

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1109,

Topic:

The imposition of special charges by a city, village or town

Instructions:

See Attached. Restore LRB -1870/2, Bill Sections 2021-2023

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 06/16/2001	gilfokm 06/16/2001		_____			
/1			jfrantze 06/17/2001	_____	lrb_docadmin 06/17/2001		

FE Sent For:

<END>

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1?	shoveme	<i>C/</i> <i>1/16/01</i>	<i>10/6/16</i>	<i>To/Ch</i> <i>6/17</i>			
<i>11 MES 6/15/01</i>							

FE Sent For:

<END>

General provisions

Restore Sections 2021-2023 to SB 55 to authorize municipalities to charge fees for services provided on a municipal-wide basis, such as fire protection.

CN1109



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0816/1
MES...
RMWR

SDC:.....keckhaver – CN1109, The imposition of special charges by a city,
= village or town

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ~~WFB~~ AMENDMENT *Senate*

to S. Sub. Amnt.
TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

sub amnt

1 At the locations indicated, amend the bill as follows:

2 1. Page ⁶⁸⁰ ~~7~~, line ~~7~~ ⁵ after that line insert:

3 (END)



DOA:.....Ziegler - Special charges for municipal services

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the imposition of special charges by a city, village, or town.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, a municipality (a city, village, or town) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. Also under current law, a municipality may impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the municipality in which the property is located approves the imposition. A "service" under current law includes snow and ice removal, weed elimination, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, tree care, and other similar services that are not specified in the definition. Special charges are not payable in installments. If a special charge is not paid within the time specified by the municipality, the special charge is delinquent and becomes a lien on the property against which it is imposed.

A recent court of appeals decision, *Town of Janesville v. Rock County*, 153 Wis. 2d 538, 546-547 (1989), interpreted current law to mean that special charges may be imposed "only for services which are actually performed" and that the statute limits a municipality to "charging only for services actually provided and not for services that may be available but not utilized."

Under this bill, special charges may be imposed for services that are available, without regard to whether the services are actually rendered, and may be allocated

to the property that is served or that is eligible to be served. This change also applies to special charges imposed against real property in an adjacent municipality, under the same terms and conditions that exist under current law.

For further information see the *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:

11

^{2021 ✓}
SECTION 1. 66.0627 (title) of the statutes is amended to read:

66.0627 (title) Special charges for current services.

^{2022 ✓}
SECTION 2. 66.0627 (2) of the statutes is amended to read:

66.0627 (2) Except as provided in sub. (5), the governing body of a city, village or town may impose a special charge against real property for current services that are available, regardless of whether the services are actually rendered, by allocating all or part of the cost of the service to the property that is served or that is eligible to be served. The authority under this section is in addition to any other method provided by law.

^{2023 ✓}
SECTION 3. 66.0707 (2) of the statutes is amended to read:

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

~~SECTION 9359. Initial applicability; other.~~

#. Page 1415, line 14 : after that line insert;

1 " (a) ⁸ SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections 66.0627
2 (2) and 66.0707 (2) of the statutes first applies to special charges that are imposed
3 on the effective date of this subsection. "

4 (END)

Do not
add a
letter

SDC:.....Keckhaver – CN1109, The imposition of special charges by a city,
village or town

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 680, line 5: after that line insert:

3 “SECTION 2021. 66.0627 (title) of the statutes is amended to read:

4 **66.0627 (title) Special charges for ~~current~~ services.**

5 **SECTION 2022. 66.0627 (2) of the statutes is amended to read:**

6 **66.0627 (2) Except as provided in sub. (5), the governing body of a city, village**
7 **or town may impose a special charge against real property for ~~current~~ services that**
8 **are available, regardless of whether the services are actually rendered, by allocating**
9 **all or part of the cost of the service to the property that is served or that is eligible**

1 to be served. The authority under this section is in addition to any other method
2 provided by law.

3 **SECTION 2023.** 66.0707 (2) of the statutes is amended to read:

4 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627
5 against real property in an adjacent city, village or town that is served by current
6 services that are available, regardless of whether the services are actually rendered
7 by the municipality imposing the special charge if the municipality in which the
8 property is located approves the imposition by resolution. The owner of the property
9 is entitled to the use and enjoyment of the service for which the special charge is
10 imposed on the same conditions as the owner of property within the city, village or
11 town.”.

12 **2.** Page 1415, line 14: after that line insert:

13 “(8) SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections 66.0627
14 (2) and 66.0707 (2) of the statutes first applies to special charges that are imposed
15 on the effective date of this subsection.”.

16 (END)