

2001 DRAFTING REQUEST

Bill

Received: **03/05/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Shaun Haas**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munls - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Sale of municipal utility property, eliminate referendum requirements

Instructions:

See Attached. Same as 01-1922/1.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|-----------------------|----------------|----------------------------|----------------------------|-----------------|
| /? | shoveme 03/05/2001 | wjackson 03/06/2001 | | _____ | | | S&L |
| /1 | | | martykr 03/06/2001 | _____ | lrb_docadmin 03/06/2001 | lrb_docadmin 03/07/2001 | |

FE Sent For:

<END>

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| /? | shoveme | 1 WJ 3/6 | <i>Ym</i> 3/6 | PA 3/6 <i>Ym</i> 3/6 | | | |

11 MES

FE Sent For:

<END>

Shovers, Marc

From: Kreye, Joseph
Sent: Thursday, March 01, 2001 4:46 PM
To: Shovers, Marc; Champagne, Rick; Kuesel, Jeffery; Nelson, Robert P.
Subject: Kettl Commission recommendations

Hello all. I received a call today from Shaun Haas at leg.council. He is assigned to Rep. Underheim's Assembly Committee on State and Local Finance. Rep. Underheim has requested that the budget drafts related to the Kettl Commission recommendations be drafted as separate bills for consideration by his committee. Rick Olin at LFB has identified the following drafts as drafts that should be turned into bills for Rep. Underheim:

1. 1744/3 JK
2. 2118/3 JK
3. 1911/3 JK&MES
4. 1922/1 MES
5. 1870/2 MES
6. 1940/3 RAC
7. 2059/3 JTK
8. 1923/1 MES
9. 1895/2 RPN

Please enter all requests as requests for Underheim. The Committee will probably meet at the end of March, so Underheim is looking to distribute the drafts around March 21 or 22. Please let me know if you have any questions or need some assistance with the drafts. If there are other drafts that are related to Kettl that are not listed above, let me know that as well. Thanks.

Joe

Joseph T. Kreye, Legislative Attorney
Legislative Reference Bureau
(608) 266-2263
joseph.kreye@legis.state.wi.us

RMMB

DOA:.....Ziegler - Sale of municipal utility property, eliminate referendum requirements

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

2002 BTU

wanted
3/19

gen

- 1 AN ACT ...; relating to: the procedures used by a city, village, or town to sell or
- 2 lease a municipal public utility plant.

Analysis by the Legislative Reference Bureau

~~LOCAL GOVERNMENT~~

~~OTHER LOCAL GOVERNMENT~~

The Department of Transportation

Under current law, a municipality (a city, village, or town) may sell or lease any public utility plant that it owns only by completing a number of steps that must be performed according to a specified time table. The steps include the following: enacting an ordinance or resolution that summarizes the proposed terms of a sale or lease and that authorizes the negotiation of a preliminary agreement with a prospective purchaser; submitting a preliminary agreement to (DOT) or (PSC) for a determination of whether the sale or lease is in the public interest; fixing the price and terms of the transaction by DOT or PSC if the transaction is found to be in the public interest; submitting the proposed transaction to the electors of the municipality for a referendum; and requiring that if the referendum is approved, the sale or lease be consummated within one year of the referendum, unless the time is extended by DOT or PSC, or the transaction is void.

This bill repeals all of the steps that must be completed. Under the bill, a municipality may sell or lease any public utility plant it owns in any manner that it considers appropriate.

The Public Service Commission

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 66.0807 (2) of the statutes is amended to read:

2 66.0807 (2) A city, village or town served by a privately owned public utility,
3 motor bus or other systems of public transportation rendering local service may
4 contract with the owner of the utility or system for the leasing, public operation, joint
5 operation, extension and improvement of the utility or system by the municipality;
6 or, with funds loaned by the municipality, may contract for the stabilization by
7 municipal guaranty of the return upon or for the purchase by instalments out of
8 earnings or otherwise of that portion of the public utility or system which is operated
9 within the municipality and any territory immediately adjacent and tributary to the
10 municipality; or may contract for the accomplishment of any object agreed upon
11 between the parties relating to the use, operation, management, value, earnings,
12 purchase, extension, improvement, sale, lease or control of the utility or system
13 property. The provisions of s. 66.0817, 1999 stats., relating to preliminary agreement
14 and approval by the department of transportation or public service commission apply
15 to the contracts authorized by this section. The department of transportation or
16 public service commission shall, when a contract under this section is approved by
17 it and consummated, cooperate with the parties in respect to making valuations,
18 appraisals, estimates and other determinations specified in the contract to be made
19 by it.

20 SECTION 2. 66.0817 (intro.) of the statutes is renumbered 66.0817 and amended
21 to read:



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 6, 2001

MEMORANDUM

To: Representative Underheim

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-2736 Sale of municipal utility property, eliminate referendum requirements

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266 3561 if you have any questions regarding this memorandum.