

1 by the community development authority except for the termination of operations by
2 housing and redevelopment authorities. Housing and redevelopment authorities
3 may execute any agreements contemplated by this subsection. Contracts for
4 disposition of real property entered into by the redevelopment authority with respect
5 to any project ~~shall be~~ are deemed contracts of the community development authority
6 without the requirement of amendments ~~thereto to the contracts~~. Contracts entered
7 into between the federal government and the redevelopment authority or the
8 housing authority shall bind the community development authority in the same
9 manner as ~~though~~ if originally entered into by the community development
10 authority.

11 (e) A housing authority which has outstanding bonds or other securities that
12 require the operation of the housing authority in order to fulfill its commitments with
13 respect to the discharge of principal or interest or both, may continue in existence
14 solely for ~~such~~ that purpose. The ordinance or resolution creating the community
15 development authority shall delineate the duties and responsibilities which shall
16 devolve upon the housing authority with respect ~~thereto~~ to that purpose.

17 (f) The termination of housing and redevelopment authorities pursuant to this
18 section ~~shall is~~ not be subject to s. ~~66.40~~ 66.1201 (26).

19 (5m) TAX EXEMPTION. Community development authority bonds issued on or
20 after January 28, 1987, are declared to be issued for an essential public and
21 governmental purpose and to be public instrumentalities and, together with interest
22 ~~thereon on the bonds~~ and income ~~therefrom from the bonds~~, are exempt from taxes.

23 (6) CONTROLLING STATUTE. The powers conferred under this section ~~shall be~~ are
24 in addition and supplemental to the powers conferred by any other law. ~~Insofar as~~

1 ~~To the extent that~~ this section is inconsistent with any other law, this section shall
2 ~~control~~ controls.

3 (7) CONSTRUCTION. This section shall be construed liberally to effectuate its
4 purposes and the enumeration of specific powers herein in this section does not
5 restrict the meaning of any general grant of power contained in this section nor does
6 it exclude other powers comprehended in such the general grant.

7 SECTION 431. 66.433 of the statutes is renumbered 66.0125, and 66.0125 (1),
8 (2), (3) (a) and (c) 1., 3. and 4., (4) and (7), as renumbered, are amended to read:

9 66.0125 (1) DEFINITION. "~~Municipality~~" as used herein In this section, "local
10 governmental unit" means a city, village, town, school district or county.

11 (2) CREATION. Each ~~municipality~~ local governmental unit is authorized and
12 urged to either establish by ordinance a community relations-social development
13 commission or to participate in such a commission established on an
14 intergovernmental basis within the county ~~pursuant to~~ under enabling ordinances
15 adopted by the participating ~~municipalities;~~ but a local governmental units. A school
16 district may establish or participate in such a commission by resolution ~~instead of~~
17 ~~by ordinance.~~ Such. An intergovernmental commission may be established in
18 cooperation with ~~any a~~ nonprofit corporation located in the county and composed
19 primarily of public and private welfare agencies devoted to any of the purposes set
20 forth in this section. ~~Every such~~ An ordinance or resolution establishing a
21 commission shall substantially embody the language of sub. (3). Each ~~municipality~~
22 local governmental unit may appropriate money to defray the expenses of such the
23 commission. If such the commission is established on an intergovernmental basis
24 within the county, the provisions of s. ~~66.30~~ 66.0301, relating to local cooperation, are
25 ~~applicable thereto~~ apply as optional authority and may be utilized by participating

1 ~~municipalities~~ local governmental units to effectuate the purposes of this section, but
2 a contract between ~~municipalities~~ local governmental units is not necessary for the
3 joint exercise of any power authorized for the joint performance of any duty required
4 herein in this section.

5 (3) (a) The purpose of the commission is to study, analyze and recommend
6 solutions for the major social, economic and cultural problems which affect people
7 residing or working within the ~~municipality~~ local governmental unit including,
8 without restriction because of enumeration, problems of the family, youth,
9 education, the aging, juvenile delinquency, health and zoning standards, and
10 discrimination in housing, employment and public accommodations and facilities on
11 the basis of sex, class, race, religion, sexual orientation or ethnic or minority status.

12 (c) 1. Recommend to the ~~municipal~~ local governmental unit's governing body
13 and chief executive or administrative officer the enactment of such ordinances or
14 other action as they deem necessary:

15 a. To establish and keep in force proper health standards for the community
16 and beneficial zoning for the community area in order to facilitate the elimination
17 of ~~blighted areas~~, and to prevent the start and spread of such, blighted areas;

18 b. To ensure to all ~~municipal~~ residents of a local governmental unit, regardless
19 of sex, race, sexual orientation or color, the rights to possess equal housing
20 accommodations and to enjoy equal employment opportunities.

21 3. Examine the need for, initiate, participate in and promote publicly and
22 privately sponsored studies and programs in any field of human relationship which
23 that will aid in accomplishing the foregoing objectives, and initiate such public
24 programs and studies and participate in and promote such privately sponsored
25 programs and studies purposes and duties of the commission.

1 4. Have authority to conduct public hearings within the municipality local
2 governmental unit and to administer oaths to persons testifying before it.

3 (4) COMPOSITION OF COMMISSION. The commission shall be nonpartisan and
4 composed of citizens residing in the municipality local governmental unit, including
5 representatives of the clergy and minority groups, ~~and the composition thereof,~~
6 ~~number and.~~ The composition of the commission and the method of appointing and
7 removing the commission members thereof shall be determined by the governing
8 body of the municipality local governmental unit creating or participating in the
9 commission. Notwithstanding s. 59.10 (4) or ~~66.11~~ 66.0501 (2), a member of ~~such the~~
10 local governmental unit's governing body may serve on the commission, except that
11 a county board member in a county having a population over 500,000 may not accept
12 compensation for serving on the commission. Of the persons first appointed,
13 one-third shall hold office for one year, one-third for 2 years, and one-third for 3
14 years from the first day of February next following their appointment, and until their
15 respective successors are appointed and qualified. All succeeding terms shall be for
16 3 years. Any vacancy shall be filled for the unexpired term in the same manner as
17 original appointments. Every person appointed as a member of the commission shall
18 take and file the official oath.

19 (7) DESIGNATION OF COMMISSIONS AS COOPERATING AGENCIES UNDER FEDERAL LAW.

20 (a) The commission may be the official agency of the municipality local governmental
21 unit to accept assistance under title II of the federal economic opportunity act of
22 1964. No assistance shall be accepted with respect to any matter to which objection
23 is made by the legislative body creating ~~such the~~ the commission, but if the commission
24 is established on an intergovernmental basis and ~~such~~ objection is made by any

1 participating legislative body ~~said~~, assistance may be accepted with the approval of
2 a majority of the legislative bodies participating in ~~such~~ the commission.

3 (b) The commission may be the official agency of the ~~municipality~~ local
4 governmental unit to accept assistance from the community relations service of the
5 U.S. department of justice under title X of the federal civil rights act of 1964 to
6 provide assistance to communities in resolving disputes, disagreements or
7 difficulties relating to discriminatory practices based on sex, race, color or national
8 origin which may impair the rights of persons in the ~~municipality~~ local governmental
9 unit under the constitution or laws of the United States or which affect or may affect
10 interstate commerce.

11 SECTION 432. 66.434 (title) of the statutes is repealed.

12 SECTION 433. 66.434 of the statutes is renumbered 46.30 (5) and amended to
13 read:

14 46.30 (5) CITY, VILLAGE OR TOWN ASSISTANCE. A city, village or town may
15 appropriate funds for promoting and assisting ~~any a~~ community action agency under
16 s. 46.30.

17 SECTION 434. 66.435 of the statutes, ~~as affected by 1997 Wisconsin Act 35,~~ is
18 renumbered 66.1337, and 66.1337 (2), (2m) (a) (intro.), 2. and 4. and (b) and (3) to (7),
19 as renumbered, are amended to read:

20 66.1337 (2) FINDINGS. It is hereby found and declared that there exists in
21 municipalities of the state slum, blighted and deteriorated areas which constitute a
22 serious and growing menace injurious to the public health, safety, morals and
23 welfare of the residents of the state, and the findings and declarations made before
24 August 3, 1955 in s. ~~66.43 (2)~~ 66.1331 are in all respects affirmed and restated; that
25 while certain, Certain slum, blighted or deteriorated areas, or portions thereof, may

1 require acquisition and clearance, as provided in s. ~~66.43~~ 66.1331, since the
 2 prevailing condition of decay may make impracticable the reclamation of the area by
 3 conservation or rehabilitation in ~~such~~ a manner that ^{eliminates, remedies or prevents} the conditions and evils
 4 hereinbefore enumerated of these areas may be eliminated, remedied or prevented,
 5 ~~and to.~~ To the extent feasible salvable slum and blighted areas should be conserved
 6 and rehabilitated through voluntary action and the regulatory process; ~~and all.~~ All
 7 acts and purposes provided for by this section are for and constitute public uses and
 8 are for and constitute public purposes, ~~and that moneys.~~ Moneys expended in
 9 connection with such powers under this section are declared to be for public purposes
 10 and to preserve the public interest, safety, health, morals and welfare. Any
 11 municipality in carrying out the provisions of this section shall afford maximum
 12 opportunity consistent with the sound needs of the municipality as a whole to the
 13 rehabilitation or redevelopment of areas by private enterprise.

14 (2m) (a) (intro.) "Rehabilitation or conservation work" ~~may include~~ includes
 15 any of the following:

16 2. Acquisition of real property and demolition, removal or rehabilitation of
 17 buildings and improvements ~~thereon on~~ ^{the} ~~property~~ where necessary to eliminate
 18 unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards,
 19 eliminate obsolete or other uses detrimental to the public welfare, ~~or~~ to otherwise
 20 remove or prevent the spread of blight or deterioration, or to provide land for needed
 21 public facilities.

22 4. The disposition, for uses in accordance with the objectives of the urban
 23 renewal project, of any property ~~or part thereof~~ acquired in the area of the project.
 24 The disposition shall be in the manner prescribed in this section for the disposition
 25 of property in a redevelopment project area.

1 (b) "Urban renewal project" ~~may include~~ includes undertakings and activities
2 for the elimination and for the prevention of the development or spread of slums or
3 blighted, deteriorated or deteriorating areas and may involve any work or
4 undertaking for ~~such~~ this purpose constituting a redevelopment project or any
5 rehabilitation or conservation work, or any combination of ~~such~~ the undertaking or
6 work.

7 (3) URBAN RENEWAL PROJECTS. ~~In addition to its authority under any other~~
8 ~~section, a~~ A municipality is ~~authorized to~~ may plan and undertake urban renewal
9 projects.

10 (4) WORKABLE PROGRAM. (a) 1. The governing body of the municipality, or ~~such~~
11 ~~the~~ public officer or public body ~~as~~ that it designates, including a housing authority ✓
12 organized and created under s. ~~66.40~~ 66.1201, a redevelopment authority created
13 under s. ~~66.431~~ 66.1333 or a community development authority created under s.
14 ~~66.4325~~, ~~is authorized to~~ 66.1335. may prepare a workable program for utilizing
15 appropriate private and public resources to eliminate, and prevent the development
16 or spread of, slums and urban blight and deterioration, to encourage needed urban
17 rehabilitation, to provide for the redevelopment of blighted, deteriorated or slum
18 areas, or to undertake those activities or other feasible activities that may be suitably
19 employed to achieve ~~the~~ these objectives ~~of such a program~~. The governing body may
20 by resolution or ordinance provide the specific means by which a workable program
21 can be effectuated and may confer upon its officers and employes the power required
22 to carry out a program of rehabilitation and conservation for the restoration and
23 removal of blighted, deteriorated or deteriorating areas. If a municipality finds that
24 there exists in the municipality dwellings or other structures that are unfit for
25 human habitation due to dilapidation, defects that increase the hazards of fire,

1 accidents or other calamities, lack of ventilation, light or sanitary facilities or other
2 conditions, rendering the dwellings or other structures unsanitary, dangerous or
3 detrimental to the health, safety or morals, or otherwise inimical to the welfare of
4 the residents of the municipality, the municipality may enact the resolutions or
5 ordinances that it considers appropriate and effectual in order to prevent those
6 conditions and may require ~~or cause~~ the repair, closing, demolition or removal of the
7 dwellings or other structures. ~~For the purposes of the resolutions or ordinances, a~~
8 ~~“dwelling”~~

9 2. In this subsection:

10 a. “Dwelling” means any building, structure or part of the building or structure
11 that is used and occupied for human habitation or intended to be so used and includes
12 any appurtenances belonging to it or usually enjoyed with it. ~~The term “structure”~~
13 ~~also~~

14 b. “Structure” includes fences, garages, sheds, and any type of store or
15 commercial, industrial or manufacturing building.

16 3. The ordinances or resolutions under subd. 1. shall require that, if there are
17 reasonable grounds to believe that there has been a violation of the ordinances or
18 resolutions, notice of the alleged violation shall be given to the alleged responsible
19 person by appropriately designated public officers or employees of ~~such~~ the
20 municipality. Every such notice shall be in writing; include a description of the real
21 estate sufficient for identification; include a statement of the reason for issuance;
22 specify a time for the performance of any act that the notice requires; and be served
23 upon the alleged responsible person. The notice of violation is properly served on the
24 person if a copy of it is delivered to the person personally; is left at the person’s usual
25 place of abode, in the presence of someone in the family of suitable age and discretion

1 who shall be informed of the contents of the notice; is sent by registered mail or by
2 certified mail with return receipt requested to the person's last-known address; or,
3 if the registered or certified letter with the copy of the notice is returned showing the
4 letter has not been delivered to the person, by posting a copy of the notice in a
5 conspicuous place in or about the dwelling or other structure affected by the notice.

6 ~~Any~~

7 4. A person affected by ~~such~~ a notice under subd. 3. may request and shall be
8 granted a hearing on the matter before a board or commission established by the
9 governing body of ~~such~~ the municipality or before a local health officer. The person
10 shall file in the office of the designated board or commission or the local health officer
11 a written petition requesting the hearing and setting forth a statement of the
12 grounds for it within 20 days after the day the notice was served. Within 10 days
13 after receipt of the petition, the designated board or commission or the local health
14 officer shall set a time and place for the hearing and shall give the petitioner written
15 notice of it. At the hearing the petitioner ~~shall have an opportunity to~~ may be heard
16 and ~~to~~ show cause why the notice should be modified or withdrawn. The hearing
17 before the designated board or commission or the local health officer shall be
18 commenced not later than 30 days after the date on which the petition was filed.
19 Upon written application of the petitioner to the designated board or commission or
20 the local health officer, the date of the hearing may be postponed for a reasonable
21 time beyond the 30-day period, if, in the judgment of the board, commission or local
22 health officer, the petitioner has submitted a good and sufficient reason for ~~such~~ a
23 postponement. Any notice served under this section ~~shall become~~ becomes an order
24 if a written petition for a hearing is not filed in the office of the designated board or
25 commission or the local health officer within 20 days after ~~such~~ the notice is served.

1 The designated board or commission or the local health officer may administer oaths
2 and affirmations ~~in connection with the conduct of any hearing held under this~~
3 ~~section.~~

4 5. After the hearing the designated board or commission or the local health
5 officer shall sustain, modify or cancel the notice given under subd. 3., depending
6 upon its findings as to whether the provisions of the resolutions or ordinances have
7 been complied with. The designated board or commission or the local health officer
8 may ~~also~~ modify any notice ~~so as~~ to authorize a variance from the provisions of the
9 resolutions or ordinances when, because of special conditions, enforcement of the
10 provisions of the resolutions or ordinances will result in practical difficulty or
11 unnecessary hardship, if the intent of the resolutions or ordinances will be observed
12 and public health and welfare secured. If the designated board or commission or the
13 local health officer sustains or modifies the notice, the sustained or modified notice
14 is an order, and the persons affected by the order shall comply with all provisions of
15 the order within a reasonable period of time, as determined by the board, commission
16 or local health officer. The proceedings at the hearing, including the findings and
17 decisions of the board, commission or local health officer, shall be reduced to writing
18 and entered as a matter of public record in the office of the board, commission or local
19 health officer. The record shall also include a copy of every notice or order issued in
20 connection with the matter. A copy of the written decision of the board, commission
21 or local health officer shall ~~then~~ be served, in the same manner prescribed for service
22 of notice under subd. 3., on the person who filed the petition for hearing.

23 6. If the local health officer finds that an emergency exists that requires
24 immediate action to protect the public health, the local health officer may, without
25 notice or hearing, issue an order reciting the existence of such an the emergency and

1 requiring that action be taken that the local health officer determines is necessary
2 to meet the emergency. This order shall be ~~is~~ effective immediately. Any person to
3 whom the order is directed shall comply with it, but shall be afforded a hearing as
4 specified in this ~~section~~ subsection if the person immediately files a written petition
5 with the local health officer requesting the hearing. After the hearing, depending
6 upon the findings of the local health officer as to whether an emergency still exists
7 that requires immediate action to protect the public health, the local health officer
8 shall continue the order in effect or modify or revoke it.

9 (b) ~~Any~~ A person aggrieved by the determination of ~~any~~ a board, commission
10 or local health officer, following review of an order issued under this ~~section~~
11 subsection, may appeal directly to the circuit court of the county in which the
12 dwelling or other structure is located by filing a petition for review with the clerk of
13 the circuit court within 30 days after a copy of the order of the board, commission or
14 local health officer has been served upon the person. The petition shall state the
15 substance of the order appealed from and the grounds upon which the person
16 believes the order to be improper. A copy of the petition shall be served upon the
17 board, commission or local health officer whose determination is appealed. The copy
18 shall be served personally or by registered or certified mail within the 30-day period
19 provided in this paragraph. A reply or answer shall be filed by the board, commission
20 or local health officer within 15 days after the receipt of the petition. A copy of the
21 written proceedings of the hearing held by the board, commission or local health
22 officer which led to service of the order being appealed shall be included with the
23 reply or answer when filed. If it appears to the court that the petition is filed for
24 purposes of delay, the court shall, upon application of the municipality, promptly
25 dismiss the petition. Either party to the proceedings may ~~then~~ petition the court for

1 an immediate hearing on the order. The court shall review the order and the copy
2 of written proceedings of the hearing conducted by the board, commission or local
3 health officer, shall take testimony that the court determines is appropriate, and,
4 following a hearing upon the order without a jury, shall make its determination. If
5 the court affirms the determination made by the board, commission or local health
6 officer, the court shall fix a time within which the order appealed from shall become
7 becomes operative.

8 (5) GENERAL POWERS CONFERRED UPON MUNICIPALITIES. The governing body of
9 any a municipality ~~shall have and there is hereby expressly conferred upon it~~ has all
10 powers necessary and incidental to effect a program of urban renewal, including
11 functions with respect to rehabilitation and conservation for the restoration and
12 removal of blighted, deteriorated or deteriorating areas, and ~~such~~ the local governing
13 body ~~is hereby authorized to~~ may adopt ~~such~~ resolutions or ordinances ~~as may be~~
14 required for the purpose of carrying out that program and the objectives and
15 purposes of this section. In connection with the planning, undertaking and financing
16 of the urban renewal program or projects, the governing body of any municipality
17 and all public officers, agencies and bodies ~~shall~~ have all the rights, powers,
18 privileges and immunities which they have with respect to a redevelopment project
19 under s. ~~66.43~~ 66.1331.

20 (6) ASSISTANCE TO URBAN RENEWAL BY MUNICIPALITIES AND OTHER PUBLIC BODIES.
21 Any A public body ~~is authorized to~~ may enter into agreements, which may extend
22 over any period notwithstanding any provision or rule of law to the contrary, with any
23 other public body ~~or bodies~~ respecting action to be taken pursuant to any of the
24 powers granted by this section, including the furnishing of funds or other assistance
25 in connction with an urban renewal plan or urban renewal project.

1 (7) POWERS ~~HEREIN~~ GRANTED TO BE SUPPLEMENTAL AND NOT IN DEROGATION. (a)
2 Nothing in this section ~~shall~~ may be construed to abrogate or impair the powers of
3 the courts or of any department of any municipality to enforce any provisions of its
4 charter ~~or its~~, ordinances or regulations, nor to prevent or punish violations thereof
5 of its charter, ordinances or regulations.

6 (b) Nothing in this section ~~shall~~ may be construed to impair or limit in any way
7 the power of the municipality to define and declare nuisances and to cause their
8 removal or abatement, by summary proceedings or otherwise.

9 (c) The powers conferred by this section ~~shall be~~ are in addition and
10 supplemental to the powers conferred by any other law; ~~and this.~~ This section shall
11 be construed liberally to effectuate ~~the its~~ purposes hereof and the ~~its~~ enumeration
12 ~~therein~~ of specific powers ~~shall~~ does not operate to restrict the meaning of any
13 general grant of power contained in this section or to exclude other powers
14 comprehended in ~~such~~ the general grant.

15 **SECTION 435.** 66.436 of the statutes is renumbered 66.1339 and amended to
16 read:

17 **66.1339 Villages to have certain city powers.** Villages shall have all of the
18 powers of cities under ss. ~~66.395~~ 66.1105, 66.1201 to 66.425, 66.43, 66.431, 66.4325,
19 ~~66.435 and 66.46~~ 66.1329 and 66.1331 to 66.1337.

20 **SECTION 436.** 66.437 of the statutes is renumbered 66.1341 and amended to
21 read:

22 **66.1341 Towns to have certain city powers.** Towns shall have all of the
23 powers of cities under ss. ~~66.40 to 66.425, 66.43, 66.431, 66.4325, 66.505 and 66.508~~
24 66.0923, 66.0925, 66.1201 to 66.1329 and 66.1331 to 66.1335, except the powers

1 under s. ~~66.40~~ 66.1201 (10) and any other powers that conflict with statutes relating
2 to towns and town boards.

3 **SECTION 437.** 66.44 of the statutes is repealed.

NOTE: Repealed as no longer necessary. The section authorizes housing
authorities to develop and administer housing projects to provide housing for
persons and their families engaged in war industries or activities.

4 **SECTION 438.** 66.45 of the statutes is renumbered 66.0315 and amended to
5 read:

6 **66.0315 Municipal cooperation; federal rivers, harbors or water**
7 **resources projects.** Any A county, town, city or village acting under its powers and
8 in conformity with state law may enter into an agreement with an agency of the
9 federal government to cooperate in the construction, operation or maintenance of
10 any federally authorized rivers, harbors or water resources management or control
11 project or to assume any potential liability appurtenant to ~~such~~ a project and may
12 do all things necessary to consummate the agreement. If ~~such~~ a project will affect
13 more than one municipality, the municipalities affected may jointly enter into ~~such~~
14 an agreement under this section with an agency of the federal government carrying
15 ~~such~~ ^{any} terms and provisions concerning the division of costs and responsibilities ~~as~~
16 ~~may be~~ ^{that are} mutually agreed upon. The affected municipalities concerned may by
17 agreement submit any determinations of the division of construction costs,
18 responsibilities, or any other liabilities among them to an arbitration board. The
19 determination of ~~such a~~ the arbitration board shall be final. This section shall not
20 be construed as a grant or delegation of power or authority to any county, town, city,
21 village or other local municipality to do any work in or place any structures in or on
22 any navigable water except as it is otherwise expressly authorized by state law to do.

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(title), (1) and (2) (intro.), (e) and (f) 1. (intro.) and a. to (k).

SECTION 439. 66.46 of the statutes, as affected by 1997 Wisconsin Act 27, ~~237 and 232~~ are renumbered 66.1105, and 66.1105 (2) (a) 1. b., (e) (f) 1. (intro.), b. and h., (i) and (j), (3) (a), (b), (e) and (f), (4) (a), (b), (c), (e), (f), (gm) 1 to 3. and 4. a. and b. and (h) 1., (5) (b) and (d) to (g), (6) (a) and (e) 1. (intro.) and 3., (7) (intro.), (a) and (b), (9) (a) (intro.), 4. to 7. and 9. and (b) 2. to 4. and 5. a. and b. and (10) (b), as renumbered, are amended to read:

66.1105 (2) (a) 1. b. An area which is predominantly open and which consists primarily of an abandoned highway corridor, as defined in s. ~~66.431~~ 66.1333 (2m) (a), or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(e) "Planning commission" means a plan commission created under s. 62.23, a board of public land commissioners if the city has no plan commission, or a city plan committee of the local legislative body, if the city has neither such a commission nor such a board.

(f) 1. (intro.) "Project costs" mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in subd. 1. k., without the district, plus any incidental costs ~~incidental thereto~~, diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of the plan. For any tax incremental district for which a project plan is approved on or after July 31, 1981, only a proportionate share of the

1 costs permitted under this subdivision may be included as project costs to the extent
2 that they benefit the tax incremental district. To the extent the costs benefit the
3 municipality outside the tax incremental district, a proportionate share of the cost
4 is not a project cost. ~~The project costs~~ "Project costs" include, ~~but are not limited to:~~

5 b. Financing costs, including, but not limited to, all interest paid to holders of
6 evidences of indebtedness issued to pay for project costs and any premium paid over
7 the principal amount ~~thereof~~ of the obligations because of the redemption of ~~such the~~
8 obligations prior to maturity.

9 h. The amount of any contributions made under s. ~~66.431~~ 66.1333 (13) in
10 connection with the implementation of the project plan.

11 ~~(i)~~ ^{INS. 372-10} "Tax increment" means that amount obtained by multiplying the total
12 ^{66.1105 (1)(2)} county, city, school and other local general property taxes levied on all taxable
13 property within a tax incremental district in a year by a fraction having as a
14 numerator the value increment for that year in ~~such the~~ district and as a
15 denominator that year's equalized value of all taxable property in the district. In any
16 year, a tax increment is "positive" if the value increment is positive; it is "negative"
17 if the value increment is negative.

18 (j) "Tax incremental base" means the aggregate value, as equalized by the
19 department of revenue, of all taxable property located within a tax incremental
20 district on the date as of which ~~such the~~ district is created, determined as provided
21 in sub. (5)(b). The base of districts created before October 1, 1980, ~~shall exclude~~ does
22 not include the value of property exempted under s. 70.111 (17).

23 (3) (a) Create tax incremental districts and ~~to~~ define the boundaries of ~~such the~~
24 districts;

1 (b) Cause project plans to be prepared, ~~to approve such~~ the plans, and ~~to~~
2 implement the provisions and effectuate the purposes of ~~such~~ the plans;

3 (e) Enter into any contracts or agreements, including agreements with
4 bondholders, determined by the local legislative body to be necessary or convenient
5 to implement the provisions and effectuate the purposes of project plans. ~~Such~~ The
6 contracts or agreements may include conditions, restrictions, or covenants which
7 either run with the land or which otherwise regulate the use of land.

8 (f) Designate, by ordinance or resolution, the local housing authority, the local
9 redevelopmental authority, or both jointly, or the local community development
10 authority, as agent of the city, to perform all acts, except the development of the
11 master plan of the city, which are otherwise performed by the planning commission
12 under this section and s. ~~66.435~~ 66.1337.

13 (4) (a) Holding of a public hearing by the planning commission at which
14 interested parties are afforded a reasonable opportunity to express their views on the
15 proposed creation of a tax incremental district and the proposed boundaries ~~thereof~~
16 of the district. Notice of ~~such~~ the hearing shall be published as a class 2 notice, under
17 ch. 985. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by first
18 class mail to the chief executive officer or administrator of all local governmental
19 entities having the power to levy taxes on property located within the proposed
20 district and to the school board of any school district which includes property located
21 within the proposed district. For ~~any a~~ county with no chief executive officer or
22 administrator, ~~this~~ notice shall be sent to the county board chairperson.

23 (b) Designation by the planning commission of the boundaries of a tax
24 incremental district recommended by it ~~to be created~~ and submission of ~~such~~ the
25 recommendation to the local legislative body.

1 (c) Identification of the specific property to be included under par. (gm) 4. as
2 blighted or in need of rehabilitation or conservation work. Owners of the property
3 identified shall be notified of the proposed finding and the date of the hearing to be
4 held under par. (e) at least 15 days prior to the date of the hearing. In cities with a
5 redevelopment authority under s. ~~66.431~~ 66.1333, the notification required under
6 this paragraph may be provided with the notice required under s. ~~66.431~~ 66.1333 (6)
7 (b) 3., if the notice is transmitted at least 15 days prior to the date of the hearing to
8 be held under par. (e).

9 (e) At least 30 days before adopting a resolution under par. (gm), holding of a
10 public hearing by the planning commission at which interested parties are afforded
11 a reasonable opportunity to express their views on the proposed project plan. The
12 hearing may be held in conjunction with the hearing provided for in par. (a). Notice
13 of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall
14 include a statement advising that a copy of the proposed project plan will be provided
15 on request. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by 1st
16 class mail to the chief executive officer or administrator of all local governmental
17 entities having the power to levy taxes on property within the district and to the
18 school board of any school district which includes property located within the
19 proposed district. For ~~any a~~ county with no chief executive officer or administrator,
20 this notice shall be sent to the county board chairperson.

21 (f) Adoption by the planning commission of a project plan for each tax
22 incremental district and submission of the plan to the local legislative body. The plan
23 shall include a statement listing the kind, number and location of all proposed public
24 works or improvements within the district or, to the extent provided in sub. (2) (f) 1.
25 k., outside the district, an economic feasibility study, a detailed list of estimated

1 project costs, and a description of the methods of financing all estimated project costs
2 and the time when the related costs or monetary obligations ~~related thereto~~ are to
3 be incurred. The plan shall also include a map showing existing uses and conditions
4 of real property in the district; a map showing proposed improvements and uses in
5 the district; proposed changes of zoning ordinances, master plan, if any, map,
6 building codes and city ordinances; a list of estimated nonproject costs; and a
7 statement of the proposed method for the relocation of any persons to be displaced.
8 The plan shall indicate how creation of the tax incremental district promotes the
9 orderly development of the city. The city shall include in the plan an opinion of the
10 city attorney or of an attorney retained by the city advising whether the plan is
11 complete and complies with this section.

12 (gm) 1. Describes the boundaries, which may, but need not, be the same as those
13 recommended by the planning commission, of a tax incremental district with
14 sufficient definiteness to identify with ordinary and reasonable certainty the
15 territory included ~~therein~~ in the district. The boundaries shall include only those
16 whole units of property as are assessed for general property tax purposes. Property
17 standing vacant for an entire 7-year period immediately preceding adoption of the
18 resolution creating a tax incremental district may not comprise more than 25% of the
19 area in the tax incremental district, unless the tax incremental district is suitable
20 for industrial sites under subd. 4. a. and the local legislative body implements an
21 approved project plan to promote industrial development within the meaning of s.
22 ~~66.52~~ 66.1101. In this subdivision, "vacant property" includes property where the
23 fair market value or replacement cost value of structural improvements on the parcel
24 is less than the fair market value of the land. In this subdivision, "vacant property"
25 does not include property acquired by the local legislative body under ch. 32 or

1 property included within the abandoned Park East freeway corridor or the
2 abandoned Park West freeway corridor in Milwaukee ~~county~~ County.

3 2. Creates ~~such the~~ district as of a date ~~therein~~ provided in the resolution. If
4 the resolution is adopted during the period between January 2 and September 30,
5 then ~~such the~~ date shall be the next preceding January 1. If ~~such the~~ resolution is
6 adopted during the period between October 1 and December 31, then ~~such the~~ date
7 shall be the next subsequent January 1. If the resolution is adopted on January 1,
8 the district ~~shall have been~~ is created as of the date of the resolution on that January

9 1.

10 3. Assigns a name to ~~such the~~ district for identification purposes. The first ~~such~~
11 district created shall be known as "Tax Incremental District Number One, City of
12 ...". Each subsequently created district shall be assigned the next consecutive
13 number.

14 4. a. Not less than 50%, by area, of the real property within ~~such the~~ district
15 is at least one of the following: a blighted area; in need of rehabilitation or
16 conservation work, as defined in s. ~~66.435~~ 66.1337 (2m) (b); or suitable for industrial
17 sites within the meaning of s. ~~66.52~~ 66.1101 and has been zoned for industrial use;
18 and

19 b. The improvement of ~~such the~~ area is likely to enhance significantly the value
20 of substantially all of the other real property in ~~such the~~ district. It ~~shall~~ is not be
21 necessary to identify the specific parcels meeting ~~such the~~ criteria; and

22 ~~resolution, adopt an amendment to a project plan, which, The amendment shall be~~
23 ~~is subject to approval by the local legislative body and approval of the amendment~~
24 ~~shall require~~ requires the same findings as provided in par. (g). Any amendment to
25

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66.1105 (5) (4) (3)
INS. 376-21
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a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For ~~any a~~ county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

INS. 377-13

prescribed by

(5) (b) Upon application in writing by the city clerk, in such a form as ~~the~~ the department of revenue may prescribe ~~prescribes~~, the department shall determine according to its best judgment from all sources available to it the full aggregate value of the taxable property and, except as provided in par. (bm), of the city-owned property in the tax incremental district. The department shall certify this aggregate valuation to the city clerk, and the aggregate valuation ~~shall constitute~~ constitutes the tax incremental base of the tax incremental district. The city clerk shall complete these forms and submit the application on or before December 31 of the year the tax incremental district is created, as defined in sub. (4) (gm) 2.

INS. 377-22

(d) The department of revenue shall ~~may~~ not certify the tax incremental base as provided in par. (b) until it determines that each of the procedures and documents required by sub. (4) (a), (b), (gm) or (h) and par. (b) has been timely completed and

1 all notices required under sub. (4) (a), (b), (gm) or (h) timely given. The facts
2 supporting any document adopted or action taken to comply with sub. (4)(a), (b), (gm)
3 or (h) ~~shall~~ are not be subject to review by the department of revenue under this
4 paragraph.

5 (e) It is a rebuttable presumption that any property within a tax incremental
6 district acquired or leased as lessee by the city, or any agency or instrumentality
7 thereof ~~of the city~~, within the one year immediately preceding the date of the creation
8 of ~~such~~ the district was ~~so~~ acquired or leased in contemplation of the creation of ~~such~~
9 the district. ~~Such~~ The presumption may be rebutted by the city with proof that ~~such~~
10 the property was ~~so~~ leased or acquired primarily for a purpose other than to reduce
11 the tax incremental base. If ~~such~~ the presumption is not rebutted, in determining
12 the tax incremental base of ~~such~~ the district, but for no other purpose, the taxable
13 status of ~~such~~ the property shall be determined as ~~though such~~ if the lease or
14 acquisition had not occurred.

15 (f) The city assessor shall identify upon the assessment roll returned and
16 examined under s. 70.45 those parcels of property which are within each existing tax
17 incremental district, specifying ~~thereon~~ the name of each district. A similar notation
18 shall ~~also~~ appear on the tax roll made by the city clerk under s. 70.65.

19 (g) The department of revenue shall annually give notice to the designated
20 finance officer of all governmental entities having the power to levy taxes on property
21 within each district as to the equalized value of ~~such~~ the property and the equalized
22 value of the tax increment base. ~~Such~~ The notice shall also explain that the tax
23 increment allocated to a city shall be paid to the city as provided under sub. (6) (b)
24 from the taxes collected.

1 (6) (a) If the joint review board approves the creation of the tax incremental
2 district under sub. (4m), positive tax increments with respect to a tax incremental
3 district are allocated to the city which created the district for each year commencing
4 after the date when a project plan is adopted under sub. (4) (g). The department of
5 revenue ~~shall~~ may not authorize allocation of tax increments until it determines from
6 timely evidence submitted by the city that each of the procedures and documents
7 required under sub. (4) (d) to (f) ~~have~~ has been completed and all related notices given
8 in a timely manner. The department of revenue may authorize allocation of tax
9 increments for any tax incremental district only if the city clerk and assessor
10 annually submit to the department all required information on or before the 2nd
11 Monday in June. The facts supporting any document adopted or action taken to
12 comply with sub. (4) (d) to (f) ~~shall~~ are not be subject to review by the department of
13 revenue under this paragraph. ~~Thereafter~~ After the allocation of tax increments is
14 authorized, the department of revenue shall annually authorize allocation of the tax
15 increment to the city that created ~~such a~~ the district until the department of revenue
16 receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b), 27
17 years after the tax incremental district is created if the district is created before
18 October 1, 1995, 38 years after the tax incremental district is created if the district
19 is created before October 1, 1995, and the project plan is amended under sub. (4) (h)
20 3. or 23 years after the tax incremental district is created if the district is created
21 after September 30, 1995, whichever is sooner.

INS
379-21
22 (e) 1. (intro.) Before the date on which a tax incremental district terminates
23 under sub. (7) (a), but not later than the date on which a tax incremental district
24 terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h)
25 the project plan of ~~such a~~ the tax incremental district to allocate positive tax

1 increments generated by that tax incremental district to another tax incremental
 2 district created by that planning commission if all of the following conditions are met:
 3 ^{INS. 390-2}
 4 ^{66.1105 (B)(6) (e)} 3. A project plan that is amended under sub. (4) (h) to authorize the allocation
 5 of positive tax increments under subd. 1. may authorize ~~such an~~ the allocation for a
 6 period not to exceed 5 years, except that if the planning commission determines that
 7 the allocation may be needed for a period longer than 5 years, the planning
 8 commission may authorize ~~such an~~ the allocation for up to an additional 5 years if
 9 the project plan is amended under sub. (4) (h) during the 4th year of the allocation.
 10 In no case may positive tax increments under subd. 1. be allocated from one donor
 11 tax incremental district for a period longer than 10 years.

11 ^{INS. 390-10}
 12 ^{66.1105} (7) TERMINATION OF TAX INCREMENTAL DISTRICTS. (intro.) ~~The existence of a~~ A tax
 13 incremental district ~~shall terminate~~ terminates when the earlier of the following
 14 occurs:

15 (a) That time when the city has received aggregate tax increments with respect
 16 to ~~such the~~ the district in an amount equal to the aggregate of all project costs under the
 17 project plan and any amendments to the project plan for ~~such the~~ the district, except that
 18 this paragraph does not apply to a district whose positive tax increments have been
 19 allocated under sub. (6) (d), (dm) or (e) until the district to which the allocation is
 20 made has paid off the aggregate of all of its project costs under its project plan.

21 ^{INS. 390-19}
 22 ^{66.1105 (7)} (b) The local legislative body, by resolution, dissolves the district at which time
 23 the city ~~shall become~~ becomes liable for all unpaid project costs actually incurred
 24 which are not paid from the special fund under sub. (6) (c), except this paragraph does
 25 not make the city liable for any tax incremental bonds or notes issued.

(9) (a) (intro.) Payment of project costs may be made by any one or more of the
 following methods ~~or any combination thereof~~:

1 4. Payment out of the proceeds of the sale of public improvement bonds issued
2 by it under s. ~~66.059~~ 66.0619;

3 5. Payment as provided under s. ~~66.54~~ 66.0713 (2) ~~(e), (d) (e)~~ and (4) or 67.16;

4 6. Payment out of the proceeds of revenue bonds or notes issued by it under s.
5 ~~66.066~~ 66.0621;

6 7. Payment out of the proceeds of revenue bonds issued by it under s. ~~66.51~~
7 66.0913;

8 9. Payment out of the proceeds of revenue bonds issued by the city as provided
9 by s. ~~66.521~~ 66.1103, for a purpose specified in that section.

10 (b) 2. Tax incremental bonds or notes shall be authorized by resolution of the
11 local legislative body without the necessity of a referendum or any elector approval,
12 but ~~such a~~ referendum or election may be held, through the procedures provided in
13 s. ~~66.521~~ 66.1103 (10) (d). ~~Such~~ The resolution shall state the name of the tax
14 incremental district, the amount of bonds or notes authorized, and the interest rate
15 or rates to be borne by ~~such~~ the bond or notes. ~~Such~~ The resolution may prescribe
16 the terms, form and content of ~~such~~ the bonds or notes and ~~such~~ ^{any} other matters as that
17 the local legislative body deems useful.

18 3. Tax incremental bonds or notes may not be issued in an amount exceeding
19 the aggregate project costs. ~~Such~~ The bonds or notes shall mature over a period not
20 exceeding 23 years from the date ~~thereof~~ of issuance or a period terminating with the
21 date of termination of the tax incremental district, whichever period terminates
22 earlier. ~~Such~~ The bonds or notes may contain a provision authorizing the redemption
23 ~~thereof~~ of the bonds or notes, in whole or in part, at stipulated prices, at the option
24 of the city, on any interest payment date and shall provide the method of selecting
25 the bonds or notes to be redeemed. The principal and interest on ~~such~~ the bonds and

1 notes may be payable at any time and at any place. ~~Such~~ The bonds or notes may
2 be payable to bearer or may be registered as to the principal or principal and interest.
3 ~~Such~~ The bonds or notes may be in any denominations. ~~Such~~ The bonds or notes may
4 be sold at public or private sale. ~~Insofar as they are~~ To the extent consistent with this
5 subsection, the provisions of ch. 67 relating to procedures for issuance, form,
6 contents, execution, negotiation, and registration of municipal bonds and notes ~~are~~
7 ~~incorporated herein by reference~~ apply to bonds or notes issued under this
8 subsection.

9 4. Tax incremental bonds or notes are payable only out of the special fund
10 created under sub. (6) (c). Each ~~such~~ the bond or note shall contain ~~such~~ the recitals as
11 are necessary to show that it is only so payable and that it does not constitute an
12 indebtedness of ~~such~~ the city or a charge against its general taxing power. The local
13 legislative body shall irrevocably pledge all or a part of ~~such~~ the special fund to the
14 payment of ~~such~~ the bonds or notes. ~~Such~~ The special fund or the designated part
15 thereof ~~of the fund~~ may thereafter then be used only for the payment of ~~such~~ the
16 bonds or notes and interest ~~thereon~~ on the bonds or notes until the same bonds or
17 notes have been fully paid; and a holder of ~~such~~ the bonds or notes or of any coupons
18 appertaining ~~thereto shall have~~ to the bonds or notes has a lien against ~~such~~ the
19 special fund for payment of ~~such~~ the bonds or notes and interest ~~thereon~~ on the bonds
20 or notes and may either at law or in equity protect and enforce ~~such~~ the lien.

21 5. a. Create a lien for the benefit of the bondholders upon any public
22 improvements or public works financed ~~thereby~~ by the bonds or notes or the revenues
23 ~~therefrom~~ from the bonds or notes; or

24 b. Make ~~such~~ covenants and do any ~~and all such~~ acts, not inconsistent with the
25 Wisconsin constitution, ~~as may be~~ necessary or convenient or desirable in order to

1 additionally secure such the bonds or notes or tend to make the bonds or notes more
2 marketable according to the best judgment of the local legislative body.

3 (10) (b) If the boundaries of 2 or more tax incremental districts overlap, in
4 determining how positive tax increments generated by that area which is within 2
5 or more districts are allocated among such the overlapping districts, but for no other
6 purpose, the aggregate value of the taxable property in such the area as equalized
7 by the department of revenue in any year as to each earlier created district is deemed
8 to be that portion of the tax incremental base of the district next created which is
9 attributable to such the overlapped area.

10 SECTION 440. 66.462 of the statutes, as created by 1997 Wisconsin Act 21, is
11 renumbered 66.1106 and ~~66.1106 (2) and (3) are renumbered~~ amended to
12 read:

13 66.1106 (2) ~~USE OF ENVIRONMENTAL REMEDIATION TAX INCREMENT~~ (a) A political
14 subdivision that develops, and whose governing body approves, a written proposal
15 to remediate environmental pollution on property owned by the political subdivision
16 may use an environmental remediation tax increment to pay the eligible costs of
17 ~~remediating environmental pollution on property that is not part of a tax~~ *contiguous parcels of property*
18 ~~incremental district created under s. 66.46 66.1105 and that is owned by the political~~ *are located within the political*
19 ~~subdivision at the time of the remediation and then transferred to another person~~ *subdivision and that are*
20 ~~after the property is remediated, as provided in this section. No political subdivision~~ *plan text*
21 may submit an application to the department under sub. (4) until the joint review
22 board approves the political subdivision's written proposal under sub. (3).

23 (3) (d) If a joint review board convened by a city or village under s. 66.46 66.1105
24 (4m) is in existence when a city or village seeks to act under this section, the city or

25 village may require the joint review board convened under s. 66.46 66.1105 (4m) to
except that a political subdivision may use an environmental remediation tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision

INS.
383-9

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1 exercise the functions of a joint review board that could be convened under this
2 subsection, *INS. 384-2*

3 SECTION 441. 66.465 of the statutes is renumbered 66.1107, and 66.1107 (1) (a),
4 (c) and (e) 5. and (2) (intro.), (a), (b) and (c) 1. and 2., as renumbered, are amended
5 to read:

6 66.1107 (1) (a) An "area in need of rehabilitation" is a neighborhood or area in
7 which buildings, by reason of age, obsolescence, inadequate or outmoded design, or
8 physical deterioration have become economic or social liabilities, or both; in which
9 ~~such~~ these conditions impair the economic value of ~~such~~ the neighborhood or area,
10 infecting it with economic blight, and which is characterized by depreciated values,
11 impaired investments, and reduced capacity to pay taxes; in which the existence of
12 ~~such~~ these conditions and the failure to rehabilitate ~~such~~ the buildings results in a
13 loss of population from the neighborhood or area and further deterioration,
14 accompanied by added costs for creation of new public facilities and services
15 elsewhere; in which it is difficult and uneconomic for individual owners
16 independently to undertake to remedy ~~such~~ the conditions; in which it is necessary
17 to create, with proper safeguards, inducements and opportunities for the
18 employment of private investment and equity capital in the rehabilitation of ~~such~~ the
19 buildings; and in which the presence of ~~such~~ these buildings and conditions has
20 resulted, among other consequences, in a severe shortage of financial resources
21 available to finance the purchase and rehabilitation of housing and an inability or
22 unwillingness on the part of private lenders to make loans for and an inability or
23 unwillingness on the part of present and prospective owners of ~~such~~ housing to invest
24 in the purchase and rehabilitation of housing in ~~such~~ the neighborhood or area.

25 (c) "Municipality" means ~~any~~ a city, village or town ~~in this state~~.

1 (e) 5. It is an area within which the effect of ~~such~~ existing detrimental
2 conditions ~~as may exist~~ is to discourage private lenders from making loans for and
3 present or prospective property owners from investing in the purchase and
4 rehabilitation of housing.

5 (2) DESIGNATION OF REINVESTMENT NEIGHBORHOODS OR AREAS. (intro.) ~~Any A~~
6 municipality may designate reinvestment neighborhoods or areas after complying
7 with the following steps:

8 (a) Holding of a public hearing by the planning commission or by the local
9 governing body at which interested parties are afforded a reasonable opportunity to
10 express their views on the proposed designation and boundaries of a reinvestment
11 neighborhood or area ~~and the proposed boundaries thereof~~. Notice of ~~such~~ the
12 hearing shall be published as a class 2 notice, under ch. 985. ~~Prior to such~~ Before
13 publication, a copy of the notice shall be sent by 1st class mail to the Wisconsin
14 housing and economic development authority, and a copy shall be posted in each
15 school building and in at least 3 other places of public assembly within the
16 reinvestment neighborhood or area proposed to be designated.

17 (b) Designation by the planning commission of the boundaries of a
18 reinvestment neighborhood or area recommended by it to be designated and
19 submission of ~~such~~ the recommendation to the local legislative body.

20 (c) 1. Describes the boundaries of a reinvestment neighborhood or area with
21 sufficient definiteness to identify with ordinary and reasonable certainty the
22 territory included ~~therein~~. ~~Such~~ in the neighborhood or area. ~~The~~ boundaries may,
23 but need not, be the same as those recommended by the planning commission.

24 2. Designates ~~such~~ the reinvestment neighborhood or area as of a date provided
25 in the resolution.

1 **SECTION 442.** 66.47 (title) of the statutes is renumbered 66.0927 (title).

2 **SECTION 443.** 66.47 (1) to (5) of the statutes are renumbered 66.0927 (1) to (5),
3 and 66.0927 (2), (3) and (4), as renumbered, are amended to read:

4 66.0927 (2) COUNTY-CITY HOSPITALS. ~~Any~~ A county and city or cities partly or
5 wholly within the county may by ordinance jointly construct or otherwise acquire,
6 equip, furnish, operate and maintain a ~~general county-city~~ hospital. ~~Such~~ The
7 hospital is subject to ch. 150.

8 (3) FINANCING. The governing bodies of the respective county and city or cities
9 ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes needed
10 to carry out the purposes of this section. Funds to be used for the purposes specified
11 in this section may be provided by the respective county, city or cities by general
12 obligation bonds issued under ch. 67 or by revenue bonds issued under s. ~~66.51.~~ Any
13 ~~bonds 66.0913.~~ Bonds issued ~~pursuant to~~ under this section shall be executed on
14 behalf of the county by the county board chairperson and the county clerk and on
15 behalf of a city by ~~the its~~ mayor or other chief executive officer ~~thereof~~ and by the city
16 clerk.

17 (4) COST SHARING. The ordinance shall provide for a sharing of all of the cost
18 of construction or other acquisition, equipment, furnishing, operation and
19 maintenance of ~~such a~~ hospital on an agreed percentage basis.

20 **SECTION 444.** 66.47 (6) of the statutes is repealed.

NOTE: Repealed as archaic. This subsection validates all actions of a county and city taken before April 17, 1949 in the construction or other acquisition, equipment, furnishing, operation and maintenance of a joint county-city hospital which would have been valid had s. 66.47 been in effect when the actions were taken. There appears to be no need to continue the validation.

21 **SECTION 445.** 66.47 (7) to (15) of the statutes are renumbered 66.0927 (7) to (15)
22 and amended to read:

1 66.0927 (7) (a) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS.
2 When all members have qualified the board shall meet at the place designated in the
3 ordinance and organize by electing from its membership a president, a vice
4 president, a secretary and a treasurer, each to hold office for one year. The board may
5 combine the offices of secretary and treasurer ~~may be combined if the board so~~
6 decides. Members shall receive ~~such~~ compensation as ~~shall be~~ provided in the
7 ordinance, and shall be reimbursed their actual and necessary expenses. With the
8 approval of the board, the treasurer may appoint an assistant treasurer, who need
9 not be a member of the board, to perform ~~such~~ services ~~as shall be~~ specified by the
10 board.

11 (b) Members, and any assistant treasurer, shall qualify by taking the official
12 oath, and the treasurer and any assistant treasurer shall furnish a bond in ~~such a~~
13 sum ~~as shall be~~ specified by the board and be in the form and conditioned as provided
14 in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The
15 cost of the bond shall be paid by the board.

16 (8) POWERS OF BOARD. The board ~~shall have power~~ may, subject to provisions of
17 the ordinance:

18 (a) ~~To contract~~ Contract for the construction or other acquisition, equipment
19 or furnishing of a ~~general county-city~~ hospital.

20 (b) ~~To contract~~ Contract for the construction or other acquisition of additions
21 or improvements to, or alterations in, ~~such a~~ hospital and the equipment or
22 furnishing of ~~any such an~~ addition.

23 (c) ~~To employ~~ Employ a manager of ~~the a~~ hospital and other necessary
24 personnel and fix their compensation.

1 (d) ~~To enact~~ Enact, amend and repeal rules and regulations, ~~not inconsistent~~
2 ~~with law~~, for the admission to, and government of patients at, ~~the a~~ hospital, for the
3 regulation of the board's meetings and deliberations, and for the government,
4 operation and maintenance of the hospital and the hospital employes thereof.

5 (e) ~~To contract~~ Contract for and purchase all fuel, food, equipment, furnishings
6 and supplies reasonably necessary for the proper operation and maintenance of ~~the~~
7 a hospital.

8 (f) ~~To audit~~ Audit all accounts and claims against ~~the a~~ hospital or against the
9 board, and, if approved, pay the ~~same~~ accounts and claims from the fund specified
10 in sub. (10). All expenditures made pursuant to this section shall be within the limits
11 of the ordinance. → plain text

12 (g) ~~To sue~~ Sue and be sued, and to collect or compromise any ~~and all~~ obligations
13 due to the hospital; ~~all~~. All money received shall be paid into the joint hospital fund.

14 (h) ~~To make such~~ Make studies and recommendations to the county board and
15 city council or city councils relating to the operation of ~~the a~~ hospital ~~or the building~~
16 ~~of facilities therefor~~ as the board ~~may deem~~ considers advisable or ~~said~~ the governing
17 bodies request.

18 (i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

19 (9) BUDGET. The board shall annually, ~~prior to~~ before the time of the
20 preparation of either the county or city budget under s. 65.90, prepare a budget of
21 its anticipated receipts and expenditures for the ensuing fiscal year and determine
22 the proportionate cost to the county and the participating city or cities ~~pursuant to~~
23 under the terms of the ordinance. A certified copy of the budget, which shall include
24 a statement of the net amount required from the county and city or cities, shall be
25 delivered to the clerks of the respective municipalities. ~~It shall be the duty of the~~ The

1 county board and the common council of the city or cities to shall consider such the
2 budget, and determine the amount to be raised by the respective municipalities in
3 the proportions determined by the ordinance. ~~Thereupon~~ After this determination,
4 the county and city or cities respectively shall levy a tax sufficient to produce the
5 amount to be raised by ~~said~~ the county and city or cities.

6 (10) HOSPITAL FUND. A joint county-city hospital fund shall be created and
7 established in a public depository to be specified in the ordinance. The treasurer of
8 the respective county and city or cities shall pay ~~or cause to be paid~~ into such the fund
9 the ~~respective amounts to be paid thereto by such county and city or cities~~ as specified
10 by the ordinance and resolutions of the respective municipalities when such the
11 amounts have been collected. All of the moneys which ~~shall~~ come into ~~said~~ the fund
12 are ~~hereby~~ appropriated to the board for the execution of its functions as provided
13 by the ordinance and the resolutions of the respective municipalities. The moneys
14 in the fund shall be paid out by the treasurer of the hospital board only upon the
15 approval or direction of the board.

16 (11) CORRELATION OF LAWS. (a) In any case where a bid is a prerequisite to
17 contract in connection with a county or city hospital under s. ~~66.29~~ 66.0901, it ~~shall~~
18 ~~is also be~~ a prerequisite to a valid contract by the board; ~~and for such.~~ For this
19 purpose, the board ~~shall be deemed~~ is a municipality and the contract a public
20 contract under s. ~~66.29~~ 66.0901.

21 (b) All statutory requirements, not inconsistent with the provision of this
22 section, applicable to general county or city hospitals ~~shall~~ apply to hospitals referred
23 to in this section.

1 (12) REPORTS. The board shall report its activities to the county board and the
2 city council or councils annually, or oftener as either of said ~~the municipalities may~~
3 ~~require~~ requires.

4 (14) POWERS OF VILLAGES. Villages ~~shall~~ have all of the powers granted to cities
5 under subs. (1) to (12) and whenever any village ~~shall exercise such~~ exercises these
6 powers the word "city" wherever it appears in subs. (1) to (12) means "village" unless
7 the context otherwise requires. Any village participating in the construction or other
8 acquisition of a ~~general county-village~~ hospital or in the its operation thereof,
9 pursuant to this section, ~~shall have the power to~~ may enter into lease agreements
10 leasing ~~such the~~ hospital and the its equipment and furnishings therein to a
11 nonprofit corporation.

12 (15) POWERS OF TOWNS. Towns ~~shall~~ have all of the powers granted to cities
13 under subs. (1) to (12) and whenever any town ~~shall exercise such~~ exercises these
14 powers the word "city" wherever it appears in subs. (1) to (12) means "town" unless
15 the context otherwise requires. Any town participating in the construction or other
16 acquisition of a ~~general county-town~~ hospital or in the its operation thereof,
17 ~~pursuant to, under~~ this section, ~~shall have the power to~~ may enter into lease
18 agreements leasing ~~such the~~ hospital and the its equipment and furnishings therein
19 to a nonprofit corporation.

20 **SECTION 446.** 66.48 of the statutes is renumbered 66.0917 and amended to
21 read:

22 **66.0917 Art museums.** ~~Any~~ A city, village or town may establish, purchase
23 land and erect buildings for, and equip, manage and control an art museum ~~or~~
24 ~~museums; or, A city, village or town may enter into a contract with any art museum~~
25 or art institute located in the city, village or town for the education of the people

1 thereof in art, for such compensation as shall be determined by the governing body
2 of the city, village or town. ~~Any A~~ city, village or town may levy taxes, issue bonds,
3 or appropriate money for the purposes in this section.

4 **SECTION 447.** 66.49 of the statutes is renumbered 66.0919 and amended to
5 read:

6 **66.0919 Civic centers.** (1) RECREATION AND AMUSEMENT. ~~Any A~~ city, village
7 or town may by ordinance, enacted by a majority of all the members-elect, as defined
8 in s. 59.001 (2m), of the board or council, provide for the erection, maintenance and
9 operation of a public auditorium, opera house, or other recreation and amusement
10 building. The erection and contracts therefor shall be are governed by the provisions
11 of law applicable to other public buildings ~~therein~~ in the city, village or town. The
12 board or council shall adopt regulations for maintenance and operation.

13 (2) REST ROOMS. ~~Any A~~ city, village or town may erect, purchase, lease, or take
14 by gift or devise, land and buildings for public rest rooms, and may equip, maintain
15 and operate ~~the same~~ them.

16 (3) COMFORT STATIONS. ~~Every A~~ city, village ~~and or~~ town may provide and
17 maintain a sufficient number of public comfort stations for both sexes. The
18 department of health and family services shall establish regulations governing their
19 location, construction, equipment and maintenance and may prescribe minimum
20 standards that shall be uniform throughout the state. The board or council may
21 establish further regulations.

22 (4) COMFORT STATIONS AND REST ROOMS. The state, ~~every or a~~ county, city, village,
23 ~~and or~~ town maintaining places of public assemblage or camp sites may ~~also~~ provide
24 and maintain a sufficient number of suitable and adequate public comfort stations

1 for both sexes and may establish rest rooms separate or in connection with such the
2 comfort stations.

3 (5) PUBLIC CONCERTS. ~~Any~~ A town, village or city may conduct public concerts
4 in auditoriums and such other public places within its boundaries as the board or
5 council ~~shall determine. Such determines.~~ The concerts shall be conducted by the
6 department having charge of such the place and the expenses thereof ~~above~~ in excess
7 of receipts, if any, shall be paid out of such a fund as determined by the board or
8 council ~~shall determine~~. A fee to ~~said~~ attend the concerts may be charged for the
9 purpose of defraying ~~the~~ expenses thereof in whole or in part.

10 SECTION 448. 66.50 of the statutes is renumbered 66.0127, and 66.0127 (1), as
11 renumbered, is amended to read:

12 66.0127 (1) In ~~any a~~ city, village or town, ~~however organized,~~ in which a
13 municipal hospital is located, the board of trustees or other governing board of the
14 municipal hospital ~~shall have power and authority~~ may, except as otherwise
15 provided by ordinance, do any of the following:

16 (a) ~~To prescribe~~ Prescribe rules of order for the regulation of ~~their~~ its own
17 meetings and deliberations ~~and to alter, amend or repeal the same from time to time;~~

18 (b) ~~To promulgate, amend and repeal~~ Promulgate rules relating to the
19 government, operation and maintenance of the hospital and relating to the employes
20 of the hospital;

21 (c) ~~To contract~~ Contract for and purchase all fuel, food and other supplies
22 reasonably necessary for the operation and maintenance of the hospital;

23 (d) ~~To promulgate, amend and repeal~~ Promulgate rules for the admission to and
24 government of patients at the hospital;

1 (e) ~~To contract~~ Contract for the construction, installation or making of
2 additions or improvements to or alterations of ~~such the hospital whenever such~~ if the
3 additions, improvements or alterations have been ordered and funds have been
4 provided ~~therefor~~ by the city council or village or town board.

5 (f) ~~To engage~~ Employ all necessary employes at the hospital ~~for a period not to~~
6 ~~exceed one year under any one contract and at a salary not to exceed the sum of \$25~~
7 ~~per week, excluding board and laundry, unless a larger salary is expressly authorized~~
8 ~~by the city council or village or town board.~~

9 (g) ~~To audit~~ Audit all accounts and claims against the hospital or against the
10 board of trustees and, if approved, the city, village or town clerk and treasurer shall
11 pay the accounts and claims in the manner provided by s. ~~66.042~~ 66.0607.

NOTE: Section 66.50 (1) (f) provides that the board of trustees or other governing board of a municipal hospital may engage all necessary employes for a period not to exceed one year under any one contract and at a salary not exceeding the sum of \$25 per week, excluding board and laundry, unless a larger salary is expressly authorized by the city council or village or town board. Renumbered s. 66.0127 (1) (f) removes these limits on the terms of employe contracts and on employe salaries.

12 SECTION 449. 66.501 of the statutes, ~~as affected by 1997 Wisconsin Act 79,~~ is
13 renumbered 66.0129, and 66.0129 (1), (4) (intro.), (5) and (6), as renumbered, are
14 amended to read:

15 66.0129 (1) POWERS AND DUTIES OF GOVERNING BODY. For the purpose of
16 providing adequate hospital facilities in the state of Wisconsin to serve cities, villages
17 and towns and the hospital service area, ~~and; providing~~ all lands, buildings,
18 improvements, facilities or equipment or other capital items necessary or desirable
19 in connection with the hospital ~~and the ultimate acquisition of; ultimately acquiring~~
20 the hospital by the city, village or town, ~~for the acquisition of; acquiring~~ lands for
21 future hospital development, ~~and to refinance; and refinancing~~ indebtedness created

1 by a nonprofit corporation for ~~the purpose of~~ acquiring lands or providing hospital
2 buildings or additions or improvements to the hospital buildings, ~~or for any one or~~
3 ~~more of these purposes,~~ the governing body of ~~any a~~ city, village or town ~~shall have~~
4 ~~the following powers may:~~

5 (a) Without limitation by any other statute, ~~to~~ sell and convey title to a
6 nonprofit corporation any land and any existing buildings on the land owned by the
7 city, village or town for ~~such~~ that consideration and upon ~~such~~ the terms and
8 conditions ~~as in the judgment of that~~ the governing body of the city, village or town
9 determines are in the public interest.

10 (b) ~~To lease~~ Lease to a nonprofit corporation for terms not exceeding 40 years
11 each any land and existing buildings on the land that are owned by the city, village
12 or town upon ~~such~~ the terms, conditions and rentals ~~as in the judgment of that~~ the
13 governing body of the city, village or town determines are in the public interest.

14 (c) ~~To lease~~ Lease or sublease from the nonprofit corporation, for terms not
15 exceeding 40 years, and ~~to~~ make available for public use, any lands or any ~~such~~ land
16 and existing buildings conveyed or leased to the corporation under pars. (a) and (b),
17 and any new buildings erected upon the land or upon any other land owned by the
18 corporation, upon the terms, conditions and rentals, subject to available
19 appropriations, and ultimate acquisition, that ~~in the judgment of~~ the governing body
20 of the city, village or town determines are in the public interest. With respect to any
21 property conveyed to the nonprofit corporation under par. (a), the lease from the
22 nonprofit corporation may be subject or subordinated to one or more mortgages of
23 ~~such~~ the property granted by the corporation.

1 (d) ~~To apply~~ Apply all net revenues derived from the operation of any lands or
2 buildings to the payment of rentals due and to become due under any lease or
3 sublease made under par. (c).

4 (e) ~~To pledge~~ Pledge and assign all or any part of the revenues derived from the
5 operation of any lands or new buildings as security for the payment of rentals due
6 and to become due under any lease or sublease of the new buildings made under par.
7 (c).

8 (f) ~~To covenant~~ Covenant and agree in any lease or sublease made under par.
9 (c) to impose fees, rentals or other charges for the use and occupancy or other
10 operation of the new buildings in an amount which together with other moneys of the
11 city, village or town available for ~~such~~ that purpose will produce net revenue
12 sufficient to pay the rentals due and to become due under the lease or sublease.

13 (g) ~~To apply~~ Apply all or any part of the revenues derived from the operation
14 of any lands or existing buildings to the payment of rentals due and to become due
15 under ~~any a~~ lease or sublease made under par. (c).

16 (h) ~~To pledge~~ Pledge and assign all or any part of the revenues derived from the
17 operation of any lands or existing buildings to the payment of rentals due and to
18 become due under ~~any a~~ lease or sublease made under par. (c).

19 (i) ~~To covenant~~ Covenant and agree in ~~any a~~ lease or sublease made under par.
20 (c) to impose fees, rentals or other charges for the use and occupancy or other
21 operation of any lands or existing buildings in an amount calculated to produce net
22 revenues sufficient to pay the rentals due and to become due under ~~such~~ the lease
23 or sublease.

24 (j) ~~To operate~~ Operate the hospital, until it is ultimately acquired, in ~~such a~~
25 manner ~~as to provide~~ that provides revenues sufficient to pay the costs of operation

1 and maintenance of the hospital and ~~to provide for the payments due the nonprofit~~
2 corporation.

3 (4) POWERS AND DUTIES OF NONPROFIT CORPORATION. (intro.) In addition to all
4 other powers granted to nonprofit corporations, the nonprofit corporation ~~shall have~~
5 has the following additional powers and duties when leasing hospital facilities to a
6 city, village or town:

7 (5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts
8 exceeding \$1,000 for the construction, maintenance or repair of hospital facilities to
9 the lowest responsible bidder after advertising for bids by the publication of a class
10 2 notice under ch. 985. Sections ~~66.29~~ 66.0901 and ~~66.293~~ shall 66.0903 apply to such
11 bids and contracts under this subsection.

12 (6) DEFINITIONS. Unless the context otherwise requires, ~~the terms~~ "buildings"
13 in this section:

14 (a) "Buildings", "new buildings" and "existing buildings" ~~as used in this section~~
15 include all buildings, structures, improvements, facilities, equipment or other
16 capital items which the governing body of the city, village or town determines ~~to be~~
17 are necessary or desirable for the purpose of providing hospital facilities. ~~The term~~
18 "nonprofit

19 (b) "Nonprofit corporation" means a nonstock corporation organized under ch.
20 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

21 **SECTION 450.** 66.504 of the statutes, ~~as affected by 1997 Wisconsin Act 19,~~ is
22 renumbered 66.0921, and 66.0921 (3), as renumbered, is amended to read:

23 66.0921 (3) FINANCING. A municipality may borrow money, appropriate funds
24 and levy taxes needed to carry out the purposes of this section. Funds to be used for
25 the purposes specified in this section may be provided by a municipality by general

1 obligation bonds issued under ch. 67. Funds to be used for the purposes specified in
2 this section may be provided by a county, city, village or town by revenue bonds issued
3 under s. ~~66.066~~ 66.0621. Any bonds issued under this section shall be executed on
4 behalf of the municipality by ~~the~~ its chief executive officer and clerk ~~thereof~~.

5 **SECTION 451.** 66.505 (title) and (1) to (4) of the statutes are renumbered
6 66.0923 (title) and (1) to (4), and 66.0923 (3) and (4), as renumbered, are amended
7 to read:

8 66.0923 (3) FINANCING. The governing bodies of the respective county and city
9 or cities ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes
10 needed to carry out the purposes of this section. Funds to be used for the purposes
11 specified in this section may be provided by the respective county, city or cities by
12 general obligation bonds issued under ch. 67 or by revenue bonds issued under s.
13 ~~66.51~~ 66.0913 or by the issuance of both general obligation bonds under ch. 67 and
14 revenue bonds issued under s. ~~66.51~~. ~~Any bonds~~ 66.0913. Bonds issued pursuant
15 to under this section shall be executed on behalf of the county by the county board
16 chairperson and the county clerk and on behalf of a city by ~~the~~ its mayor or other chief
17 executive officer ~~thereof~~ and by the city clerk.

18 (4) COST SHARING. The ordinance shall provide for a sharing of all of the cost
19 of construction or other acquisition, equipment, furnishing, operation and
20 maintenance of ~~such an~~ auditorium on an agreed percentage basis.

21 **SECTION 452.** 66.505 (6) to (11) of the statutes are renumbered 66.0923 (6) to
22 (11) and amended to read:

23 66.0923 (6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a)
24 When all members have qualified the board shall meet at the place designated in the
25 ordinance and organize by electing from its membership a president, a vice

1 president, a secretary and a treasurer, each to hold office for one year. The board may
2 combine the offices of secretary and treasurer ~~may be combined if the board so~~
3 ~~decides~~. Members may receive ~~such~~ compensation as ~~may be~~ provided in the
4 ordinance and shall be reimbursed their actual and necessary expenses for their
5 services. However, members serving on the board because of holding another office
6 or position shall not receive compensation other than any actual and necessary
7 expenses for their services. With the approval of the board, the treasurer may
8 appoint an assistant secretary and assistant treasurer, who need not be members of
9 the board, to perform ~~such~~ services ~~as shall be~~ specified by the board.

10 (b) Members, and any assistant secretary and assistant treasurer, shall qualify
11 by taking the official oath, and the treasurer and any assistant treasurer shall
12 furnish a bond in ~~such a~~ sum ~~as shall be~~ specified by the board and be in the form
13 and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed
14 with the county clerk. The cost of the bond shall be paid by the board.

15 (7) POWERS OF BOARD. The board ~~shall have power~~ may, subject to provisions
16 of the ordinance, do all of the following:

17 (a) ~~To contract~~ Contract for the construction or other acquisition, equipping or
18 furnishing of ~~a county-city~~ an auditorium, and ~~may~~ accept and use donated services
19 and gifts, grants or donations of money or property ~~and use the same~~ for the purposes
20 given and consistent with this section; and ~~may~~ contract for and authorize the
21 installation of equipment and furnishings in all or part of the auditorium, ~~or any part~~
22 thereof by private individuals, persons or corporations by donations, loan, lease or
23 concession.

24 (b) ~~To contract~~ Contract for the construction or other acquisition of additions
25 or improvements to, or alterations in, such an auditorium and the equipment or

1 furnishing of any such addition; and may contract for or authorize the installation
2 of equipment and furnishings in such all or part of the addition, ~~or any part thereof,~~
3 by private individuals, persons or corporations by donation, loan or concession.

4 (c) ~~To employ~~ Employ a manager of ~~the~~ an auditorium and other necessary
5 personnel and fix their compensation.

6 (d) ~~To enact~~ Enact, amend and repeal rules and regulations, ~~not inconsistent~~
7 ~~with law,~~ for the leasing of, charges for admission to, and government of audiences
8 and participants in events at ~~the~~ an auditorium, for the regulation of the board's
9 meetings and deliberations, and for the government, operation and maintenance of
10 the auditorium and the auditorium's employes thereof.

11 (e) ~~To contract~~ Contract for, purchase or hire all fuel, equipment, furnishings,
12 and supplies, services and help reasonably necessary for the proper operation and
13 maintenance of ~~the~~ an auditorium, ~~and to;~~ contract for, purchase, hire, promote,
14 conduct and operate, either by lease of ~~the~~ all or part of an auditorium building ~~or~~
15 ~~parts thereof~~ or by direct operation by ~~the~~ an auditorium board, meetings, concerts,
16 theatricals, sporting events, conventions and other entertainment or events suitable
17 to be held at the auditorium; and ~~to~~ handle and make all proper arrangements for
18 the sale and disposition of admission tickets to auditorium events and the
19 establishment of seating arrangements and priorities.

20 (f) ~~To audit~~ Audit all accounts and claims against ~~the~~ an auditorium or against
21 the board, and, if approved, pay the ~~same~~ accounts and claims from the fund specified
22 in sub. (9). All expenditures made pursuant to this section shall be within the limits
23 of the ordinance.

plain
text

1 (g) ~~To sue~~ Sue and be sued, and ~~to collect or compromise any and all obligations~~
2 due to ~~the~~ an auditorium; ~~all~~. All money received shall be paid into the joint
3 auditorium fund.

4 (h) ~~To make such~~ Make studies and recommendations to the county board and
5 city council relating to the operation of ~~the~~ an auditorium ~~or the building of facilities~~
6 ~~therefor~~ as the board ~~may deem~~ considers advisable or ~~said~~ the governing bodies
7 request.

8 (i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

9 (8) BUDGET. The board shall annually, ~~prior to~~ before the time of the
10 preparation of either the county or city budget under s. 65.90, prepare a budget of
11 its anticipated receipts and expenditures for the ensuing fiscal year and determine
12 the proportionate cost to the county and the participating city ~~pursuant to~~ under the
13 terms of the ordinance. A certified copy of the budget, which shall include a
14 statement of the net amount required from the county and city, shall be delivered to
15 the clerks of the respective municipalities. ~~It shall be the duty of the~~ The county
16 board and the common council of the city ~~to~~ shall consider ~~such~~ the budget, and
17 determine the amount to be raised by the respective municipalities in the
18 proportions determined by the ordinance. ~~Thereupon~~ After this determination, the
19 county and city respectively shall levy a tax sufficient to produce the amount to be
20 raised by ~~said~~ the county and city.

21 (9) AUDITORIUM FUND. A joint county-city auditorium fund shall be created and
22 established in a public depository to be specified in the ordinance. The treasurer of
23 the respective county and city shall ~~pay or cause to be paid~~ into ~~such~~ the fund the
24 ~~respective amounts to be paid thereto by such county and city as specified by the~~
25 ordinance and resolutions of the respective municipalities when ~~such~~ the amounts

1 have been collected. All of the moneys which ~~shall~~ come into ~~said the~~ fund are hereby
2 appropriated to the board for the execution of its functions as provided by the
3 ordinance and the resolutions of the respective municipalities. The moneys in the
4 fund shall be paid out by the treasurer of the auditorium board only upon the
5 approval or direction of the board.

6 (10) CORRELATION OF LAWS. (a) ~~In any case where~~ If a bid is a prerequisite to
7 contract in connection with a county or city auditorium under s. ~~66.29~~ 66.0901, it
8 ~~shall is~~ also be a prerequisite to a valid contract by the board; ~~and for such.~~ For this
9 purpose the board ~~shall be deemed~~ is a municipality and the contract a public
10 contract under s. ~~66.29~~ 66.0901.

11 (b) All statutory requirements, not inconsistent with the provisions of this
12 section, ~~and~~ applicable to city auditoriums ~~shall~~, apply to auditoriums provided for
13 in this section.

14 (11) REPORTS. The board shall report its activities to the county board and the
15 city council annually, or oftener as either of ~~said the~~ municipalities ~~may require~~
16 requires.

17 **SECTION 453.** 66.508 of the statutes is renumbered 66.0925, and 66.0925 (3) to
18 (11), as renumbered, are amended to read:

19 66.0925 (3) FINANCING. The governing bodies of the respective county and city
20 ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes needed
21 to carry out the purposes of this section. Funds to be used for the purposes specified
22 in this section may be provided by the respective county or city by general obligation
23 bonds issued under ch. 67 or by revenue bonds issued under s. ~~66.51~~ 66.0913 or by
24 the issuance of both general obligation bonds under ch. 67 and revenue bonds issued
25 under s. ~~66.51.~~ Any bonds 66.0913. Bonds issued pursuant to under this section

1 shall be executed on behalf of the county by the county board chairperson and the
2 county clerk and on behalf of a city by ~~the~~ its mayor or other chief executive officer
3 ~~thereof~~ and by the city clerk.

4 (4) COST SHARING. The ordinance shall provide for a sharing of all of the cost
5 of construction or other acquisition, equipment, furnishing, operation and
6 maintenance of ~~such a~~ a safety building on an agreed percentage basis.

7 (5) SAFETY BUILDING BOARD. The ordinance shall provide for the establishment
8 of a joint county-city safety building board to be composed of 3 members to be
9 appointed by the county board, one for a one-year, one for a 2-year and one for a
10 3-year term, ~~and~~; 3 members to be appointed by the city council, one for a one-year,
11 one for a 2-year and one for a 3-year term; ~~;~~ and one additional member appointed
12 by the other members for a 3-year term. The membership of ~~such~~ the board shall
13 include the chairperson of the county board and the mayor of the city, who shall be
14 initially designated as members for the 3-year terms. Their respective successors
15 shall be appointed and confirmed in like manner for terms of 3 years. All appointees
16 shall serve until their successors are appointed and qualified. Terms shall begin as
17 specified in the ordinance. If a member of the board ceases to hold a city or county
18 office, membership on the board also terminates. Vacancies shall be filled for the
19 unexpired term in the manner in which the original appointment was made.
20 Members of the board shall be officials of the county or city.

21 (6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a) When
22 all members have qualified the board shall meet at the place designated in the
23 ordinance and organize by electing from its membership a president, a vice
24 president, a secretary and a treasurer, each to hold office for one year. The board may
25 combine the offices of secretary and treasurer ~~may be combined if the board so~~

1 decides. Members may receive ~~such~~ compensation as ~~may be~~ provided in the
2 ordinance and shall be reimbursed their actual and necessary expenses for their
3 services. The board may appoint an assistant secretary and assistant treasurer, who
4 need not be members of the board, to perform ~~such~~ services as ~~shall be~~ specified by
5 the board.

6 (b) Members, and any assistant secretary and assistant treasurer, shall qualify
7 by taking the official oath, and the treasurer and any assistant treasurer shall
8 furnish a bond in ~~such a sum as shall be~~ specified by the board and be in the form
9 and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed
10 with the county clerk. The cost of the bond shall be paid by the board.

11 (7) POWERS OF BOARD. The board ~~shall have power~~ may, subject to provisions
12 of the ordinance:

13 (a) ~~To contract~~ Contract for the construction or other acquisition, equipping or
14 furnishing of a county-city safety building, and ~~may~~ accept and use donated services
15 and gifts, grants or donations of money or property and ~~use the same~~ for the purposes
16 given and consistent with this section,; and ~~may~~ contract for and authorize the
17 installation of equipment and furnishings in all or part of the safety building, ~~or any~~
18 ~~part thereof~~ by private individuals, persons or corporations by donations, loan, lease
19 or concession.

20 (b) ~~To contract~~ Contract for the construction or other acquisition of additions
21 or improvements to, or alterations in, ~~such a~~ safety building and the equipment or
22 furnishing of ~~any such~~ all or part of the addition; and ~~may~~ contract for or authorize
23 the installation of equipment and furnishings in ~~such~~ all or part of the addition, ~~or~~
24 ~~any part thereof~~, by private individuals, persons or corporations by donation, loan
25 or concession.

1 (c) ~~To employ~~ Employ a superintendent of the a safety building and other
2 necessary personnel and fix their compensation.

3 (d) ~~To enact~~ Enact, amend and repeal rules and regulations, not inconsistent
4 with law, for the regulation of the board's meetings and deliberations, and for the
5 government, operation and maintenance of the a safety building and the safety
6 building's employees thereof.

7 (e) ~~To contract~~ Contract for, purchase or hire all fuel, equipment, furnishings,
8 and supplies, services and help reasonably necessary for the proper operation and
9 maintenance of the a safety building.

10 (f) ~~To audit~~ Audit all accounts and claims against the a safety building or
11 against the a board, and, if approved, pay the same accounts or claims from the fund

12 specified in sub. (9). All expenditures made pursuant to this section shall be within
13 the limits of the ordinance. plain text

14 (g) ~~To sue~~ Sue and be sued, and to collect or compromise any and all obligations
15 due to the a safety building; ~~all~~. All money received shall be paid into the joint safety
16 building fund.

17 (h) ~~To make such~~ Make studies and recommendations to the county board and
18 city council relating to the operation of the a safety building ~~or the building of~~
19 ~~facilities therefor~~ as the board ~~may deem~~ considers advisable or said the governing
20 bodies request.

21 (i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

22 (8) BUDGET. The board shall annually, ~~prior to~~ before the time of the
23 preparation of either the county or city budget under s. 65.90, prepare a budget of
24 its anticipated receipts and expenditures for the ensuing fiscal year and determine
25 the proportionate cost to the county and the city pursuant to the terms of the

1 ordinance. A certified copy of the budget, which shall include a statement of the net
2 amount required from the county and city, shall be delivered to the clerks of the
3 respective municipalities. ~~It shall be the duty of the~~ The county board and the
4 common council of the city ~~to shall~~ shall consider ~~such~~ the budget, and determine the
5 amount to be raised by the respective municipalities in the proportions determined
6 by the ordinance. ~~Thereupon~~ After this determination, the county and city
7 respectively shall levy a tax sufficient to produce the amount to be raised by ~~said~~ the
8 county and city.

9 (9) SAFETY BUILDING FUND. A joint county–city safety building fund shall be
10 created and established in a public depository to be specified in the ordinance. The
11 treasurer of the respective county and city shall pay ~~or cause to be paid~~ into such the
12 fund the ~~respective amounts to be paid thereto by such county and city as~~ specified
13 by the ordinance and resolutions of the respective municipalities when ~~such~~ the
14 amounts have been collected. All of the moneys which ~~shall~~ come into ~~said~~ the fund
15 are ~~hereby~~ appropriated to the board for the execution of its functions as provided
16 by the ordinance and the resolutions of the respective municipalities. The moneys
17 in the fund shall be paid out by the treasurer of the safety building board only upon
18 the approval or direction of the board.

19 (10) CORRELATION OF LAWS. In any case where a bid is a prerequisite to contract
20 in connection with a county or city safety building under s. ~~66.29~~ 66.0901, it ~~shall~~ is
21 also be a prerequisite to a valid contract by the board; ~~and for such~~. For this purpose
22 the board ~~shall be deemed~~ is a municipality and the contract a public contract under
23 s. ~~66.29~~ 66.0901.

24 (11) REPORTS. The board shall report its activities to the county board and the
25 city council annually, or oftener as either of ~~said~~ the municipalities may require.

1 SECTION 454. 66.51 (title), (1), (2) and (3) of the statutes, ~~as affected by 1987~~
2 ~~Wisconsin Act 227~~ are renumbered 66.0913 (title), (1), (2) and (3) and amended to
3 read:

4 **66.0913 (title) ~~Revenue bonds for counties and cities~~ City and county**
5 **projects, individual or joint; revenue bonding.** (1) (a) Every A county or city,
6 or both jointly, may construct, purchase, acquire, develop, improve, operate or
7 maintain a county or city building, or both jointly, for a courthouse, safety building,
8 city hall, hospital, armory, library, auditorium and music hall, municipal parking
9 lots or other parking facilities, or municipal center or any combination ~~thereof~~ of the
10 foregoing, or a university University of Wisconsin college campus, as defined in s.
11 36.05 (6m), if the operation of such the college campus has been approved by the
12 board of regents of the university University of Wisconsin ~~system~~ System.

13 (b) The county board, common council ~~of any city~~, or both jointly, ~~are authorized~~
14 ~~in their discretion~~ may, for any of its corporate purposes as set forth in this
15 subsection, ~~to~~ issue bonds on which the principal and interest are payable from the
16 income and revenues of such the project financed with the proceeds of such the bonds
17 or with such the proceeds together with the proceeds of a grant from the federal
18 government to aid in the financing and construction ~~thereof~~ of the project. In the case
19 of municipal parking lots or other parking facilities such the bonds may in addition
20 be payable as to both principal and interest from income and revenues from other
21 similar projects, parking meters, parking fees, or any other income or revenue
22 obtained through parking, or any combination ~~thereof~~ of these methods.

23 (c) The credit of the county, or city, or both jointly, ~~shall~~ may not be pledged to
24 the payment of such the bonds, but ~~shall be~~ the bonds are payable only from the
25 income and revenues described in par. (b) or the funds received from the their sale

1 or disposal thereof. If the county board, or common council of a city, or both jointly,
2 so determine, ~~such~~ the bonds shall be secured either by a trust indenture pledging
3 ~~such~~ the revenues or by a mortgage on the property comprising ~~such~~ the project and
4 the revenues ~~therefrom~~ from the project.

5 (2) The bonds or other evidences of indebtedness shall state ~~upon~~ on their face
6 that the ~~bonds are not a debt of the county, or city, or both jointly, shall not be a debt~~
7 ~~thereof or be~~ and that the county or city, or both jointly, are not liable therefor for the
8 indebtedness. Any indebtedness created by this section shall ~~is~~ not be considered an
9 indebtedness of ~~such~~ the county or city and shall not be included in ~~such amounts of~~
10 determining the constitutional 5% debt limitations.

11 (3) The provisions of s. ~~66.066~~ 66.0621 relating to the issuance of revenue bonds
12 by cities for public utility purposes, insofar as applicable, and the provisions of ss.
13 67.08 (1) and 67.09 relating to the execution and registration of municipal
14 obligations apply to the issuance of revenue bonds under this section.

15 **SECTION 455.** 66.51 (4) of the statutes is repealed.

NOTE: Repealed as archaic. The subsection validates all actions of a county or city before December 4, 1955, in connection with the construction or other acquisition, equipping, furnishing, operation and maintenance of a joint county-city safety building which would have been valid had ss. 66.51 (1) and 66.508 been in effect when the actions were taken. There appears to be no need to continue the validation.

16 **SECTION 456.** 66.52 of the statutes is renumbered 66.1101 and amended to
17 read:

18 **66.1101 Promotion of industry; industrial sites.** (1) It is declared to be
19 the policy of the state to encourage and promote the development of industry to
20 provide greater employment opportunities and to broaden the state's tax base to
21 relieve the tax burden of residents and home owners. It is recognized that the
22 availability of suitable sites is a prime factor in influencing the location of industry

SECTION 456

1 but that existing available sites may be encroached upon by the development of other
 2 uses unless protected from such encroachment by purchase and reservation. It is
 3 further recognized that cities, villages and towns have broad power to act for the
 4 commercial benefit and the health, safety and public welfare of the public. However,
 5 to implement that power, legislation authorizing borrowing is necessary. It is,
 6 therefore, ~~declared to be~~ the policy of the state to authorize cities, villages and towns
 7 to borrow for the reservation and development of industrial sites, and the
 8 expenditure of funds ~~therefor~~ for that purpose is determined to be a public purpose.

9 (2) For financing purposes, the purchase, reservation and development of
 10 industrial sites undertaken by ~~any a~~ city, village or town is a public utility within the
 11 meaning of s. ~~66.066~~ 66.0621. In financing under that section, rentals and fees shall
 12 ~~be are~~ considered as to be revenue. Any indebtedness created ~~hereunder~~ under this
 13 section shall not be included in arriving at the constitutional debt limitation.

14 (3) Sites purchased for industrial development under this section or pursuant
 15 to under any other authority may be developed by the city, village or town by the
 16 installation of utilities and roadways but not by the construction of buildings or
 17 structures. ~~Any such~~ The sites may be sold or leased for industrial purposes but only
 18 for a fair consideration to be determined by the governing body.

split
 19
 20

19 **SECTION 457.** 66.521 ^{(title) and (1) to (6)} of the statutes, ~~as affected by 1997 Wisconsin Act 22~~
 20 ~~are~~ ^{are} renumbered 66.1103 ^{(title) and (1) to (6)} and 66.1103 (1) (a), (2) (d), (f) to (h), (k) 1., 4., 11.
 21 and 20. and (L), (3) (intro.), (b) 1. and 2., (d), (e) and (f), (4) (a) (intro.) and (c) to (f),
 22 (4m) (c), (5) (a), (b) (intro.) and 1. to 5. and (c) to (f) ^{and} (6) (a) and (b) (7), (8), (9), (10)
 23 (a), (b) and (d), (11) (a), (12) (a) and (13) (b) (intro.), 1. (intro.) and b. and 2. (intro.),
 24 as renumbered, are amended to read:

1 66.1103 (1) (a) It is found and declared that industries located in this state have
2 been induced to move their operations in whole or in part to, or to expand their
3 operations in, other states to the detriment of state, county and municipal revenue
4 raising through the loss or reduction of income and franchise taxes, real estate and
5 other local taxes, ~~and thereby~~ causing an increase in unemployment; that such
6 conditions now exist in certain areas of the state and may well arise in other areas;
7 that economic insecurity due to unemployment is a serious menace to the general
8 welfare of not only the people of the affected areas but of the people of the entire state;
9 that unemployment results in obligations to grant public assistance and in the
10 payment of unemployment insurance; that the absence of new economic
11 opportunities has caused workers and their families to migrate elsewhere to find
12 work and establish homes, which has resulted in a reduction of the tax base of
13 counties, cities and other local governmental jurisdictions impairing their financial
14 ability to support education and other local governmental services; that security
15 against unemployment and the preservation and enhancement of the tax base can
16 best be provided by the promotion, attraction, stimulation, rehabilitation and
17 revitalization of commerce, industry and manufacturing; and that there is a need to
18 stimulate a larger flow of private investment funds from banks, investment houses,
19 insurance companies and other financial institutions. It is therefore ~~declared to be~~
20 the policy of this state to promote the right to gainful employment, business
21 opportunities and general welfare of ~~the~~ its inhabitants thereof and to preserve and
22 enhance the tax base by authorizing municipalities to acquire industrial buildings
23 and to finance ~~such~~ ^{the} acquisition through the issuance of revenue bonds for the
24 purpose of fulfilling the aims of this section ~~and such~~. These purposes are hereby
25 declared to be public purposes for which public money may be spent and the necessity

1 in the public interest for the provisions ~~herein enacted~~ of this section is declared a
2 matter of legislative determination.

3 (2) (d) "Equip" means to install or place on or in any building or improvements
4 or the site ~~thereof of the building or improvements~~ equipment of any kind, including,
5 ~~without limiting the generality of the foregoing,~~ machinery, utility service
6 connections, pollution control facilities, building service equipment, fixtures,
7 heating equipment and air conditioning equipment.

8 (f) "Improve", "improving", "improvements" and "facilities" embrace any real
9 or personal property or mixed property ~~of any kind~~ of whatever useful life that can
10 be used or that will be useful in an industrial project including, ~~but not limited to,~~
11 sites for buildings, equipment or other improvements, rights-of-way, roads, streets,
12 sidings, foundations, tanks, structures, pipes, pipelines, reservoirs, lagoons,
13 utilities, materials, equipment, fixtures, machinery, furniture, furnishings,
14 improvements, instrumentalities, pollution control facilities, and other real,
15 personal or mixed property ~~of every kind~~.

16 (g) "Indenture" means an instrument under which bonds may be issued and the
17 rights and security of the bondholders are defined, whether ~~such~~ the instrument is
18 in the form of an indenture of trust, deed of trust, resolution of the governing body,
19 mortgage, security agreement, instrument of pledge or assignment or any similar
20 instrument or any combination of the ~~foregoing~~ these forms and whether or not ~~such~~
21 the instrument creates a lien on property.

22 (h) "Initial resolution" means a resolution of the governing body expressing an
23 intention, which may be subject to conditions ~~therein~~ stated in the resolution, to
24 issue revenue bonds under this section in an amount stated, or a sum not to exceed
25 a stated amount, on behalf of a specified eligible participant, for a stated purpose.

1 (k) 1. Assembling, fabricating, manufacturing, mixing or processing facilities
2 for any products of agriculture, forestry, mining or manufacture, even though such
3 the products may require further treatment before delivery to the ultimate
4 consumer;

5 4. Pollution control facilities, including any connected environmental studies
6 and monitoring systems ~~connected therewith~~;

7 11. Recreational facilities, convention centers and trade centers, as well as
8 related hotels, motels or marinas ~~related thereto~~;

9 20. A shopping center, or an office building, convention or trade center, hotel,
10 motel or other nonresidential facility, which is located in or adjacent to a blighted
11 area as defined by s. ~~66.43~~ 66.1105 (2) (a), 66.1331 (3) (a), 66.431 or 66.1333 (2m) (b)
12 ~~or 66.46 (2) (a)~~ or in accordance with a redevelopment plan or urban renewal plan
13 adopted under s. ~~66.43~~ 66.1331 (5) or 66.431 66.1333 (6).

14 (L) "Revenue agreement" includes any lease, sublease, instalment or direct
15 sales contract, service contract, take or pay contract, loan agreement or similar
16 agreement ~~wherein~~ providing that an eligible participant agrees to pay the
17 municipality an amount of funds sufficient to provide for the prompt payment of the
18 principal of, and interest on, the revenue bonds and agrees to ~~cause~~ construct the
19 project ~~to be constructed~~.

20 (3) POWERS. (intro.) Any A municipality may:

21 (b) 1. To finance all or any part of the costs of the construction, equipping,
22 reequipping, acquisition, purchase, installation, reconstruction, rebuilding,
23 rehabilitation, improving, supplementing, replacing, maintaining, repairing,
24 enlarging, extending or remodeling of industrial projects and the improvement of
25 sites ~~therefor~~ for industrial projects;

1 2. To fund the whole or any part of any revenue bonds theretofore issued by such
2 the municipality, including any premium payable with respect thereto to the bonds
3 and any interest accrued or to accrue thereon on the bonds; or

4 (d) Mortgage all or any part of the industrial project or assign the revenue
5 agreements in favor of the holders of the bonds issued ~~therefor~~ for the industrial
6 project and in connection ~~therewith may~~ with the mortgage or assignment
7 irrevocably waive any rights it would otherwise have to redeem the mortgaged
8 premises in the event of foreclosure.

9 (e) Sell and convey the industrial project and site, including without limitation
10 the sale and conveyance ~~thereof~~ subject to a mortgage, for ~~such~~ the price and at ~~such~~
11 the time as that the governing body determines, but no sale or conveyance of any
12 industrial project or site ~~shall~~ may be made in any manner as to impair that impairs
13 the rights or interests of the holders of any bonds issued for the industrial project.

14 (f) Finance an industrial project which is located entirely within the geographic
15 limits of the municipality or some contiguous part of which is located within and
16 some contiguous part outside the geographic limits of the municipality; or, finance
17 an industrial project which is located entirely outside the geographic limits of the
18 municipality, but only if the revenue agreement ~~with respect to such~~ for the project
19 also relates to another project of the same eligible participant ~~some~~, part of which is
20 located within ~~such~~ the geographic limits. Exercise of the of the municipality. The
21 power granted by this subsection shall not give rise to any paragraph does not
22 include the power on the part of such municipality to annex, tax, zone or exercise any
23 other municipal power with respect to that part of ~~such~~ the project located outside
24 of the geographic limits of ~~such~~ the municipality.

1 (4) (a) (intro.) ~~All bonds~~ Bonds issued by a municipality under ~~the authority~~
2 of this section ~~shall be~~ are limited obligations of the municipality. The principal of
3 and interest on ~~such the~~ the bonds ~~shall be~~ are payable solely out of the revenues derived
4 ~~pursuant to~~ under the revenue agreement pertaining to the project to be financed by
5 the bonds ~~so issued under this section, or, in the event of~~ if there is a default of ~~such~~
6 the agreement and to the extent that the municipality ~~so~~ provides in the proceedings
7 of the governing body ~~whereunder~~ authorizing the bonds ~~are authorized~~ to be issued,
8 out of any revenues derived from the sale, releasing or other disposition of the
9 project, or out of any collateral securing the revenue agreement, or out of the
10 proceeds of the sale of bonds. Bonds and interest coupons issued under this section
11 ~~do~~ are not constitute an indebtedness of the municipality, within the meaning of any
12 state constitutional provision or statutory limitation. Bonds and interest coupons
13 issued under this section ~~do~~ are not constitute ~~nor give rise to~~ a charge against the
14 municipality's general credit or taxing powers or a pecuniary liability of the
15 municipality or a redevelopment authority under s. ~~66.431~~ 66.1333, including but
16 not limited to:

17 (c) The bonds may be executed and delivered at any time; be in ~~such the~~ the form
18 and denominations, without limitation as to the denomination of any bond, any other
19 law to the contrary notwithstanding; be registered under s. 67.09; be payable in one
20 or more instalments and at such time, not exceeding 35 years from their date; be
21 payable ~~prior to~~ before maturity on ~~such the~~ the terms and conditions; be payable both
22 with respect to principal and interest at ~~such the~~ the place in or out of this state; bear
23 interest at ~~such the~~ the rate, either fixed or variable in accordance with ~~such the~~ the formula;
24 be evidenced in ~~such the~~ the manner; and may contain other provisions not inconsistent
25 with this section, as specified by the governing body.

1 (d) Unless otherwise expressly or implicitly provided in the proceedings of the
2 governing body ~~whereunder authorizing the bonds are authorized~~ to be issued, bonds
3 issued under this section ~~shall be~~ are subject to the general provisions of law, not
4 inconsistent with this section, ~~presently existing or that may hereafter be enacted,~~
5 respecting the authorization, execution and delivery of the bonds of ~~such the~~
6 municipality.

7 (e) ~~Any bonds,~~ Bonds issued under the authority of this section, may be sold at
8 public or private sale in ~~such the~~ the manner, at ~~such the~~ the price and at ~~such the~~ the time as
9 ~~may be~~ determined by the governing body. The municipality may pay all expenses,
10 premiums and commissions which the governing body ~~may deem~~ considers
11 necessary or advantageous in connection with the authorization, sale and issuance
12 thereof ~~of the bonds.~~

13 (f) All bonds, issued under the authority of this section, and all interest coupons
14 applicable thereto, ~~shall be construed to be~~ to the bonds, are negotiable instruments,
15 even though they are payable solely from a specified source.

16 (4m) (c) Nothing in this subsection ~~may be deemed to require~~ requires a person
17 with whom a municipality has entered into a revenue agreement to satisfy an
18 estimate under par. (a) 2.

19 (5) (a) The principal of, and interest on, any bonds issued under authority of
20 this section shall be secured by a pledge of the revenues out of which ~~such the~~ the bonds
21 ~~shall be~~ are made payable. ~~They~~ The bonds may, but need not, be secured by any one
22 or more of the following:

23 1. A real estate mortgage or a security interest covering all or any part of the
24 project from which the revenues so pledged may be derived;

25 2. A pledge of the revenue agreement; or

1 3. An assignment of the revenue agreement and any security given ~~therefor~~ for
2 the revenue agreement.

3 (b) (intro.) The proceedings under which the bonds are authorized to be issued
4 under this section, and any indenture given to secure the ~~same~~ bonds, may contain
5 any agreements and provisions customarily contained in instruments securing
6 bonds, including, but not limited to:

7 1. Provisions respecting custody of the proceeds from the sale of the bonds
8 including their investment and reinvestment until used to defray the cost of the
9 project;.

10 2. Provisions respecting the fixing and collection of the proceeds under the
11 revenue agreement pertaining to any project covered by ~~such~~ the proceedings or
12 indenture;.

13 3. The terms to be incorporated in the revenue agreement pertaining to ~~such~~
14 the project;.

15 4. The maintenance and insurance of ~~such~~ the project;.

16 5. The creation, maintenance, custody, investment and reinvestment and use
17 of special funds from the revenues of ~~such~~ the project; and.

18 (c) A municipality may provide that proceeds from the sale of bonds and special
19 funds from the revenues of the project and any funds held in reserve or debt service
20 funds shall be invested and reinvested in ~~such~~ securities and other investments as
21 ~~are~~ provided in the proceedings under which the bonds are authorized to be issued.
22 The municipality may also provide that ~~such~~ the proceeds or funds or investments
23 and the revenues derived pursuant to the revenue agreement shall be received, held
24 and disbursed by one or more banks or trust companies located in or out of this state.
25 A municipality may also provide that the project and improvements shall be

1 constructed or installed by the municipality, the eligible participant or the eligible
2 participant's designee or any one or more of them on real estate owned by the
3 municipality, the eligible participant or the eligible participant's designee and that
4 the bond proceeds shall be disbursed by the trustee bank or trust company during
5 construction upon the estimate, order or certificate of the eligible participant or the
6 eligible participant's designee. In making ~~such~~ agreements or provisions under this
7 paragraph, a municipality ~~shall~~ may not obligate itself, except with respect to the
8 project and the application of the revenues ~~therefrom~~ from the project, and ~~shall~~ may
9 not incur a pecuniary liability or a charge upon its general credit or against its taxing
10 powers.

11 (d) The proceedings authorizing any bonds under this section, or any indenture
12 securing ~~such~~ the bonds, may provide that if there is a default in the payment of the
13 principal of, or the interest on, ~~such~~ the bonds or in the performance of any agreement
14 contained in ~~such~~ the proceedings or indenture, the payment and performance may
15 be enforced by the appointment of a receiver with power to charge, collect and apply
16 the revenues from the project in accordance with ~~such~~ the proceedings or the
17 provisions of ~~such~~ the indenture.

18 (e) ~~Any~~ An indenture made under this section to secure bonds and which
19 constitutes a lien on property may also provide that if there is a default in the
20 payment ~~thereof~~ of the bonds or a violation of any agreement contained ~~therein~~ in
21 the indenture, it may be foreclosed and the collateral sold under proceedings in any
22 manner permitted by law. ~~Such~~ The indenture may also provide that ~~any~~ a trustee
23 thereunder under or ~~any~~ a pledgee or assignee ~~thereof~~ of or the holder of any bonds
24 secured ~~thereby~~ by the indenture may become the purchaser at any foreclosure sale
25 if that person is the highest bidder ~~therefor~~.

1 (f) The revenue agreement may include ~~such~~^{such} provisions as ~~that~~^{that} the
2 municipality ~~deems~~ considers appropriate to effect the financing of the project,
3 including a provision for payments ~~thereunder~~ to be made in instalments and the
4 securing of the obligation for any ~~such~~ payments by lien or security interest in the
5 undertaking either senior or junior to, or ranking equally with, any lien, security
6 interest or rights of others.

7 (6) (a) ~~Prior to~~ Before the execution of a revenue agreement with respect to any
8 a project, the governing body ~~must~~ shall determine all of the following:

9 1. The amount necessary in each year to pay the principal of, and the interest
10 on, the bonds proposed to be issued to finance ~~such~~ the project;

11 2. The amount necessary to be paid each year into any reserve funds which the
12 governing body deems advisable to establish in connection with the retirement of the
13 proposed bonds and the maintenance of the project; ~~and~~.

14 3. Unless the terms of the revenue agreement provide that the eligible
15 participant ~~shall~~ is obligated to provide for maintenance of the project and the
16 carrying of all proper insurance with respect ~~thereto~~ to the project, the estimated cost
17 of maintaining the project in good repair and keeping it properly insured.

18 (b) The determination and findings of the governing body shall be embodied in
19 the proceedings under which the proposed bonds are to be issued; but the ~~foregoing~~
20 amounts specified in par. (a) need not be expressed in dollars and cents in the revenue
21 agreement and proceedings under which the bonds are authorized to be issued, but
22 may be set forth in the form of a formula. ~~Prior to~~ Before the issuance of the bonds
23 authorized by this section the municipality shall enter into a revenue agreement
24 providing for payment to the municipality or to the trustee for the account of the
25 municipality of ~~such~~ those amounts as, based upon the ~~basis of such~~ determination

1 and findings, that will be sufficient to pay the principal of, and interest on, the bonds
 2 issued to finance the project; to build up and maintain any reserves ~~deemed~~
 3 considered advisable by the governing body, in connection ~~therewith~~ with the project;
 4 and, unless the revenue agreement obligates the eligible participant to provide for
 5 the maintenance of and insurance on the project, to pay the costs of maintaining the
 6 project in good repair and keeping it properly insured.

7 ^{↑ (7) APPLICATION OF PROCEEDS LIMITED. (intro.)} The proceeds from the sale of any
 8 bonds, issued under this section, ~~shall~~ ^{ldo. 1103} may be applied only for the purpose for which
 9 the bonds were issued and if, for any reason, any portion of ~~such~~ the proceeds are not
 10 needed for the purpose for which the bonds were issued, ~~such~~ the unneeded portion
 11 of ~~said~~ the proceeds shall be applied, directly or indirectly, to the payment of the
 12 principal or the interest on the bonds. The following costs may be financed as part
 13 of ~~any a~~ a bond issue:

14 (8) PURCHASE. The municipality may, by or with the consent of the eligible
 15 participant, accept any bona fide offer to purchase the project which is sufficient to
 16 pay all the outstanding bonds, interest, taxes, special levies and other costs that have
 17 been incurred. The municipality may also, by or with the consent of the eligible
 18 participant, accept any bona fide offer to purchase any unimproved land which is a
 19 part of the project, if the purchase price is not less than the cost of ~~such~~ the land to
 20 the municipality computed on a prorated basis and if ~~such~~ the purchase price is
 21 applied directly or indirectly to the payment of the principal or interest on the bonds.

22 (9) PAYMENT OF TAXES. ~~When any~~ If an industrial project acquired by a
 23 municipality under this section is used by a private person as a lessee, sublessee or
 24 in any capacity other than owner, that person ~~shall be~~ is subject to taxation in the
 25 same amount and to the same extent as ~~though~~ if that person were the owner of the

1 property. Taxes shall be assessed to ~~such~~ the private person using the real property
2 and collected in the same manner as taxes assessed to owners of real property. When
3 due, the taxes ~~shall~~ constitute a debt due from ~~such~~ the private person to the taxing
4 unit and ~~shall be~~ are recoverable as provided by law, and ~~such~~ the unpaid taxes ~~shall~~
5 become a lien against the property with respect to which they were assessed,
6 superior to all other liens, except a lien under s. 292.31 (8) (i) or 292.81, and shall be
7 placed on ~~their~~ the tax roll when there has been a conveyance of the property in the
8 same manner as ~~are~~ other taxes assessed against real property.

9 (10) (a) ~~Any~~ An action required or permitted by this section to be taken by a
10 governing body may be taken at any lawful meetings ~~thereof~~ of the governing body.
11 A simple majority of a quorum of ~~such~~ the governing body ~~shall be~~ is sufficient for
12 ~~any~~ such ~~the~~ action under this section. The ayes and noes need not be taken with
13 respect to ~~any~~ such ~~the~~ action and ~~such~~ the action need not be officially read ~~prior~~
14 ~~to~~ before adoption. Failure to publish ~~any~~ such ~~an~~ action ~~shall~~ under this section does
15 not affect the validity ~~thereof~~ of the action.

16 (b) Upon the adoption of an initial resolution under this section, public notice
17 of ~~such~~ the adoption shall be given to the electors of the municipality ~~prior to~~ before
18 the issuance of the bonds ~~therein~~ described in the resolution, by publication as a class
19 1 notice, under ch. 985. The notice need not set forth the full contents of the
20 resolution, but shall state the maximum amount of the bonds; the name of the
21 eligible participant; the purpose of the bonds; the net number of jobs which the
22 project ~~which~~ the municipality would finance with the bond issue is expected to
23 eliminate, create or maintain on the project site and elsewhere in this state which
24 is required to be shown by the proposed eligible participant on the form submitted
25 under sub. (4m)(a) 1.; and that the resolution was adopted under this section. A form

1 of the public notice shall be attached to the initial resolution. Prior to adoption of the
2 initial resolution, the open meeting notice given to members of the public under s.
3 19.84 shall indicate that information with respect to the job impact of the project will
4 be available at the time of consideration of the initial resolution. No other public
5 notice of the authorization, issuance or sale of bonds under this section is required.

6 (d) The governing body may issue bonds under this section without submitting
7 the proposition to the electors of the municipality for approval unless within 30 days
8 from the date of publication of notice of adoption of the initial resolution for ~~such the~~
9 bonds, a petition conforming to the requirements of s. 8.40, signed by not less than
10 5% of the registered electors of the municipality, or, if there is no registration of
11 electors in the municipality, by 10% of the number of electors of the municipality
12 voting for the office of governor at the last general election as determined under s.
13 115.01 (13), is filed with the clerk of the municipality requesting a referendum upon
14 the question of the issuance of the bonds. If ~~such~~ a petition is filed, the bonds ~~shall~~
15 may not be issued until approved by a majority of the electors of the municipality
16 voting thereon on the referendum at a general or special election.

17 (11) (a) With respect to the enforcement of any construction lien or other lien
18 under ch. 779 arising out of the construction of projects financed under this section,
19 no deficiency judgment or judgment for costs may be entered against the
20 municipality. Projects financed under this section ~~shall are not be deemed to be~~
21 public works, public improvements or public construction within the meaning of ss.
22 59.52 (29), 60.47, 61.55, 62.15, 779.14, 779.15 and 779.155 and contracts for the
23 construction of ~~such the projects shall are not be deemed to be~~ public contracts within
24 the meaning of ss. 59.52 (29) and ~~66.29~~ 66.0901 unless factors ~~such as and~~ including
25 municipal control over the costs, construction and operation of the project and the

1 beneficial ownership of the project warrant ~~such~~ the conclusion that they are public
2 contracts.

3 (12) (a) In the absence of fraud, all bonds issued ~~prior to~~ before July 25, 1980,
4 purportedly ~~pursuant to~~ under this section, and all proceedings taken purportedly
5 ~~pursuant to~~ under this section ~~prior to~~ before that date for the authorization and
6 issuance of those bonds or of bonds not yet issued, and the sale, execution and
7 delivery of bonds issued ~~prior to~~ before July 25, 1980, are hereby validated, ratified,
8 approved and confirmed, notwithstanding any lack of power, however patent, other
9 than constitutional, of the issuing municipality or the governing body or municipal
10 ~~officer thereof~~, to authorize and issue the bonds, or to sell, execute or deliver the ~~same~~
11 bonds, and notwithstanding any defects or irregularities, however patent, other than
12 constitutional, in the proceeding or in the sale, execution or delivery of bonds issued
13 ~~prior to~~ before July 25, 1980. All ~~such~~ bonds issued before July 25, 1980, are binding,
14 legal obligations in accordance with their terms.

15 (13) (b) (intro.) This section may be used to finance all or ~~any~~ part of the cost,
16 tangible or intangible, whenever incurred, of providing an industrial project under
17 this section, whether or not ~~such~~ the industrial project is in existence on the date of
18 adoption of the initial resolution or of issuance of the bonds; whether new or
19 previously used; whether or not previously owned by the eligible participant, the
20 eligible participant's designee or a party affiliated with either; and notwithstanding
21 that this section was not in effect or did not permit ~~such~~ the financing on the date of
22 ~~such adoption of the resolution~~ or at the time ~~such~~ ownership was acquired, except
23 as follows:

24 1. (intro.) No part of the costs of constructing or acquiring personal property
25 owned by the eligible participant, the eligible participant's designee or a party

1 affiliated with either at any time ~~prior to~~ before the date of adoption of the initial
2 resolution may be so financed except such costs for:

3 b. Personal property which will either be substantially reconstructed,
4 rehabilitated, rebuilt or repaired in connection with the financing or which
5 represents less than 10% of the entire financing. Personal property ~~shall be deemed~~
6 is considered owned only after 50% of the acquisition cost ~~thereof of the personal~~
7 property has been paid and ~~such~~ the property has been delivered and installed.

8 2. (intro.) No part of the costs of acquiring real property or of acquiring or
9 constructing improvements ~~thereto to the real property~~ may be so financed except
10 such costs:

11 **SECTION 458.** 66.526 of the statutes is renumbered 62.57 and amended to read:

12 **62.57 Uniform salaries in first 1st class cities.** The common council of any
13 ~~city of the first a 1st class, however incorporated,~~ city may at any regular or special
14 meeting, ~~at any time during the calendar year,~~ adopt a uniform and comprehensive
15 salary or wage ordinance, or both, based on a classification of officers, employments
16 and positions in the city service ~~and of and including any and all offices and positions~~
17 ~~whatsoever in the employment of such city,~~ whether previously so classified or not,
18 ~~provided if~~ provision has been made in the budget of the current year for the total
19 sum of money required for the payment of the salaries and wages ~~for such~~
20 ~~employment and a tax levied to include the same, with the following exception: That~~
21 fund the wages and salaries. Wages under this section may be fixed at any such time
22 by resolution ~~alone and that the,~~ The common council may, at any time ~~during the~~
23 ~~calendar year, at any such meeting,~~ determine a cost-of-living increment or
24 deduction, to be paid in addition to such wages or salaries under this section, based
25 on a proper finding of the United States bureau of labor statistics. Any such The

1 common council may, ~~at any such meeting,~~ provide for overtime pay and
2 compensatory time under s. 103.025 for employes who work in excess of 40 hours per
3 week.

4 SECTION 459. 66.527 (title) of the statutes is renumbered 66.0123 (title).

5 SECTION 460. 66.527 (1) to (3) of the statutes are renumbered 66.0123 (2) to (4)
6 and amended to read:

7 66.0123 (2) ~~Funds for the establishment, operation and maintenance of a~~
8 ~~department of recreation may be provided by the governing body of any town or~~
9 ~~school district~~ A governmental unit may, after compliance with s. 65.90, provide
10 funds for the establishment, operation and maintenance of a department of public
11 recreation.

12 (3) (a) ~~Any such~~ A governmental unit may delegate the power to establish,
13 maintain and operate a department of public recreation to a ~~board~~ of recreation
14 board, which shall consist of 3 members and shall be appointed by the chairperson
15 or other presiding officer of the ~~governing body~~ governmental unit. The first
16 appointments shall be made so that one member ~~will serve~~ serves one year, one ~~for~~
17 serves 2 years and one ~~for~~ serves 3 years; ~~thereafter appointments shall be for terms~~
18 ~~of~~ After ~~the first appointments, terms are 3 years.~~

19 (b) When 2 or more of the aforesaid ~~governing~~ governmental units desire to
20 conduct, jointly, a department of public recreation, the joint recreation board shall
21 consist of not less than 3 members who ~~shall be~~ selected by the presiding officers of
22 ~~such~~ the governmental units acting jointly. Appointments shall be made for terms
23 as provided in par. (a).

24 (c) The members of ~~any such~~ a recreation board shall serve gratuitously.

SECTION 460

1 (d) ~~Such a~~ A recreation board ~~is authorized to~~ may conduct the activities of ~~such~~
2 ~~public recreation~~ the department, to of public recreation, expend funds ~~therefor, to,~~
3 employ a supervisor of recreation, ~~to~~ employ assistants, ~~to~~ purchase equipment and
4 supplies, and generally ~~to~~ supervise the administration, maintenance and operation
5 of ~~such~~ the department of public recreation and recreational activities authorized by
6 the recreation board.

7 (4) (a) ~~The public~~ A recreation board ~~has the right to~~ may conduct public
8 recreation activities on property purchased or leased by ~~any such governing a~~
9 governmental unit for recreational purposes and under its own custody, on other
10 public property under the custody of any other public authority, body or board with
11 the consent of ~~such~~ the public authority, body or board, or on private property with
12 the consent of its owner, ~~and such,~~ The recreation board, with the approval of the
13 appointing ~~board~~ authority, may accept gifts and bequests of land, money or other
14 personal property, and use the ~~same~~ gifts and bequests in whole or in part, ~~or~~ the
15 income ~~therefrom~~ from the gifts and bequests or the proceeds from the sale of any
16 such property in the establishment, maintenance and operation of recreational
17 activities.

18 (b) ~~The~~ A recreation board shall annually submit to the ~~governing body~~
19 governmental unit a report of ~~its~~ the board's activities ~~and showing, including~~
20 receipts and expenditures. ~~Such reports~~ The report shall be submitted not less than
21 15 days ~~prior to~~ before the annual meeting of ~~such~~ the governmental unit.

22 (c) An audit shall be made of the accounts of ~~such recreational~~ the recreation
23 board in the same manner as provided for audits for towns or school districts as the
24 case may be.

1 (d) The persons selected by the recreation board shall furnish a surety bond in
2 such ~~an~~ amount as shall be fixed by the governing body governmental unit.

3 SECTION 461. 66.53 of the statutes is renumbered 66.0733 (intro.) and amended
4 to read:

5 **66.0733 Repayment of assessments in certain cases.** (intro.) ~~If in any city~~
6 ~~or town any~~ a contract for improvements entered into by a governmental unit
7 authorized to levy special assessments is declared void by any a court of last resort
8 ~~on the following grounds: want of power to make such contract; made contrary to a~~
9 ~~prohibition against contracting in any other than a specified way; or forbidden by~~
10 ~~statute, and if the governing body of the city or town has not adopted the resolution~~
11 ~~referred to in s. 66.295 (1) relating to payment of any person who has furnished any~~
12 ~~benefits under the void contract, the governing body of the city or town may provide~~
13 ~~that all persons who have paid all or any part of any assessment levied against the~~
14 ~~abutting property owners by reason~~ because of the improvement may be reimbursed
15 the amount of the assessment, paid from the fund, as ~~that~~ the governing body may
16 ~~determine.~~ determines. This section applies to contracts for improvements that are
17 void for any of the following reasons:

18 (1) There was insufficient authority to make the contract.

19 (2) The contract was made contrary to a prohibition against contracting in
20 other than a specified way.

21 (3) The contract was prohibited by statute.

NOTE: Expands the scope of the provision to include any governmental entity
authorized to levy special assessments.
Reflects the repeal of s. 66.295 by SECTION 324.

22 SECTION 462. 66.54 (title) of the statutes is renumbered 66.0713 (title) and
23 amended to read:

1 **66.0713 (title) Special improvement bonds; Contractor's certificates;**
2 **general obligation-local improvement bonds; special assessment B bonds.**

3 **SECTION 463.** 66.54 (1) of the statutes is renumbered 66.0713 (1), and 66.0713
4 (1) (intro.), (c) and (d), as renumbered, are amended to read:

5 66.0713 (1) DEFINITIONS. (intro.) ~~Wherever used or referred to in~~ In this
6 section, unless a different meaning clearly appears from the context:

7 (c) ~~"Municipality"~~ "Local governmental unit" means county, city, village, town,
8 farm drainage board, sanitary districts, utility districts, public inland lake
9 protection and rehabilitation districts, and all other public boards, commissions or
10 districts, except 1st class cities, authorized by law to levy special assessments for
11 public improvements against the property benefited by the special improvements.

12 (d) "Public improvement" means the result of the performance of work or the
13 furnishing of materials or both, for which special assessments are authorized to be
14 levied against the property benefited ~~thereby~~ by the work or materials.

15 **SECTION 464.** 66.54 (2) of the statutes is repealed.

NOTE: Repealed as unnecessary. The repealed subsection provides a
noninclusive list of methods of funding public improvements by municipalities.
Independent authority exists for these funding methods.

16 **SECTION 465.** 66.54 (3) (title) of the statutes is repealed.

17 **SECTION 466.** 66.54 (3) of the statutes is renumbered 66.0709 (2) and amended
18 to read:

19 66.0709 (2) ~~Whenever~~ If it is determined that the cost of ~~any a~~ public
20 improvement ~~about to be made~~ is to be paid, ~~wholly~~ in whole or in part, by special
21 assessments against the property to be benefited by the improvement, the resolution
22 authorizing ~~such the~~ public improvement shall provide ~~and require~~ that the whole,
23 or any stated proportion, or no part of the estimated aggregate cost of ~~such the~~ public

1 improvement, which is to be levied as special assessments, shall be paid into the
2 ~~municipal treasury of the local governmental unit~~ in cash. ~~No such~~ The public
3 improvement ~~shall~~ may not be commenced nor any contract for the improvement let
4 ~~therefor unless and until such~~ the payment, ~~if any,~~ required by said the resolution,
5 is paid into the treasury of the ~~municipality~~ local governmental unit by the owner
6 or persons having an interest in the property to be benefited, ~~which.~~ The payment
7 shall be credited ~~on~~ against the amount of the special assessments levied or to be
8 levied against benefited property designated by the payer. ~~In the event that~~ If a
9 preliminary payment is required by said the resolution, the refusal of one or more
10 owners or persons having an interest in the property to be benefited to pay ~~such~~ any
11 preliminary payments ~~shall~~ does not prevent the making of ~~such~~ the improvement,
12 if the entire specified sum is obtained from the remaining owners or interested
13 parties.

14 **SECTION 467.** 66.54 (4) (title) of the statutes is renumbered 66.0711 (title) and
15 amended to read:

16 **66.0711** (title) **Discount on contract price cash payments for public**
17 **improvements.**

18 **SECTION 468.** 66.54 (4) of the statutes is renumbered 66.0711 (2) and amended
19 to read:

20 66.0711 (2) Every bid hereafter received for any public improvement which is
21 not to be paid wholly in cash shall contain a provision that all payments made in cash
22 by the ~~municipality~~ local governmental unit as provided by contract or made on
23 special assessments ~~as hereinafter provided shall be~~ are subject to a specified rate
24 of discount. The ~~municipal~~ treasurer of the local governmental unit shall issue a
25 receipt for every ~~such~~ payment made on any special assessment, stating the date and

1 amount of the cash payment, the discount and the total credit including such the
 2 discount, on a specified special assessment ~~or assessments~~. The treasurer shall on
 3 the same day deliver a duplicate of ~~such the~~ receipt to the clerk, who shall credit the
 4 specified assessments accordingly. All moneys so received shall be paid to the
 5 contractor as provided by the contract.

6 SECTION 469. 66.54 (5) of the statutes is renumbered 66.0713 (9) and amended
 7 to read:

8 66.0713 (9) PAYMENT BY MUNICIPALITY LOCAL GOVERNMENTAL UNIT. Whenever any
 9 ~~such~~ If a public improvement has been paid for by the ~~municipality local~~
 10 governmental unit, contractor's certificates ~~as provided for in~~ under sub. (6), ~~or (2)~~,
 11 general obligation-local improvement bonds ~~as provided for in~~ sub. (9) under s.
 12 67.16, or special assessment B bonds ~~as provided for in~~ under sub. (10) ~~(4)~~ may be
 13 issued to the ~~municipality local governmental unit~~ as the owner ~~thereof of the~~
 14 certificates or bonds. All of the provisions of subs. (6), (9) and (10) ~~(2) and (4) and s.~~
 15 67.16 applicable to the contractor or to the owner of ~~such the~~ contractor's certificates
 16 ~~or to such, the~~ general obligation-local improvement bonds or ~~to such the~~ special
 17 assessment B bonds shall be deemed to include the ~~municipality local governmental~~
 18 unit which has paid for ~~such the~~ improvement and to which ~~such the~~ contractor's
 19 certificates, general obligation-local improvement bonds or special assessment B
 20 bonds have been issued, except as otherwise provided in this section ~~otherwise~~
 21 provided.

22 SECTION 470. 66.54 (6) (title) of the statutes is renumbered 66.0713 (2) (title).

23 SECTION 471. 66.54 (6) (a) and (b) of the statutes ~~as affected by 1997 Wisconsin~~

24 ~~Act 250~~ are renumbered 66.0713 (2) (a) and (b) and amended to read:

1 of the (name of ~~municipality~~ local governmental unit) against the property above
2 described as listed therein in the tax roll, and collected for, as provided by law.

3 This certificate is transferable by indorsement but ~~such an~~ assignment or
4 transfer ~~shall be by indorsement is~~ invalid unless the same shall be recorded in the
5 office of the clerk of the (name of ~~municipality~~ local governmental unit) and the fact
6 of ~~such the~~ recording is indorsed on this certificate. THE HOLDER OF THIS CERTIFICATE
7 ~~SHALL HAVE~~ HAS NO CLAIM UPON THE (Name of ~~municipality~~) ~~IN ANY EVENT~~ local
8 governmental unit), EXCEPT FROM THE PROCEEDS OF THE SPECIAL ASSESSMENTS LEVIED
9 FOR SAID THE WORK AGAINST THE ABOVE DESCRIBED LAND.

10 This certificate shall bear interest from its date to the following January 1 ~~next~~
11 ~~succeeding~~.

12 Given under our hands at (name of ~~municipality~~ local governmental unit), this
13 day of, (year)

14
15 (Mayor, President, Chairperson)

16 Countersigned:

17

18 Clerk, (name of ~~municipality~~ local governmental unit)

19 ASSIGNMENT RECORD

20 Assigned by (Original Contractor) to (Name of Assignee) of
21 (Address of Assignee) (Date and signature of clerk)

22 (b) ~~Such certificate shall in no event be a municipal~~ A contractor's certificate
23 is not a liability of a local governmental unit and shall so state in boldface type
24 printed on the face ~~thereof of the certificate~~. Upon issuance of said a certificate, the
25 clerk of the ~~municipality~~ local governmental unit shall ~~at once~~ immediately deliver

1 to the ~~municipal~~ treasurer of the local governmental unit a schedule of each ~~such~~
2 certificate showing the date, amount, number, date of maturity, person to whom
3 issued and parcel of land against which the assessment is made. The treasurer shall
4 ~~thereupon~~ notify, by mail, the owner of ~~said the~~ parcel, as the ~~same~~ owner appears
5 on the last assessment roll, that payment is due on ~~said the~~ certificate at the office
6 of ~~said the~~ treasurer, and if ~~such the~~ owner ~~shall pay such~~ pays the amount ~~or part~~
7 ~~thereof so~~ due, ~~said the~~ clerk shall ~~cause the same to be paid~~ pay that amount to the
8 registered holder of ~~said the~~ certificate, and shall indorse ~~such the~~ payment on the
9 face of ~~said the~~ certificate and on the clerk's record ~~thereof of the certificate~~. The clerk
10 shall keep a record of the names of the persons, firms or corporations to whom ~~such~~
11 contractor's certificates ~~shall be~~ are issued and of the assignees ~~thereof of certificates~~
12 when the ~~fact of~~ assignment is ~~made known to such the~~ clerk. Assignments of ~~such~~
13 contractor's certificates ~~shall be~~ are invalid unless recorded in the office of the clerk
14 of the ~~municipality~~ local governmental unit and the fact of ~~such~~ recording ~~be is~~
15 indorsed on ~~said the~~ certificate. Upon final payment of the certificate, the ~~same~~
16 certificate shall be delivered to the treasurer of the ~~municipality~~ local governmental
17 unit and by the treasurer delivered to ~~such the~~ clerk. On the first of each month, to
18 and including December 1, the treasurer shall certify to the clerk a detailed
19 statement of all payments made on ~~such~~ certificates.

20 **SECTION 472.** 66.54 (6) (c) of the statutes is renumbered 66.0713 (10) and
21 amended to read:

22 66.0713 (10) After the expiration of 90 days from the date of ~~such a contractor's~~
23 certificate ~~or any general obligation local improvement bond~~ or special assessment
24 B bond ~~hereinafter provided for, the same shall be~~ certificate or bond is conclusive
25 evidence of the legality of all proceedings up to and including the issue ~~thereof of the~~

1 certificate or bond and prima facie evidence of the proper construction of the
2 improvement.

3 **SECTION 473.** 66.54 (6) (d) of the statutes is renumbered 66.0713 (2) (c) and
4 amended to read:

5 66.0713 (2) (c) If said ~~certificates are a contractor's certificate is~~ not paid before
6 December 1 in the year in which they are issued, the comptroller or clerk of the
7 municipality local governmental unit shall ~~thereupon~~ include in the statement of
8 special assessments to be placed in the next tax roll an amount sufficient to pay such
9 ~~certificates~~ the certificate, with interest thereon from the date of such ~~certificates~~ the
10 certificate to the following January 1 next ~~succeeding~~, and thereafter the same
11 proceedings for the collection of that amount shall be the same as the proceedings
12 ~~shall be had as in the case for the collection~~ of general property taxes, except as
13 otherwise provided in this section ~~otherwise provided~~. ~~Such.~~ The delinquent taxes
14 shall be returned to the county treasurer in trust for collection and not for credit. All
15 moneys collected by the ~~municipal~~ treasurer of the local governmental unit or by the
16 county treasurer and remitted to the ~~municipal~~ treasurer of the local governmental
17 unit on account of such ~~the~~ special assessments shall be delivered to the owner of the
18 contractor's certificate on demand.

19 **SECTION 474.** 66.54 (7) of the statutes is renumbered 66.0715 (3), and 66.0715
20 (3) (title), (a) to (f), (fm) 2. b. and 3. and (g), as renumbered, are amended to read:

21 66.0715 (3) (title) ~~ANNUAL INSTALMENTS OF SPECIAL ASSESSMENTS.~~ (a) The
22 governing body of ~~any municipality~~ a local governmental unit may provide that
23 special assessments levied to defray the cost of ~~any a~~ public improvement or a project
24 constituting part of a general public improvement, except sprinkling or oiling
25 streets, may be paid in annual instalments.

1 (b) The first instalment shall include a proportionate part of the principal of
2 the special assessment, determined by the number of instalments, together with
3 interest on the whole assessment from ~~such a~~ date, not ~~prior to~~ before the date of the
4 notice ~~hereinafter provided for~~ under par. (e), and to ~~such that~~ date, not later than
5 December 31, in the year in which ~~same~~ the instalment is to be collected as ~~shall be~~
6 determined by the governing body, ~~and each~~. Each subsequent instalment shall
7 include ~~a like~~ the same proportion of the principal and one year's interest ~~upon on~~
8 the unpaid portion of ~~such the~~ assessment.

9 (c) The first instalment shall be entered in the first tax roll prepared after said
10 the instalments ~~shall~~ have been determined as a special tax on the property upon
11 which the special assessment was levied, and ~~thereafter this tax~~ shall be treated ~~in~~
12 ~~all respects~~ as any other municipal tax of a local governmental unit, except as
13 otherwise provided in this section ~~otherwise provided~~. ~~One of the subsequent~~
14 ~~instalments~~. Each subsequent instalment shall be entered in a like manner and with
15 ~~like effect~~ in each of the subsequent annual tax rolls ~~thereafter~~ until all instalments
16 are levied.

17 (d) If any instalment ~~so~~ entered in the tax roll ~~shall is~~ not be paid to the
18 municipal treasurer of the local governmental unit with the other taxes it shall be
19 returned to the county as delinquent and accepted and collected by the county in the
20 same manner as delinquent general taxes on real estate, except as otherwise
21 provided in this section ~~otherwise provided~~.

22 (e) ~~Whenever~~ If the governing body determines to permit ~~any~~ special
23 assessments for ~~any a~~ local ~~improvements~~ improvement to be paid in instalments it
24 shall publish a class 1 notice, under ch. 985. ~~Such~~ The notice shall be substantially
25 in the following form:

INSTALMENT ASSESSMENT NOTICE

1
2 Notice is hereby given that a contract has been (or is about to be) let for (describe
3 the improvement) and that the amount of the special assessment ~~therefor~~ for the
4 improvement has been determined as to each parcel of real estate affected ~~thereby~~
5 and a statement of the ~~same~~ assessment is on file with the.... clerk; it is proposed to
6 collect the ~~same~~ special assessment in.... instalments, as provided for by section
7 ~~66.54~~ 66.0715 of the Wisconsin statutes ~~Statutes~~, with interest ~~thereon~~ at.... per cent
8 percent per year; that all assessments will be collected in instalments as provided
9 ~~above provided~~ except ~~such~~ assessments on property where the owner of the same
10 ~~shall file files~~ with the.... clerk within 30 days from date of this notice a written notice
11 that the owner elects to pay the special assessment on the owner's property,
12 describing the ~~same~~ property, to the.... treasurer on or before the next ~~succeeding~~
13 following November 1, unless the election is revoked. If, after making ~~such~~ the
14 election, ~~said~~ the property owner fails to make the payment to the.... treasurer, the....
15 clerk shall place the entire assessment on the next ~~succeeding~~ following tax roll.
16 Dated....

17 [Clerk of (name of municipality local governmental unit)]

18 (f) After the time for making an initial election to pay the special assessment
19 in full under par. (e) expires, ~~any~~ the assessment may be paid in full before due, ~~only~~
20 upon the payment of such that portion of the interest to become due ~~thereon~~ as the
21 governing ~~body~~ shall determine determines.

22 (fm) 2. b. Interest on that amount at the rate used by the municipality local
23 governmental unit for instalment payments under par. (b), covering the period
24 between the date that the initial election was made under par. (e) and the date on
25 which the instalment is paid.

Plain

1 3. If the first instalment has not been paid by property owners under par. (c)
2 before the date on which payment in full would have been due for a property owner
3 who initially elected to pay the special assessment in one lump sum, the next
4 property tax bill sent to a person who revoked his or her initial election to make a
5 lump sum payment shall be an amount calculated under par. (b) plus interest on that
6 amount at the rate used by the ~~municipality~~ local governmental unit for instalment
7 payments under par. (b), covering the period between the date that the initial
8 election was made under par. (e) and the date on which the instalment is paid.

9 (g) A schedule of the assessments and assessment instalments thereof shall be
10 recorded in the office of the clerk of the ~~municipality~~ local governmental
11 unit as soon as practicable.

12 **SECTION 475.** 66.54 (8) of the statutes is repealed.

NOTE: Repealed as unnecessary. Authority to issue general obligation–local
improvement bonds and special assessment B bonds is provided independently
in other provisions of renumbered s. 66.54.

13 **SECTION 476.** 66.54 (9) (title) of the statutes is renumbered 66.0713 (3) (title).

14 **SECTION 477.** 66.54 (9) (a) of the statutes is renumbered 66.0713 (3) and
15 amended to read:

16 66.0713 (3) For the purpose of anticipating the collection of special
17 assessments payable in instalments as provided in ~~this section~~ s. 66.0621 (3) and
18 after ~~such~~ the instalments have been determined, the governing body may issue
19 general obligation–local improvement bonds ~~as more particularly described in this~~
20 ~~subsection~~ under s. 67.16.

21 **SECTION 478.** 66.54 (9) (b) and (c) of the statutes are renumbered 67.16 (2) (b)
22 and (c) and amended to read:

1 67.16 (2) (b) The issue of ~~such~~ general obligation-local improvement bonds
2 shall be in an amount not ~~to exceed~~ exceeding the aggregate unpaid special
3 assessments levied for the public improvement ~~which such~~ that the issue is to
4 finance. A single issue of ~~such~~ the bonds may be used to finance one or more different
5 local improvements for which special assessments are authorized to be made in the
6 same year. Sections 67.035, 67.06, 67.07, 67.08 and 67.11, where not contrary to the
7 provisions of this section, ~~shall be applicable to such~~ apply to the bonds. ~~Such~~ The
8 bonds shall mature in the same number of instalments as ~~said~~ the underlying special
9 assessments, but the date of maturity of each instalment of ~~said~~ the bonds shall be
10 fixed in October, November or December. The first maturity of ~~such~~ the bonds may
11 be in the ~~second~~ 2nd year following the date of levy of the first instalment of the
12 underlying special assessment. At the time of ~~that~~ the authorization of ~~such~~ bonds
13 are authorized, the governing body of the ~~municipality~~ local governmental unit shall
14 levy a tax upon all the taxable property of ~~said municipality~~ the local governmental
15 unit sufficient to provide for the payment of the principal and interest of ~~said~~ the
16 bonds at maturity, ~~which~~. The tax levy shall be ~~is~~ irrevocable. All collections of
17 instalments of the special assessments levied to pay for ~~such~~ the public
18 improvement, either before or after delinquency ~~thereof~~, shall be placed by the
19 ~~municipal~~ treasurer of the local governmental unit in a special debt service fund,
20 designated and identified for ~~such~~ the issue of ~~such~~ the bonds, and shall be used only
21 for the payment of ~~said~~ the bonds and interest of ~~such~~ the issue. The annual
22 instalment of the irrevocable tax levied for the purpose of payment of ~~such~~ the bonds
23 and interest ~~thereon~~, on the bonds shall be diminished by the amount on hand in ~~such~~
24 the debt service fund on November 1 of each tax levy year after deducting any unpaid
25 interest and principal due in that year, and ~~said~~ the amount ~~se~~ on hand in ~~said~~ the

1 fund shall be applied to the payment of the next succeeding instalment of principal
 2 and interest named on ~~said the~~ bonds. Any deficiency in the debt service fund for the
 3 payment of ~~such the~~ bonds and interest ~~thereon~~ at maturity shall be paid out of the
 4 general fund of the ~~municipality~~ local governmental unit and ~~such the~~ general fund
 5 shall be reimbursed from the collection of ~~such~~ ^{that} part of the ~~aforsaid~~ irrepalable tax
 6 ~~as~~ is actually levied. Any surplus in ~~said the~~ debt service fund after all bonds and
 7 interest ~~thereon~~ are fully paid, shall be paid into the general fund.

8 (c) If any instalment of the ~~aforsaid~~ special assessment ~~so~~ ^{that} ~~is~~ entered in
 9 the tax roll ~~shall is~~ not be paid to the ~~municipal~~ treasurer of the local governmental
 10 unit with the other taxes, it shall be returned to the county treasurer as delinquent
 11 in trust for collection.

NOTE: Provisions of s. 66.54 relating to general obligation-local improvement
 bonds are relocated to ch. 67, relating to general obligation debt. See, also,
 SECTION 575 of this bill.

12 **SECTION 479.** 66.54 (10) and (11) of the statutes are renumbered 66.0713 (4)
 13 and (5) and amended to read:

14 66.0713 (4) SPECIAL ASSESSMENT B BONDS. (a) For the purpose of anticipating
 15 the collection of special assessments payable in instalments, as provided in ~~this~~
 16 ~~section s. 66.0715 (3)~~ and after ~~said the~~ instalments have been determined, the
 17 governing body may issue special assessment B bonds payable out of the proceeds
 18 of ~~such the~~ special assessments as provided in this section. ~~Such The~~ bonds ~~shall in~~
 19 ~~no event be~~ are not a general ~~municipal~~ liability of the local governmental unit.

20 (b) The issue of ~~such~~ special assessment B bonds shall be in an amount not ~~to~~
 21 ~~exceed~~ exceeding the aggregate unpaid special assessments levied for the public
 22 improvement ~~which such~~ that the issue is to finance. A separate bond shall be issued
 23 for each separate assessment and ~~said the~~ bond shall be secured by and be payable

1 out of only the assessment against which it is issued. ~~Such~~ The bonds shall mature
2 in the same number of instalments as said the underlying special assessments. ~~Such~~
3 The bonds shall carry coupons equal in number to the number of special assessments,
4 ~~which.~~ The coupons shall be detachable and entitle the owner ~~thereof~~ of the bond to
5 the payment of principal and interest collected on the underlying special
6 assessments. ~~Such~~ The bond shall be executed as provided in s. 67.08 (1) and may
7 be registered under s. 67.09. Each bond shall include a statement that it is payable
8 only out of the special assessment on the particular property against which it is
9 issued and the purpose for which ~~same~~ the assessment was levied and ~~such~~ other
10 provisions as ~~that~~ the governing body ~~shall deem proper to insert~~ inserts.

11 (ba) Payments of principal and interest shall conform as nearly as ~~may be~~
12 possible to the payments to be made on the instalments of the assessment, and the
13 principal and interest to be paid on the bonds shall not exceed the principal and
14 interest to be received, on the assessment. All collections of instalments of the special
15 assessments levied to pay for ~~such~~ the public improvement, either before or after
16 delinquency ~~thereof~~, shall be placed by the ~~municipal~~ treasurer of the local
17 governmental unit in a special debt service fund designated and identified for ~~such~~
18 the bond issue ~~of bonds~~ and shall be used only for the payment of said the bonds and
19 interest of ~~such~~ the issue. Any surplus in said the debt service fund after all bonds
20 and interest ~~thereon~~ are fully paid, shall be paid into the general fund.

21 (c) ~~Such~~ Special assessment B bonds ~~must~~ shall be registered in the name of
22 the owner ~~thereof~~ on the records of the clerk of the ~~municipality~~ by which said bonds
23 were local governmental unit that issued the bonds. Upon transfer of the ownership
24 of ~~such~~ the bonds the ~~fact of such transfer must~~ shall be noted upon the bond and on
25 the record of the clerk of ~~such municipality~~ the local governmental unit. Any transfer

1 not so recorded ~~shall be null and is~~ void and the clerk of the ~~municipality shall be~~
2 entitled to local governmental unit may make payments of principal and interest to
3 the owner of the bond as registered on the books of the ~~municipality~~ local
4 governmental unit.

5 (d) Principal and interest collected on the underlying special assessments ~~as~~
6 ~~well as~~ and interest collected on the delinquent special assessments and on
7 delinquent tax certificates issued ~~therefor~~ for the delinquent assessments shall be
8 paid by the treasurer of the ~~municipality~~ local governmental unit out of the debt
9 service fund created for the issue of ~~such~~ the bonds to the registered holder ~~thereof~~
10 of the bonds upon the presentation and surrender of the coupons due attached to ~~said~~
11 the bonds. If any instalment of the ~~aforsaid~~ special assessment entered in the tax
12 roll ~~shall is~~ not be paid to the ~~municipal~~ treasurer of the local governmental unit with
13 the other taxes, it shall be returned to the county treasurer as delinquent in trust for
14 collection.

15 (e) If the tax certificate resulting from the delinquent special assessment is
16 redeemed by any person, ~~firm or corporation~~ other than the county, the county
17 treasurer shall pay to the ~~municipality,~~ local governmental unit the full amount
18 received ~~therefor~~ for the tax certificate, including interest, and the ~~municipal~~
19 treasurer of the local governmental unit shall ~~thereupon~~ then pay the amount of such
20 the remittance into a special debt service fund created for the payment of ~~such~~ the
21 special assessment B bonds.

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

23 (a) ~~Whenever~~ If the governing body determines to issue special assessment B bonds
24 ~~pursuant to subs. (9) and (10)~~ under sub. (4), it may group the special assessments
25 levied against benefited lands and issue ~~such~~ of the bonds against ~~such~~ the special

1 assessments so grouped as a whole. All ~~such~~ of the bonds shall be equally secured
2 by ~~such the~~ assessments without priority one over the other.

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

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

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

21 4. All collections of principal and interest on the underlying special
22 assessments and instalments thereof, either before or after delinquency and after
23 issuance of a tax certificate under s. 74.57, shall be placed by the ~~municipal~~ treasurer
24 of the local governmental unit in a special debt service fund created, designated and
25 identified for the issue of ~~such the~~ bonds and used only for payment of said ~~the~~ bonds

1 and interest ~~thereon~~ on the bonds to the holders of the bonds or coupons in
2 accordance with the terms of the issue. Any surplus in the debt service fund, after
3 all bonds and interest ~~thereon~~ on the bonds are fully paid, shall be paid into the
4 general fund.

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

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

17 **SECTION 480.** 66.54 (12) (title) of the statutes is renumbered 66.0719 (title).

18 **SECTION 481.** 66.54 (12) of the statutes is renumbered 66.0719 (2) and amended
19 to read:

20 66.0719 (2) If a special assessment is levied for any public improvement, any
21 amount collected on that special assessment or received from the county shall be
22 deposited in the general fund of the ~~municipality~~ local governmental unit if the
23 payment for the improvement was made out of its general fund, deposited in the
24 funds and accounts of a public utility established under s. ~~66.066~~ 66.0621 (2) (c) if
25 ~~such~~ the improvement was paid out of the proceeds of revenue obligations of the

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

7 **SECTION 482.** 66.54 (15) and (15m) of the statutes are renumbered 66.0713 (7)
8 and (8) and amended to read:

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

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

1 of such ~~municipality~~ the local governmental unit to make any other such
2 appropriation.

3 **SECTION 483.** 66.54 (16) of the statutes is renumbered 66.0713 (6) and amended
4 to read:

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

24 **SECTION 484.** 66.55 of the statutes, ~~as affected by 1997 Wisconsin Act 27,~~ is
25 renumbered 66.0617.

1 **SECTION 485.** 66.60 (title) of the statutes is renumbered 66.0703 (title) and
2 amended to read:

3 **66.0703 (title) Special assessments and charges, generally.**

4 **SECTION 486.** 66.60 (1), (2), (3) and (4) of the statutes are renumbered 66.0703
5 (1), (4), (5) and (6), and 66.0703 (1), (4), (5) (intro.), (c) (intro.) and 3. and (d) and (6),
6 as renumbered, are amended to read:

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

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

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

1 direct the proper municipal officer or employe to make a report ~~thereon. Such on the~~
2 proposal. The resolution may limit the proportion of the cost to be assessed.

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

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

6 3. The net amount of ~~such~~ the benefits over damages or the net amount of ~~such~~
7 the damages over benefits.

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

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

1 building commission shall submit a copy of its determination under this subsection
2 to the state agency ~~which~~ that manages the property which is the subject of the
3 determination.

4 **SECTION 487.** 66.60 (5) of the statutes is renumbered 66.0703 (2) and amended
5 to read:

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

16 **SECTION 488.** 66.60 (6) of the statutes is renumbered 66.0703 (1) (c) and
17 amended to read:

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

21 **SECTION 489.** 66.60 (6a) of the statutes is renumbered 66.0703 (3) and amended
22 to read:

23 66.0703 (3) A parcel of land against which ~~has been levied~~ a special assessment
24 has been levied for the sanitary sewer or water main laid in one of the streets upon
25 ~~which it that the parcel~~ abuts, ~~shall be is~~ entitled to ~~such a~~ deduction or exemption

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

6 **SECTION 490.** 66.60 (6m) of the statutes ~~as affected by 1997 Wisconsin Act 218~~
7 is renumbered 66.0721, and 66.0721 (1) (intro.) and (b), (2) and (3) (b) and (c), as
8 renumbered, are amended to read:

9 66.0721 (1) (intro.) In this ~~subsection~~ section:

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

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

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

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

21 (c) If, after a town sanitary district or town first levies a special assessment for
22 the construction of a sewerage or water system in a service area, the eligible
23 farmland in that service area exempted from the special assessment under ~~par. (b)~~
24 sub. (2) is not devoted exclusively to agricultural use for a period of one year or more,
25 the town sanitary district or town may levy on that eligible farmland the special

1 assessment for the construction of a sewerage or water system that it would have
2 levied if the eligible farmland had not been exempt under ~~par. (b) sub. (2)~~. The town
3 sanitary district or town may also charge interest, from the date the eligible
4 farmland has not been devoted exclusively to agricultural use for a period of at least
5 one year, on the special assessment at an annual rate that does not exceed the
6 average interest rate paid by the district or town on its obligations between the time
7 the district or town first levies a special assessment for the construction of a sewerage
8 or water system in the service area in which the eligible farmland is located and the
9 time it levies the special assessment on that eligible farmland. This ~~subdivision~~
10 paragraph does not apply to any land unless the town or special purpose district
11 records a lien on that eligible farmland in the office of the register of deeds within
12 90 days after it first levies a special assessment for the construction of a sewerage
13 or water system in the service area in which the eligible farmland is located,
14 describing the exemption under ~~par. (b) sub. (2)~~ and the potential for a special
15 assessment under this ~~subdivision~~ paragraph.

16 **SECTION 491.** 66.60 (7) of the statutes is renumbered 66.0703 (7) (a) and
17 amended to read:

18 66.0703 (7) (a) Upon the completion and filing of the report required by sub.
19 ~~(3) (4)~~, the city, town or village clerk shall ~~cause~~ prepare a notice ~~to be given~~ stating
20 the nature of the proposed work or improvement, the general boundary lines of the
21 proposed assessment district including, in the discretion of the governing body, a
22 small map ~~thereof~~, the place and time at which the report may be inspected, and the
23 place and time at which all interested persons ~~interested~~, or their agents or
24 attorneys, may appear before the governing body ~~or a committee thereof of the~~
25 governing body or the board of public works and be heard concerning the matters

1 contained in the preliminary resolution and the report. ~~Such~~ The notice shall be
2 published as a class 1 notice, under ch. 985, in the city, town or village and a copy of
3 ~~such the~~ notice shall be mailed, at least 10 days before the hearing or proceeding, to
4 every interested person whose post-office address is known, or can be ascertained
5 with reasonable diligence. The hearing shall commence not less than 10 ~~and not~~ nor
6 more than 40 days after ~~such~~ publication.

7 **SECTION 492.** 66.60 (8) to (12) and (15) of the statutes are renumbered 66.0703
8 (8) to (12) and (13) and amended to read:

9 66.0703 (8) (a) After the hearing upon any proposed work or improvement, the
10 governing body may approve, disapprove or modify, or it may rerefer the report
11 prepared pursuant to under subs. ~~(2)~~ (4) and ~~(3)~~ (5) to the designated officer or
12 employe with ~~such~~ directions ~~as it deems necessary~~ to change the plans and
13 specifications and to accomplish a fair and equitable assessment.

14 (b) If an assessment of benefits ~~be is~~ made against any property and an award
15 of compensation or damages ~~be is~~ made in favor of the same property, the governing
16 body shall assess against or award in favor ~~thereof~~ of the property only the difference
17 between ~~such the~~ assessment of benefits and the award of damages or compensation.

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

23 (d) The city, town or village clerk shall publish the final resolution as a class
24 1 notice, under ch. 985, in the assessment district and a copy of ~~such the~~ resolution

1 shall be mailed to every interested person whose post-office address is known, or can
2 be ascertained with reasonable diligence.

3 (e) When the final resolution is published, all work or improvements ~~therein~~
4 described in the resolution and all awards, compensations and assessments arising
5 ~~therefrom~~ from the resolution are deemed ~~legally then~~ authorized and made, subject
6 to the right of appeal under sub. (12).

7 (9) ~~Where~~ If more than a single type of project is undertaken as part of a general
8 improvement affecting any property, the governing body may finally combine the
9 assessments for all purposes as a single assessment on each property affected,
10 ~~provided that if~~ if each property owner ~~shall be enabled to~~ may object to ~~any such~~ the
11 assessment for any single purpose or for more than one purpose.

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

23 (11) If the cost of the project ~~shall be is~~ less than the special assessments levied,
24 the governing body, without notice or hearing, shall reduce each special assessment
25 proportionately ~~and where~~ if any assessments or instalments thereof have been paid

1 the excess over cost shall be applied to reduce succeeding unpaid instalments, where
2 if the property owner has elected to pay in instalments, or refunded to the property
3 owner.

4 (12) (a) ~~If any~~ A person having an interest in ~~any a~~ parcel of land affected by
5 ~~any a~~ determination of the governing body, ~~pursuant to~~ under sub. (8) (c), (10) or (11),
6 ~~feels aggrieved thereby that person~~ may, within 90 days after the date of the notice
7 or of the publication of the final resolution ~~pursuant to~~ under sub. (8) (d), appeal
8 ~~therefrom~~ the determination to the circuit court of the county in which ~~such~~ the
9 property is ~~situated by causing~~ located. The person appealing shall serve a written
10 notice of appeal ~~to be served~~ upon the clerk of ~~such~~ the city, town or village and by
11 ~~executing~~ execute a bond to the city, town or village in the sum of \$150 with 2 sureties
12 or a bonding company to be approved by the city, town or village clerk, conditioned
13 for the faithful prosecution of ~~such~~ the appeal and the payment of all costs that may
14 be adjudged against that person. The clerk, ~~in case such~~ if an appeal is taken, shall
15 ~~make~~ prepare a brief statement of the proceedings ~~had~~ in the matter before the
16 governing body, with its decision ~~thereon~~ on the matter, and shall transmit the ~~same~~
17 statement with the original or certified copies of all the papers in the matter to the
18 clerk of the circuit court.

19 (b) ~~Such~~ The appeal shall be tried and determined in the same manner as cases
20 originally commenced in ~~such~~ circuit court, and costs awarded as provided in s.
21 893.80.

22 (c) ~~In case any~~ If a contract has been made for making the improvement ~~such~~
23 the appeal ~~shall~~ does not affect ~~such~~ the contract, and certificates or bonds may be
24 issued in anticipation of the collection of the entire assessment for ~~such~~ the

1 improvement, including the assessment on any property represented in ~~such~~ the
2 appeal as if ~~such~~ the appeal had not been taken.

3 (d) Upon appeal ~~pursuant to~~ under this subsection, the court may, based ~~upon~~
4 on the improvement as actually constructed, render a judgment affirming, annulling
5 or modifying and affirming, as modified, the action or decision of the governing body.
6 If the court finds that any assessment or any award of damages is excessive or
7 insufficient, ~~such~~ the assessment or award need not be annulled, but the court may
8 reduce or increase the assessment or award of damages and affirm the ~~same~~
9 assessment or award as so modified.

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

18 (f) It ~~shall be~~ is a condition to the maintenance of ~~such~~ an appeal that any
19 assessment appealed from shall be paid ~~as and~~ when the ~~same~~ assessment or any
20 instalments ~~thereof~~ become due and payable, ~~and upon~~. If there is a default in
21 making such a payment, any ~~such~~ the appeal shall be dismissed.

22 (13) Every special assessment levied under this section ~~shall be~~ is a lien on the
23 property against which it is levied on behalf of the municipality levying ~~same~~ the
24 assessment or the owner of any certificate, bond or other document issued by public
25 authority, evidencing ownership of or any interest in ~~such~~ the special assessment,

1 from the date of the determination of such the assessment by the governing body.
2 The governing body shall provide for the collection of such the assessments and may
3 establish penalties for payment after the due date. The governing body shall provide
4 that all assessments or instalments ~~thereof which that~~ are not paid by the date
5 specified shall be extended upon the tax roll as a delinquent tax against the property
6 and all proceedings in relation to the collection, return and sale of property for
7 delinquent real estate taxes shall apply to such the special assessment, except as
8 otherwise provided by statute.

9 **SECTION 493.** 66.60 (16) of the statutes is repealed.

NOTE: Restated as a separate section. See SECTION 166 of this bill.

10 **SECTION 494.** 66.60 (17) of the statutes is renumbered 66.0703 (14) and
11 amended to read:

12 66.0703 (14) If ~~any a~~ special assessment ~~or special charge~~ levied pursuant to
13 under this section ~~shall be is~~ held invalid because ~~such statutes shall be~~ this section
14 is found to be unconstitutional, the governing body of ~~such municipality~~ may
15 thereafter reassess such the special assessment ~~or special charge~~ pursuant to the
16 provisions of under any applicable law.

17 **SECTION 495.** 66.60 (18) of the statutes is renumbered 66.0703 (7) (b) and
18 amended to read:

19 66.0703 (7) (b) The governing body of any city, town or village may, without any
20 notice or hearing, ~~levy and assess the whole or any part of the cost of any municipal~~
21 ~~work or improvement as a special assessment upon the property specially benefited~~
22 ~~thereby whenever~~ notice and hearing ~~thereon is in writing~~ requirements under par.
23 (a) do not apply if they are waived, in writing, by all the owners of property affected
24 by such the special assessment.

1 **SECTION 496.** 66.604 of the statutes is renumbered 66.0717 and amended to
2 read:

3 **66.0717 Lien of special assessment.** A special assessment levied under any
4 authority ~~whatsoever shall be~~ is a lien on the property against which it is levied on
5 behalf of the municipality levying the ~~same~~ assessment or the owner of any
6 certificate, bond or other document issued by the municipality, evidencing ownership
7 of any interest in such ~~the~~ special assessment, from the date of the levy, to the same
8 extent as a lien for a tax levied upon real property.

9 **SECTION 497.** 66.605 of the statutes is renumbered 66.0715 (2) and amended
10 to read:

11 **66.0715 (2) ~~SPECIAL ASSESSMENTS~~ DEFERRAL** (a) Notwithstanding any other
12 statute, the due date of any special assessment levied against property abutting on
13 or benefited by a public improvement may be deferred on ~~such~~ the terms and in ~~such~~
14 the manner as prescribed by its ~~its~~ the governing body while no use of the improvement
15 is made in connection with the property. ~~Such~~ A deferred special assessment may
16 be paid in instalments within the time prescribed by the governing body. ~~Any such~~
17 A deferred special assessment ~~shall be~~ is a lien against the property from the date
18 of the levy.

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

24 (c) The lien of any unpaid amounts of special assessments deferred under this
25 ~~section~~ subsection with respect to which a governing body has not taken action under

1 sub. (2) par. (b) is not merged in the title to property taken by the county under ch.
2 75.

NOTE: This section is combined with s. 66.54 (7), relating to annual instalments of special assessments. See SECTIONS 200, 201 and 474 of this bill. Note that the definitions for the newly combined and renumbered section provided in SECTION 201 of this bill, which previously applied only to the provisions of renumbered s. 66.0715 that related to instalment payments, will now apply to deferral of special assessments as well.

3 SECTION 498. 66.606 of the statutes is renumbered 287.093.

4 SECTION 499. 66.608 of the statutes is renumbered 66.1109, and 66.1109 (3) (d),
5 as renumbered, is amended to read:

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

10 SECTION 500. 66.609 of the statutes is renumbered 66.1007.

11 SECTION 501. 66.610 of the statutes is renumbered 62.71, and 62.71 (title), (1),
12 (2) (intro.), (a), (b), (e), (i) and (n), (3) (a) to (c), (4), (5) (b) (intro.) and 4. and (c) to (e),
13 (6) (intro.), (b) and (c), (7) to (11) and (13), as renumbered, are amended to read:

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

17 (2) DEFINITIONS. (intro.) ~~As used in~~ In this section:

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

21 (b) "Annual pedestrian mall improvement cost" includes, ~~without limitation~~
22 ~~because of enumeration,~~ planning consultant fees, public liability and property

1 damage insurance premiums, reimbursement of the city's reasonable and necessary
2 costs incurred in operating and maintaining a pedestrian mall, levying and
3 collecting special assessments and taxes, publication costs, and any other costs
4 related to annual improvements and the operation and maintenance of a pedestrian
5 mall.

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

7 (i) "Intersecting street" means, unless the council declares otherwise, any
8 street which meets or intersects a pedestrian mall, but includes only those portions
9 thereof of the intersecting street which lay between the mall or mall intersection and
10 the first intersection of ~~such~~ the intersecting street with a street open to general
11 vehicular traffic.

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

23 (3) (a) Upon petition of ~~any~~ a community development advisory body or upon
24 its own motion, the council may by resolution designate lands to be acquired,
25 improved and operated as pedestrian malls or may by ordinance designate streets.

1 including a federal, state, county or any other highway system with the approval of
2 the jurisdiction responsible for maintaining that highway system, in or adjacent to
3 business districts to be improved for primarily pedestrian uses. The council may
4 acquire by gift, purchase, eminent domain, or otherwise, land, real property or
5 rights-of-way for inclusion in a pedestrian mall district or for use in connection with
6 pedestrian mall purposes. The council may ~~also~~ make improvements on mall
7 intersections, intersecting streets or upon facilities acquired for parking and other
8 related purposes, if ~~such~~ the improvements are necessary or convenient to the
9 operation of the mall.

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

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

22 2. If ~~such~~ a pedestrian mall improvement is financed by special assessments
23 and special improvement bonds are not issued, ~~such~~ the special assessments, when
24 collected, shall be applied to the payment of the principal and interest on any general

1 obligation bonds issued or to the reduction of general taxes if ~~such~~ general obligation
2 bonds or ~~the~~ general tax levy ~~are~~ is used to finance the improvement.

3 (4) PRELIMINARY FINDINGS. No pedestrian mall may be established under sub.
4 (3) unless the council finds ~~that~~ all of the following:

5 (a) ~~The~~ That the proposed pedestrian mall will be located primarily in or
6 adjacent to a business district.

7 (b) ~~There~~ That there exist reasonably convenient alternate routes for private
8 vehicles to other parts of the city and state.

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

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

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

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

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

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

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

7 (e) Notwithstanding any other provision of this section, if a petition protesting
8 the establishment of a pedestrian mall or a pedestrian mall improvement, duly
9 signed and acknowledged by the owners of 51% or more of the front footage of lands
10 abutting all or part of a street ~~or part thereof~~ proposed as a pedestrian mall, is filed
11 with the city clerk at any time prior to the conclusion of all proceedings required
12 under this section, the council shall terminate its proceedings, and no proposal for
13 the establishment of the ~~same~~ pedestrian mall or substantially the same pedestrian
14 mall may be introduced or adopted within one year after ~~such~~ termination of
15 proceedings under this paragraph.

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

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

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

1 (7) USE BY PUBLIC CARRIERS. If the council finds that all or part of a street or part
2 thereof which is designated as a pedestrian mall is served by a common carrier
3 engaged in mass transportation of persons within the city and that continued use of
4 such all or part of the street or part thereof by such the common carrier will benefit
5 the city, the public and adjacent property, the council may permit such the carrier to
6 use such all or part of the street or part thereof for such these purposes to the same
7 extent and subject to the same obligations and restrictions which that are applicable
8 to such the carrier in the use of other streets of the city. Upon like findings, the
9 council may permit use of such all or part of the street or part thereof by taxicabs or
10 other public passenger carriers.

11 (8) PERMITS. (a) If, at the time an ordinance establishing a pedestrian mall is
12 adopted enacted, any property abutting such all or part of the pedestrian mall or part
13 thereof does not have access to some other street or alley for the delivery or receiving
14 of merchandise or materials, such the ordinance shall provide for either ~~one~~ one
15 of the following:

16 1. The issuance of special access permits to the affected owners for such these
17 purposes; or,

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

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

1 **(9) EXCESS ESTIMATED COST; ASSESSMENT ADJUSTMENTS.** (a) If, after the
2 completion of any pedestrian mall improvement, the commissioner of public works
3 certifies that the actual cost is less than the estimated cost upon which any aggregate
4 assessment is based, ~~such~~ the aggregate assessment shall be reduced, subject to par.
5 (c), by a percentage amount of the excess estimated cost which is equal to the
6 percentage of the estimated cost financed by ~~such~~ the aggregate assessment. The
7 city comptroller shall certify to the city treasurer the amount that is refundable
8 under this subsection.

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

12 (c) If ~~such~~ the aggregate assessment described in par. (a) has not been fully
13 collected, the amount of the refundable assessment shall be reduced by a sum
14 determined by the council to be sufficient to cover anticipated assessment collection
15 deficiencies, and the balance, if any, shall be refunded to the affected owners on a
16 proportional basis. The treasurer shall deduct the appropriate amount from
17 instalments due after the receipt of the certificate from the city comptroller.

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

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

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

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

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

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

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

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

9 SECTION 502. 66.615 of the statutes is renumbered 66.0907, and 66.0907 (1),
10 (2), (3) (a), (c) (intro.), 1. and 2., (d), (e) and (f), (5), (6), (7) and (10) (intro.), as
11 renumbered, are amended to read:

12 66.0907 (1) PART OF STREET; OBSTRUCTIONS. Streets shall provide a right-of-way
13 for vehicular traffic and, where the council ~~so~~ requires, a sidewalk on either or both
14 sides ~~thereof; the~~ of the street. The sidewalk shall be for the use of persons on foot,
15 and no person ~~shall be allowed to~~ may encumber the ~~same~~ sidewalk with boxes or
16 other material; ~~but such~~. The sidewalk shall be kept clear for the ~~uses specified~~
17 herein use of persons on foot.

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

21 (3) (a) *Authority of council*. The council may ~~from time to time~~ by ordinance
22 or resolution determine where sidewalks shall be constructed and establish the
23 width, determine the material and prescribe the method of construction of standard
24 sidewalks, ~~and the~~. The standard so fixed may be different for different streets, ~~and~~.

1 The council may order by ordinance or resolution sidewalks to be laid as provided in
2 this subsection.

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

- 9 1. Personal delivery;
- 10 2. Certified or registered mail; ~~or,~~

11 (d) *Default of owner.* ~~Whenever any such owner shall neglect~~ If the owner
12 neglects for a period of 20 days after ~~such~~ service of notice under par. (c) to lay,
13 remove, replace or repair ~~any such~~ the sidewalk the city may cause ~~such~~ the work
14 to be done at the expense of ~~such~~ the owner. All work for the construction of sidewalks
15 shall be let by contract to the lowest responsible bidder except as provided in s. 62.15
16 (1).

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

23 (f) *Expense.* The board of public works shall keep an accurate account of the
24 expenses of laying, removing and repairing sidewalks in front of each lot or parcel
25 of land, whether the work is done by contract or otherwise, and report the ~~same~~

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1 ~~expenses~~ to the comptroller ~~who~~. The comptroller shall annually prepare a
2 statement of the expense so incurred in front of each lot or parcel of land and report
3 the ~~same amount~~ to the city clerk, ~~and the~~. The amount therein charged to each lot
4 or parcel of land shall be entered by ~~such~~ the clerk in the tax roll as a special tax
5 against ~~said~~ the lot or parcel of land; and ~~the same shall be collected in all respects~~
6 like other taxes upon real estate. The council by resolution or ordinance may provide
7 that the expense so incurred may be paid in up to 10 annual instalments and ~~upon~~
8 ~~such determination~~, the comptroller shall prepare the expense statement as ~~herein~~
9 ~~required in such manner and with such frequency as the improved~~ to reflect the
10 instalment payment schedule allows. If annual instalments for ~~such expense~~
11 sidewalk expenses are authorized, the city clerk shall charge the amount to each lot
12 or parcel of land and enter it on the tax roll as a special tax against ~~such~~ the lot or
13 parcel each year until all instalments have been entered, and the ~~same amount~~ shall
14 be collected ~~in all respects~~ like other taxes upon real estate. The council may provide
15 that the street commissioner or city engineer shall perform the duties imposed by
16 this section on the board of public works.

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

24 (6) REPAIR AT CITY EXPENSE. ~~Whenever the~~ The council shall by resolution or
25 ~~ordinance so determine~~, may provide that sidewalks shall be kept in repair by and

1 at the expense of the city, or ~~the council~~ may direct that a certain proportion of the
2 cost of construction, reconstruction or repair be paid by the city and the balance by
3 abutting property owners.

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

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

11 **SECTION 503.** 66.616 of the statutes is renumbered 66.0909, and 66.0909 (1),
12 as renumbered, is amended to read:

13 66.0909 (1) The standard for construction of curbs and sidewalks on each side
14 of ~~any a~~ city or village street, or ~~any a~~ connecting highway or town road for which
15 curbs and sidewalks have been prescribed by the governing body of the town, city or
16 village having jurisdiction ~~thereover~~, shall include curb ramping providing access to
17 crosswalks at intersections and other designated locations. Curb ramping includes
18 the curb opening, the ramp and that part of the sidewalk or apron leading to and
19 adjacent to the curb opening. Any person constructing new curbs or sidewalks or
20 replacing curbs or sidewalks within 5 feet of a legal crosswalk in any city street,
21 village street, connecting highway or town road shall comply with the standards for
22 curb ramping under this section.

23 **SECTION 504.** 66.62 of the statutes is renumbered 66.0701 and amended to
24 read:

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

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

15 **SECTION 505.** 66.625 of the statutes is renumbered 66.0911 and amended to
 16 read:

17 **66.0911 Laterals and service pipes.** ~~Whenever~~ If the governing body shall
 18 by resolution ~~require~~ requires water, heat, sewer and gas laterals or service pipes to
 19 be constructed from the lot line or near the lot line to the main or from the lot line
 20 to the building to be serviced, or both, it may provide that when the work is done by
 21 the city, village or town or under a city, village or town contract, a record of the cost
 22 of constructing ~~such the~~ laterals or service pipes shall be kept and ~~such the~~ cost, or
 23 the average current cost of laying ~~such the~~ laterals or service pipes, shall be charged
 24 and be a lien against the lot or parcel served.

1 **SECTION 506.** 66.63 of the statutes is renumbered 66.0725 and amended to
2 read:

3 **66.0725 Assessment of condemnation benefits.** (1) As a complete
4 alternative to any other method provided by law, for the purpose of payment of the
5 expenses, including such the excess of damages and all other expenses and costs,
6 incurred for the taking of private property for the purpose set forth in ss. 32.02 (1),
7 61.34 (3) and 62.22, the governing body of ~~the~~ a town, city or village may, by
8 resolution, levy and assess the whole or any part of ~~such~~ the expenses, as a special
9 assessment upon ~~such~~ the property ~~as they determine that the governing body~~
10 ~~determines~~ is specially benefited thereby, ~~and they by the taking.~~ The governing
11 body shall include in ~~said~~ the levy the whole or any part of the excess of benefits over
12 total damages, if any, ~~making therein~~ and make a list of every lot or parcel of land
13 ~~so~~ assessed, the name of the owner ~~thereof~~, if known, and the amount levied ~~thereon~~
14 on the property.

15 (2) ~~Such~~ The resolution under sub. (1) shall be published as a class 2 notice,
16 under ch. 985, ~~and with a notice therewith that at a~~ the time and place stated therein,
17 the governing body will meet at ~~their usual place of meeting~~ and hear ~~all~~ objections
18 ~~which may be made to such~~ the assessment ~~or to any part thereof.~~ If ~~such~~ the
19 resolution levies an assessment against property outside the corporate limits, notice
20 ~~as provided herein~~ shall be given by mailing a copy of the resolution and the notice
21 by registered mail to the last-known address of the owner of ~~such~~ the property. A
22 copy of ~~such~~ the resolution shall be filed with the clerk of the town in which the
23 property is located.

24 (3) At the time ~~so~~ fixed the governing body shall meet and hear ~~all~~ such
25 objections, and for that purpose may adjourn to a date set by the governing body until

1 the hearing is completed, and shall by resolution confirm or modify such the
 2 assessment in whole or in part. At any time before the first day of the next November
 3 ~~thereafter~~ any party liable may pay ~~any such~~ the assessment to the town, city or
 4 village treasurer. On ~~such first day of~~ November 1, if ~~any such~~ the assessment
 5 remains unpaid, the treasurer shall make a certified statement showing what
 6 assessments ~~so levied~~ under this section remain unpaid, and file the ~~same~~ statement
 7 with the clerk, who shall ~~extend the same upon~~ place the unpaid assessments on the
 8 tax roll of such municipality, in addition to and as part of all other taxes therein levied
 9 ~~on such land, to be collected therewith for collection.~~

*on land in
the town*

10 (4) At the time of making out the tax roll, next after the filing of any assessment
 11 to pay the expenses incurred in proceedings for the condemnation of lands outside
 12 the corporate limits, ~~the~~ The town clerk shall enter ~~in said~~ on the tax roll the benefits
 13 not offset by damages or an excess of benefits over damages which shall be are levied
 14 ~~on the land described as a special assessment by a city or village~~ under this section and shall be collected
 15 ~~the same~~ collect the assessment in the same manner as other taxes. Such amounts
 16 when The assessments collected shall be paid over to the city or village treasurer to
 17 be applied in payment of any damages or excess of damages over benefits awarded
 18 by such the assessment; ~~and in case,~~ If the amount of such special assessments ~~are~~
 19 is insufficient to pay all damages or excess of damages over benefits ~~so~~ awarded, then
 20 the difference shall be paid by the city or village. ~~Any such damages~~ Damages or
 21 excess of damages over benefits may be paid out of ~~such the~~ the fund ~~prior to~~ before the
 22 collection of such the special assessments, ~~to be~~ and reimbursed ~~therefrom~~ when
 23 collected.

*plain
delete
strike
12
13*