and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan
8 sewerage district created under ss. ~~66.20 to 66.26 or 66.88 to 66.918~~ 200.01 to 200.15
9 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local
10 professional baseball park district created under subch. III of ch. 229 or a municipal
11 water district or power district under ch. 198 and any other public or quasi-public
12 corporation, officer, board or other public body empowered to borrow money and issue
13 obligations to repay the same money and obligations out of revenues. "Municipality"
14 does not include the state or a local exposition district created under subch. II of ch.
15 229.

16 (b) ~~For purposes of financing under this section,~~ "public Public utility" means
17 any revenue producing facility or enterprise owned by a municipality and operated
18 for a public purpose as defined in s. 67.04 (1) (b) ~~or undertaken by a municipality~~
19 under s. 66.067 including garbage incinerators, toll bridges, swimming pools, tennis
20 courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting,
21 city halls, village halls, town halls, courthouses, jails, schools, cooperative
22 educational service agencies, hospitals, homes for the aged or indigent, child care
23 centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal
24 operations, sewerage systems, local professional baseball park facilities and any
25 other necessary public works projects undertaken by a municipality.

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

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

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

17 (a) 1. The governing body of the municipality, by ordinance or resolution, shall
18 order the issuance and sale of bonds, executed as provided in s. 67.08 (1) and payable
19 at such times not exceeding 40 years from the date ~~thereof~~ of issuance, and at ~~such~~
20 places, as ~~that~~ the governing body of such the municipality shall determine, which
21 determines. The bonds shall be payable only out of the special redemption fund.
22 Each ~~such~~ bond shall include a statement that it is payable only from the special
23 redemption fund, naming the ordinance or resolution creating it, and that it does not
24 constitute an indebtedness of ~~such~~ the municipality. The bonds may be issued either
25 as registered bonds under s. 67.09 or as coupon bonds payable to bearer. Bonds shall

1 be sold in ~~such~~ the manner and upon ~~such~~ the terms as determined by the governing
2 body ~~deems for the best interests of said~~ the municipality.

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

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

20 (b) All moneys received from ~~any~~ bonds issued under this section shall be
21 applied solely for purchasing, acquiring, leasing, constructing, extending, adding to,
22 improving, conducting, controlling, operating or managing a public utility, and in the
23 payment of the cost of ~~any~~ subsequent necessary additions, improvements and
24 extensions. Bonds issued under this section shall be secured by a pledge of the
25 revenues of the public utility to the holders of the bonds and to the holders of ~~any~~

1 coupons of the bonds and may be additionally secured by a mortgage lien upon the
2 public utility to the holders of the bonds and to the holders of ~~any~~ coupons of the
3 bonds. If a mortgage lien is created by ordinance or resolution, the lien ~~shall be~~ is
4 perfected by publication of the ordinance or resolution or by recording of the
5 ordinance or resolution in the records of the municipality. In addition, the
6 municipality may record the lien by notifying the register of deeds of the county in
7 which the public utility is located concerning its issuance of bonds. If the register of
8 deeds receives notice from the municipality, the register of deeds shall record any
9 mortgage lien created. The public utility ~~shall remain~~ remains subject to the pledge
10 and, if created, the mortgage lien until the payment in full of the principal and
11 interest of the bonds. Upon repayment of bonds for which a mortgage lien has been
12 created, the register of deeds shall, upon notice from the municipality, record a
13 satisfaction of the mortgage lien. Any holder of a bond or of ~~any~~ coupons attached
14 to a bond may ~~either at law or in equity~~ protect and enforce this pledge and, if created,
15 the mortgage lien and compel performance of all duties required of the municipality
16 by this section. ~~Any~~ A municipality may provide for additions, extensions and
17 improvements to a public utility that it owns by additional issues of bonds under this
18 section. ~~Such~~ The additional issues of bonds ~~shall be~~ are subordinate to all prior
19 issues of bonds under this section, but a municipality may in the ordinance or
20 resolution authorizing bonds permit the issue of additional bonds on a parity
21 ~~therewith. Any with prior issues.~~ A municipality may issue new bonds under this
22 section to provide funds for refunding any outstanding municipal obligations,
23 including interest, issued for any of the purposes stated in sub. ~~(1m)~~ (3). Refunding
24 bonds issued under this section are subject to all of the following provisions:

1 1. Refunding bonds may be issued to refinance more than one issue of
2 outstanding municipal obligations notwithstanding that ~~such the~~ outstanding
3 municipal obligations may have been issued at different times and may be secured
4 by the revenues of more than one public utility. ~~Any such public~~ Public utilities may
5 be operated as a single public utility, subject ~~however~~ to contract rights vested in
6 holders of bonds or promissory notes being refinanced. A determination by the
7 governing body of a municipality that any refinancing is advantageous or necessary
8 to the municipality ~~shall be~~ is conclusive.

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

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

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

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

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

17 (e) The governing body of ~~the a~~ municipality shall by ordinance or resolution
18 create a special fund in the treasury of the municipality to be identified as "the
19 special redemption fund" into which shall be paid the amount which ~~shall be~~ is set
20 aside for the payment of the principal and interest due on the bonds and for the
21 creation and maintenance of any reserves established by bond ordinance or
22 resolution to secure these payments.

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

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

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

10 (i) The governing body ~~shall have full power to~~ of a municipality may adopt all
11 ordinances and resolutions necessary to carry into effect this subsection. ~~Any An~~
12 ordinance or resolution providing for the issuance of bonds may contain such
13 provisions or covenants, without limiting the generality of the power to adopt ~~such~~
14 an ordinance or resolution, as ~~is deemed~~ are ^{considered} necessary or desirable for the security
15 of bondholders or the marketability of the bonds, ~~including~~. The provisions or
16 covenants may include but are not limited to provisions as relating to the sufficiency
17 of the rates or charges to be made for service, maintenance and operation,
18 improvements or additions to and sale or alienation of the public utility, insurance
19 against loss, employment of consulting engineers and accountants, records and
20 accounts, operating and construction budgets, establishment of reserve funds,
21 issuance of additional bonds, and deposit of the proceeds of the sale of the bonds or
22 revenues of the public utility in trust, including the appointment of depositories or
23 trustees. ~~Any An~~ ordinance or resolution authorizing the issuance of bonds or other
24 obligations payable from revenues of a public utility ~~shall constitute~~ constitutes a

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1 contract with the holder of ~~any~~ bonds or other obligations issued pursuant to ~~such~~
2 the ordinance or resolution.

3 **SECTION 172.** 66.066 (2) (j) of the statutes is repealed.

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

4 **SECTION 173.** 66.066 (2) (k) to (m), (4) and (5) of the statutes are renumbered
5 66.0621 (4) (j) to (L), (5) and (6), and 66.0621 (4) (j) to (L) and (5), as renumbered, are
6 amended to read:

7 66.0621 (4) (j) ~~Under this paragraph, the~~ The ordinance or resolution required
8 under par. (c) may set apart bonds equal to the amount of any secured debt or charge
9 subject to which a public utility may be purchased, acquired, leased, constructed,
10 extended, added to or improved, ~~and~~. The ordinance or resolution shall set aside for
11 interest and debt service fund from the income and revenues of the public utility a
12 sum sufficient to comply with the requirements of the instrument creating the lien,
13 or, if the instrument does not make any provision for it, the ordinance or resolution
14 shall fix the amount which shall be set aside into a secured debt fund from month to
15 month for interest on the secured debt, and a fixed amount or proportion not
16 exceeding a stated sum, which shall be not less than ~~one percent~~ 1% of the principal,
17 to be set aside into the fund to pay the principal of the debt. Any surplus after
18 satisfying the debt may be transferred to the special redemption fund. Public utility
19 bonds set aside for the debt may ~~from time to time~~ be issued to an amount sufficient
20 with the amount then in the debt service fund to pay and retire the debt or any
21 portion of it; ~~the~~. The bonds may be issued at not less than 95% of the par value in
22 exchange for, or satisfaction of, the secured debt, or may be sold in the manner
23 provided in this paragraph, and the proceeds applied in payment of the secured debt

1 at maturity or before maturity by agreement with the holder. The governing body
2 of a municipality and the owners of any a public utility acquired, purchased, leased,
3 constructed, extended, added to or improved under this paragraph may, ~~upon such~~
4 ~~terms and conditions as are satisfactory,~~ contract that public utility bonds providing
5 for the secured debt or for the whole purchase price shall be deposited with a trustee
6 or depository and released from deposit ~~from time to time on the terms and conditions~~
7 necessary to secure the payment of the debt.

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

24 (L) 1. If the governing body of any a municipality, by ordinance or resolution,
25 declares its intentions to authorize the issuance or sale of revenue bonds under this

1 section, the governing body may, prior to issuance of the bonds and in anticipation
2 of their sale, authorize the issuance of bond anticipation notes by the adoption of a
3 resolution or ordinance. The notes shall be named "bond anticipation notes." Bond
4 anticipation notes may be issued for the purposes for which the municipality has
5 authority to issue revenue bonds. The ordinance or resolution authorizing the bond
6 anticipation notes shall state the purposes for which the bond anticipation notes are
7 to be issued and shall set forth a covenant of the municipality to issue the revenue
8 bonds in an amount sufficient to retire the outstanding bond anticipation notes. The
9 ordinance or resolution may contain other covenants and provisions, including a
10 description of the terms of the revenue bonds to be issued. The municipality may
11 pledge revenues of the public utility to payment of the principal and interest on the
12 bond anticipation notes. Prior to issuance of the bond anticipation notes, the
13 governing body may adopt an ordinance or resolution authorizing the revenue bonds.

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

23 3. Any funds derived from the issuance and sale of revenue bonds under this
24 section and issued subsequent to the execution and sale of bond anticipation notes
25 shall constitute a trust fund, and such the fund shall be expended first for the

1 payment of principal and interest of ~~such the~~ bond anticipation notes, and then may
2 be expended for ~~such~~ other purposes ~~as are~~ set forth in the ordinance or resolution
3 authorizing the revenue bonds. No bond anticipation notes may be issued unless a
4 financial officer of the municipality certifies to the governing body of the
5 municipality that contracts with respect to additions, improvements and extensions
6 are to be let and that the proceeds of ~~such the~~ notes ~~shall be~~ are required for the
7 payment of ~~such the~~ contracts.

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

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

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

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

16 **SECTION 174.** 66.067 of the statutes, as affected by 1997 Wisconsin Act 27, is
17 repealed.

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

18 **SECTION 175.** 66.068 (title) of the statutes is renumbered 66.0805 (title) and
19 amended to read:

20 **66.0805 (title) Management of municipal public utility by commission.**

21 **SECTION 176.** 66.068 (1) of the statutes is repealed.

NOTE: The repealed subsection is restated as s. 66.0805 (1), created by SECTION
232.

1 **SECTION 177.** 66.068 (2) to (4) of the statutes are renumbered 66.0805 (2) to (4),
2 and 66.0805 (3) and (4), as renumbered, are amended to read:

3 66.0805 (3) ~~The commissioners~~ commission shall choose ~~from among their~~
4 ~~number~~ a president and a secretary. ~~They~~ from its membership. ~~The commission~~
5 may appoint and establish the compensation of a manager. ~~The commission~~ may
6 command the services of the city, village or town engineer and may employ and fix
7 the compensation of ~~such~~ subordinates as ~~shall be necessary.~~ ~~They~~ The commission
8 may make rules for ~~their own~~ its proceedings and for the government of ~~their~~ the
9 department. ~~They~~ The commission shall keep books of account, in the manner and
10 form prescribed by the department of transportation or public service commission,
11 which shall be open to the public.

NOTE: The 2nd sentence restates a portion of s. 66.068 (1), repealed by SECTION
176.

12 (4) (a) ~~It may be provided~~ The governing body of the city, village or town may
13 provide that departmental expenditures be audited by ~~such~~ the commission, and if
14 approved by the president and secretary of the commission, be paid by the city,
15 village or town clerk and treasurer as provided by s. ~~66.042~~ 66.0607; that the utility
16 receipts be paid to a bonded cashier ~~or cashiers~~ appointed by the commission, to be
17 turned over to the city, village or town treasurer at least once a month; and that the
18 commission have ~~such~~ designated general powers in the construction, extension,
19 improvement and operation of the utility ~~as shall be designated.~~ ~~Where in any~~
20 municipality, Actual construction work shall be under the immediate supervision of
21 the board of public works or corresponding authority.

22 (b) If water mains have been installed or extended in a municipality and the
23 cost thereof of installation or extension has been in some instances assessed against

1 the abutting owners and in other instances paid by the municipality or ~~any a~~ utility
2 therein, ~~it may be provided by~~, the governing body of such ~~the~~ municipality ~~may~~
3 ~~provide~~ that all persons who paid ~~any such~~ the assessment against any lot or parcel
4 of land may be reimbursed the amount of ~~such~~ the assessment regardless of when
5 such assessment was made or paid. ~~Such reimbursement~~ Reimbursement may be
6 made from such funds or earnings of ~~said~~ the municipal utility or from such funds
7 of the municipality as the governing body determines.

NOTE: The new sentence at the end of par. (a) restates s. 66.068 (5), repealed by
SECTION 178.

8 **SECTION 178.** 66.068 (5) of the statutes is repealed.

NOTE: The repealed provision is restated in renumbered s. 66.0805 (4) (a). See
SECTION 177.

9 **SECTION 179.** 66.068 (6) and (7) of the statutes are renumbered 66.0805 (5) and
10 (6) and amended to read:

11 66.0805 (5) Two or more public utilities acquired as a single enterprise
12 ~~hereunder~~ may be operated under this section as a single enterprise.

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

17 **SECTION 180.** 66.069 (title) of the statutes is renumbered 66.0809 (title) and
18 amended to read:

19 66.0809 (title) ~~Charges; outside services~~ Municipal public utility
20 charges.

21 **SECTION 181.** 66.069 (1) (title) of the statutes is repealed.

1

SECTION 182. 66.069 (1) (a) to (bn) of the statutes ~~as affected by 1997 Wisconsin~~

2

~~66.069~~ are renumbered 66.0809 (1) to (5), and 66.0809 (1), (2), (3), (4) (intro.) and (a)

3

and (5) (a) (intro.) and (b) to (d), as renumbered, are amended to read:

4

66.0809 (1) Except as provided in ~~par. (am)~~ sub. (2), the governing body of any

5

a town, village or city operating a public utility may, by ordinance, fix the initial rates

6

and shall provide for this collection monthly, bimonthly or quarterly in advance or

7

otherwise. The rates shall be uniform for like service in all parts of the municipality

8

and shall include the cost of fluorinating the water. The rates may also include

9

standby charges to property not connected but for which ~~such~~ public utility facilities

10

have been made available. The charges shall be collected by the treasurer or other

11

officer or employe designated by the city, village or town.

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

12

(2) If, on June 21, 1996, it is the practice of a governing body of a town, village

13

or city operating a public utility to collect utility service charges using a billing period

14

other than one permitted under ~~par. (a)~~ sub. (1), the governing body may continue

15

to collect utility service charges using that billing period.

16

(3) Except as provided in ~~pars. (bg) and (bn)~~ subs. (4) and (5), on October 15 in

17

each year notice shall be given to the owner or occupant of all lots or parcels of real

18

estate to which utility service has been furnished prior to October 1 by a public utility

19

operated by ~~any~~ a town, city or village and payment for which is owing and in arrears

20

at the time of giving ~~such the~~ notice. The department in charge of the utility shall

21

furnish the treasurer with a list of ~~all such the~~ lots or parcels of real estate for which

22

utility service charges are in arrears, and the notice shall be given by the treasurer,

23

unless the governing body of the city, village or town ~~shall authorize such~~ authorizes

1 notice to be given directly by the department. ~~Such~~ The notice shall be in writing and
2 shall state the amount of ~~such~~ arrears, including any penalty assessed pursuant to
3 the rules of ~~such~~ the utility; that unless the ~~same~~ amount is paid by November 1
4 thereafter a penalty of ~~10%~~ 10% of the amount of ~~such~~ arrears will be added thereto;
5 and that unless ~~such~~ the arrears, with any ~~such~~ added penalty, shall be ~~are~~ paid by
6 November 15 thereafter, the ~~same~~ arrears and penalty will be levied as a tax against
7 the lot or parcel of real estate to which utility service was furnished and for which
8 payment is delinquent ~~as above specified~~. ~~Such~~, The notice may be served by
9 delivery to either ~~such~~ the owner or occupant personally, or by letter addressed to
10 ~~such~~ the owner or occupant at the post-office address of ~~such~~ the lot or parcel of real
11 estate. On November 16 the officer or department issuing the notice shall certify and
12 file with the clerk a list of all lots or parcels of real estate, giving the legal description
13 thereof, ~~to the owners or occupants of, for~~ which notice of arrears in payment were
14 ~~was given as above specified and for~~ which arrears ~~still~~ remain unpaid, and stating
15 the amount of ~~such~~ arrears together with the ~~added~~ and penalty thereon as herein
16 provided. Each ~~such~~ delinquent amount, including ~~such~~ the penalty, shall thereupon
17 ~~become~~ becomes a lien upon the lot or parcel of real estate to which the utility service
18 was furnished and payment for which is delinquent, and the clerk shall insert the
19 ~~same~~ delinquent amount and penalty as a tax against ~~such~~ the lot or parcel of real
20 estate. All proceedings in relation to the collection of general property taxes and to
21 the return and sale of property for delinquent taxes shall apply to said ~~the~~ tax if the
22 ~~same~~ it is not paid within the time required by law for payment of taxes upon real
23 estate. Under this ~~paragraph~~ subsection, if an arrearage is for utility service
24 furnished and metered by the utility directly to a mobile home unit in a licensed
25 mobile home park, the notice shall be given to the owner of the mobile home unit and

1 the delinquent amount ~~shall become~~ becomes a lien on the mobile home unit rather
2 than a lien on the parcel of real estate on which the mobile home unit is located. A
3 lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).
4 This ~~paragraph~~ subsection does not apply to arrearages collected using the
5 procedure under s. ~~66.60 (16)~~ 66.0627.

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

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

11 (5) (a) (intro.) This ~~paragraph~~ subsection applies only if all of the following
12 conditions are met:

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

17 1. In order to comply with this ~~subd. 2. a. subdivision~~, a municipal public utility
18 shall send bills for water or electric service to a customer who is a tenant in the
19 tenant's own name. Each time that a municipal public utility notifies a customer who
20 is a tenant that charges for water or electric service provided by the utility to the
21 customer are past due for more than one billing cycle, the utility shall also serve a
22 copy of the notice on the owner of the rental dwelling unit in the manner provided
23 in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit,
24 and the owner of the rental dwelling unit provides the municipal public utility, no
25 later than 21 days after the date on which the tenant vacates the rental dwelling

1 unit, with a written notice that contains a forwarding address for the tenant and
2 date that the tenant vacated the rental dwelling unit, the utility shall continue to
3 send past-due notices to the customer at his or her forwarding address until the
4 past-due charges are paid or until notice has been provided under ~~par. (b) sub. (3)~~.

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

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

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

17 **SECTION 183.** 66.069 (1) (c) and (d) of the statutes are renumbered 66.0811 (2)
18 and (3) and amended to read:

19 66.0811 (2) The income of a municipal public utility ~~owned by a municipality,~~
20 shall first be used to make payments to meet operation, maintenance, depreciation,
21 interest, and debt service fund requirements, local and school tax equivalents,
22 additions and improvements, and other necessary disbursements or indebtedness.
23 Beginning with taxes levied in 1995, payable in 1996, payments for local and school
24 tax equivalents shall at least be equal to the payment made on the property for taxes
25 levied in 1994, payable in 1995, unless a lower payment is authorized by the

1 governing body of the municipality. Income in excess of these requirements may be
2 used to purchase and hold interest bearing bonds, issued for the acquisition of the
3 utility, ~~or;~~ bonds issued by the United States or any municipal corporation of this
4 state, ~~or;~~ insurance upon the life of an officer or manager of ~~such~~ the utility; or may
5 be paid into the general fund.

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

13 SECTION 184. 66.069 (1) (e) of the statutes is renumbered 66.0811 (1) and
14 amended to read:

15 66.0811 (1) ~~Any A~~ city, village or town owning a public utility ~~shall be~~ is entitled
16 to the same rate of return as permitted for privately owned utilities.

17 SECTION 185. 66.069 (2) of the statutes is renumbered 66.0813, and 66.0813 (1),
18 (2), (3) (a), (5) and (6), as renumbered, are amended to read:

19 66.0813 (1) ~~Any A~~ town, town sanitary district, village or city owning water,
20 light or power plant or equipment may serve persons or places outside its corporate
21 limits, including adjoining municipalities not owning or operating a similar utility,
22 and may interconnect with another municipality, whether contiguous or not, and for
23 ~~such~~ these purposes may use equipment owned by ~~such~~ the other municipality.

24 (2) ~~So much of such plant~~ Plant or equipment, except water plant or equipment
25 or interconnection property in any municipality ~~so~~ interconnected, ~~as shall be~~

1 situated in another municipality ~~shall be~~ is taxable in ~~such~~ the other municipality
2 pursuant to ~~under~~ s. 76.28.

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

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

19 (6) Any A town, village or city owning a public utility, or the board of any
20 municipal public utility appointed under s. ~~66.068~~ 66.0805, may enter into
21 agreements with any other ~~such~~ towns, villages or cities owning public utilities, or
22 any other ~~such~~ boards of municipal public utilities, for mutual aid in the event of an
23 emergency or disaster in any of their respective service areas. ~~Such~~ The agreements
24 may include, ~~but are not limited to~~, provisions for the movement of employes and
25 equipment in and between the service areas of the various participating

1 municipalities for the purpose of rendering ~~such~~ aid and, for the reimbursement of
2 a municipality rendering ~~such~~ aid by the municipality receiving the aid.

3 **SECTION 186.** 66.07 of the statutes is renumbered 66.0817, and 66.0817 (intro.)
4 and (1) to (6), as renumbered, are amended to read:

5 **66.0817 Sale or lease of municipal public utility plant.** (intro.) ~~Any A~~
6 town, village or city may sell or lease any complete public utility plant owned by it,
7 in ~~manner~~ the following manner:

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

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

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

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

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

14 (6) If the municipality has revenue or mortgage bonds outstanding relating to
15 such the utility plant and which by their terms may not be redeemed concurrently
16 with the sale or lease transaction, an escrow fund with a domestic bank as trustee
17 may be established for the purpose of holding, administering and distributing ~~such~~
18 that portion of the sales or lease proceeds ~~as may be necessary~~ to cover the payment
19 of the principal, any redemption premium and interest which will accrue on the
20 principal through the earliest retirement date of the bonds. During the period of the
21 escrow arrangement ~~such~~ the funds may be invested in securities or other
22 investments as described in s. 201.25 (1) (a), (b), (dm) and (j), 1969 stats., and in
23 ~~deposits or certificates of deposit with any state or national bank doing business in~~
24 ~~this state~~ 66.0603 (1).

NOTE: 1. The references in sub. (1) to "resolution or ordinance" are affected by the treatment of s. 66.06 by SECTIONS 159 and 231, which delete the current provision that the phrase "resolution or ordinance", when used in specified sections, means "ordinance" only. Thus, the references to "resolution or ordinance" in sub. (1) will now include either kind of action, not just "ordinance".

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

1

SECTION 187. Subchapter VII ^{stat} ~~(title)~~ of chapter 66 [precedes 66.0701] of the

statutes is created to read:

CHAPTER 66

SUBCHAPTER VII

SPECIAL ASSESSMENTS

SECTION 188. 66.0707 (2) of the statutes is created to read:

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

NOTE: Expands the scope of s. 66.65, renumbered s. 66.0707, to include special charges. Currently, the provision is limited to special assessments against property in an adjacent city, village or town that abuts and benefits from a public work or improvement. See SECTIONS 510 and 511 of this bill.

SECTION 189. 66.0709 (title) of the statutes is created to read:

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

SECTION 190. 66.0709 (1) of the statutes is created to read:

66.0709 (1) In this section:

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

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

3 SECTION 191. 66.071 (title) of the statutes is renumbered 62.69 (title).

4 SECTION 192. 66.071 (intro.) of the statutes is repealed.

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

5 SECTION 193. 66.071 (1) (title) of the statutes is renumbered 62.69 (2) (title).

6 SECTION 194. 66.071 (1) (a) of the statutes is renumbered 62.69 (2) (c) and

7 amended to read:

8 62.69 (2) (c) Water rates shall be collected in the manner and by any one whom
9 the common council ~~may from time to time determine~~ determines, and shall be
10 accounted for and paid to ~~such~~ the other officials in ~~such~~ the manner and at ~~such~~ the
11 times as ~~that~~ the council ~~may from time to time prescribe~~. ~~Such persons~~ prescribes.
12 Persons collecting water rates shall give a bond to cover all the duties in ~~such~~ an
13 amount ~~as may be~~ prescribed by the council. Final accounting shall be made to the
14 comptroller and final disposition of money shall be made to the city treasurer.

15 SECTION 195. 66.071 (1) (b) of the statutes is renumbered 62.69 (2) (a) and
16 amended to read:

17 62.69 (2) (a) ~~The words~~ In this subsection, "commissioner of public works" ~~in~~
18 ~~sub. (1) shall be construed to mean and have reference to~~ includes any board of public
19 works, or commissioner of public works, or other officer of ~~any~~ the city having control
20 of the city's public works therein, ~~and all acts authorized to be done by such~~
21 ~~commissioner except for the enforcement of regulations approved by the council shall~~
22 ~~require the approval of the council before they shall have any force or effect.~~

1 **SECTION 196.** 66.071 (1) (c) to (j) of the statutes are renumbered 62.69 (2) (d)
2 to (L), and 62.69 (2) (e), (f), (g) 2. (intro.) and a., (h) and (k), as renumbered, are
3 amended to read:

4 62.69 (2) (e) Water rates shall be are due and payable upon such date or dates
5 as the common council ~~may provide by regulation~~ provides. To all water rates
6 remaining unpaid 20 days ~~thereafter~~ after the due date, there shall be added a
7 penalty of ~~5 per cent~~ 5% of the amount of such rates due, and if ~~such the~~ rates shall
8 remain unpaid for 10 days ~~thereafter~~ additional days, water may be turned off the
9 premises, ~~subject to the payment of such delinquent rates, and in such cases where.~~
10 If the supply of water is turned off as above provided, water shall ~~may~~ not be again
11 turned on to said the premises until all delinquent rates and penalties, and a sum
12 not exceeding \$2 as provided for by regulation for turning the water off and on, shall
13 have been ~~are~~ paid. The same penalty and charge may be made when payment is
14 made to a collector sent to the premises. On or before ~~each day when such the date~~
15 on which rates become due and payable as aforesaid, a written or printed notice or
16 bill shall be mailed or personally delivered to the occupant or, upon written request,
17 to the owner ~~wherever the~~ at the location the owner shall state states, of all premises
18 subject to the payment of water rates, stating the amount due, the time when and
19 the place where ~~such the~~ rates can be paid, and the penalty for neglect of payment.

20 (f) All water rates for water furnished to any building or premises, and the cost
21 of repairing meters, service pipes, stops or stop boxes, ~~shall be~~ are a lien on the lot,
22 part of lot or parcel of land on which ~~such the~~ building or premises ~~shall be situated~~
23 is located. If any water rates or bills for the repairing of meters, service pipes, stops
24 or stop boxes remain unpaid on ~~the first day of~~ October, ~~in any year~~ 1, the same
25 unpaid rates or bills shall be certified to the city comptroller of such city on or before

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

18 (g) 2. (intro.) If this paragraph applies, the commissioner of public works may
19 use par. (e) ~~(f)~~ to collect unpaid charges and bills incurred after the owner of a rental
20 dwelling unit has provided the commissioner of public works with written notice
21 under subd. 1. only if the commissioner of public works complies with at least one of
22 the following:

23 a. In order to comply with this subd. 2. a., the commissioner of public works
24 shall send bills for water service to a customer who is a tenant in the tenant's own
25 name. Each time that a commissioner of public works notifies a customer who is a

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

13 (h) The city commissioner of public works ~~of a city~~ may issue a permit to the
14 county in which ~~it~~ the city is located, to any national home for disabled soldiers, or
15 to any other applicant to obtain water from the city's water system for use outside
16 of the limits of the city; and for that purpose to connect any pipe that is laid outside
17 of the city limits with water pipe in the city. No permit may be issued until the
18 applicant files with the commissioner of public works a bond in ~~such~~ ^{the} sum and with
19 ~~such~~ ^{the} surety ~~as~~ ^{that} the commissioner shall ~~approve~~, approves on the
20 condition: that the applicant will obey the rules and regulations prescribed by the
21 commissioner ~~of public works~~ for the use of the water; that the applicant will pay all
22 charges fixed by the commissioner for the use of the water as measured by a meter
23 to be approved by the commissioner, ~~which charges shall include~~ including the
24 proportionate cost of fluoridating the water and, except as to water furnished directly
25 to county or other municipal properties, ~~shall~~ which may not be less than

1 one-quarter more than those charged to the inhabitants of the city for like use of
2 water; that the applicant will pay to the city a water pipe assessment if the property
3 to be supplied with water has frontage on any thoroughfare forming the city
4 boundary line in which a water main has been or shall be laid, and at the rate
5 prescribed by the commissioner of ~~public works~~; if the property to be supplied does
6 not front on a city boundary but is distant ~~therefrom~~ from a boundary, that a main
7 pipe of the same size, class and standard as terminates at the city boundary shall be
8 extended, and the entire cost shall be paid by the applicant for the extension; that
9 the water main shall be laid according to city specifications and under city
10 inspection; that the water main and appliances shall become the absolute property
11 of the city, without any compensation therefor, ~~whenever~~ for the main or appliances,
12 if the property supplied with water by the extension or any part thereof shall be of
13 the property is annexed to or in any manner become becomes a part of the city; and
14 that the applicant will pay to the city all damages ~~whatever~~ that it ~~may sustain~~
15 sustains, arising ~~in any way~~ out of the manner in which the connection is made or
16 water supply is used. In ~~case of~~ granting a permit to ~~any a~~ county or to ~~any a~~ national
17 home for disabled soldiers, the commissioner of public works may waive the giving
18 of a bond. Every permit shall be issued upon the understanding that the city ~~shall~~
19 ~~in no event ever be~~ is not liable for any damage in case of failure to supply water by
20 reason of any condition beyond its control.

21 (k) The commissioner of public works may ~~also~~ make rules and regulations for
22 the proper ventilating and trapping of all drains, soil pipes and fixtures ~~hereafter~~
23 constructed to connect with or be used in connection with the sewerage or water
24 supply of the city. The common council may provide by ordinance for the enforcement
25 of such the rules and regulations, ~~and may prescribe proper~~ including penalties and

1 ~~punishment for disobedience of the same.~~ The commissioner of public works may
2 also make rules to regulate the use of vent, soil, drain, sewer or water pipes in all
3 buildings in ~~said the city, which hereafter shall be~~ proposed to be connected with the
4 city water supply or sewerage, specifying the dimensions, strength and material of
5 ~~which the same shall be made, and.~~ The commissioner may prohibit the introduction
6 into any building of any style of water fixture, tap or connection, ~~the use of which~~
7 ~~shall have been~~ determined to be dangerous to health or ~~for any reason~~ unfit to be
8 used, ~~and the.~~ The commissioner of public works shall require a rigid inspection by
9 a skilled and competent inspector under the direction of the commissioner of public
10 works of all plumbing and draining work and water and sewer connections, ~~hereafter~~
11 ~~done or made~~ in any building in the city, and unless the same work and connections
12 are done or made according to rules of ~~the commissioner of public works,~~ and
13 approved by the commissioner of public works, no connection of the premises with
14 the city sewerage or water supply ~~shall be allowed~~ may be made.

15 **SECTION 197.** 66.071 (2) of the statutes is renumbered 62.69 (3) and amended
16 to read:

17 62.69 (3) UTILITY DIRECTORS. (a) ~~The term~~ In this subsection, "electric plant"
18 ~~as used in this section shall mean~~ means a plant for the production, transmission,
19 delivery and furnishing of electric light, heat or power directly to the public.

20 (b) If the city ~~shall have determined~~ decides to acquire an electric plant or any
21 other public utility in accordance with the provisions of this section, the mayor of
22 ~~such city,~~ prior to the city taking possession of ~~such the~~ property, shall appoint,
23 subject to the confirmation of the council, 7 persons of recognized business
24 experience and standing to act as the board of directors for ~~such the~~ utility. Two of
25 ~~such persons~~ shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a

1 term of 6 years, and one for a term of 8 years. ~~Thereafter successors~~ Successors shall
2 be appointed ~~in like manner~~ for terms of 10 years each. ~~Any such~~ A director may be
3 removed by the mayor with the approval of the council for misconduct in office or for
4 unreasonable absence from meetings of the directors.

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

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

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

1 SECTION 198. 66.0711 (1) of the statutes is created to read:

2 66.0711 (1) In this section:

3 (a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c). ✓

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

5 SECTION 199. 66.0713 (10) (title) of the statutes is created to read:

6 66.0713 (10) (title) LEGALITY OF PROCEEDINGS; CONCLUSIVE EVIDENCE.

7 SECTION 200. 66.0715 (title) of the statutes is created to read:

8 66.0715 (title) **Deferral of special assessments; payment of special**
9 **assessments in instalments.**

10 SECTION 201. 66.0715 (1) of the statutes is created to read:

11 66.0715 (1) DEFINITIONS. In this section:

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

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

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

15 SECTION 202. 66.0719 (1) of the statutes is created to read:

16 66.0719 (1) In this section:

17 (a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c). ✓

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

19 SECTION 203. 66.072 of the statutes is renumbered ~~66.0825~~⁷ and ~~66.0825~~⁷(2) to
20 (4), (5) (a) and (b) and (6), as renumbered, are amended to read:

21 66.0825⁷(2) The fund of each utility district shall be provided by taxation of the
22 property in ~~such~~ the district, upon an annual estimate by the department in charge
23 of public works in cities and villages, and by the town chairperson in towns, filed by
24 October 1. Separate account shall be kept of each district fund.

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

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

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

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

17 (6) ~~Whenever~~ If a municipality, within which a utility district is located, is
18 consolidated with another municipality which provides the same or similar services
19 for which the district was established, but on a municipality-wide basis rather than
20 on a utility district basis as provided in this section, the fund of the utility district
21 ~~shall become becomes~~ part of the general fund of the consolidated municipality;
22 ~~thereupon said and the~~ utility district ~~shall be abolished terminates~~. This section
23 ~~shall also apply applies~~ to consolidations completed prior to, on and after June 30,
24 1965.

25 **SECTION 204.** 66.0721 (title) of the statutes is created to read:

1 **66.0721** (title) **Special assessments on certain farmland for**
2 **construction of sewerage or water system.**

3 **SECTION 205.** 66.0727 (4) of the statutes is created to read:

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

NOTE: Restates s. 66.699, which is repealed by SECTION 521.

7 **SECTION 206.** 66.0729 (6) of the statutes is created to read:

8 66.0729 (6) This section does not preclude a city, village or town from using any
9 other lawful method to compel a railroad corporation to pay its proportionate share
10 of a street, alley or public highway improvement.

NOTE: Restates s. 66.699, which is repealed by SECTION 521.

11 **SECTION 207.** 66.073 of the statutes, as affected by 1997 Wisconsin Acts 85 and
12 ~~204~~ is renumbered 66.0828⁵ and 66.0828⁵(2), (3) (f), (g) and (h), (4) (a), (5) (b), (c), (e),
13 (f) and (i), (6) (intro.), (a), (f), (g), (h) and (o), (7), (8) (a) 3. and 4., (b) and (c), (9), (10),
14 (11), (12), (13) (intro.), (b), (d), (e), (g), (j), (k), (L), (m), (n) and (o), (14), (15), (16) (b),
15 (17) and (18), as renumbered, are amended to read:

16 66.0828⁵(2) **FINDING AND DECLARATION OF NECESSITY.** It is declared that the
17 operation of electric utility systems by municipalities of this state and the
18 improvement of the systems through joint action in the fields of the generation,
19 transmission and distribution of electric power and energy is are in the public
20 interest; that there is a need in order to ensure the stability and continued viability
21 of the municipal systems to provide for a means by which municipalities which
22 operate the systems may act jointly in all ways possible, including development of
23 coordinated bulk power and fuel supply programs and efficient, community-based

1 energy systems; and that, the necessity in the public interest for the provisions
2 hereinafter enacted in this section is declared as a matter of legislative
3 determination.

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

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

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

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

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

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

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

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

SECTION 207

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that it

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

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

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

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

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

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

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

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

23 (c) ~~In case any of the officers whose signatures appear on any bonds or coupons~~
24 ~~shall cease~~ If an officer whose signature appears on a bond or coupon ceases to be
25 ~~such officers~~ an officer before the delivery of such obligations, such signatures shall,

1 ~~nevertheless, be the obligation, the signature is~~ valid and sufficient for all purposes,
2 ~~the same~~ as if the ~~officers~~ officer had remained in office until ~~such~~ delivery.

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

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

7 (d) Covenant and prescribe as to events of default and terms and conditions
8 upon which any ~~or all~~ of its bonds ~~shall~~ become or may be declared due before
9 maturity, as to the terms and conditions upon which ~~such~~ the declaration and its
10 consequences may be waived and as to the consequences of default and the remedies
11 of bondholders.

12 (e) Covenant as to the mortgage or pledge of or the grant of a security interest
13 in any real or personal property and all or any part of the revenues from any project
14 ~~or projects~~ or any revenue producing contract ~~or contracts~~ made by the company with
15 any person or public agency to secure the payment of bonds, subject to ~~such~~ existing
16 agreements with the holders of bonds ~~as may then exist~~.

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

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

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

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

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

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

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

21 (14) REFUNDING BONDS. A company may issue refunding bonds for the purpose
22 of paying any of its bonds at or prior to maturity or upon acceleration or redemption.
23 Refunding bonds may be issued at ~~such~~ the time prior to the maturity or redemption
24 of the refunded bonds as that the company deems to be in the public interest. The
25 refunding bonds may be issued in sufficient amounts to pay or provide the principal

1 of the bonds being refunded, together with any redemption premium ~~thereon~~ on the
2 bonds, any interest accrued or to accrue to the date of payment of ~~such~~ the bonds, the
3 expenses of issue of the refunding bonds, the expenses of redeeming the bonds being
4 refunded, and ~~such~~ the reserves for debt service or other capital or current expenses
5 from the proceeds of ~~such~~ the refunding bonds as ~~may~~ be required by the resolution,
6 trust indenture or other security instruments. The issue of ~~refunding~~ bonds, the
7 maturities and other details ~~thereof~~ of, the security ~~therefor~~ for, the rights of the
8 holders ~~thereof~~ of, and the rights, duties and obligations of the company in respect
9 of the ~~same~~ shall be refunding bonds are governed by the provisions of this section
10 relating to the issue of bonds other than refunding bonds ~~insofar as the same may~~
11 be to the extent that the provisions are applicable.

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

23 (16) (b) The property of a company, including any proportional share of any
24 property owned by a company in conjunction with any other person or public agency,
25 is ~~declared to be~~ public property used for essential public and governmental purposes

1 and ~~such~~ the property or proportional share, a company and its income ~~shall be~~ are
 2 exempt from all taxes of the state or any state public body except that for each project
 3 owned or partly owned by it, a company shall make payments-in-lieu-of-taxes to
 4 the state equal to the amount which would be paid to the state under ss. 76.01 to
 5 76.26 for ~~such~~ the project or share ~~thereof of the project~~ if it were deemed to be owned
 6 by a company under s. 76.02 (2). The payment shall be determined, administered
 7 and distributed by the state in the same manner as the taxes paid by companies
 8 under ss. 76.01 to 76.26.

9 (17) SUCCESSOR. A company shall, if the contract so provides, be the successor
 10 to any nonprofit corporation, agency or any other entity ~~theretofore~~ previously
 11 organized by ~~such~~ the contracting municipalities to provide the same or a related
 12 function, and the company ~~shall be~~ is entitled to all rights and privileges and shall
 13 assume all obligations and liabilities of the other entity under existing contracts to
 14 which the other entity is a party.

15 (18) OTHER STATUTES. The powers granted under this section do not limit the
 16 powers of municipalities to enter into intergovernmental cooperation or contracts or
 17 to establish separate legal entities under ~~s. 66.30~~ ss. 66.0301 to 66.0311 or any other
 18 applicable law, or otherwise to carry out their powers under applicable statutory
 19 provisions, nor ~~shall such~~ do the powers granted under this section limit the powers
 20 reserved to municipalities by state law.

21 SECTION 208. 66.0735 of the statutes, ~~as created by 1997 Wisconsin Act 134~~
 22 is renumbered 66.082³, and 66.082³(5) (q), as renumbered, is amended to read:

23 66.082³(5) (q) Invest any funds held in reserve or sinking funds, or any funds
 24 not required for immediate disbursement, including the proceeds from the sale of any

1 bonds, in such obligations, securities and other investments as the authority deems
2 proper in accordance with s. ~~66.04 (2)~~ 66.0603 (1).

3 **SECTION 209.** 66.074 of the statutes is repealed.

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

4 **SECTION 210.** 66.075 of the statutes is repealed.

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

5 **SECTION 211.** 66.076 (title) of the statutes is renumbered 66.0821 (title) and
6 amended to read:

7 **66.0821 (title) Sewerage system, service charge and storm water**
8 **systems.**

9 **SECTION 212.** 66.076 (1) of the statutes, ~~as affected by 1997 Wisconsin Act 50~~
10 ~~and 218~~ is renumbered 66.0821 (2) (a) and amended to read:

11 66.0821 (2) (a) 1. In addition to all other methods provided by law, any a
12 municipality may construct, acquire or lease, extend or improve any plant and
13 equipment within or without its corporate limits for the collection, transportation,
14 storage, treatment and disposal of sewage or storm water and surface water,
15 including the necessary lateral, main and interceptor sewers ~~necessary in connection~~
16 ~~therewith,~~ and any a town, village or city may arrange for such the service to be
17 furnished by a metropolitan sewerage district or joint sewerage system. ~~Except as~~
18 ~~provided in s. 66.60 (6m), payment for a sewerage project described in this~~
19 ~~paragraph, or any part of such project, may be provided from the general fund, from~~
20 ~~taxation, special assessments, sewerage service charges, or from the proceeds of~~

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

NOTE: The deleted sentence is restated as s. 66.0813 (3) (a) by SECTION 241.

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

17 **SECTION 213.** 66.076 (1m) of the statutes is renumbered 66.0821 (1) (intro.) and
18 amended to read:

19 66.0821 (1) (intro.) In this section, ~~“municipality”;~~

20 (a) “Municipality” means ~~any~~ a town, village, city or metropolitan sewerage
21 district created under ss. ~~66.20 200.01 to 66.26 200.15~~ or under ss. ~~66.88 200.21 to~~
22 ~~66.918 200.65.~~

23 **SECTION 214.** 66.076 (2) of the statutes is renumbered 66.0821 (3) (b) and
24 amended to read:

1 66.0821 (3) (b) ~~Where payment~~ If funding under par. (a) in whole or in part is
2 ~~made~~ by the issue and sale of revenue bonds, the payments shall be made as provided
3 in s. 66.066. ~~The provisions of s. 66.066 which are~~ 66.0621 to the extent not
4 inconsistent with this section ~~are made a part of this section. The term, In this~~
5 ~~paragraph,~~ "public utility" as used in s. 66.066 ~~shall for this purpose include~~ 66.0621
6 includes the sewerage system, accessories, equipment and other property, including
7 land. The mortgage or revenue bonds or mortgage certificates ~~shall do~~ not constitute
8 an indebtedness of the municipality ~~but shall~~ and may be secured only by the
9 sewerage system and its revenue, and the franchise provided for in this section.

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

12 66.0821 (6) ~~In the event of~~ If there is a sale of the mortgaged sewerage system
13 premises on a judgment of foreclosure and sale, the price paid for the ~~same shall~~
14 premises may not exceed the amount of the judgment and the costs of sale to and
15 including the recording of the sheriff's deed. The purchaser on the foreclosure sale
16 may operate and maintain ~~said the~~ sewerage system and collect sewerage service
17 charges, and for that purpose ~~shall be~~ is deemed to have a franchise from the
18 municipality. The term "purchaser" ~~shall include~~ includes the purchaser's
19 successors or assigns. The rates to be charged, in addition to the contributions, if any,
20 which the municipality has obligated itself to make toward the capital or operating
21 costs of the plant, shall be sufficient to meet the requirements of operation,
22 maintenance, repairs, depreciation, interest and an amount sufficient to amortize
23 the judgment debts and all additional capital costs which the purchaser contributes
24 to the plan over a period not exceeding 20 years, ~~and in.~~ In addition to the foregoing,
25 the purchaser of the premises ~~shall be entitled to~~ may earn a reasonable amount, as

1 determined by the public service commission, on the actual amount of the
2 purchaser's investment in the premises represented by the purchase price of the
3 premises, plus any additions made to the ~~same~~ investment by the purchaser or minus
4 any payments made by the municipality on account of ~~such~~ the investments. The
5 municipality may ~~at any time~~ by payment reduce ~~such~~ the investment of the
6 purchaser and after full payment of the purchase price plus the cost of subsequent
7 improvements the premises shall revert to the municipality. ~~So long as~~ While the
8 premises are owned by the private purchaser, the ~~same~~ premises shall be considered
9 a public utility and ~~be~~ are subject to ch. 196 ~~so far as to the extent~~ applicable.

10 **SECTION 216.** 66.076 (4) of the statutes is renumbered 66.0821 (4) (a) and
11 amended to read:

12 66.0821 (4) (a) The governing body of the municipality may establish sewerage
13 service charges in ~~such~~ an amount as to meet all or part of the requirements for the
14 construction, reconstruction, improvement, extension, operation, maintenance,
15 repair and depreciation of the sewerage system, and for the payment of all or part
16 of the principal and interest of any indebtedness incurred ~~thereof~~ for those purposes,
17 including the replacement of funds advanced by or paid from the general fund of the
18 municipality. Service charges made by a metropolitan sewerage district to any town,
19 village or city shall ~~in turn~~ be levied by ~~such~~ the town, village or city against the
20 individual sewer system users within the corporate limits of ~~such~~ the municipality,
21 and the ~~responsibility for collecting such~~ municipality shall collect the charges and
22 promptly ~~remitting same~~ remit them to the metropolitan sewerage district ~~shall lie~~
23 ~~with such municipality~~. Delinquent charges shall be collected in accordance with
24 sub. (7) (4) (c).

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SECTION 217. 66.076 (5) (a) of the statutes ~~as affected by 1997 Wisconsin Act~~

~~54~~ is renumbered 66.0821 (4) (b) and amended to read:

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

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SECTION 218. 66.076 (5) (b) of the statutes ~~as created by 1997 Wisconsin Act~~

~~54~~ is renumbered 66.0821 (4) (c).

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

66.0821 (3) (c) Any municipality may pledge, assign or otherwise hypothecate the net earnings or profits derived or to be derived from a sewerage system to secure the payment of the costs of purchasing, constructing or otherwise acquiring a sewerage system or any part ~~thereof~~ of a sewerage system, or for extending or improving such the sewerage system, in the manner provided in s. ~~66.066 (4) as the same has been and from time to time may be amended or recreated~~ 66.0621 (5).

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SECTION 220. 66.076 (7) of the statutes is renumbered 66.0821 (4) (c) and amended to read:

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66.0821 (4) (c) Sewerage service charges shall be collected and taxed and shall be a lien upon the property served in the same manner as water rates are taxed and collected under s. ~~66.069 (1) or 66.071 (1) (e), so far as 62.69 (2) (f) or 66.0809 to the~~

1 extent applicable, except that charges of a metropolitan sewerage district created
2 under ss. ~~66.88 200.21~~ to ~~66.918 200.65~~ shall be assessed and collected as provided
3 in s. ~~66.91 200.55~~ (5).

4 **SECTION 221.** 66.076 (8) of the statutes is renumbered 66.0821 (2) (b) and
5 amended to read:

6 66.0821 (2) (b) The governing body of ~~any a~~ municipality, and the officials in
7 charge of the management of the sewerage system as well as other officers of the
8 municipality, ~~shall be~~ are governed in the discharge of their powers and duties under
9 this section by ~~s. 66.069 ss. 66.0809 to 66.0813~~ or ~~66.071 (1) (e), which are hereby~~
10 ~~made a part of this section so far as applicable and not inconsistent herewith~~ 62.69
11 (2) (f), to the extent consistent with this section, or, in the case of a metropolitan
12 sewerage district created under ss. ~~66.88 200.21~~ to ~~66.918 200.65~~, by ss. ~~66.91 200.55~~
13 and ~~66.912 200.59~~.

14 **SECTION 222.** 66.076 (9) of the statutes ~~as affected by 1997 Wisconsin Act 53~~
15 is renumbered 66.0821 (5) (a) and amended to read:

16 66.0821 (5) (a) If ~~any a~~ user of a service complains to the public service
17 commission that rates, rules and practices are unreasonable or unjustly
18 discriminatory, or if a holder of a mortgage or revenue bond or mortgage certificate
19 or other evidence of debt, secured by a mortgage on the sewerage system or any part
20 thereof of the system or pledge of the income of sewerage service charges, complains
21 that rates are inadequate, the public service commission shall investigate the
22 complaint. If there appears to be sufficient cause for the complaint, the commission
23 shall set the matter for a public hearing upon 10 days' notice to the complainant and
24 the town, village or city. After the hearing, if the public service commission
25 determines that the rates, rules or practices complained of are unreasonable or

1 unjustly discriminatory, it shall determine and by order fix reasonable rates, rules
2 and practices and ~~shall~~ may make such any other order respecting the complaint as
3 ~~may be that is~~ just and reasonable, including, in the case of standby charges imposed
4 under sub. ~~(5)(b)~~ (4)(c), an order that a municipality refund to the user any amount
5 of the standby charges that have been collected if the user has filed a complaint with
6 the public service commission not later than 60 days after receiving a notice of charge
7 that relates to an increased standby charge. The proceedings under this subsection
8 shall be paragraph are governed, ~~as far as to the extent~~ applicable, by ss. 196.26 to
9 196.40. The commission shall bill any expense of the commission attributable to a
10 proceeding under this subsection paragraph to the town, village or city under s.
11 196.85 (1).

12 **SECTION 223.** 66.076 (10) of the statutes is renumbered 66.0821 (5) (b) and
13 amended to read:

14 66.0821 (5) (b) Judicial review of ~~the a~~ determination of the public service
15 commission under par. (a) may be had by any person aggrieved in the manner
16 prescribed in ch. 227.

17 **SECTION 224.** 66.076 (11) of the statutes ~~as affected by 1997 Wisconsin Act 53~~
18 is renumbered 66.0821 (1) (b) and amended to read:

19 66.0821 (1) (b) ~~The word "sewerage" as used in this section shall be considered~~
20 "Sewerage" is a comprehensive term, including all constructions for collection,
21 transportation, pumping, treatment and final disposition of sewage or storm water
22 and surface water.

23 **SECTION 225.** 66.076 (12) of the statutes is renumbered 66.0821 (7) and
24 amended to read:

1 66.0821 (7) The authority ~~hereby given shall be~~ under this section is in addition
2 to any power which municipalities ~~now~~ otherwise have with respect to sewerage or
3 sewage disposal. Nothing in this section shall be construed as restricting or
4 interfering with any powers and duties of the department of health and family
5 services as prescribed by law.

6 **SECTION 226.** 66.077 of the statutes is renumbered 66.0819 and amended to
7 read:

8 **66.0819 Combining water and sewer utilities.** (1) ~~Any~~ A town, village, or
9 city ~~of the fourth class~~ may construct, acquire, or lease, or extend and improve, a
10 plant and equipment within or without its corporate limits for the furnishing of
11 water to the municipality or to its inhabitants, and for the collection, treatment, and
12 disposal of sewage, including the lateral, main and intercepting sewers, and all
13 necessary equipment ~~necessary in connection therewith.~~ ~~Such.~~ The plant and
14 equipment, whether the structures and equipment for the furnishing of water and
15 for the disposal of sewage ~~shall be~~ are combined or separate, may by ordinance be
16 constituted a single public utility.

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

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

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

6 **SECTION 227.** 66.078 of the statutes is renumbered 66.0623 and amended to
7 read:

8 **66.0623 Refunding village, town, sanitary and inland lake district**
9 **bonds.** Any ~~A~~ village, town, town sanitary district established under s. 60.71 (1) or
10 public inland lake protection and rehabilitation district established under ch. 33
11 which has undertaken to construct a combined sewer and water system and issued
12 revenue bonds payable from the combined revenues of the system and which is
13 unable to provide sufficient funds to complete the construction of the system and to
14 meet maturing principal of the revenue bonds, may, with the consent of all of the
15 holders of noncallable bonds, refund all or any part of its outstanding indebtedness,
16 including revenue bonds, by issuing term bonds maturing in not more than 20 years,
17 payable solely from the revenues of the combined sewer and water system and
18 redeemable at par on any interest payment date. ~~Such~~ The bonds may be issued as
19 provided in s. ~~66.066~~ 66.0621 (2) and shall pledge income from hydrant rentals and
20 all sewer and water charges and may contain any covenants authorized by law,
21 except if bonds are issued under this section to refund floating indebtedness, the
22 bonds ~~shall be~~ are subject to the prior lien and claim of all bonds issued to refund
23 revenue bonds issued prior to the refunding.

66.0829
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SECTION 228. 66.079 of the statutes, as affected by ~~1997 Wisconsin Act 56~~ is renumbered 66.082^a and amended to read:

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

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

(a) The cost of constructing any parking system or facility, including the cost of the land, may be assessed against a benefited area, ~~such~~ the benefited area and

1 assessments to be determined in the manner prescribed by either subch. II of ch. 32
2 or s. ~~66.60~~ 66.0703, except that the number of annual instalments in which ~~such the~~
3 assessment is payable ~~shall~~ may not exceed 20.

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

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

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

15 SECTION 229. 66.08 of the statutes is renumbered 66.0723 and amended to
16 read:

17 **66.0723 Utilities, special assessments.** (1) ~~Whenever any~~ If a city, village
18 or town ~~shall construct or acquire~~ constructs, extends or acquires by gift, purchase
19 or otherwise a distribution system or a production or generating plant for the
20 furnishing of light, heat or power to any municipality or its inhabitants ~~or shall make~~
21 ~~any extensions thereto, such the~~ city, village or town may assess ~~the whole or any~~
22 part of the ~~all or some of the~~ cost thereof to the property benefited ~~thereby~~, whether
23 abutting or not, in the ~~same~~ manner ~~as~~ is provided for the assessment of benefits
24 under s. 66.60 66.0703.

23

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

5 **SECTION 230.** Subchapter VIII ~~(VIII)~~^{step} of chapter 66 [precedes 66.0801] of the
 6 statutes is created to read:

CHAPTER 66

SUBCHAPTER VIII

PUBLIC UTILITIES

10 **SECTION 231.** 66.0801 of the statutes is created to read:

11 **66.0801 Definitions; effect on other authority.** (1) In this subchapter:

12 (a) "Municipal public utility" means a public utility owned or operated by a city,
 13 village or town.

14 (b) "Public utility" has the meaning given in s. 196.01 (5).

15 (2) Sections 66.0803 to 66.082~~2~~⁵ do not deprive the office of the commissioner
 16 of railroads, department of transportation or public service commission of any power
 17 under ss. 195.05 and 197.01 to 197.10 and ch. 196.

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

18 **SECTION 232.** 66.0805 (1) of the statutes is created to read:

19 66.0805 (1) Except as provided in sub. (6), the governing body of a city shall,
 20 and the governing body of a village or town may, provide for the nonpartisan
 21 management of a municipal public utility by creating a commission under this
 22 section. The board of commissioners, under the general control and supervision of
 23 the governing body, shall be responsible for the entire management of and shall

1 supervise the operation of the utility. The governing body shall exercise general
2 control and supervision of the commission by enacting ordinances governing the
3 commission's operation. The board shall consist of 3, 5 or 7 commissioners.

NOTE: 1. Restates s. 66.068 (1), repealed by SECTION 176.
2. Provides that the "general control and supervision" of the utility commission
by the municipal governing body is by means of ordinance governing the
commission's operation. Previous law was silent on the issue.

4 **SECTION 233.** 66.0807 (1) of the statutes is created to read:

5 66.0807 (1) In this section, "privately owned public utility" includes a
6 cooperative association organized under ch. 185 for the purpose of producing or
7 furnishing utility service to its members only.

NOTE: By adding cooperatives to the definition of "privately owned public
utility" (cooperatives are otherwise excluded from the definition of "public
utility"; see ss. 196.01 (5) and 66.0801 (1) (b), the latter created by this bill),
municipalities are authorized to enter into a joint operation agreement with a
cooperative. See, also, SECTION 167.

8 **SECTION 234.** 66.081 of the statutes is repealed.

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

9 **SECTION 235.** 66.0811 (title) of the statutes is created to read:

10 **66.0811 (title) Municipal public utility revenues.**

11 **SECTION 236.** 66.0813 (title) of the statutes is created to read:

12 **66.0813 (title) Provision of utility service outside of municipality by**
13 **municipal public utility.**

14 **SECTION 237.** 66.082 of the statutes is renumbered 66.0419, and 66.0419 (2) (e)
15 and (3) (c), as renumbered, are amended to read:

16 66.0419 (2) (e) "Franchise fee" means any fee, assessment or other
17 compensation which a municipality requires a cable operator to pay, with respect to
18 the operation of cable television systems, solely because of the cable operator's status
19 as such, and includes any compensation required under s. ~~66.045~~ 66.0425.

1 **(3) (c)** Require the payment of franchise fees which, notwithstanding s. ~~66.70~~
2 66.0611, may be based on the income or gross revenues of a cable television system,
3 or measured by such income or gross revenues.

4 **SECTION 238.** 66.0821 (1) (intro.) of the statutes is created to read:

5 66.0821 (1) DEFINITIONS. (intro.) In this section:

6 **SECTION 239.** 66.0821 (2) (title) of the statutes is created to read:

7 66.0821 (2) (title) GENERAL AUTHORITY.

8 **SECTION 240.** 66.0821 (3) (title) of the statutes is created to read:

9 66.0821 (3) (title) FUNDING.

10 **SECTION 241.** 66.0821 (3) (a) of the statutes is created to read:

11 66.0821 (3) (a) Except as provided in s. 66.0721, all or a portion of the cost of
12 exercising the authority under sub. (2) may be funded, to the extent applicable, from
13 the municipality's general fund, by taxation, special assessment or sewerage service
14 charges, by municipal obligations or revenue bonds or from any combination of these
15 sources.



NOTE. Restates language deleted from current s. 66.076 (1), as affected by 1997
Wisconsin Act 213, by SECTION 212.

16 **SECTION 242.** 66.0821 (4) (title) of the statutes is created to read:

17 66.0821 (4) (title) SERVICE CHARGES.

18 **SECTION 243.** 66.0821 (5) (title) of the statutes is created to read:

19 66.0821 (5) (title) UNREASONABLE OR DISCRIMINATORY RATES, RULES AND PRACTICES.

20 **SECTION 244.** 66.0821 (6) (title) of the statutes is created to read:

21 66.0821 (6) (title) FORECLOSURE SALE.

22 **SECTION 245.** 66.0821 (7) (title) of the statutes is created to read:

23 66.0821 (7) (title) RELATION TO OTHER AUTHORITY.

1 SECTION 246. 66.083 (title) of the statutes is renumbered 66.0423 (title).

2 SECTION 247. 66.083 of the statutes is renumbered 66.0423 (2) and amended

3 to read:

4 66.0423 (2) Cities and villages, and towns not subject to an ordinance enacted
5 under s. 59.55 (4), may, by ordinance, regulate the retail sales, other than auction
6 sales, made by transient merchants, as defined in s. 130.065 (1m), 1987 stats., and
7 provide penalties for violations of those ordinances.

NOTE: Authorizes a town that is not subject to a county ordinance regulating
retail sales, other than auction sales, made by transient merchants to regulate
these sales by its own ordinance. Also see the definitions in s. 66.0423 (1) bill
SECTION 108. as affected by 1999 Wisconsin Act 9, ✓

(title) and
(1)

8 SECTION 248. 66.085 of the statutes are renumbered 66.0421, and 66.0421 (1) (a)
9 and (b) ~~and (c)~~, as renumbered, are amended to read: (title) and (1)

10 66.0421 (1) (a) "Cable operator" has the meaning given in s. ~~66.082~~ 66.0419 (2)

11 (b).

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

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

16 SECTION 249. 66.09 (title), (1), (2), (3) and (4) of the statutes are renumbered
17 66.0117 (title) and (2) to (5) and amended to read:

18 66.0117 (title) **Judgment against municipalities, etc. local**
19 **governmental units.**

20 (2) (a) ~~When~~ If a final judgment for the payment of money shall be is recovered
21 against a ~~town, village, city, county, school district, technical college district, town~~
22 ~~sanitary district, public inland lake protection and rehabilitation district or~~
23 ~~community center~~ local governmental unit, or against any an officer thereof, in any

SEC. #. 66.085 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0421 (2). (3) and (4)
SEC. #. 66.085 (3) and (4) of the statutes are renumbered 66.0421, and 66.0421 (4), as renumbered, is amended to read:

1 ~~action by or against the officer in the officer's name of office of the local governmental~~
2 ~~unit, when the judgment should~~ is to be paid by ~~such municipality the local~~
3 ~~governmental unit, the judgment creditor, or the judgment creditor's assignee or~~
4 ~~attorney, may file a statement~~ with the clerk of circuit court ~~a certified transcript of~~
5 ~~the judgment, together with the judgment creditor's affidavit of payments made, if~~
6 ~~any, and the amount due and that the judgment has not been appealed from or~~
7 ~~removed to another court, or if so appealed or removed has been affirmed. The clerk~~
8 ~~of circuit court shall send a copy of the statement to the appropriate municipal clerk.~~

9 (b) ~~The~~ If a statement is filed under par. (a), the amount due, with costs and
10 interest to the time when the money will be available for payment, shall be added to
11 the next tax levy, and shall, when received, be paid to satisfy the judgment. If the
12 judgment is appealed after filing the transcript with the clerk of circuit court, and
13 before the tax is collected, the money shall not be collected on that levy. If the
14 municipal clerk of circuit court fails to include the proper amount in the first tax levy,
15 he or she shall include it or ~~such~~ the portion as is required to complete it in the next
16 levy.

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

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

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

5 **SECTION 250.** Subchapter IX ~~(title)~~^{stat.} of chapter 66 [precedes 66.0901] of the
6 statutes is created to read:

7 **CHAPTER 66**

8 **SUBCHAPTER IX**

9 **PUBLIC WORKS AND PROJECTS**

10 **SECTION 251.** 66.0901 (1) (intro.) of the statutes is created to read:

11 66.0901 (1) (intro.) In this section:

12 **SECTION 252.** 66.0901 (9) (a) of the statutes is created to read:

13 66.0901 (9) (a) Notwithstanding sub. (1) (a), in this subsection, "municipality"
14 does not include the department of transportation.

15 **SECTION 253.** 66.091 of the statutes is renumbered 893.81.

16 **SECTION 254.** 66.092 of the statutes is renumbered 66.0409.

17 **SECTION 255.** 66.0923 (5) of the statutes is created to read:

18 66.0923 (5) AUDITORIUM BOARD. (a) The ordinance shall provide for the
19 establishment of a joint county-city auditorium board to be composed of all of the
20 following:

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

24 2. Four members to be appointed by the county board chairperson and
25 confirmed by the county board.

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

3 (b) Under par. (a) 2. and 3., the initial term of one member shall be one year,
4 the initial term of one member shall be 2 years, the initial term of one member shall
5 be 3 years and the initial term of one member shall be 4 years. The respective
6 successors of the members under par. (a) 2. and 3. shall be appointed and confirmed
7 for terms of 4 years. All appointees shall serve until their successors are appointed
8 and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be
9 filled for the unexpired term in the manner in which the original appointment was
10 made.

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

13 **SECTION 256.** 66.0927 (1) (am) of the statutes is created to read:

→ 14 66.0927 (1) (am) "Hospital" means a general county-city hospital.

15 **SECTION 257.** 66.10 of the statutes is repealed.

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

16

^{st&t}
16 **SECTION 258.** Subchapter X ~~(1)~~ of chapter 66 [precedes 66.1001] of the
17 statutes is created to read:

18 **CHAPTER 66**

19 **SUBCHAPTER X**

20 **PLANNING, HOUSING**

21 **AND TRANSPORTATION**

22 **SECTION 259.** 66.1003 (1) of the statutes is created to read:

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

3 **SECTION 260.** 66.1019 (title) of the statutes is created to read:

4 **66.1019 (title) Housing codes to conform to state law.**

5 **SECTION 261.** 66.11 of the statutes is renumbered 66.0501, and 66.0501 (1), (2)
6 and (3), as renumbered, are amended to read:


7 66.0501 (1) DEPUTY SHERIFFS AND MUNICIPAL POLICE. No person ~~shall~~ may be
8 appointed deputy sheriff of any county or police officer for any city, village or town
9 unless that person is a citizen of the United States. This section ~~shall~~ does not ~~affect~~
10 apply to common carriers, nor apply or to a deputy sheriff not required to take an oath
11 of office.

12 (2) ELIGIBILITY OF OTHER OFFICERS. Except as expressly authorized by statute,
13 no member of a town, village or county board, or city council, ~~shall~~, during the term
14 for which the member is elected, be is eligible for any office or position which during
15 ~~such~~ that term has been created by, or the selection to which is vested in, ~~such~~ the
16 board or council, but ~~such~~ the member ~~shall be~~ is eligible for any elective office. The
17 governing body may be represented on city, village or town boards and commissions
18 where no additional ~~remuneration~~ compensation, except a per diem, is paid ~~such~~ to
19 the representatives of the governing body and may fix the tenure of ~~such~~ these
20 representatives notwithstanding any other statutory provision. A representative of
21 a governing body who is a member of a city, village or town board or commission may
22 receive a per diem only if the remaining members of the board or commission may
23 receive a per diem. This subsection ~~shall~~ does not apply to a member of any ~~such~~
24 board or council described in this subsection who resigns from ~~said~~ the board or

1 council before being appointed to an office or position which was not created during
2 the member's term in office.

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

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

9  SECTION 262. Subchapter XI ^{stat} ~~stat~~ of chapter 66 [precedes 66.1101] of the
10 statutes is created to read:

11 **CHAPTER 66**

12 **SUBCHAPTER XI**

13 **DEVELOPMENT**

14 **SECTION 263.** 66.111 of the statutes is repealed.

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

15 **SECTION 264.** 66.113 of the statutes is renumbered 66.0515 and amended to
16 read:

17 **66.0515 Receipts for fees.** Every officer or employe upon receiving fees for
18 ~~any official duty or service~~ shall, if ~~required~~ requested to do so by the person paying
19 ~~the same fees~~, deliver to the ~~that~~ person paying a particular ~~receipted~~ account of such
20 a receipt for the fees, specifying for what they which account each portion of the fees

1 respectively accrued; ~~and if the officer fails to do so the officer shall be liable to the~~
2 ~~party paying the same for 3 times the amount paid.~~

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

3 **SECTION 265.** 66.114 of the statutes is renumbered 66.0111, and 66.0111 (title),
4 (1), (2) and (4), as renumbered, are amended to read:

5 **66.0111 (title) Bail Bond or cash deposit under municipal ordinances.**

6 (1) ~~When any~~ If a person is arrested for the violation of a city, village or town
7 ordinance and the action is to be in circuit court, the chief of police or police officer
8 designated by the chief, marshal or clerk of court may accept from the person a bond,
9 in an amount not to exceed the maximum penalty for the violation, with sufficient
10 sureties, ~~or the person's personal bond upon depositing the amount thereof in money~~
11 a cash deposit, for appearance in the court having jurisdiction of the offense. A
12 receipt shall be issued ~~therefor~~ for the bond or cash deposit.

13 (2) (a) If the person ~~so arrested and~~ released fails to appear, personally or by
14 an authorized attorney or agent, before the court at the time fixed for hearing of the
15 case, ~~then the bond and money deposited, or such portion thereof as~~ an amount that
16 the court may determine determines to be an adequate penalty, plus costs, including
17 any applicable fees prescribed in ch. 814, may be declared forfeited by the court or
18 may be ordered applied ~~upon to~~ the payment of any penalty which ~~may be~~ is imposed
19 after an ex parte hearing, together with the costs. In either event, ~~the any~~ surplus,
20 ~~if any~~, shall be refunded to the person who made the deposit.

21 (b) ~~The provisions of this~~ This subsection ~~shall does~~ not apply to violations of
22 parking ordinances. Bond or ~~bail~~ cash deposit given for appearance to answer a

SECTION 265

1 charge under any such parking ordinance may be forfeited in the manner determined
2 by the governing body.

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

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

4 SECTION 266. 66.115 of the statutes is renumbered 66.0109 and amended to
5 read:

6 **66.0109 Penalties under county and municipal ordinances.** Where If a
7 statute requires that the penalty under any county or municipal ordinance ~~shall~~
8 conform to the penalty provided by statute such the ordinance may impose only a
9 forfeiture and may provide for imprisonment ~~in case if~~ the forfeiture is not paid.

10 SECTION 267. 66.117 of the statutes is renumbered 66.0115. ^{(b)(intro.) and 1. to 6.}

11 SECTION 268. 66.119 of the statutes ~~are~~ ^{(title) and (1)(title), (a) and} ~~are~~ ^{are} ~~renumbered~~ ^{renumbered} 66.0113, and 66.0113 (1) (a) (intro.) and (b) 5., ^{(2)(intro.) and (d) and (e) 6.}

12 as renumbered, are amended to read:

13
14 66.0113 (1) (a) (intro.) The Except as provided in sub. (5), the governing body
15 of ~~any a~~ county, town, city, village, town sanitary district or public inland lake
16 protection and rehabilitation district may by ordinance adopt and authorize the use
17 of a citation under this section to be issued for violations of ordinances, including
18 ordinances for which a statutory counterpart exists.

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

21 INS. 194-20
22 (3) (a) The person named as the alleged violator in a citation may appear in
23 court at the time specified in the citation or may mail or deliver personally a cash
deposit in the amount, within the time and to the court, clerk of court or other official

Prop. 2/99/179

1 specified in the citation. If a person makes a cash deposit, the person may
 2 nevertheless appear in court at the time specified in the citation, ~~provided that but~~
 3 the cash deposit may be retained for application against any forfeiture, restitution,
 4 penalty assessment, jail assessment, crime laboratories and drug law enforcement
 5 assessment or domestic abuse assessment that may be imposed.

6 (c) If the alleged violator makes a cash deposit and fails to appear in court, the
 7 citation may serve as the initial pleading and the violator shall be considered to have
 8 tendered a plea of no contest and submitted to a forfeiture, the penalty assessment
 9 imposed by s. ~~165.755~~ ^{757.05}, the jail assessment imposed by s. 302.46 (1), the crime
 10 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
 11 applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the
 12 amount of the deposit. The court may either accept the plea of no contest and enter
 13 judgment accordingly or reject the plea. If the court finds the violation meets the
 14 conditions in s. 800.093 (1), the court may summon the alleged violator into court to
 15 determine if restitution shall be ordered under s. 800.093. If the court accepts the
 16 plea of no contest, the defendant may move within 10 days after the date set for the
 17 appearance to withdraw the plea of no contest, open the judgment and enter a plea
 18 of not guilty if the defendant shows to the satisfaction of the court that the failure
 19 to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea
 20 of no contest is accepted and not subsequently changed to a plea of not guilty, no costs
 21 or fees may be taxed against the violator, but a penalty assessment, a jail assessment,
 22 a crime laboratories and drug law enforcement assessment and, if applicable, a
 23 domestic abuse assessment shall be assessed. If the court rejects the plea of no
 24 contest, an action for collection of the forfeiture, penalty assessment, jail assessment,
 25 crime laboratories and drug law enforcement assessment, and any applicable

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→ a consumer information assessment or
 → any applicable consumer information assessment

1 domestic abuse assessment may be commenced. A city, village, town sanitary district
 2 or public inland lake protection and rehabilitation district may commence action
 3 under s. ~~66.12~~ 66.0114 (1) and a county or town may commence action under s.
 4 778.10. The citation may be used as the complaint in the action for the collection of
 5 the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
 6 enforcement assessment, any applicable consumer information assessment
 7 and any applicable domestic abuse assessment.

8 (d) If the alleged violator does not make a cash deposit and fails to appear in
 9 court at the time specified in the citation, the court may issue a summons or warrant
 10 for the defendant's arrest or consider the nonappearance to be a plea of no contest
 11 and enter judgment accordingly if service was completed as provided under par. (e)
 12 or the county, town, city, village, town sanitary district or public inland lake
 13 protection and rehabilitation district may commence an action for collection of the
 14 forfeiture, penalty assessment, jail assessment and crime laboratories and drug law
 15 enforcement assessment, any applicable consumer information assessment
 16 and any applicable domestic abuse assessment. A city,

17 village, town sanitary district or public inland lake protection and rehabilitation
 18 district may commence action under s. ~~66.12~~ 66.0114 (1) and a county or town may
 19 commence action under s. 778.10. The citation may be used as the complaint in the
 20 action for the collection of the forfeiture, penalty assessment, jail assessment and
 21 crime laboratories and drug law enforcement assessment, any applicable consumer information assessment
 22 and any applicable domestic abuse assessment. If the court considers the nonappearance to be a plea
 23 of no contest and enters judgment accordingly, the court shall promptly mail a copy
 24 or notice of the judgment to the defendant. The judgment shall allow the defendant
 25 not less than 20 days from the date of the judgment to pay any forfeiture, penalty
 assessment, jail assessment and crime laboratories and drug law enforcement
 assessment, and any applicable domestic abuse assessment imposed. If the

any applicable consumer information assessment

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1 defendant moves to open the judgment within 6 months after the court appearance
2 date fixed in the citation, and shows to the satisfaction of the court that the failure
3 to appear was due to mistake, inadvertence, surprise or excusable neglect, the court
4 shall reopen the judgment, accept a not guilty plea and set a trial date.

5 ~~shall~~ ^{INS. 197-4} ~~does~~ not preclude the governing body from adopting
6 citation under this section ^{66.0113} ~~shall~~ does not preclude the governing body from adopting
7 any other ordinance or providing for the enforcement of any other law or ordinance
8 relating to the same or any other matter. The issuance of a citation under this section
9 ~~shall~~ does not preclude the proceeding under any other ordinance or law relating to
10 the same or any other matter. ~~The proceeding~~ Proceeding under any other ordinance
11 or law relating to the same or any other matter ~~shall~~ does not preclude the issuance
12 of a citation under this section.

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SECTION 269. 66.12 (title) and (1) (title) and (a) ~~of~~ ^{of} the statutes, as affected
by 1997⁹ Wisconsin Act 27⁹, are renumbered 66.0114 (title) and (1) (title) and (a) ~~of~~,
and 66.0114 (1) (a) ~~of~~, as renumbered, ^{is} amended to read:

16 66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,
17 village, town sanitary district or public inland lake protection and rehabilitation
18 district is a civil action. All forfeitures and penalties imposed by any an ordinance
19 or bylaw of the city, village, town sanitary district or public inland lake protection and
20 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in
21 an action in the name of the city or village before the municipal court or in an action
22 in the name of the city, village, town sanitary district or public inland lake protection
23 and rehabilitation district before a court of record. If the action is in municipal court,
24 the procedures under ch. 800 apply and the procedures under this section do not
25 apply. If the action is in a court of record, it shall be commenced by warrant or

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

Insert from p. 199-note.

INS. 198-15 ←

16 (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to
 17 345.53, may contain a provision for stipulation of guilt or no contest of any or all
 18 violations under those ordinances, and may designate the manner in which the
 19 stipulation is to be made and may fix the penalty to be paid. When a person charged
 20 with a violation for which stipulation of guilt or no contest is authorized makes a
 21 timely stipulation and, pays the required penalty and pays the penalty assessment
 22 imposed by s. 165.87, ^{757.05 plaintiff} the jail assessment imposed by s. 302.46 (1), the crime
 23 any applicable consumer information assessment imposed by laboratories and drug law enforcement assessment imposed by s. 165.755 and any
 24 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated
 25 official, the person need not appear in court and no witness fees or other additional

Plaintiff w/ 9901199
plaintiff text

s. 100.261

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costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1).

(bm) The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by ~~him or her; and in case of any failure in the payment~~ the official. If timely remittance is not made, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the ~~time when it should have been paid~~ date on which it was due. In the case of the penalty assessment imposed by s. ~~165.01~~, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the driver ~~improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse~~ assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall remit to the state treasurer the ~~sum~~ amount required by law to be paid on the actions ~~so~~ entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official ~~shall qualify~~ qualifies.

Proof w/9/9/99

plain text

date on which it was due *Keep*
plain text -> 757.05

any applicable consumer information assessment imposed by s. 100.261

WPO: move after p. 198, line 15.

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

INS. 199-20

21

SECTION 270. 66.12 (1) (d) of the statutes is repealed.

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

Six components
①

(Title), (a) and (c)

as affected by 1999 Wisconsin Act 29

SECTION 271. 66.12 (2) and (3) of the statutes are renumbered 66.0114 (2) and

(3) and 66.0114 (3) (b), as renumbered, is amended to read

INS 3
200-2
4

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4
5 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of any
6 an ordinance or bylaw of any a city, village, town, town sanitary district or public
7 inland lake protection and rehabilitation district shall be paid into the city, village,
8 town, town sanitary district or public inland lake protection and rehabilitation
9 district treasury for the use of the city, village, town, town sanitary district or public
10 inland lake protection and rehabilitation district, except as otherwise provided in
11 par. (c), sub. (1) (b) (bm) and s. 757.05 (plain text). The judge shall report and pay into the
12 treasury, quarterly, or at more frequent intervals if so required, all moneys collected
13 belonging to the city, village, town, town sanitary district or public inland lake
14 protection and rehabilitation district, which. The report shall be certified and filed
15 in the office of the treasurer; and the. The judge shall be is entitled to duplicate
16 receipts for such moneys, one of which he or she shall file with the city, village or town
17 clerk or with the town sanitary district or the public inland lake protection and
18 rehabilitation district.

19 SECTION 272. Subchapter XII ~~XXXX~~ of chapter 66 [precedes 66.1201] of the
20 statutes is created to read:

21 CHAPTER 66

22 SUBCHAPTER XII

23 HOUSING AUTHORITIES

24 SECTION 273. 66.1201 (9) (x) of the statutes is created to read:

66.1201 (9) (x) To, within its area of operation, either by itself or with the
department of veterans affairs, undertake and carry out studies and analyses of

1 veterans' housing needs and meeting those needs and make the study results
2 available to the public, including the building, housing and supply industries.

NOTE: Relocates, in general housing authority law, s. 66.39 (1). Section 66.39 is repealed by SECTION 365 of this bill.

3 SECTION 274. 66.121 of the statutes is renumbered 75.377 and amended to
4 read:

5 **75.377 Inspection of property subject to tax certificate.** A county or a city
6 ~~authorized to act under s. 74.87~~ may enter any real property for which a tax
7 certificate has been issued under s. 74.57, or may authorize another person to enter
8 the real property, to determine the nature and extent of environmental pollution, as
9 defined in s. 299.01 (4).

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

10 SECTION 275. 66.122 (title) of the statutes is renumbered 66.0119 (title).

11 SECTION 276. 66.122 (1) (a) of the statutes is renumbered 66.0119 (1) (b) and
12 amended to read:

13 66.0119 (1) (b) Any "Peace officer" means a state, county, city, village, town,
14 town sanitary district or public inland lake protection and rehabilitation district
15 officer, agent or employe charged under statute or municipal ordinance with powers
16 or duties involving inspection of real or personal property, including buildings,
17 building premises and building contents, ~~is deemed a peace officer for the purpose~~
18 ~~of applying for, obtaining and executing special inspection warrants under s. 66.123~~
19 ~~for inspection purposes.~~

NOTE: The stricken language at the end of the paragraph is relocated to s. 66.0119 (2), as renumbered. See SECTION 278 of this bill.

20 SECTION 277. 66.122 (1) (b) of the statutes is renumbered 66.0119 (1) (a) and
21 amended to read:

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

8 **SECTION 278.** 66.122 (2) of the statutes is renumbered 66.0119 (2) and amended
9 to read:

10 66.0119 (2) A peace officer may apply for, obtain and execute a special
11 inspection warrant issued under this section. Except in cases of emergency where
12 no special inspection warrant ~~shall be~~ is required, special inspection warrants shall
13 be issued for inspection of personal or real properties which are not public buildings
14 or for inspection of portions of public buildings which are not open to the public only
15 upon showing that consent to entry for inspection purposes has been refused. The
16 definition of "public building" under s. 101.01 (12) ~~applies to this section.~~

17 **SECTION 279.** 66.123 (title) of the statutes is repealed.

18 **SECTION 280.** 66.123 of the statutes, ~~as affected by 1997 Wisconsin Act 250,~~ is
19 renumbered 66.0119 (3), and 66.0119 (3) (intro.), as renumbered, is amended to read:

20 66.0119 (3) (intro.) The following forms for use under s. ~~66.122~~ this section are
21 illustrative and not mandatory:

22 **SECTION 281.** 66.124 of the statutes is renumbered 66.0417, and 66.0417 (title),
23 as renumbered, is amended to read:

24 **66.0417 (title) Order authority Local enforcement of certain food and**
25 **health regulations.**

1 **SECTION 287.** 66.14 of the statutes is renumbered 62.09 (4) (d) and amended
2 to read:

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

NOTE: Renumbers and amends s. 66.14 for placement in ch. 62, relating to cities. The renumbering makes the provision inapplicable to a 1st class city under s. 62.09 (1). Section 66.145 (renumbered s. 62.55) treats 1st class cities separately for this purpose.

12 **SECTION 288.** 66.144 of the statutes is renumbered 62.53 and amended to read:

13 **62.53 Residency required for public officials in 1st class cities.** Any
14 public official, as defined in s. ~~66.146~~ 62.51 (1) (b), may not serve more than 180 days
15 after his or her confirmation unless he or she resides within the boundaries of the
16 1st class city by which he or she is employed.

17 **SECTION 289.** 66.145 of the statutes is renumbered 62.55 and amended to read:

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

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

23 **SECTION 290.** 66.146 of the statutes is renumbered 62.51.

24 **SECTION 291.** 66.18 of the statutes is renumbered 66.0137 (2) and amended to
25 read:

Local governmental unit

1 66.0137 (2) LIABILITY AND WORKER'S COMPENSATION INSURANCE. The state, ~~or any~~
 2 ~~municipality as defined in s. 345.05 (1) (c), is empowered to~~ or a local governmental
 3 unit may procure risk management services and liability insurance covering the
 4 state or ~~municipality~~ local governmental unit and its officers, agents and employes
 5 and worker's compensation insurance covering officers and employes of the state or
 6 ~~municipality~~ local governmental unit. A ~~municipality~~ local governmental unit may
 7 participate in and pay the cost of risk management services and liability and
 8 worker's compensation insurance through a municipal insurance mutual organized
 9 under s. 611.23.

10 SECTION 292. 66.182 of the statutes is renumbered 66.0137 (3).

11 SECTION 293. 66.184 of the statutes, as affected by 1997 Wisconsin Act ~~921, 1851~~
 12 ~~197 and 2270~~ ⁹ is renumbered 66.0137 (4).

13 SECTION 294. 66.185 of the statutes is renumbered 66.0137 (5) and amended
 14 to read:

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

5-12-00

1 elect A local governmental unit that elects to participate under s. 40.51 (7) shall be
2 is subject to the applicable sections of ch. 40 instead of this ~~section~~ subsection.

3 SECTION 295. 66.186 of the statutes is renumbered 62.61 and amended to read:

4 **62.61 ~~66.186~~ Health insurance; first 1st class cities.** The common council
5 of ~~any a~~ 1st class city may, by ordinance or resolution, provide for, including the
6 payment of premiums of, general hospital, surgical and group insurance for both
7 active and retired city officers and city employes and their respective dependents ~~and~~
8 ~~for payment of premiums therefor~~ in private companies, or may, by ordinance or
9 resolution, elect to offer to all of its employes a health care coverage plan through a
10 program offered by the group insurance board under ch. 40. Municipalities which
11 elect to participate under s. 40.51 (7) ~~shall be~~ are subject to the applicable sections
12 of ch. 40 instead of this section. Contracts for ~~such~~ insurance under this section may
13 be entered into for active officers and employes separately from ~~such~~ contracts for
14 retired officers and employes. Appropriations may be made for the purpose of
15 financing ~~such~~ insurance under this section. Moneys accruing to ~~such a~~ fund to
16 finance insurance under this section, by investment or otherwise, shall may not be
17 diverted for any other purpose than those for which ~~such the~~ the fund was set up or to
18 defray management expenses of ~~such the~~ the fund or to partially pay premiums ~~so as to~~
19 reduce costs to the city or to persons covered by ~~such the~~ the insurance, or both.

20 SECTION 296. 66.187 of the statutes is renumbered 62.59.

21 SECTION 297. 66.189 of the statutes is renumbered 62.67.

22 SECTION 298. 66.19 of the statutes is renumbered 66.0509, and 66.0509 (1) to
23 (4), as renumbered, are amended to read:

24 66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or ~~66.01~~
25 66.0101 to establish a civil service system of selection, tenure and status, and the

1 system may be made applicable to all municipal personnel except the chief executive
2 and members of the governing body, members of boards and commissions including
3 election officials, employees subject to s. 62.13, members of the judiciary and
4 supervisors. Any town may establish a civil service system under this subsection.
5 For veterans there shall be no restrictions as to age, and veterans and their spouses
6 shall be given preference points in accordance with s. 230.16 (7). The system may
7 also include uniform provisions in respect to attendance, leave regulations,
8 compensation and payrolls for all personnel included ~~thereunder~~ in the system. The
9 governing body of any city, village or town establishing a civil service system under
10 this section may exempt from the system the librarians and assistants subject to s.
11 43.09 (1).

12 (2) (a) Any town may establish a civil service system under sub. (1) and in ~~such~~
13 the departments as that the town board may determine. Any person who has been
14 employed in ~~any such a~~ department for more than 5 years ~~prior to~~ before the
15 establishment of ~~such a~~ civil service system applicable to that department is eligible
16 to appointment without examination.

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

21 (3) When any town has established a system of civil service, the ordinance
22 establishing the system may not be repealed for a period of 6 years after its
23 enactment, and ~~thereafter~~ after the 6-year period it may be repealed only by
24 proceedings under s. 9.20 by referendum vote. This subsection shall does not apply

1 where if a town comes, before the expiration of the 6 years, within the jurisdiction
2 of a county assessor under s. 70.99.

3 (4) Any civil service system established under the provisions of this section
4 shall provide for the appointment of a civil service board or commission and for the
5 removal of the members of ~~such the~~ board or commission for cause by the mayor with
6 approval of the council, ~~and in cities organized under the provisions of ss. 64.01 to~~
7 ~~64.15~~ by the city manager and the council in a city organized under ss. 64.01 to 64.15,
8 and by the board in ~~villages and towns~~ a village or town.

9 SECTION 299. 66.192 of the statutes is renumbered 66.0503, and 66.0503 (1)
10 (intro.) and (b), (3), (4) and (5), as renumbered, are amended to read:

11 66.0503 (1) (intro.) The office of county supervisor may be consolidated by
12 charter ordinance under s. ~~66.01~~ 61.1895 or 66.0101:

13 (b) With the office of alderperson or council member in any city in which the
14 district from which ~~such the~~ alderperson or council member is elected is coterminous
15 with the boundaries of any supervisory district established under s. 59.10 (3).

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

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

22 (5) Tenure for ~~such combination officer~~ an officer of an office consolidated under
23 this section shall coincide with the term for county supervisors.

24 SECTION 300. 66.196 of the statutes is renumbered 66.0505 and amended to
25 read:

1 **66.0505 Compensation of governing bodies.** An elected official of any
2 county, city, town or village, who by virtue of the office held by that official is entitled
3 to participate in the establishment of the salary attending that office, shall not
4 during the term of ~~such~~ the office collect salary in excess of the salary provided at the
5 time of that official's taking office. This provision is of statewide concern and applies
6 only to officials elected after October 22, 1961.

7 **SECTION 301.** 66.197 of the statutes is repealed.

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

8 **SECTION 302.** 66.199 of the statutes is renumbered 66.0507.

9 **SECTION 303.** 66.20 of the statutes is renumbered 200.01, and 200.01 (intro.),
10 as renumbered, is amended to read:

11 **200.01 Metropolitan sewerage districts, definitions.** (intro.) Unless the
12 context requires otherwise, for the purposes of ~~ss. 66.20 to 66.26~~ this subchapter, the
13 following terms have the designated meanings:

14 **SECTION 304.** 66.21 of the statutes is renumbered 200.03 and amended to read:

15 **200.03 Applicability.** ~~Sections 66.20 to 66.26 shall apply~~ This subchapter
16 applies to all areas of the state except those areas included in a metropolitan
17 sewerage district created under ~~ss. 66.88 200.21~~ to 66.918 200.65.

18 **SECTION 305.** 66.22 of the statutes is renumbered 200.05, and 200.05 (3) (b) and
19 (6), as renumbered, are amended to read:

1 200.05 (3) (b) Conduct the hearing to permit any person to present any oral or
2 written pertinent and relevant information relating to the purposes and standards
3 of ~~ss. 66.20 to 66.26~~ this subchapter; and

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

8 **SECTION 306.** 66.225 of the statutes is renumbered 200.07.

9 **SECTION 307.** 66.23 of the statutes is renumbered 200.09, and 200.09 (1), (9)
10 and (10), as renumbered, are amended to read:

11 200.09 (1) A district formed under ~~ss. 66.20 to 66.26~~ this subchapter shall be
12 governed by a 5-member commission appointed for staggered 5-year terms. Except
13 as provided in sub. (11), commissioners shall be appointed by the county board of the
14 county in which the district is located. If the district contains territory of more than
15 one county, the county boards of the counties not having the greatest population in
16 the district shall appoint one commissioner each and the county board of the county
17 having the greatest population in the district shall appoint the remainder. Of the
18 initial appointments, the appointments for the shortest terms shall be made by the
19 counties having the least amount of population, in reverse order of their population
20 included in the district. Commissioners shall be residents of the district. Initial
21 appointments shall be made no sooner than 60 days and no later than 90 days after
22 issuance of the department order forming a district or after completion of any court
23 proceedings challenging such order. A per diem compensation not to exceed \$50 may
24 be paid to commissioners. Commissioners may be reimbursed for actual expenses
25 incurred as commissioners in carrying out the work of the commission.

1 (9) Chapter 276, laws of 1971, shall apply to every metropolitan sewerage
2 district that had been operating, prior to April 30, 1972, under ss. 66.20 to 66.209,
3 1969 stats. Commissioners for such districts who were in office on April 30, 1972
4 shall continue to serve until their respective terms are completed. The county board
5 of the county having the greatest population in the district shall appoint 2 additional
6 members to each such commission no sooner than 60 days and no later than 90 days
7 after April 30, 1972. One such member shall have a 5-year term and one such
8 member shall have a 4-year term. The county board of those counties having
9 population within the district that did not appoint the preceding 2 members if any
10 shall, each in turn according to their population in the district, appoint successors
11 to each of the 3 commissioners who held office on April 30, 1972, until their allotted
12 number of appointments, as specified under sub. (1) is filled. The governor may
13 adjust terms of the successors to the 3 original commissioners in order that the
14 appointment schedules are consistent with ~~s. 66.23~~ this section.

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

19 **SECTION 308.** 66.24 of the statutes is renumbered 200.11, and 200.11 (1) (b) and
20 (d) and (9), as renumbered, are amended to read:

21 200.11 (1) (b) *Plans.* The commission shall prepare and by resolution adopt
22 plans and standards of planning, design and operation for all projects and facilities
23 which will be operated by the district or which affect the services to be provided by
24 the district. Commissions may and are encouraged to contract with regional or
25 area-wide planning agencies for research and planning services. The commission's

1 plans shall be consistent with adopted plans of a regional planning commission or
2 area-wide planning agency organized under s. ~~66.945~~ 66.0309.

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

13 (9) EXTRATERRITORIAL SERVICE BY CONTRACT. A district may provide service to
14 territory outside the district, including territory in a county not in that district,
15 under s. ~~66.30~~ 66.0301, subject to ss. ~~66.20~~ 200.01 to ~~66.26~~ 200.15 and ~~66.902~~ 200.45,
16 except that s. ~~66.23~~ 200.09 (1) does not require the appointment of a commissioner
17 from that territory.

18 **SECTION 309.** 66.25 of the statutes is renumbered 200.13, and 200.13 (1) (i), (j),
19 (m) and (n) (intro.), (2), (3) (a), (4), (12) and (13), as renumbered, are amended to read:

20 200.13 (1) (i) The owner of any parcel of real estate affected by the
21 determination and assessments may, within 20 days after the date of such
22 determination, appeal to the circuit court of the county in which the land is situated,
23 and s. ~~66.60~~ 66.0703 (12) shall apply to and govern such appeal, however the notice
24 therein required to be served upon the city clerk shall be served upon the district, and
25 the bond therein provided for shall be approved by the commission and the duties

1 therein devolving upon the city clerk shall be performed by the president of the
2 commission.

3 (j) The commission may provide that the special assessment may be paid in
4 annual instalments not more than 10 in number, and may, for the purpose of
5 anticipating collection of the special assessments, and after said instalments have
6 been determined, issue special improvement bonds payable only out of the special
7 assessment, and s. ~~66.54~~ 66.0713 shall apply to and govern the instalment payments
8 and the issuance of said bonds, except that the assessment notice shall be
9 substantially in the following form:

10 INSTALMENT ASSESSMENT NOTICE

11 Notice is hereby given that a contract has been (or is about to be) let for (describe
12 the improvements) and that the amount of the special assessment therefor has been
13 determined as to each parcel of real estate affected thereby, and a statement of the
14 same is on file with the commission; that it is proposed to collect the same in
15 instalments, as provided by s. ~~66.54~~ 66.0713, with interest thereon at% per year;
16 that all assessments will be collected in instalments, as above provided, except such
17 assessments as the owners of the property shall, within 30 days from the date of this
18 notice, file with the commission a statement in writing that they elect to pay in one
19 instalment, in which case the amount of the instalment shall be placed upon the next
20 ensuing tax roll.

21 (m) Section ~~66.60 (17)~~ 66.0703 (14) shall be applicable to assessments made
22 under this section.

23 (n) (intro.) The commission may provide for a deferred due date on the levy of
24 the special assessment as to real estate which is in agricultural use or which is
25 otherwise not immediately to receive actual service from the sewer or other facility

1 for which the assessment is made. Such assessments shall be payable as soon as such
2 lands receive actual service from the sewer or other facility. Any such special
3 assessments shall be a lien against the property from the date of the levy. For the
4 purpose of anticipating collection of special assessments for which the due date has
5 been deferred, the commission may issue special improvement bonds payable only
6 out of the special assessments. Section ~~66.54~~ 66.0713 shall apply to and govern the
7 issuance of bonds, except that the assessment notice shall be substantially in the
8 following form:

9 (2) TAX LEVY. The commission may levy a tax upon the taxable property in the
10 district as equalized by the department of revenue for state purposes for the purpose
11 of carrying out and performing duties under ~~ss. 66.20 to 66.26~~ this subchapter but
12 the amount of any such tax in excess of that required for maintenance and operation
13 and for principal and interest on bonds or promissory notes shall not exceed, in any
14 one year, one mill for each dollar of the district's equalized valuation, as determined
15 under s. 70.57. The tax levy may be spread upon the respective real estate and
16 personal property tax rolls of the city, village and town areas included in the district
17 taxes, and shall not be included within any limitation on county or municipality
18 taxes. Such moneys when collected shall be paid to the treasurer of such district.

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

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

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

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

13 **SECTION 310.** 66.26 of the statutes is renumbered 200.15, and 200.15 (2) and
14 (4), as renumbered, are amended to read:

15 200.15 (2) Proceedings leading to the addition of other territory to a district
16 may be initiated by petition from a municipal governing body or upon motion of the
17 commission. Upon receipt of the petition or upon adoption of the motion, the
18 commission shall hold a public hearing preceded by a class 2 notice under ch. 985.
19 The commission may approve the annexation upon a determination that the
20 standards of ss. ~~66.22~~ 200.05 (4) (b) and (c) and ~~66.26~~ 200.15 (3) are met. Approval
21 actions by the commission under this section shall be subject to review under ch. 227.

22 (4) Section ~~66.23~~ 200.09 (1) does not require the appointment of a commissioner
23 from territory annexed under this section if that territory, on the day before the
24 annexation, has a population of less than 8.5% of the total population served by the
25 district.

①

✓ SECTION 311. 66.27 of the statutes, as affected by 1997 Wisconsin Act 20, is renumbered 66.¹⁰²⁵~~1001~~ and amended to read:

③

¹⁰²⁵~~1001~~ **Relief from conditions of gifts and dedications.** (1) If the governing body of a county, city, town or village accepts a gift or dedication of land made on condition that the land be devoted to a special purpose, and the condition subsequently becomes impossible or impracticable, such the governing body may by resolution or ordinance enacted by a two-thirds vote of its ~~members-elect~~ members-elect either to grant the land back to the donor or dedicator or the heirs of the donor or dedicator or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant relieving the county, city, town or village of the condition, pursuant to article XI, section 3a, of the constitution.

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

(b) Any such action under this subsection shall be brought in a court of record in the manner provided in ch. 801. A lis pendens shall be filed or recorded as provided in s. 840.10 upon the commencement of the action. Service upon persons whose whereabouts are unknown may be made in the manner prescribed in s. 801.12.

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

SECTION 312. 66.28 (title) of the statutes is renumbered 66.0139 (title).

Political Subdivision

1 SECTION 313. 66.28 (1) to (4) of the statutes are renumbered 66.0139 (2) to (5)

2 and amended to read:

3 66.0139 (2) ~~Cities, villages, towns and counties~~ A political subdivision may
4 dispose of any personal property which has been abandoned, or remained unclaimed
5 for a period of 30 days, after the taking of possession of the property by ~~the city,~~
6 ~~village, town or county officers~~ an officer of the political subdivision by any means
7 determined to be in the best interest of the ~~city, village, town or county~~ political
8 subdivision. If the property is not disposed of in a sale open to the public, every ~~city,~~
9 ~~village, town and county~~ the political subdivision shall maintain an inventory of such
10 the property, a record of the date and method of disposal, including the consideration
11 received for the property, if any, and the name and address of the person taking
12 possession of the property. ~~Such~~ The inventory shall be kept as a public record for
13 a period of not less than 2 years from the date of disposal of the property. Any means
14 of disposal other than public auction shall be specified by ordinance. If the disposal
15 is in the form of a sale, all receipts from the sale, after deducting the necessary
16 expenses of keeping the property and conducting the sale, shall be paid into the ~~city,~~
17 ~~village, town or county treasury~~ of the political subdivision.

18 (3) ~~Cities, villages, towns and counties~~ A political subdivision may safely
19 dispose of abandoned or unclaimed flammable, explosive or incendiary substances,
20 materials or devices posing a danger to life or property in their storage,
21 transportation or use immediately after taking possession of the substances,
22 materials or devices without a public auction. ~~The city, village, town or county~~
23 political subdivision, by ordinance or resolution, may establish disposal procedures.
24 Procedures may include provisions authorizing an attempt to return to the rightful
25 owner substances, materials or devices which have a commercial value in the normal

1 business usage and do not pose an immediate threat to life or property. If enacted,
2 ~~any such provision~~ a disposal procedure shall include a presumption that if the
3 substance, material or device appears to be or is reported stolen an attempt will be
4 made to return the substance, material or device to the rightful owner.

5 (4) Except as provided in s. 968.20 (3), ~~a 1st class cities~~ city shall dispose of
6 abandoned or unclaimed dangerous weapons or ammunition without a public
7 auction 12 months after taking possession of them if the owner has not requested
8 their return. ~~Disposition~~ Disposal procedures shall be established by ordinance or
9 resolution and may include provisions authorizing an attempt to return to the
10 rightful owner any dangerous weapons or ammunition which appear to be stolen or
11 are reported stolen. If enacted, ~~any such provision~~ a disposal procedure shall include
12 a presumption that if the dangerous weapons or ammunition appear to be or are
13 reported stolen an attempt will be made to return the dangerous weapons or
14 ammunition to the rightful owner. The dangerous weapons or ammunition ~~shall be~~
15 are subject to sub. (4) ~~(5)~~.

16 (5) ~~A city, village, town or county~~ political subdivision may retain or dispose of
17 any abandoned, unclaimed or seized dangerous weapon or ammunition only under
18 s. 968.20.

19 **SECTION 314.** 66.285 of the statutes is renumbered 66.0135, and 66.0135 (1)
20 (intro.), (c) and (d), (2) (a) and (b) 2. and (4) (intro.), as renumbered, are amended to
21 read:

22 66.0135 (1) DEFINITIONS. (intro.) In this section ~~and s. 66.286:~~

23 (c) "Local governmental unit" means a political subdivision of this state, a
24 special purpose district in this state, an agency or corporation of ~~such~~ a political

1 subdivision or special purpose district, or a combination or subunit of any of the
2 foregoing.

3 (d) "Subcontractor" has the meaning given in s. ~~66.29~~ 66.0901 (1) (d).

4 (2) (a) Except as provided in sub. (4) or as otherwise specifically provided, an
5 agency that does not pay timely the amount due on an order or contract shall pay
6 interest on the balance due from the 31st day after receipt of a properly completed
7 invoice or receipt and acceptance of the property or service under the order or
8 contract, whichever is later, or, if the agency does not comply with ~~s. 66.286~~ sub. (7),
9 from the 31st day after receipt of an improperly completed invoice or receipt and
10 acceptance of the property or service under the order or contract, whichever is later,
11 at the rate specified in s. 71.82 (1) (a) compounded monthly.

12 (b) 2. Within 30 days after receipt of a properly completed invoice or receipt and
13 acceptance of the property or service under the order or contract, or, if the agency does
14 not comply with ~~s. 66.286~~ sub. (7), within 30 days after receipt of an improperly
15 completed invoice or receipt and acceptance of the property or service under the order
16 or contract, whichever is later.

17 (4) EXCEPTIONS. (intro.) Subsection (2) does not apply to any of the following:

18 **SECTION 315.** 66.286 of the statutes is renumbered 66.0135 (7).

19 **SECTION 316.** 66.29 (title) and (1) (title) of the statutes are renumbered 66.0901
20 (title) and (1) (title).

21 **SECTION 317.** 66.29 (1) (a) of the statutes is renumbered 66.0901 (1) (b) and
22 amended to read:

23 66.0901 (1) (b) ~~In this section, "person~~ "Person" means an individual,
24 partnership, association, limited liability company, corporation or joint stock
25 company, lessee, trustee or receiver.

1 **SECTION 318.** 66.29 (1) (b) of the statutes is renumbered 66.0901 (1) (a) and
2 amended to read:

3 66.0901 (1) (a) "Municipality" means the state ~~and any or a~~ town, city, village,
4 school district, board of school directors, sewer district, drainage district, technical
5 college district or ~~any~~ other public or quasi-public corporation, officer, board or other
6 public body charged with the duty of receiving bids for and awarding any public
7 contracts.

8 **SECTION 319.** 66.29 (1) (c) and (d) and (2) to (8) of the statutes are renumbered
9 66.0901 (1) (c) and (d) and (2) to (8) and amended to read:

10 66.0901 (1) (c) ~~The term "public~~ "Public contract" ~~shall mean and include any~~
11 means a contract for the construction, execution, repair, remodeling, or improvement
12 of any a public work, or building, or for the furnishing of supplies, or material of any
13 kind whatsoever, proposals for which are required to be advertised for by law.

14 (d) "Subcontractor" means a person whose relationship to the principal
15 contractor is substantially the same as to a part of the work as the latter's
16 relationship is to the proprietor. A "subcontractor" takes a distinct part of the work
17 in ~~such~~ a way that the "subcontractor" does not contemplate doing merely personal
18 service.

19 (2) BIDDER'S PROOF OF RESPONSIBILITY. ~~Every A~~ A municipality, board or public
20 body upon all contracts subject to this section intending to enter into a public contract
21 may, before delivering any form for bid proposals, plans and specifications pertaining
22 thereto to any person, excepting except materialmen, suppliers and others not
23 intending to submit a direct bid, require ~~such~~ the person to submit a full and
24 complete statement sworn to before an officer authorized by law to administer oaths,
25 of. The statement shall consist of information relating to financial ability,

1 equipment, experience in the work prescribed in said the public contract, and of such ✓
2 other matters ^{these} ~~as the municipality, board, public body or officer thereof~~ may require
3 requires for the protection and welfare of the public in the performance of any a
4 public contract; ~~such.~~ The statement shall be in writing on a standard form of a
5 questionnaire as that is adopted for such use and furnished by the municipality;
6 ~~board or public body or officer thereof, to be furnished by such municipality, board,~~
7 ~~public body or officer thereof.~~ Such. The statement shall be filed in the manner and
8 place designated by the municipality, ~~board, public body or such officer thereof.~~ Such
9 statements. The statement shall not be received less than 5 days prior to the time
10 set for opening of bids. The contents of ~~said statements~~ the statement shall be
11 confidential and ~~shall~~ may not be disclosed except upon the written order of ~~such~~ the
12 person furnishing the ~~same,~~ or statement, for necessary use by the public body in
13 qualifying ~~such~~ the person, or in cases of action against, or by ~~such,~~ the person or
14 municipality. The governing body of the municipality or ~~such~~ the committee, board
15 or employe ~~as is charged with,~~ or delegated by the governing body with, the duty of
16 receiving bids and awarding contracts ~~or to whom the governing body has delegated~~
17 ~~the power~~ shall properly evaluate the ~~sworn statements filed relative to financial~~
18 ~~ability, equipment and experience in the work prescribed~~ statement and shall find
19 the maker of ~~such~~ the statement either qualified or unqualified. This subsection
20 ~~shall~~ does not apply to ~~cities of the first~~ a 1st class city.

21 (3) PROOF OF RESPONSIBILITY, CONDITION PRECEDENT. No bid shall be received
22 from any person who has not submitted the ~~sworn~~ statement as provided in sub. (2),
23 provided that any prospective bidder who has once qualified to the satisfaction of the
24 municipality, committee, ~~board, public body or officer~~ employe, and who wishes to
25 become a bidder upon subsequent public contracts under the same jurisdiction of the

1 same, to whose satisfaction the prospective bidder has qualified under sub. (2), need
2 not separately qualify on each public contract unless required so to do by the said
3 municipality, committee, board, ~~public body~~ or ~~officers~~ employe.

4 (4) REJECTION OF BIDS. ~~Whenever~~ If the municipality, committee, board, ~~public~~
5 ~~body~~ or ~~officer~~ employe is not satisfied with the sufficiency of the answer contained
6 in the questionnaire and financial statement, ~~it provided under sub. (2), the~~
7 municipality, committee, board or employe may reject said bid, or disregard the same
8 bid.

9 (5) CORRECTIONS OF ERRORS IN BIDS. ~~Whenever any~~ If a person shall submit
10 submits a bid or proposal for the performance of public work under any public
11 contract to be let by ~~the a~~ municipality, ~~board, public body or officer thereof, who shall~~
12 ~~claim~~ and the bidder claims that a mistake, omission or error has been made in
13 preparing the bid, the bidder shall, before the bids are opened, make known the fact
14 that an error, omission or mistake has been made, ~~and in that case, If the bidder~~
15 makes this fact known, the bid shall be returned to the bidder unopened and the
16 bidder shall may not be entitled to bid upon the public contract at hand unless the
17 ~~same it~~ is readvertised and relet upon the readvertisement. ~~In case any~~ If a bidder
18 ~~shall make~~ makes an error or, omission or mistake and ~~shall discover the same~~
19 discovers it after the bids are opened, the bidder shall immediately and without delay
20 give written notice and make known the fact of the mistake, omission or error which
21 has been committed and submit to the municipality, ~~board, public body or officers~~
22 ~~thereof,~~ clear and satisfactory evidence of the mistake, omission or error and that ~~the~~
23 ~~same it~~ was not caused by any careless act or omission on the bidder's part in the
24 exercise of ordinary care in examining the plans, or specifications and in conforming
25 with the provisions of this section, ~~and in case of~~ If the discovery and notice of a

1 mistake, omission or error causes a forfeiture, shall the bidder may not be entitled
2 to recover the moneys or certified check forfeited as liquidated damages unless it
3 shall be is proven before a court of competent jurisdiction in an action brought for the
4 recovery of the amount forfeited, that in making the mistake, error or omission the
5 bidder was free from carelessness, negligence or inexcusable neglect.

6 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. ~~On these~~ In
7 public contracts calling for the construction, repair, remodeling or improvement of
8 any a public building or structure, other than highway structures and facilities, the
9 a municipality may bid projects based on a single or multiple division of the work.
10 ~~Contracts~~ Public contracts shall be awarded according to the division of work
11 selected for bidding. The municipality may set out in any public contract reasonable
12 and lawful conditions as to the hours of labor, wages, residence, character and
13 classification of ~~workmen~~ workers to be employed by any contractor, and ~~to~~ classify
14 ~~such~~ contractors as to their financial responsibility, competency and ability to
15 perform work and ~~to~~ set up a classified list of contractors ~~pursuant thereto; and such,~~
16 The municipality may also reject the bid of any person, if ~~such~~ the person has not
17 been classified ~~pursuant to the said questionnaire~~ for the kind or amount of work in
18 said the bid.

19 (7) BIDDER'S CERTIFICATE. ~~On all contracts~~ When bidding on a public contract,
20 the bidder shall incorporate and make a part of the bidder's proposal for ~~the~~ doing
21 of any work or labor or ~~the~~ furnishing of any material in or about any public work
22 or contract of the municipality a sworn statement by the bidder, or if not an
23 individual by one authorized, that the bidder or authorized person ~~so swearing~~ has
24 examined and carefully prepared the proposal from the plans and specifications and
25 has checked the same in detail before submitting the proposal or bid to the

1 ~~municipality, board, department or officer charged with the letting of bids and also~~
2 ~~at the same time as.~~ As a part of the proposal, the bidder also shall submit a list of
3 the subcontractors the bidder proposes to contract with, and the class of work to be
4 performed by each, ~~provided that.~~ In order to qualify for inclusion in the bidder's list
5 a subcontractor ~~must~~ shall first submit a bid in writing, to the general contractor at
6 least 48 hours prior to the time of the bid closing, ~~which list shall.~~ The list may not
7 be added to ~~nor~~ or altered without the written consent of the municipality. A proposal
8 of a bidder shall ~~is~~ not be invalid if any subcontractor and the class of work to be
9 performed by the subcontractor has been omitted from a proposal; ~~such~~ the omission
10 shall be considered as inadvertent, or ~~that~~ the bidder will perform the work
11 personally.

12 (8) SETTLEMENT OF DISPUTES; DEFAULTS. Whenever there is a dispute between
13 ~~the a~~ contractor or surety or the municipality as to ~~the determination~~ whether there
14 is a compliance with the provisions of ~~the a~~ public contract as to the hours of labor,
15 wages, residence, character, and classification of ~~workmen~~ workers employed by any
16 ~~the~~ contractor, the determination of the municipality ~~shall be is~~ final, ~~and in case of~~
17 ~~violation of said.~~ If a violation of these provisions occurs, the municipality may
18 declare the contract in default and request the surety to perform or relet upon
19 advertisement the remaining portion of the public contract.

20 **SECTION 320.** 66.29 (9) (title) of the statutes is renumbered 66.0901 (9) (title).

21 **SECTION 321.** 66.29 (9) (a) of the statutes is repealed.

NOTE: Repeals the separate definition of "municipality". The definition is
restated in SECTION 252 of this bill.

22 **SECTION 322.** 66.29 (9) (b) of the statutes is renumbered 66.0901 (9) (b) and
23 amended to read:

1 66.0901 (9) (b) *Retained percentages.* As the work progresses under any a
2 contract involving \$1,000 or more for the construction, execution, repair, remodeling
3 or improvement of any a public work or building or for the furnishing of any supplies
4 or materials, regardless of whether or not proposals for which the contract are
5 required to be advertised by law, the municipality, from time to time, shall grant to
6 the contractor an estimate of the amount and proportionate value of the work done,
7 which shall entitle entitles the contractor to receive the amount thereof of the
8 estimate, less the retainage, from the proper fund. On all such contracts, the The
9 retainage shall be an amount equal to 10% of said the estimate until 50% of the work
10 has been completed. At 50% completion, further partial payments shall be made in
11 full to the contractor and no additional amounts may be retained unless the architect
12 or engineer certifies that the job is not proceeding satisfactorily, but amounts
13 previously retained shall not be paid to the contractor. At 50% completion or any time
14 thereafter after 50% completion when the progress of the work is not satisfactory,
15 additional amounts may be retained but in no event shall the total retainage may not
16 be more than 10% of the value of the work completed. Upon substantial completion
17 of the work, an amount retained may be paid to the contractor. When the work has
18 been substantially completed except for work which cannot be completed because of
19 weather conditions, lack of materials or other reasons which in the judgment of the
20 municipality are valid reasons for noncompletion, the municipality may make
21 additional payments, retaining at all times an amount sufficient to cover the
22 estimated cost of the work still to be completed or in the alternative may pay out the
23 entire amount retained and receive from the contractor guarantees in the form of a
24 bond or other collateral sufficient to ensure completion of the job. For the purposes
25 of this section, estimates may include any fabricated or manufactured materials and

1 components specified, previously paid for by the contractor and delivered to the work
2 or properly stored and suitable for incorporation in the work embraced in the
3 contract.

4 **SECTION 323.** 66.293 of the statutes, ~~as affected by 1997 Wisconsin Acts 9 and~~
5 ~~11,~~ is renumbered 66.0903, and 66.0903 (title), (1) (g), (3) (am) and (bm), (9), (10) (a)
6 and (b), (11) (a) and (b) 1. to 5. and (12) (a) and (d), as renumbered, are amended to
7 read:

8 **66.0903 (title) ~~Contractor's failure to comply with municipal~~ Municipal**
9 **prevailing wage and hour scale scales.**

10 (1) (g) 1. "Prevailing Except as provided in subd. 2., "prevailing wage rate" for
11 any trade or occupation engaged in the erection, construction, remodeling, repairing
12 or demolition of any project of public works in any area means the hourly basic rate
13 of pay, plus the hourly contribution for health insurance benefits, vacation benefits,
14 pension benefits and any other bona fide economic benefit, paid directly or indirectly,
15 for a majority of the hours worked in the trade or occupation on projects in the area,
16 ~~or if,~~

17 2. If there is no rate at which a majority of the hours worked in the trade or
18 occupation on projects in the area is paid, ~~then the~~ "prevailing wage rate" for any
19 trade or occupation engaged in the erection, construction, remodeling, repairing or
20 demolition of any project of public works in any area ~~shall be~~ means the average
21 hourly basic rate of pay, weighted by the number of hours worked, plus the average
22 hourly contribution, weighted by the number of hours worked, for health insurance
23 benefits, vacation benefits, pension benefits and any other bona fide economic
24 benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay

1 of the highest-paid 51% of hours worked in that trade or occupation on projects in
2 that area.

3 (3) (am) ~~Every~~ A local governmental unit, before making a contract by direct
4 negotiation or soliciting bids on a contract, for the erection, construction, remodeling,
5 repairing or demolition of any project of public works, including a highway, street or
6 bridge construction project, shall apply to the department to determine the
7 prevailing wage rate and prevailing hours of labor for each trade or occupation
8 required in the work contemplated. The department shall make ~~such~~ investigations
9 and hold ~~such~~ public hearings as ~~may be~~ necessary to define the trades or occupations
10 that are commonly employed on projects that are subject to this section and to inform
11 itself as to the prevailing wage rates and prevailing hours of labor in all areas of the
12 state for those trades or occupations, with a view to ascertaining the prevailing wage
13 rate and prevailing hours of labor for each ~~such~~ trade or occupation. The department
14 shall issue its determination within 30 days after receiving the request and shall file
15 the same determination with the requesting local governmental unit applying
16 therefor.

17 (bm) Any person may request a recalculation of any portion of a determination
18 within 30 days after the initial determination date if the person submits evidence
19 with the request showing that the prevailing wage rate or prevailing hours of labor
20 for any given trade or occupation included in the initial determination does not
21 represent the prevailing wage rate or prevailing hours of labor for that trade or
22 occupation in the area. ~~Such~~ The evidence shall include wage rate and hours of labor
23 information for work performed in the contested trade or occupation in the area
24 within the previous 12 months. The department shall affirm or modify the initial

1 determination within 15 days after the date on which the department receives the
2 request for recalculation.

3 (9) COMPLIANCE. (a) When the department finds that a local governmental unit
4 has not requested a determination under sub. (3) (am) or that a local governmental
5 unit, contractor or subcontractor has not physically incorporated a determination
6 into a contract or subcontract as required under this section or has not notified a
7 minor subcontractor of a determination in the manner prescribed by the department
8 by rule promulgated under sub. (3) (dm), the department shall notify the local
9 governmental unit, contractor or subcontractor of ~~such~~ the noncompliance and shall
10 file the determination with the local governmental unit, contractor or subcontractor
11 within 30 days after ~~such~~ ^{the} notice.

12 (b) Upon completion of a project and before receiving final payment for his or
13 her work on the project, each agent or subcontractor shall furnish the contractor with
14 an affidavit stating that the agent or subcontractor has complied fully with the
15 requirements of this section. A contractor may not authorize final payment until
16 ~~such an~~ the affidavit is filed in proper form and order.

17 (c) Upon completion of a project and before receiving final payment for his or
18 her work on the project, each contractor shall file with the local governmental unit
19 authorizing the work an affidavit stating that the contractor has complied fully with
20 the requirements of this section and that the contractor has received an affidavit
21 under par. (b) from each of the contractor's agents and subcontractors. A local
22 governmental unit may not authorize a final payment until ~~such an~~ the affidavit is
23 filed in proper form and order. If a local governmental unit authorizes a final
24 payment before ~~such~~ an affidavit is filed in proper form and order or if the
25 department determines, based on the greater weight of the credible evidence, that

1 any person specified in sub. (4) has been or may have been paid less than the
2 prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours
3 worked in excess of the prevailing hours of labor and requests that the local
4 governmental unit withhold all or part of the final payment, but the local
5 governmental unit fails to do so, the local governmental unit is liable for all back
6 wages payable up to the amount of that final payment.

7 (10) (a) Each contractor, subcontractor or contractor's or subcontractor's agent
8 thereof performing work on a project that is subject to this section shall keep full and
9 accurate records clearly indicating the name and trade or occupation of every person
10 described in sub. (4) and an accurate record of the number of hours worked by each
11 of those persons and the actual wages paid ~~therefor~~ for the hours worked.

12 (b) The department or the contracting local governmental unit may demand
13 and examine, and ~~it shall be the duty of~~ every contractor, subcontractor and
14 contractor's or subcontractor's agent thereof to shall keep, and furnish ~~to~~ upon
15 request by the department or local governmental unit, copies of payrolls and other
16 records and information relating to the wages paid to persons described in sub. (4)
17 for work to which this section applies. The department may inspect records in the
18 manner provided in chs. 103 to 106. Every contractor, subcontractor or agent
19 performing work on a project that is subject to this section is subject to the
20 requirements of chs. 103 to 106 relating to the examination of records.

21 (11) (a) Any contractor, subcontractor or contractor's or subcontractor's agent
22 thereof, who fails to pay the prevailing wage rate determined by the department
23 under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours
24 worked in excess of the prevailing hours of labor determined under sub. (3), ~~shall be~~
25 is liable to any affected employe in the amount of his or her unpaid wages or his or

1 her unpaid overtime compensation and in an additional equal amount as liquidated
2 damages. An action to recover the liability may be maintained in any court of
3 competent jurisdiction by any employe for and in behalf of that employe and other
4 employes similarly situated. No employe may be a party plaintiff to ~~any such~~ the
5 action unless the employe consents in writing to become ~~such~~ a party and the consent
6 is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the
7 court shall, in addition to any judgment awarded to the plaintiff, allow reasonable
8 attorney fees and costs to be paid by the defendant.

9 (b) 1. Except as provided in subds. 2., 4. and 6., any contractor, subcontractor
10 or contractor's or subcontractor's agent thereof who violates this section may be fined
11 not more than \$200 or imprisoned for not more than 6 months or both. Each day that
12 any ~~such~~ violation continues ~~shall be considered is~~ a separate offense.

13 2. Whoever induces any individual who seeks to be or is employed on any
14 project that is subject to this section to give up, waive or return any part of the wages
15 to which the individual is entitled under the contract governing ~~such~~ the project, or
16 who reduces the hourly basic rate of pay normally paid to an employe for work on a
17 project that is not subject to this section during a week in which the employe works
18 both on a project that is subject to this section and on a project that is not subject to
19 this section, by threat not to employ, by threat of dismissal from ~~such~~ employment
20 or by any other means is guilty of an offense under s. 946.15 (1).

21 3. Any person employed on a project that is subject to this section who
22 knowingly permits a contractor, subcontractor or contractor's or subcontractor's
23 agent ~~thereof~~ to pay him or her less than the prevailing wage rate set forth in the
24 contract governing ~~such~~ the project, who gives up, waives or returns any part of the
25 compensation to which he or she is entitled under the contract, or who gives up,

1 waives or returns any part of the compensation to which he or she is normally
2 entitled for work on a project that is not subject to this section during a week in which
3 the person works both on a project that is subject to this section and on a project that
4 is not subject to this section, is guilty of an offense under s. 946.15 (2).

5 4. Whoever induces any individual who seeks to be or is employed on any
6 project that is subject to this section to permit any part of the wages to which the
7 individual is entitled under the contract governing ~~such~~ the project to be deducted
8 from the individual's pay is guilty of an offense under s. 946.15 (3), unless the
9 deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is
10 working on a project that is subject to 40 USC 276c.

11 5. Any person employed on a project that is subject to this section who
12 knowingly permits any part of the wages to which he or she is entitled under the
13 contract governing ~~such~~ the project to be deducted from his or her pay is guilty of an
14 offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR
15 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

16 (12) (a) Except as provided under pars. (b) and (c), the department shall notify
17 any local governmental unit applying for a determination under sub. (3) and any
18 local governmental unit exempted under sub. (6) of the names of all persons whom
19 the department has found to have failed to pay the prevailing wage rate determined
20 under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of
21 pay for all hours worked in excess of the prevailing hours of labor determined under
22 sub. (3) at any time in the preceding 3 years. The department shall include with ~~any~~
23 ^{each} ~~such~~ name the address of ~~such~~ the person and shall specify when ~~such~~ the person
24 failed to pay the prevailing wage rate and when ~~such~~ the person paid less than 1.5
25 times the hourly basic rate of pay for all hours worked in excess of the prevailing

1 hours of labor. A local governmental unit may not award any contract to such the
2 person unless otherwise recommended by the department or unless at least 3 years
3 have elapsed from the date the department issued its findings or the date of final
4 determination by a court of competent jurisdiction, whichever is later.

5 (d) Any person submitting a bid on a project that is subject to this section shall
6 ~~be required~~, on the date the person submits the bid, ~~to~~ identify any construction
7 business in which the person, or a shareholder, officer or partner of the person, if the
8 person is a business, owns, or has owned at least a 25% interest on the date the person
9 submits the bid or at any other time within 3 years preceding the date the person
10 submits the bid, if the business has been found to have failed to pay the prevailing
11 wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly
12 basic rate of pay for all hours worked in excess of the prevailing hours of labor
13 determined under sub. (3).

14 **SECTION 324.** 66.295 of the statutes is repealed. u

NOTE: Repealed as archaic. The section authorizes a city, village, town or county which has received and utilized any benefits or improvements furnished before March 1, 1973 under an unenforceable contract, entered into in good faith and fully performed and accepted, to pay the fair and reasonable value of the benefits and improvements. While this section was amended a number of times after 1949 to extend the cutoff date, that date has not been changed since ch. 97, laws of Wisconsin 1973, which changed the cutoff date from July 1, 1969 to March 1, 1973.

15 **SECTION 325.** 66.296 (title) of the statutes is renumbered 66.1003 (title) and
16 amended to read:

17 **66.1003 (title) Discontinuance of ~~streets and alleys~~ a public way.**

18 **SECTION 326.** 66.296 (1) of the statutes is renumbered 66.1003 (2) and amended
19 to read:

20 **66.1003 (2) The whole or any part of any road, street, slip, pier, lane or paved**
21 **alley, in any 2nd, 3rd or 4th class city or in any village or town, may be discontinued**

1 ~~by the common council or village or town board~~ common council of any city, except
2 a 1st class city, or a village or town board may discontinue all or part of a public way
3 upon the written petition of the owners of all the frontage of the lots and lands
4 abutting upon the ~~portion thereof~~ public way sought to be discontinued, and of the
5 owners of more than one-third of the frontage of the lots and lands abutting on that
6 portion of the remainder ~~thereof~~ of the public way which lies within 2,650 feet of the
7 ends of the portion to be discontinued, or lies within so much of that 2,650 feet as shall
8 ~~be is~~ within the corporate limits of the city, village or town. The beginning and ending
9 of an alley shall be considered to be within the block in which it is located. This
10 subsection does not apply to a highway upon the line between 2 towns that is subject
11 to s. 80.11.

12 SECTION 327. 66.296 (1m) of the statutes is renumbered 66.1003 (3) and
13 amended to read:

14 66.1003 (3) ~~The whole or any part of any unpaved alley in any 2nd, 3rd or 4th~~
15 ~~class city or in any village or town may be discontinued by the common council or~~
16 ~~village or town board~~ common council of any city, except a 1st class city, or a village
17 or town board may discontinue all or part of an unpaved alley upon the written
18 petition of the owners of more than 50% of the frontage of the lots and lands abutting
19 upon the portion ~~thereof~~ of the unpaved alley sought to be discontinued. The
20 beginning and ending of an unpaved alley shall be considered to be within the block
21 in which it is located. This subsection does not apply to a highway upon the line
22 between 2 towns that is subject to s. 80.11.

23 SECTION 328. 66.296 (2) of the statutes is renumbered 66.1003 (4), and 66.1003
24 (4) (a) to (c), as renumbered, are amended to read:

1 66.1003 (4) (a) ~~As an alternative~~ Notwithstanding subs. (2) and (3),
2 proceedings covered by this section may be initiated by the common council or village
3 or town board by the introduction of a resolution declaring that since the public
4 interest requires it, ~~the whole or any part of any road, street, slip, pier, lane or alley~~
5 ~~in the city, village or town is thereby a public way or an unpaved alley is~~ vacated and
6 discontinued. No discontinuance of a public way under this subsection may result
7 in a landlocked parcel of property.

8 (b) A hearing on the passage of such a resolution under par. (a) shall be set by
9 the common council or village or town board on a date which shall not be less than
10 40 days ~~thereafter~~ after the date on which the resolution is introduced. Notice of the
11 hearing shall be given as provided in sub. (5) (8), except that in addition notice of such
12 the hearing shall be served on the owners of all of the frontage of the lots and lands
13 abutting upon the ~~portion thereof~~ public way or unpaved alley sought to be
14 discontinued in a manner provided for the service of summons in circuit court at least
15 30 days before such the hearing. When such service cannot be made within the city,
16 village or town, a copy of the notice shall be mailed to the owner's last-known address
17 at least 30 days before the hearing.

18 (c) ~~No~~ Except as provided in this paragraph, no discontinuance of the whole or
19 any part of ~~any road, street, slip, pier, lane or paved alley shall~~ a public way may be
20 ordered under this subsection if a written objection to the proposed discontinuance
21 is filed with the city, village or town clerk by any of the owners abutting on the ~~portion~~
22 public way sought to be discontinued or by the owners of more than one-third of the
23 frontage of the lots and lands abutting on ~~that portion of the remainder thereof of the~~
24 public way which lies within 2,650 feet from the ends of the ~~portion~~ public way
25 proposed to be discontinued; or which lies within ~~so much of said that portion of the~~

1 2,650 feet ~~as shall be~~ that is within the corporate limits of the city, village or town.
2 If a written objection is filed, the discontinuance may be ordered only by the favorable
3 vote of two-thirds of the members of the common council or village or town board
4 voting on the proposed discontinuance. An owner of property abutting on a
5 discontinued public way whose property is damaged by the discontinuance may
6 recover damages as provided in ch. 32. The beginning and ending of an alley shall
7 be considered to be within the block in which it is located.

NOTE: Amends sub. (4) (a) by prohibiting discontinuance of a public way under the subsection that results in a landlocked parcel.

Amends sub. (4) (c). The current provision states that a discontinuance may not be ordered if a written objection is filed by any owner abutting the property to be discontinued or filed by the owners of more than one-third of the frontage of the lots and lands abutting the property to be discontinued which lies within 2,650 feet from the ends of the property, or which lies within 2,650 feet of the municipal limits. The provision is amended as follows:

1. If a written objection is filed, either by an abutting owner or an appropriate number of those other owners affected by the discontinuance, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance.

2. It is expressly stated that an owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32.

8 **SECTION 329.** 66.296 (2m) of the statutes is renumbered 66.1003 (5).

9 **SECTION 330.** 66.296 (3), (4) and (5) of the statutes are renumbered 66.1003 (6),
10 (7) and (8) and amended to read:

11 66.1003 (6) Whenever any of the lots or lands subject to this section is owned
12 by the state, county, city, village or town, or by a minor or incompetent person, or the
13 title ~~thereof to the lots or lands~~ is held in trust, ~~as to all lots and lands so owned or~~
14 ~~held,~~ petitions for discontinuance or objections to discontinuance may be signed by
15 the governor, chairperson of the board of supervisors of the county, mayor of the city,
16 president of the village, chairperson of the town board, guardian of the minor or
17 incompetent person, or the trustee, respectively, and the signature of any private

1 corporation may be made by its president, secretary or other principal officer or
2 managing agent.

3 (7) The city council or village or town board may by resolution discontinue any
4 alley or any portion ~~thereof~~ of an alley which has been abandoned, at any time after
5 the expiration of 5 years from the date of the recording of the plat by which it was
6 dedicated. Failure or neglect to work or use any alley or any portion ~~thereof~~ of an
7 alley for a period of 5 years next preceding the date of notice provided for in sub. (5)
8 (8) shall be considered an abandonment for the purpose of this section.

9 (8) Notice stating when and where the petition or resolution under this section
10 will be acted upon and stating what ~~road, street, slip, pier, lane or alley, or part~~
11 ~~thereof,~~ public way or unpaved alley is proposed to be discontinued, shall be
12 published as a class 3 notice, under ch. 985.

13 **SECTION 331.** 66.296 (6) of the statutes is renumbered 66.1003 (9).

14 **SECTION 332.** 66.297 of the statutes is renumbered 62.73 and amended to read:

15 **62.73 Discontinuance of public grounds.** (1) ~~In every city of the 1st class,~~
16 ~~the~~ The common council of a 1st class city may vacate in whole or in part ~~such~~
17 highways, streets, alleys, grounds, waterways, public walks and other public
18 grounds within the corporate limits of the city ~~as in its opinion that it determines~~ the
19 public interest requires to be vacated or are of no public utility, subject to s. 80.32 (4).
20 ~~Such proceedings~~ Proceedings under this section shall be commenced either by a
21 petition presented to the common council signed by the owners of all property which
22 abuts ~~upon~~ the portion of the public facilities proposed to be vacated, or by a
23 resolution adopted by the common council. The requirements of s. 840.11 ~~shall~~ apply
24 to proceedings under this section.

1 (2) All petitions or resolutions shall be referred to a committee of the common
2 council for a public hearing on ~~such~~ the proposed discontinuance and at least 7 days
3 shall elapse between the date of the last service and the date of ~~such~~ the hearing.
4 A notice of ~~such~~ hearing shall be served on the owners of record of all property which
5 abuts ~~upon~~ the portion of the public facilities proposed to be vacated, in the manner
6 provided for service of a summons.

7 (3) If the common council initiates a discontinuance proceeding by resolution
8 without a petition signed by all of the owners of the property which abuts the public
9 facility proposed to be discontinued, any owner of property abutting ~~such~~ the public
10 facility whose property is damaged ~~thereby by the discontinuance~~ may recover ~~such~~
11 damages as provided in ch. 32.

12 (4) The common council may ~~also~~ order that an assessment of benefits be made
13 and when so ordered the assessment shall be made as provided in s. ~~66.60~~ 66.0703.

14 **SECTION 333.** 66.298 of the statutes is renumbered 66.0905 and amended to
15 read:

16 **66.0905 Pedestrian malls.** After referring the matter to the plan commission
17 for report under s. 62.23 (5), or the town zoning committee under s. 60.61 (4), and
18 after holding a public hearing on the matter with publication of a Class 1 notice of
19 the hearing, the governing body of any city or village, or any town board acting under
20 s. 60.61 or 60.62, may by ordinance designate any street, road or public way or any
21 part ~~thereof of a street, road or public way~~ wholly within its jurisdiction as a
22 pedestrian mall and prohibit or limit ~~the use thereof by vehicular traffic in the~~
23 pedestrian mall. Creation of ~~such a pedestrian malls shall~~ mall under this section
24 does not constitute a discontinuance or vacation of ~~such~~ the street, road or public way
25 under s. ~~66.296~~ 66.1003 or 236.43.

(title) and (1)

~~As affected by 1999 Wisconsin Act 9~~

1

SECTION 334. 66.299 of the statutes, renumbered 66.0131, and 66.0131 (1) (a),

2

as renumbered, is amended to read:

are

(title) and (1)

3

66.0131 (1) (a) "Local governmental unit" means a political subdivision of this

4

state, a special purpose district in this state, an agency or corporation of such a

5

political subdivision or special purpose district, or a combination or subunit of any

6

of the foregoing.

INS. 239-6

As affected by 1999 Wisconsin Act 9

7

SECTION 335. 66.30 (title), (1) and (2) of the statutes are renumbered 66.0301

fix component

8

(title) and (1) and (2), and 66.0301 (2), as renumbered, is amended to read:

9

66.0301 (2) In addition to the provisions of any other statutes specifically

INS. 239-8

10

authorizing cooperation between municipalities, unless such those statutes

11

specifically exclude action under this section, any municipality may contract with

12

other municipalities and with federally recognized Indian tribes and bands in this

13

state, for the receipt or furnishing of services or the joint exercise of any power or duty

14

required or authorized by law. If municipal or tribal parties to a contract have

15

varying powers or duties under the law, each may act under the contract to the extent

16

of its lawful powers and duties. A contract under this subsection may bind the

17

contracting parties for the length of time specified in the contract. This section shall

18

be interpreted liberally in favor of cooperative action between municipalities and

19

between municipalities and Indian tribes and bands in this state.

NOTE: The underscored sentence restates s. 66.30 (4), which is repealed by SECTION 340 of this bill.

20

SECTION 336. 66.30 (2g) of the statutes is renumbered 66.0311 (2) and amended

21

to read:

1 66.0311 (2) Any municipality, housing authority, development authority or
2 redevelopment authority authorized under ss. ~~66.40 to 66.435~~ 66.1201 to 66.1211
3 and 66.1301 to 66.1337:

4 (a) To issue bonds or obtain other types of financing in furtherance of its
5 statutory purposes may cooperate with any other municipality, housing authority,
6 development authority or redevelopment authority similarly authorized under ss.
7 ~~66.40 to 66.435~~ 66.1201 to 66.1211 and 66.1301 to 66.1337 for the purpose of jointly
8 issuing bonds or obtaining other types of financing.

9 (b) To plan, undertake, own, construct, operate and contract with respect to any
10 housing project in accordance with its statutory purposes under ss. ~~66.40 to 66.435~~
11 66.1201 to 66.1211 and 66.1301 to 66.1337, may cooperate for the joint exercise of
12 such functions with any other municipality, housing authority, development
13 authority or redevelopment authority so authorized.

14 **SECTION 337.** 66.30 (2m) of the statutes is renumbered 36.11 (19), and 36.11
15 (19) (a) to (c), as renumbered, are amended to read:

16 36.11 (19) (a) The ~~university of Wisconsin~~ board may furnish, and school
17 districts may accept, services for educational study and research projects and they
18 may enter into contracts under ~~this section s. 66.0301~~ for that purpose.

19 (b) A group of school districts, if authorized by each school board, may form a
20 nonprofit-sharing corporation to contract with the state or the ~~university of~~
21 ~~Wisconsin system~~ board for the furnishing of the services specified in par. (a).

22 (c) The corporation shall be organized under ch. 181 and shall have the powers
23 there applicable. Members of the school boards specified in par. (b) may serve as
24 incorporators, directors and officers of the corporation.

Committee decision

1 **SECTION 338.** 66.30 (3) and (3m) of the statutes are renumbered 66.0301 (3) and

2 (4) and amended to read:

3 66.0301 (3) Any ~~such~~ contract under sub. (2) may provide a plan for
4 administration of the function or project, ~~which may include~~, without limitation
5 ~~because of enumeration,~~ *but is not limited to* ~~including~~ provisions as to proration of the expenses
6 involved, deposit and disbursement of funds appropriated, submission and approval
7 of budgets, creation of a commission, selection and removal of commissioners, and
8 formation and letting of contracts.

9 (4) A commission created by contract under sub. (2) may finance the
10 acquisition, development, remodeling, construction and equipment of land,
11 buildings and facilities for regional projects under s. ~~66.066~~ 66.0621. Participating
12 municipalities acting jointly or separately may finance ~~such~~ the projects, or an
13 agreed share of the cost ~~thereof of the projects~~, under ch. 67.

14 **SECTION 339.** 66.30 (3n) and (3p) of the statutes are consolidated, renumbered
15 66.0301 (5) (intro.) and amended to read:

16 66.0301 (5) (intro.) No commission created by contract under ~~this section~~ is
17 authorized sub. (2) may, directly or indirectly, to acquire, do any of the following:

18 (a) Acquire, construct or lease facilities used or useful in the business of a public
19 utility engaged in production, transmission, delivery or furnishing of heat, light,
20 power, natural gas or communications service, by any method except those set forth
21 under this chapter or ch. 196, 197 or 198. ~~(3p) The authority now or hereafter~~
22 ~~conferred by law on commissions created by contract under this section shall not~~
23 ~~include the right, power or authority to establish~~

24 (b) Establish, lay out, construct, improve, discontinue, relocate, widen or
25 maintain any road or highway outside the corporate limits of a village or city or to

1 acquire lands for ~~such~~ those purposes except upon approval of the department of
2 transportation and the county board of the county and the town board of the town
3 in which the road is to be located.

4 **SECTION 340.** 66.30 (4) of the statutes is repealed.

NOTE: The substance of this repealed subsection is relocated to s. 66.0301 (2), as
renumbered [current s. 66.30 (2)]. See SECTION 335 of this bill.

5 **SECTION 341.** 66.30 (5) (intro.), (a) and (b) of the statutes are renumbered
6 66.0303 (2), (3) and (4) and amended to read:

7 66.0303 (2) ~~Any~~ A municipality may contract with municipalities of another
8 state for the receipt or furnishing of services or the joint exercise of any power or duty
9 required or authorized by statute to the extent that laws of ~~such~~ the other state or
10 of the United States permit ~~such~~ the joint exercise.

11 (3) ~~Every~~ An agreement made under this ~~subsection~~ section shall, prior to and
12 as a condition precedent to taking effect, be submitted to the attorney general who
13 shall determine whether the agreement is in proper form and compatible with the
14 laws of this state. The attorney general shall approve any agreement submitted
15 ~~hereunder under this subsection~~ unless the attorney general finds that it does not
16 meet the conditions set forth ~~herein in this section~~ and details in writing addressed
17 to the concerned municipal governing bodies the specific respects in which the
18 proposed agreement fails to meet the requirements of law. Failure to disapprove an
19 agreement submitted ~~hereunder under this subsection~~ within 90 days of its
20 submission shall ~~constitute~~ constitutes approval thereof. The attorney general,
21 upon submission of an agreement ~~hereunder~~, shall transmit a copy of the agreement
22 to the governor who shall consult with any state department or agency affected by

1 the agreement. The governor shall forward to the attorney general any comments
2 the governor may have concerning the agreement.

3 (4) An agreement entered into under this ~~subsection shall have~~ section has the
4 status of an interstate compact, but in any case or controversy involving performance
5 or interpretation ~~thereof of~~ or liability ~~thereunder~~ under the agreement, the
6 municipalities party ~~thereto shall be to the agreement are~~ real parties in interest and
7 the state may commence an action to recoup or otherwise make itself whole for any
8 damages or liability which it may incur by reason of being joined as a party ~~therein~~.
9 Such. The action by the state may be maintained against any municipality whose
10 act or omission caused or contributed to the incurring of damage or liability by the
11 state.

12 SECTION 342. 66.30 (6) (a) of the statutes is repealed.

13 SECTION 343. 66.30 (6) (b) to (h) of the statutes, ~~as affected by 1997 Wisconsin~~
14 ~~Acts 8, 22 and 23~~ are renumbered 120.25 (1) to (6), and 120.25 (1), (2) (intro.), (3),
15 (5) and (6), as renumbered, are amended to read:

16 120.25 (1) Two or more school boards ~~of school districts~~ may by written contract
17 executed by all participants to the contract, own, construct, lease or otherwise
18 acquire school facilities including real estate located within or outside the
19 boundaries of any participating school district.

20 (2) (intro.) School ~~district~~ boards entering into a contract under this ~~subsection~~
21 section may, without limitation because of enumeration:

22 (3) A contract entered into under this ~~subsection~~ section shall at all times be
23 limited to a period of 50 years but may, by mutual written consent of all participants,
24 be modified or extended beyond the initial term.

SECTION 343

1 (5) At least 30 days prior to entering into a contract under this subsection
2 section or a modification or extension of the contract, the school boards of the districts
3 involved or their designated agent shall file the proposed agreement with the state
4 superintendent of ~~public instruction~~ to enable the department to assist and advise
5 the school boards involved in regard to the applicable recognized accounting
6 procedure for the administration of the school aid programs. The state
7 superintendent shall review the terms of the proposed contract to ensure that each
8 participating school district's interests are protected.

9 (6) School ~~district~~ boards entering into a contract under this subsection section
10 shall designate for each employe providing services under the contract either a
11 school district entering into the contract or a cooperative educational service agency
12 ~~under ch. 116~~ as the employer for purposes of compliance with s. 111.70, teacher's
13 retirement, worker's compensation and unemployment insurance.

14 **SECTION 344.** 66.301 of the statutes is renumbered 66.1019 (1).

15 **SECTION 345.** 66.302 of the statutes is renumbered 66.1019 (2).

16 **SECTION 346.** 66.303 of the statutes is renumbered 66.1019 (3), and 66.1019 (3)

17 (a), as renumbered, is amended to read:

18 66.1019 (3) (a) Except as provided in ~~sub. (2)~~ par. (b), any ordinance enacted
19 by a county, city, village or town relating to the construction or inspection of
20 multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch.
21 101 and s. 101.02 (7m).

22 **SECTION 347.** 66.304 of the statutes is renumbered 66.1017.

23 **SECTION 348.** 66.305 (title) of the statutes is renumbered 66.0313 (title).

24 **SECTION 349.** 66.305 (1) and (2) of the statutes are renumbered 66.0313 (2) and

25 (3) and amended to read:

1 66.0313 (2) Upon the request of any law enforcement agency, including county
2 law enforcement agencies as provided in s. 59.28 (2), the law enforcement personnel
3 of any other law enforcement agency may assist the requesting agency within the
4 latter's jurisdiction, notwithstanding any other jurisdictional provision. For
5 purposes of ss. 895.35 and 895.46, ~~such~~ law enforcement personnel, while acting in
6 response to ~~such request~~ a request for assistance, shall be deemed employes of the
7 requesting agency.

8 (3) The provisions of s. ~~66.315~~ shall 66.0513 apply to this section.

9 **SECTION 350.** 66.307 of the statutes, ~~as created by 1997 Wisconsin Act 23~~ is
10 renumbered 66.1113, and 66.1113 (2) (c), as renumbered, is amended to read:

11 66.1113 (2) (c) If 2 or more contiguous political subdivisions that are premier
12 resort areas each impose the tax under s. 77.994, they may enter into a contract
13 under s. ~~66.30~~ 66.0301 to cooperate in paying for infrastructure expenses, in addition
14 to any other authority they have to act under s. ~~66.30~~ 66.0301.

15 **SECTION 351.** 66.31 of the statutes is renumbered 66.1009.

16 **SECTION 352.** 66.312 of the statutes, ~~as affected by 1997 Wisconsin Act 17~~ is
17 renumbered 66.0511.

18 **SECTION 353.** 66.315 of the statutes is renumbered 66.0513 and amended to
19 read:

20 **66.0513 Police, pay when acting outside county or municipality. (1)**
21 Any chief of police, sheriff, deputy sheriff, county traffic officer or other peace officer
22 of any city, county, village or town, who ~~shall be~~ is required by command of the
23 governor, sheriff or other superior authority to maintain the peace, or who responds
24 to the request of the authorities of another municipality, to perform police or peace
25 duties outside territorial limits of the city, county, village or town where employed

1 ~~as such officer, shall be~~ the officer is employed, is entitled to the same wage, salary,
2 pension, worker's compensation, and all other service rights for ~~such~~ this service as
3 for service rendered within the limits of the city, county, village or town where
4 regularly employed.

5 (2) All wage and disability payments, pension and worker's compensation
6 claims, damage to equipment and clothing, and medical expense arising under sub.
7 (1), shall be paid by the city, county, village or town regularly employing ~~such~~ peace
8 the officer. Upon making ~~such~~ the payment ~~such~~ the city, county, village or town shall
9 be reimbursed by the state, county or other political subdivision whose officer or
10 agent commanded the services out of which the payments arose.

11 SECTION 354. 66.32 of the statutes is renumbered 66.0105 and amended to
12 read:

13 **66.0105** ~~title~~ **Extraterritorial Jurisdiction of overlapping**
14 **extraterritorial powers.** The extraterritorial powers granted to cities and villages
15 by statute, including ss. 30.745, 62.23 (2) and (7a), ~~66.052~~ 66.0415, 236.10 and
16 254.57, may not be exercised within the corporate limits of another city or village.
17 Wherever these statutory extraterritorial powers overlap, the jurisdiction over the
18 overlapping area shall be divided on a line all points of which are equidistant from
19 the boundaries of each municipality concerned so that not more than one
20 municipality shall exercise power over any area.

21 SECTION 355. 66.325 of the statutes is renumbered 166.23, and 166.23 (title),
22 as renumbered, is amended to read:

23 **166.23 (title) Emergency powers of cities, villages and towns.**

24 SECTION 356. 66.33 of the statutes is renumbered 281.695.

1 **SECTION 357.** 66.34 of the statutes is renumbered 92.115, and 92.115 (title), as
2 renumbered, is amended to read:

3 **92.115 (title) Soil Municipal soil conservation on private lands.**

4 **SECTION 358.** 66.345 of the statutes is repealed.

NOTE: The repealed section authorizes towns to levy special assessments against lands or interests specially benefited by the town's removal and disposition of dead animals under s. 60.23 (20), soil conservation work under s. 66.34 and snow removal under s. 86.105. Because of the nature of these services, the special committee determined that the costs of the services, to the extent not covered by other funding sources, are more appropriately funded by special charges. See SECTION 166 of this bill.

5 **SECTION 359.** 66.35 of the statutes is renumbered 285.54.

6 **SECTION 360.** 66.36 of the statutes, ~~as affected by 1997 Wisconsin Acts 27 and~~
7 ~~218~~ is renumbered 281.59 (13f), and 281.59 (13f) (intro.) and (c) to (f), as
8 renumbered, are amended to read:

9 **281.59 (13f) MUNICIPAL FINANCING; CLEAN WATER FUND PROJECT COSTS FUNDING OF**
10 **FINANCIAL ASSISTANCE.** (intro.) Subject to the terms and conditions of its financial
11 assistance agreement, a municipality may repay financial assistance costs received
12 under from the clean water fund program under ~~ss. s.~~ 281.58 and ~~281.59~~ under this
13 section by any lawful method, including any one of the following methods or any
14 combination ~~thereof~~ of the methods:

15 (c) Payment out of the proceeds of the sale of public improvement bonds issued
16 by it under s. ~~66.059~~ 66.0619.

17 (d) Payment out of the proceeds of revenue obligations issued by it under s.
18 ~~66.066~~ 66.0621.

19 (e) Payment as provided under s. ~~66.54 (2) (c), (d) or (e)~~ 66.0709.

20 (f) Payment as provided under s. ~~66.076 (1)~~ 66.0821 (2) (a) 1.

NOTE: It is the understanding and intent of the special committee on general municipal law recodification that the list of financing methods that follows this introductory clause is illustrative and not limiting.

1 **SECTION 361.** 66.365 of the statutes is renumbered 283.87 (4) and amended to
2 read:

3 283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The
4 department of natural resources may make grants to any county, city, village or town
5 for the acquisition or development of recreational lands and facilities from moneys
6 appropriated under s. 20.370 (2) (dv). Use and administration of the grant shall be
7 consistent with any court order issued under ~~s. 283.87 sub. (3)~~. A county, city, village
8 or town which receives a grant under this section is not required to share in the cost
9 of a project under this section.

10 **SECTION 362.** 66.37 of the statutes ~~as affected by 1997 Wisconsin Act 250,~~ is
11 repealed.

NOTE: Repealed as obsolete. Section 66.37 authorizes a county, town, city or village to provide a reward to a person who kills a pocket gopher, street gopher, a black, brown, gray or Norway rat, a mole, a red or grey fox, a coyote, a wildcat or a weasel.

12 **SECTION 363.** 66.375 of the statutes is renumbered 66.1015.

13 **SECTION 364.** 66.38 of the statutes is renumbered 62.237.

14 **SECTION 365.** 66.39 of the statutes is repealed.

NOTE: Repealed as no longer necessary. Section 66.39 authorizes county veterans' housing authorities and does not appear to be presently used. Furthermore, the general housing authority law authorizes housing authorities to undertake housing projects for veterans. See s. 66.1201 (9) (r) as renumbered. [Current s. 66.04 (9) (r).] Subsection (1) of the repealed section is made part of the general housing authority law. See SECTION 273 of this bill.

15 **SECTION 366.** 66.395 (title), (1) to (2m) and (3) (title) and (a) to (p) of the statutes
16 are renumbered 66.1213 (title), (1) to (3) and (4) (title) and (a) to (p), and 66.1213 (2),
17 (3) and (4) (a), (h) to (k), (L) 1. (intro.) and 2. and (m) to (o), as renumbered, are
18 amended to read:

1 66.1213 (2) DECLARATION OF NECESSITY. It is declared that the lack of housing
2 facilities for elderly persons provided by private enterprise in certain areas creates
3 a public necessity to establish ~~such~~ safe and sanitary facilities for which public
4 moneys may be spent and private property acquired. The legislature declares that
5 to provide public housing for elderly persons is the performance of a governmental
6 function of state concern.

7 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or
8 privilege under this section shall not, ~~with reference thereto~~, be denied them in any
9 manner for any purpose nor be discriminated against because of sex, race, color,
10 creed, sexual orientation or national origin.

11 (4) (a) "Authority" or "housing authority" means any of the public corporations
12 established pursuant to sub. (4) ~~(4)~~ (5).

13 (h) "Council" means the common council of ~~the~~ a city.

14 (i) "Elderly person" means a person who is 62 years of age or older on the date
15 ~~such~~ ^{keep} ~~on which~~ the person intends to occupy the premises, or a family, the head of
16 which, or that person's spouse, is ~~an elderly person as defined herein~~ a person who
17 is 62 years of age or older on the date of the intent to occupy the premises.

18 (j) "Federal government" includes the United States of America, ~~the federal~~
19 ~~emergency administration of public works or~~ and any agency, or instrumentality,
20 corporate or otherwise, of the United States of America.

21 (k) "Government" includes the state and federal governments and any
22 subdivision, agency or instrumentality, corporate or otherwise, of either of them.

23 (L) 1. (intro.) "Housing projects" ~~include~~ includes all real property and personal
24 property, building and improvements, ~~stores, offices, lands for farming and~~

1 gardening, and community facilities acquired or constructed ~~or to be acquired or~~
2 ~~constructed~~ pursuant to a single plan or undertaking to do any of the following:

3 2. "Housing project" ~~may also be applied to~~ includes the planning of buildings
4 and improvements, the acquisition of property, the demolition of existing structures
5 and the construction, reconstruction, alteration and repair of the improvements for
6 the purpose of providing safe and sanitary housing for elderly persons and all other
7 work in connection ~~therewith~~ with housing for elderly persons. A project shall not
8 be considered housing for the elderly unless it contains at least 8 new or rehabilitated
9 living units which are specifically designed for the use and occupancy of persons 62
10 years of age or over.

11 (m) "Mortgage" includes deeds of trust, mortgages, building and loan contracts,
12 land contracts or other instruments conveying real or personal property as security
13 for bonds and conferring a right to foreclose and cause a sale ~~thereof~~ of the real
14 property or personal property.

15 (n) "Obligee of the authority" or "obligee" includes any bondholder, trustee or
16 trustees for any bondholders, any lessor demising property to the authority used in
17 connection with a housing project or any assignee ~~or assignees or such~~ of the lessor's
18 interest or any part ~~thereof~~ of the lessor's interest, and the United States of America,
19 when it is a party to any contract with the authority.

20 (o) "Real property" includes lands, lands under water, structures, and any ~~and~~
21 ~~all~~ easements, franchises and incorporeal hereditaments and every estate and right
22 ~~therein in an estate~~, legal and equitable, including terms for years and liens by way
23 of judgment, mortgage or otherwise.

24 **SECTION 367.** 66.395 (3) (q) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

1 **SECTION 368.** 66.395 (3) (r) and (s) and (4) to (7) of the statutes are renumbered
2 66.1213 (4) (q) and (r) and (5) to (8), and 66.1213 (4) (q), (5) (a) and (c), (6), (7) (intro.)
3 and (a) and (8), as renumbered, are amended to read:

4 66.1213 (4) (q) “State public body” means any city, town, ~~incorporated~~ village,
5 county, municipal corporation, commission, district, authority, other subdivision or
6 public body of the state.

7 (5) (a) ~~When the council of a city by proper resolution declares at any time~~
8 ~~hereafter declares by resolution~~ that there is need for an authority to function in the
9 city, a public body corporate and politic shall then exist in the city and be known as
10 the “housing authority” of the city. ~~Such~~ The authority shall then be authorized to
11 may transact business and exercise any powers ~~herein~~ granted to it under this
12 section.

13 (c) In any suit, action or proceeding involving the validity or enforcement of or
14 relating to any contract of the authority, the authority shall be conclusively deemed
15 to have become established and authorized to transact business and exercise its
16 powers ~~hereunder~~ under this section upon proof of the adoption of a resolution by the
17 council declaring the need for the authority. ~~Such~~ The resolution ~~or resolutions shall~~
18 ~~be deemed~~ is sufficient if it declares that ~~there is such~~ the need for an authority and
19 finds ~~in substantially the foregoing terms (no further detail being necessary)~~ that
20 ~~either or both of the above enumerated conditions exist~~ that the condition described
21 in par. (b) exists in the city. A copy of such the resolution duly certified by the city
22 clerk ~~shall be~~ is admissible evidence in any suit, action or proceeding.

1 (6) SECTION ~~66.40~~ 66.1201 APPLIES. The provisions of s. ~~66.40~~ 66.1201 (5) to (24)
2 (ag), (25) and (26) shall apply to housing authorities and providing housing for
3 elderly persons under this section without reference to the income of ~~such~~ those
4 persons.

5 (7) SECTIONS ~~66.401~~ 66.1203 TO ~~66.404~~ 66.1211 APPLY. (intro.) The provisions of ss.
6 ~~66.401~~ 66.1203 to ~~66.404~~ 66.1211 shall apply to housing authorities and providing
7 housing for elderly persons under this section without reference to the income of ~~such~~
8 those persons, except as follows:

9 (a) As set down by the federal housing authority in the case of housing projects
10 to the financing or subsidizing of which it is a party; ~~or~~.

11 (8) NOT APPLICABLE TO LOW-RENTAL HOUSING PROJECTS. This section shall ~~do~~ does
12 not apply to projects required to provide low-rental housing only.

13 **SECTION 369.** 66.40 (title) of the statutes is renumbered 66.1201 (title).

14 **SECTION 370.** 66.40 (1) to (2m) and (3) (intro.) and (a) to (c) of the statutes are
15 renumbered 66.1201 (1) to (2m) and (3) (intro.) and (a) to (c), and 66.1201 (1), (2), (2m)
16 and (3) (intro.), (a) and (c), as renumbered, are amended to read:

17 66.1201 (1) SHORT TITLE. Sections ~~66.40~~ 66.1201 to ~~66.404~~ 66.1211 may be
18 referred to as the "Housing Authorities Law".

19 (2) FINDING AND DECLARATION OF NECESSITY. It is declared that there exist in the
20 state insanitary or unsafe dwelling accommodations and that persons of low income
21 are forced to reside in ~~such~~ insanitary or unsafe accommodations; that within the
22 state there is a shortage of safe or sanitary dwelling accommodations available at
23 rents which persons of low income can afford and that ~~such~~ these persons are forced
24 to occupy overcrowded and congested dwelling accommodations; that the aforesaid
25 conditions described in this subsection cause an increase in and spread of disease and

1 crime and constitute a menace to the health, safety, morals and welfare of the
2 residents of the state and impair economic values; that these conditions necessitate
3 excessive and disproportionate expenditures of public funds for crime prevention
4 and punishment, public health and safety, fire and accident protection, and other
5 public services and facilities; that these slum areas cannot be cleared, nor can the
6 shortage of safe and sanitary dwellings for persons of low income be relieved, through
7 the operation of private enterprise, and that the construction of housing projects for
8 persons of low income would, therefore, not be competitive with private enterprise;
9 that the clearance, replanning and reconstruction of the areas in which insanitary
10 or unsafe housing conditions exist and the providing of safe and sanitary dwelling
11 accommodations for persons of low income are public uses and purposes for which
12 public money may be spent and private property acquired and are governmental
13 functions of state concern; that it is in the public interest that work on ~~such~~ these
14 projects be commenced as soon as possible in order to relieve unemployment which
15 now constitutes an emergency; and the necessity in the public interest for the
16 provisions ~~hereinafter enacted of this section~~, is declared as a matter of legislative
17 determination.

18 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility
19 or privilege under ss. ~~66.40~~ 66.1201 to ~~66.404~~ 66.1211 shall not, ~~with reference~~
20 ~~thereto~~, be denied them in any manner for any purpose nor be discriminated against
21 because of sex, race, color, creed, sexual orientation or national origin.

22 (3) DEFINITIONS. (intro.) ~~The following terms, wherever used or referred to in~~
23 ~~ss. 66.40 to 66.404 shall have the following respective meanings~~ In ss. 66.1201 to
24 66.1211, unless a different meaning clearly appears from the context:

1 (a) "Area of operation" includes the city for which a housing authority is created
2 and, the area within 5 miles of the territorial boundaries ~~thereof of the city~~ but not
3 beyond the county limits of the county in which ~~such~~ the city is located and ~~provided~~
4 ~~further that in the case of all cities the area of operation shall be limited to the area~~
5 within the limits of ~~such~~ the city unless the city ~~shall annex~~ annexes the area of
6 operation, ~~but the area of operation of a housing authority shall.~~ "Area of operation"
7 does not include any area which lies within the territorial boundaries of any city for
8 which another housing authority is created by this section.

9 (c) "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes,
10 debentures or other obligations of the authority issued pursuant to ss. ~~66.40 66.1201~~
11 to ~~66.404 66.1211~~.

12 **SECTION 371.** 66.40 (3) (d) of the statutes is repealed.

Note: Repeals a provision that defines a city to be a city. The provision is unnecessary.

13 **SECTION 372.** 66.40 (3) (e) to (q) of the statutes are renumbered 66.1201 (3) (cm)
14 to (o), and 66.1201 (3) (cm) to (n), as renumbered, are amended to read:

15 66.1201 (3) (cm) "City clerk" and "mayor" ~~shall mean~~ the clerk and mayor,
16 respectively, of the city or the officers ~~thereof of the city~~ charged with the duties
17 customarily imposed on the clerk and mayor, respectively.

18 (d) "Commissioner" ~~shall mean~~ means one of the members of an authority
19 appointed in accordance with ss. ~~66.40 66.1201~~ to ~~66.404 66.1211~~.

20 (e) "Community facilities" ~~shall include~~ includes real and personal property,
21 and buildings and equipment for recreational or social assemblies, for educational,
22 health or welfare purposes and necessary utilities, when designed primarily for the

1 benefit and use of the housing authority or the occupants of the dwelling
2 accommodations, or for both.

3 (f) "Contract" ~~shall mean~~ means any agreement of an authority with or for the
4 benefit of an obligee whether contained in a resolution, trust indenture, mortgage,
5 lease, bond or other instrument.

6 (g) "Council" means the common council or other body charged with governing
7 ~~the a~~ city.

8 (h) "Federal government" ~~shall include~~ includes the United States of America,
9 ~~the federal emergency administration of public works or and~~ any agency; or
10 instrumentality, corporate or otherwise, of the United States of America.

11 (i) "Government" includes the state and federal governments and any
12 subdivision, agency or instrumentality, corporate or otherwise, of either of them.

13 (j) "Housing projects" ~~shall include~~ includes all real and personal property,
14 building and improvements, ~~stores, offices, lands for farming and gardening,~~ and
15 community facilities acquired or constructed ~~or to be acquired or constructed~~
16 pursuant to a single plan ~~or undertaking~~ (a) either to demolish, clear, remove, alter
17 or repair insanitary or unsafe housing, or ~~(b) to provide safe and sanitary dwelling~~
18 accommodations for persons of low income, or ~~for a combination of said (a) and (b).~~
19 ~~The term "housing project" may also be applied to both.~~ "Housing projects" includes
20 the planning of buildings and improvements, the acquisition of property, the
21 demolition of existing structures, the construction, reconstruction, alteration and
22 repair of the improvements and all other related work ~~in connection therewith.~~

23 (k) "Mortgage" ~~shall include~~ includes deeds of trust, mortgages, building and
24 loan contracts, land contracts or other instruments conveying real or personal

1 property as security for bonds and conferring a right to foreclose and cause a sale
2 thereof of the real property or personal property.

3 (L) "Obligee of the authority" or "obligee" ~~shall include~~ includes any
4 bondholder, trustee or trustees for any bondholders, any lessor demising property to
5 the authority used in connection with a housing project or any assignee ~~or assignees~~
6 ~~or such of the lessor's interest or any part thereof~~ of the lessor's interest, and the
7 ~~United States of America federal government~~, when it is a party to any contract with
8 the authority.

9 (m) "Persons of low income" means persons or families who lack the amount of
10 income ~~which is necessary~~ (, as determined by the authority undertaking the housing
11 project), to enable them, without financial assistance, to live in decent, safe and
12 sanitary dwellings, without overcrowding.

13 (n) "Real property" ~~shall include~~ includes lands, lands under water, structures,
14 and any ~~and all~~ easements, franchises and incorporeal hereditaments and every
15 estate and right ~~therein in an estate~~, legal and equitable, including terms for years
16 and liens by way of judgment, mortgage or otherwise.

17 **SECTION 373.** 66.40 (3) (r) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

18 **SECTION 374.** 66.40 (3) (s) and (t) and (4) to (26) of the statutes ~~as affected by~~
19 ~~1997 Wisconsin Act 35~~ are renumbered 66.1201 (3) (p) and (q) and (4) to (26), and
20 66.1201 (3) (p) and (q), (4) to (8), (9) (intro.) ~~and~~ (a) to (f), (h) to (L) and (o) to (w), (10)
21 (a), (b) (intro.) and 1. and (c) to (h), (11), (13) (a) 1. (intro.), a. and b., (b) and (c), (14)
22 (a), (b), (d) and (e), (15) (intro.), (a) to (k), (L) (intro.) and 2. to 4. and (Lm) to (x), (16)

1 (b) (intro.), 1. and 2., (17) to (22), (24) (a) and (b) (intro.), 1. and 2., (25) (a) to (f) and
2 (h) and (26), as renumbered, are amended to read:

3 66.1201 (3) (p) "State public body" means any city, town, ~~incorporated~~ village,
4 county, municipal corporation, commission, district, authority, other subdivision or
5 public body of the state.

6 (q) "Trust indenture" ~~shall include~~ includes instruments pledging the revenues
7 of real or personal properties.

8 (4) CREATION OF HOUSING AUTHORITIES. (a) ~~When the a council of a city by proper~~
9 ~~resolution shall declare at any time hereafter~~ declares by resolution that there is
10 need for an authority to function in the city, a public body corporate and politic ~~shall~~
11 ~~then exist~~ exists in the city and shall be known as the "housing authority" of the city.
12 ~~Such~~ The authority ~~shall~~ may then be authorized to transact business and exercise
13 any powers herein granted to it under this section.

14 (b) The council shall adopt a resolution declaring that there is need for a
15 housing authority in the city ~~if it shall find~~ the council finds that insanitary or unsafe
16 inhabited dwelling accommodations exist in the city or that there is a shortage of safe
17 or sanitary dwelling accommodations in the city available to persons of low income
18 at rentals they can afford. In determining whether dwelling accommodations are
19 unsafe or insanitary ~~said~~ the council may take into consideration the degree of
20 overcrowding, the percentage of land coverage, the light, air, space and access
21 available to the inhabitants of ~~such~~ the dwelling accommodations, the size and
22 arrangement of the rooms, the sanitary facilities, and the extent to which conditions
23 exist in ~~such~~ the buildings which endanger life or property by fire or other causes.

24 (c) In any suit, action or proceeding involving the validity or enforcement of or
25 relating to any contract of the authority, the authority shall be conclusively deemed

1 to have become established and authorized to transact business and exercise its
2 powers ~~hereunder~~ under this section upon proof of the adoption of a resolution by the
3 council declaring the need for the authority. ~~Such~~ The resolution ~~or resolutions shall~~
4 ~~be deemed~~ is sufficient if it declares that there is ~~such a~~ need for an authority and
5 finds ~~in substantially the foregoing terms (no further detail being necessary)~~ that
6 either or both of the ~~above enumerated~~ conditions described in par. (b) exist in the
7 city. A copy of ~~such~~ the resolution duly certified by the city clerk ~~shall be~~ is admissible
8 evidence in any suit, action or proceeding.

9 (5) APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS. (a) When the
10 council ~~of a city~~ adopts a resolution under sub. (4), it shall promptly notify the mayor.
11 Upon receiving ~~such~~ the notice, the mayor shall, with the confirmation of the council,
12 appoint 5 persons as commissioners of the authority, except that the mayor of a 1st
13 class city that has created a housing authority before May 5, 1994, shall appoint 7
14 commissioners, at least 2 of whom shall be residents of a housing project acquired
15 or constructed by the authority. No commissioner may be connected in any official
16 capacity with any political party nor ~~shall~~ may more than 2 be officers of the city in
17 which the authority is created. The powers of each authority shall be vested in the
18 commissioners ~~thereof in office from time to time~~ of the authority.

19 (b) The first 5 commissioners who are first appointed shall be designated by the
20 mayor to serve for terms of 1, 2, 3, 4 and 5 years respectively from the date of their
21 appointment and the 2 additional commissioners appointed by the mayor of a 1st
22 class city under par. (a) shall be first appointed to terms of 3 and 5 years respectively.
23 Thereafter, the term of office shall be 5 years. A commissioner shall hold office until
24 his or her successor has been appointed and has qualified. Vacancies shall be filled
25 for the unexpired term in the same manner as other appointments. Three

1 commissioners shall constitute a quorum, except that in an authority with 7
2 commissioners, 4 commissioners shall constitute a quorum. The mayor shall file
3 with the city clerk a certificate of the appointment or reappointment of any
4 commissioner and ~~such~~ the certificate ~~shall be~~ is conclusive evidence of the proper
5 appointment of that commissioner if that commissioner has been confirmed under
6 this paragraph and has taken and filed the official oath before entering office. The
7 council of a city may pay commissioners a per diem and mileage and other necessary
8 expenses incurred in the discharge of their duties at rates established by the council.

9 (c) When the office of the first chairperson of the authority becomes vacant, the
10 authority shall select a chairperson from among its members. An authority shall
11 select from among its members a vice chairperson, and it may employ a secretary ~~(~~
12 who shall be executive director), technical experts and ~~such~~ other officers, agents and
13 employes, permanent and temporary, ~~as it may require~~, and shall determine their
14 qualifications, duties and compensation. An authority may call upon the city
15 attorney or chief law officer of the city for ~~such~~ legal services ~~as it may require~~. An
16 authority may delegate to one or more of its agents or employes ~~such~~ powers or duties
17 ~~as it may deem proper~~ of the authority.

18 (6) DUTY OF THE AUTHORITY AND ITS COMMISSIONERS. The authority and its
19 commissioners shall ~~be under a statutory duty to~~ comply or ~~to~~ cause compliance
20 strictly with all provisions of ss. ~~66.40~~ 66.1201 to 66.404 and 66.1211, with the laws
21 of the state and ~~in addition thereto, with each and every term, provision and~~
22 ~~covenant in~~ with any contract of the authority ~~on its part to be kept or performed~~.

23 (7) INTERESTED COMMISSIONERS OR EMPLOYEES. No commissioner or employe of an
24 authority shall ~~may~~ acquire any interest direct or indirect interest in any housing
25 project or in any property included ~~or planned to be included~~ in any project or have

1 any interest direct or indirect interest in any contract ~~or proposed contract~~ for
2 insurance, materials or services to be furnished or used in connection with any
3 housing project. If ~~any a~~ commissioner or employe of an authority owns or controls
4 ~~an interest a~~ direct or indirect interest in any property included ~~or planned to be~~
5 ~~included~~ in any housing project, that person shall immediately disclose the ~~same~~
6 interest in writing to the authority and ~~such the~~ disclosure shall be entered upon the
7 minutes of the authority. Failure to so disclose ~~such the~~ interest shall constitute
8 constitutes misconduct in office.

9 (8) REMOVAL OF COMMISSIONERS. For inefficiency or neglect of duty or
10 misconduct in office, a commissioner of an authority may be removed by the mayor,
11 but a commissioner shall may be removed only after having been given a copy of the
12 charges at least 10 days ~~prior to~~ before the hearing ~~thereon on the charges~~ and ~~had~~
13 an opportunity to be heard in person or by counsel. ~~In the event of the removal of any~~
14 ~~commissioner~~ If a commissioner is removed, a record of the proceedings, together
15 with the charges and findings ~~thereon~~, shall be filed in the office of the city clerk.
16 To the extent applicable, the provisions of s. 17.16 relating to removal for cause shall
17 apply to any ~~such~~ removal.

18 (9) POWERS OF AUTHORITY. (intro.) An authority ~~shall constitute~~ is a public body
19 and a body corporate and politic, exercising public powers, and ~~having~~ has all the
20 powers necessary or convenient to carry out and effectuate the purposes and
21 provisions of ss. ~~66.40 66.1201 to 66.404 66.1211~~, including the following powers in
22 addition to others ~~herein~~ granted in this section:

23 (a) Within its area of operation to prepare, carry out, acquire, lease and operate
24 housing projects approved by the council; to provide for the construction,