



1 **SECTION 1449m.** 59.58 (7) of the statutes is created to read:

2 **59.58 (7) SOUTHEASTERN REGIONAL TRANSIT AUTHORITY.** (a) In this subsection:

3 1. “Authority” means the southeastern regional transit authority created
4 under this subsection.

5 2. “Bonds” means any bonds, interim certificates, notes, debentures, or other
6 obligations of the authority issued under this subsection.

7 3. “KRM commuter rail line” means a commuter rail transit system connecting
8 the cities of Kenosha, Racine, and Milwaukee.

9 (b) There is created the southeastern regional transit authority, a public body
10 corporate and politic and a separate governmental entity, consisting of the counties
11 of Kenosha, Racine, and Milwaukee. This authority may transact business and
12 exercise any powers granted to it under this subsection. The jurisdictional area of
13 this authority is the geographic area formed by the combined territorial boundaries
14 of the counties of Kenosha, Racine, and Milwaukee.

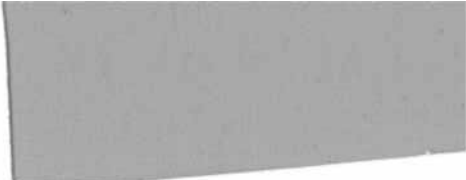
15 (c) 1. The powers of the authority shall be vested in its board of directors,
16 consisting of the following members:

17 a. Two members from Milwaukee County, appointed by the Milwaukee County
18 board chairperson.

19 b. Two members from the city of Milwaukee, appointed by the mayor of the city
20 of Milwaukee.

21 c. One member from Racine County, appointed by the Racine County board
22 chairperson.

23 d. One member from the city of Racine, appointed by the mayor of the city of
24 Racine.



1 e. One member from Kenosha County, appointed by the Kenosha County board
2 chairperson.

3 f. One member from the city of Kenosha, appointed by the mayor of the city of
4 Kenosha.

5 g. One member from the authority's jurisdictional area, appointed by the
6 governor.

7 2. A majority of the board of directors' full authorized membership constitutes
8 a quorum for the purpose of conducting the authority's business and exercising its
9 powers. Action may be taken by the board of directors upon a vote of a majority of
10 the directors present and voting, unless the bylaws of the authority require a larger
11 number.

12 (d) The authority shall have all powers necessary and convenient to create,
13 construct, and manage a KRM commuter rail line and to contract for and provide
14 transit service in Kenosha County and Racine County as specified in par. (k). A KRM
15 commuter rail line shall include a stop at the point where the KRM commuter rail
16 line intersects National Avenue in the city of Milwaukee and a stop at the
17 intersection of Lincoln Avenue and Bay Street in the city of Milwaukee.

18 (dm) A KRM commuter rail line may not include a stop in any municipality in
19 the counties of Racine and Kenosha, other than in the city of Racine or the city of
20 Kenosha, unless the municipality in which the stop is to be located provides for a
21 sustainable mechanism to generate additional moneys for transit systems receiving
22 funding under s. 85.20 that operate in Kenosha County or Racine County, as
23 applicable.

24 (e) The authority may impose the fees under subch. XIII of ch. 77. From these
25 fees, the authority shall transfer \$1 for each transaction to each of the cities of Racine

1 and Kenosha, to support their respective transit systems, if each city, respectively,
2 demonstrates that it has established a new funding source sufficient to generate
3 revenues equal to or greater than the amounts to be transferred to each city under
4 this subdivision. From the remaining fees, the authority may do all of the following:

5 1. Retain not more than \$2 for each transaction for administration of the
6 authority.

7 2. Retain the difference between the amount of the fees imposed under subch.
8 XIII of ch. 77 and the amount of those fees transferred under this paragraph or
9 retained under subd. 1. for expenditures related to the KRM commuter rail line,
10 including planning, construction, maintenance, operations, and engineering
11 expenditures.

12 (f) 1. The authority may issue bonds, the principal and interest on which are
13 payable exclusively from all or a portion of any revenues received by the authority.
14 The authority may secure its bonds by a pledge of any income or revenues from any
15 operations, rent, aids, grants, subsidies, contributions, or other source of moneys
16 whatsoever.

17 2. The authority may issue bonds in an aggregate principal amount not to
18 exceed \$50,000,000, excluding bonds issued to refund outstanding bonds issued
19 under this subdivision, for the purpose of providing funds for the anticipated local
20 funding share required for initiating KRM commuter rail line service.

21 3. Neither the authority's board of directors nor any person executing the bonds
22 is personally liable on the bonds by reason of the issuance of the bonds.

23 4. The bonds of the authority are not a debt of the counties that comprise the
24 authority. Neither these counties nor the state are liable for the payment of the
25 bonds. The bonds of the authority shall be payable only out of funds or properties

1 of the authority. The bonds of the authority shall state the restrictions contained in
2 this subdivision on the face of the bonds.

3 5. Bonds of the authority shall be authorized by resolution of the authority's
4 board of directors. The bonds may be issued under such a resolution or under a trust
5 indenture or other security instrument. The bonds may be issued in one or more
6 series and may be in the form of coupon bonds or registered bonds under s. 67.09.
7 The bonds shall bear the dates, mature at the times, bear interest at the rates, be in
8 the denominations, have the rank or priority, be executed in the manner, be payable
9 in the medium of payment and at the places, and be subject to the terms of
10 redemption, with or without premium, as the resolution, trust indenture, or other
11 security instrument provides. Bonds of the authority are issued for an essential
12 public and governmental purpose and are public instrumentalities and, together
13 with interest and income, are exempt from taxes. The authority may sell the bonds
14 at public or private sales at the price or prices determined by the authority. If a
15 member of the authority's board of directors whose signature appears on any bonds
16 or coupons ceases to be a member of the authority's board of directors before the
17 delivery of such obligations, the member's signature shall, nevertheless, be valid for
18 all purposes as if the member had remained a member until delivery of the bonds.

19 6. The authority may issue refunding bonds for the purpose of paying any of
20 its bonds at or prior to maturity or upon acceleration or redemption. The authority
21 may issue refunding bonds at such time prior to the maturity or redemption of the
22 refunded bonds as the authority deems to be in the public interest. The refunding
23 bonds may be issued in sufficient amounts to pay or provide the principal of the bonds
24 being refunded, together with any redemption premium on the bonds, any interest
25 accrued or to accrue to the date of payment of the bonds, the expenses of issue of the

1 refunding bonds, the expenses of redeeming the bonds being refunded, and such
2 reserves for debt service or other capital or current expenses from the proceeds of
3 such refunding bonds as may be required by the resolution, trust indenture, or other
4 security instruments. To the extent applicable, refunding bonds are subject to subd.
5 5.

6 (g) All moneys transferred under s. 59.58 (6) (cg) shall be used by the authority
7 to assist in the planning of the KRM commuter rail line project.

8 (h) The authority's powers shall be limited to those specified in this subsection.

9 (i) The authority is the only entity in the counties of Milwaukee, Racine, and
10 Kenosha that may submit an application to the federal transit administration in the
11 U.S. department of transportation under the federal new starts grant program for
12 funding for the KRM commuter rail line.

13 (j) The Milwaukee Transit Authority under s. 66.1038, and the operator of any
14 transit system in Kenosha County or Racine County receiving funding under s.
15 85.20, shall provide copies of all of their annual and long-term transit plans to the
16 southeastern regional transit authority as these plans become available.

17 (k) Upon a vote of approval by its governing body, any municipality in Kenosha
18 County or Racine County in which a transit system eligible to receive funding under
19 s. 85.20 is operated may contract with the authority for the authority to provide
20 transit services within the municipality.

21 **SECTION 1449s.** 59.69 (4c) of the statutes is amended to read:

22 59.69 (4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s.
23 ~~101.1205 (5m)~~ 281.33 (3m) (f), an ordinance that is enacted under sub. (4) may only
24 include provisions that are related to construction site erosion control if those

1 provisions are limited to sites where the construction activities do not include the
2 construction of a building.

3 **SECTION 1450.** 59.69 (15) (intro.) of the statutes is amended to read:

4 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
5 of this section, the location of a community living arrangement for adults, as defined
6 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
9 municipality, shall be subject to the following criteria:

10 **SECTION 1451.** 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin
11 Act (this act), is amended to read:

12 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
13 of this section, the location of a community living arrangement for adults, as defined
14 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
16 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
17 municipality, shall be subject to the following criteria:

18 **SECTION 1452.** 59.69 (15) (bm) of the statutes is amended to read:

19 **59.69 (15) (bm)** A foster home ~~or a treatment foster home~~ that is the primary
20 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
21 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
22 use in all residential areas and is not subject to pars. (a) and (b) except that foster
23 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,
24 religious associations, as defined in s. 157.061 (15), associations, or public agencies
25 shall be subject to pars. (a) and (b).

1 **SECTION 1453.** 60.63 (intro.) of the statutes is amended to read:

2 **60.63 Community and other living arrangements.** (intro.) For purposes
3 of s. 60.61, the location of a community living arrangement for adults, as defined in
4 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
5 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
6 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town
7 shall be subject to the following criteria:

8 **SECTION 1454.** 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act
9 (this act), is amended to read:

10 **60.63 Community and other living arrangements.** (intro.) For purposes
11 of s. 60.61, the location of a community living arrangement for adults, as defined in
12 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
13 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
14 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town
15 shall be subject to the following criteria:

16 **SECTION 1455.** 60.63 (3) of the statutes is amended to read:

17 60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile
18 of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an
19 adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all
20 residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and~~
21 ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches,
22 associations, or public agencies shall be subject to subs. (1) and (2).

23 **SECTION 1456.** 60.85 (6) (am) of the statutes is created to read:

24 60.85 (6) (am) With regard to each district for which the department of revenue
25 authorizes the allocation of a tax increment under par. (a), the department shall

1 charge the town that created the district an annual administrative fee of \$150 that
2 the town shall pay to the department no later than May 15.

3 **SECTION 1457.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

4 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
5 of this section, the location of a community living arrangement for adults, as defined
6 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 55(1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined
8 in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
9 city shall be subject to the following criteria:

10 **SECTION 1458.** 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin
11 Act (this act), is amended to read:

12 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
13 of this section, the location of a community living arrangement for adults, as defined
14 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
16 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city
17 shall be subject to the following criteria:

18 **SECTION 1459.** 62.23 (7) (i) 2m. of the statutes is amended to read:

19 62.23 (7) (i) 2m. A foster home ~~or treatment foster home~~ that is the primary
20 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
21 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
22 use in all residential areas and is not subject to subds. 1. and 2. except that foster
23 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,
24 churches, associations, or public agencies shall be subject to subds. 1. and 2.

1 **SECTION 1459m.** 62.50 (18) (a) of the statutes is renumbered 62.50 (18) and
2 amended to read:

3 **62.50 (18)** No chief officer of either department or member of the fire
4 department may be deprived of any salary or wages for the period of time suspended
5 preceding an investigation or trial, unless the charge is sustained. ~~Except as~~
6 ~~provided in par. (b), no~~ **No** member of the police force may be ~~discharged or~~ suspended
7 under sub. (11) or (13) without pay or benefits until the matter that is the subject of
8 the ~~discharge or~~ suspension is disposed of by the board or the time for appeal under
9 sub. (13) passes without an appeal being made.

10 **SECTION 1459n.** 62.50 (18) (b) of the statutes is repealed.

11 **SECTION 1460.** 62.62 of the statutes is created to read:

12 **62.62 Appropriation bonds for payment of employee retirement**
13 **system liability in 1st class cities. (1) DEFINITIONS.** In this section:

14 (a) "Appropriation bond" means a bond issued by a city to evidence its
15 obligation to repay a certain amount of borrowed money that is payable from all of
16 the following:

17 1. Moneys annually appropriated by law for debt service due with respect to
18 such appropriation bond in that year.

19 2. Proceeds of the sale of such appropriation bonds.

20 3. Payments received for that purpose under agreements and ancillary
21 arrangements described in s. 62.621.

22 4. Investment earnings on amounts in subds. 1. to 3.

23 (b) "Bond" means any bond, note, or other obligation of a city issued under this
24 section.

25 (c) "City" means a 1st class city.

1 (d) "Common Council" means the common council of a city.

2 (e) "Refunding bond" means an appropriation bond issued to fund or refund all
3 or any part of one or more outstanding pension-related bonds.

4 **(1m) LEGISLATIVE FINDING AND DETERMINATION.** Recognizing that a city, by
5 prepaying part or all of the city's unfunded prior service liability with respect to an
6 employee retirement system of the city, may reduce its costs and better ensure the
7 timely and full payment of retirement benefits to participants and their beneficiaries
8 under the employee retirement system, the legislature finds and determines that it
9 is in the public interest for the city to issue appropriation bonds to obtain proceeds
10 to pay its unfunded prior service liability.

11 **(2) AUTHORIZATION OF APPROPRIATION BONDS.** (a) A common council shall have
12 all powers necessary and convenient to carry out its duties, and to exercise its
13 authority, under this section.

14 (b) Subject to pars. (c) and (d), a common council may issue appropriation bonds
15 under this section to pay all or any part of the city's unfunded prior service liability
16 with respect to an employee retirement system of the city, or to fund or refund
17 outstanding appropriation bonds issued under this section. A city may use proceeds
18 of appropriation bonds to pay issuance or administrative expenses, to make deposits
19 to reserve funds, to pay accrued or funded interest, to pay the costs of credit
20 enhancement, to make payments under other agreements entered into under s.
21 62.621, or to make deposits to stabilization funds established under s. 62.621.

22 (c) Other than refunding bonds issued under sub. (6), all bonds must be issued
23 simultaneously.

24 (d) 1. Before a city may issue appropriation bonds under par. (b), its common
25 council shall enact an ordinance that establishes a 5-year strategic and financial

1 plan related to the payment of all or any part of the city's unfunded prior service
2 liability with respect to an employee retirement system of the city. The strategic and
3 financial plan shall provide that future annual pension liabilities are funded on a
4 current basis. The strategic and financial plan shall contain quantifiable
5 benchmarks to measure compliance with the plan. The common council shall make
6 a determination that the ordinance meets the requirements of this subdivision and,
7 absent manifest error, the common council's determination shall be conclusive. The
8 common council shall submit to the governor and to the chief clerk of each house of
9 the legislature, for distribution to the legislature under s. 13.172 (2), a copy of the
10 strategic and financial plan.

11 2. Annually, the city shall submit to the governor, the department of revenue,
12 and the department of administration, and to the chief clerk of each house of the
13 legislature, for distribution to the legislature under s. 13.172 (2), a report that
14 includes all of the following:

15 a. The city's progress in meeting the benchmarks in the strategic and financial
16 plan.

17 b. Any proposed modifications to the plan.

18 c. The status of any stabilization fund that is established under s. 62.622 (3).

19 d. The most current actuarial report related to the city's employee retirement
20 system.

21 e. The amount, if any, by which the city's contributions to the employee
22 retirement system for the prior year is less than the normal cost contribution for that
23 year as specified in the initial actuarial report for the city's employee retirement
24 system for that year.

1 f. The amount that the actuary determines is the city's required contribution
2 to the employee retirement system for that year.

3 **(2m) PENALTY FOR INADEQUATE CONTRIBUTION.** If the city's contributions to the
4 employee retirement system for the prior year is less than the lower of the required
5 contribution for that year, as described in sub. (2) (d) 2. f., or the normal cost for that
6 year, the department of revenue shall reduce and withhold the amount of the shared
7 revenue payments to the city under subch. I of ch. 79, in the following year, by an
8 amount equal to the difference between the required cost contribution for that prior
9 year and the city's actual contribution in that prior year. The department of revenue
10 shall deposit the amount of the reduced and withheld shared revenue payment into
11 the city's employee retirement system.

12 **(3) TERMS.** (a) A city may borrow moneys and issue appropriation bonds in
13 evidence of the borrowing pursuant to one or more written authorizing resolutions
14 under sub. (4). Unless otherwise provided in an authorizing resolution, the city may
15 issue appropriation bonds at any time, in any specific amounts, at any rates of
16 interest, for any term, payable at any intervals, at any place, in any manner, and
17 having any other terms or conditions that the common council considers necessary
18 or desirable. Appropriation bonds may bear interest at variable or fixed rates, bear
19 no interest, or bear interest payable only at maturity or upon redemption prior to
20 maturity.

21 (b) The common council may authorize appropriation bonds having any
22 provisions for prepayment the common council considers necessary or desirable,
23 including the payment of any premium.

1 (c) Interest shall cease to accrue on an appropriation bond on the date that the
2 appropriation bond becomes due for payment if payment is made or duly provided
3 for.

4 (d) All moneys borrowed by a city that is evidenced by appropriation bonds
5 issued under this section shall be lawful money of the United States, and all
6 appropriation bonds shall be payable in such money.

7 (e) All appropriation bonds owned or held by a fund of the city are outstanding
8 in all respects, and the common council or other governing body controlling the fund
9 shall have the same rights with respect to an appropriation bond as a private party,
10 but if any sinking fund acquires appropriation bonds that gave rise to such fund, the
11 appropriation bonds are considered paid for all purposes and no longer outstanding
12 and shall be canceled as provided in sub. (7) (d).

13 (f) A city shall not be generally liable on appropriation bonds, and
14 appropriation bonds shall not be a debt of the city for any purpose whatsoever.
15 Appropriation bonds, including the principal thereof and interest thereon, shall be
16 payable only from amounts that the common council may, from year to year,
17 appropriate for the payment thereof.

18 **(4) PROCEDURES.** (a) No appropriation bonds may be issued by a city unless the
19 issuance is pursuant to a written authorizing resolution adopted by a majority of a
20 quorum of the common council. The resolution may be in the form of a resolution or
21 trust indenture, and shall set forth the aggregate principal amount of appropriation
22 bonds authorized thereby, the manner of their sale, and the form and terms thereof.
23 The resolution or trust indenture may establish such funds and accounts, including
24 a reserve fund, as the common council determines.

1 (b) Appropriation bonds may be sold at either public or private sale and may
2 be sold at any price or percentage of par value. All appropriation bonds sold at public
3 sale shall be noticed as provided in the authorizing resolution. Any bid received at
4 public sale may be rejected.

5 (5) FORM. (a) As determined by the common council, appropriation bonds may
6 be issued in book-entry form or in certificated form. Notwithstanding s. 403.104 (1),
7 every evidence of appropriation bond is a negotiable instrument.

8 (b) Every appropriation bond shall be executed in the name of and for the city
9 by the president of the common council and city clerk, and shall be sealed with the
10 seal of the city, if any. Facsimile signatures of either officer may be imprinted in lieu
11 of manual signatures, but the signature of at least one such officer shall be manual.
12 An appropriation bond bearing the manual or facsimile signature of a person in office
13 at the same time the signature was signed or imprinted shall be fully valid
14 notwithstanding that before or after the delivery of such appropriation bond the
15 person ceased to hold such office.

16 (c) Every appropriation bond shall be dated not later than the date it is issued,
17 shall contain a reference by date to the appropriate authorizing resolution, shall
18 state the limitation established in sub. (3) (f), and shall be in accordance with the
19 appropriate authorizing resolution in all respects.

20 (d) An appropriation bond shall be substantially in such form and contain such
21 statements or terms as determined by the common council, and may not conflict with
22 law or with the appropriate authorizing resolution.

23 (6) REFUNDING BONDS. (a) 1. A common council may authorize the issuance of
24 refunding appropriation bonds. Refunding appropriation bonds may be issued,
25 subject to any contract rights vested in owners of the appropriation bonds being

1 refunded, to refund all or any part of one or more issues of appropriation bonds
2 notwithstanding that the appropriation bonds may have been issued at different
3 times or issues of general obligation promissory notes under s. 67.12 (12) were issued
4 to pay unfunded prior service liability with respect to an employee retirement
5 system. The principal amount of the refunding appropriation bonds may not exceed
6 the sum of: the principal amount of the appropriation bonds or general obligation
7 promissory notes being refunded; applicable redemption premiums; unpaid interest
8 on the refunded appropriation bonds or general obligation promissory notes to the
9 date of delivery or exchange of the refunding appropriation bonds; in the event the
10 proceeds are to be deposited in trust as provided in par. (c), interest to accrue on the
11 appropriation bonds or general obligation promissory notes to be refunded from the
12 date of delivery to the date of maturity or to the redemption date selected by the
13 common council, whichever is earlier; and the expenses incurred in the issuance of
14 the refunding appropriation bonds and the payment of the refunded appropriation
15 bonds or general obligation promissory notes.

16 2. A common council may authorize the issuance of general obligation
17 promissory notes under s. 67.12 (12) (a) to refund appropriation bonds,
18 notwithstanding s. 67.01 (9) (intro.).

19 (b) If a common council determines to exchange refunding appropriation bonds,
20 they may be exchanged privately for, and in payment and discharge of, any of the
21 outstanding appropriation bonds being refunded. Refunding appropriation bonds
22 may be exchanged for such principal amount of the appropriation bonds being
23 exchanged therefor as may be determined by the common council to be necessary or
24 desirable. The owners of the appropriation bonds being refunded who elect to
25 exchange need not pay accrued interest on the refunding appropriation bonds if and

1 to the extent that interest is accrued and unpaid on the appropriation bonds being
2 refunded and to be surrendered. If any of the appropriation bonds to be refunded are
3 to be called for redemption, the common council shall determine which redemption
4 dates are to be used, if more than one date is applicable and shall, prior to the
5 issuance of the refunding appropriation bonds, provide for notice of redemption to be
6 given in the manner and at the times required by the resolution authorizing the
7 appropriation bonds to be refunded.

8 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
9 shall be applied either to the immediate payment and retirement of the
10 appropriation bonds or general obligation promissory notes being refunded or, if the
11 bonds or general obligation promissory notes have not matured and are not presently
12 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
13 appropriation bonds or general obligation promissory notes being refunded.

14 2. If a trust is created, a separate deposit shall be made for each issue of
15 appropriation bonds or general obligation promissory notes being refunded. Each
16 deposit shall be with a bank or trust company authorized by the laws of the United
17 States or of a state in which it is located to conduct banking or trust company
18 business. If the total amount of any deposit, including moneys other than sale
19 proceeds but legally available for such purpose, is less than the principal amount of
20 the appropriation bonds or general obligation promissory notes being refunded and
21 for the payment of which the deposit has been created and pledged, together with
22 applicable redemption premiums and interest accrued and to accrue to maturity or
23 to the date of redemption, then the application of the sale proceeds shall be legally
24 sufficient only if the moneys deposited are invested in securities issued by the United
25 States or one of its agencies, or securities fully guaranteed by the United States, and

1 only if the principal amount of the securities at maturity and the income therefrom
2 to maturity will be sufficient and available, without the need for any further
3 investment or reinvestment, to pay at maturity or upon redemption the principal
4 amount of the appropriation bonds or general obligation promissory notes being
5 refunded together with applicable redemption premiums and interest accrued and
6 to accrue to maturity or to the date of redemption. The income from the principal
7 proceeds of the securities shall be applied solely to the payment of the principal of
8 and interest and redemption premiums on the appropriation bonds or general
9 obligation promissory notes being refunded, but provision may be made for the
10 pledging and disposition of any surplus.

11 3. Nothing in this paragraph may be construed as a limitation on the duration
12 of any deposit in trust for the retirement of appropriation bonds or general obligation
13 promissory notes being refunded that have not matured and that are not presently
14 redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment
15 of the income of a trust if the reinvestments will mature at such times that sufficient
16 moneys will be available to pay interest, applicable premiums, and principal on the
17 appropriation bonds or general obligation promissory notes being refunded.

18 **(7) FISCAL REGULATIONS.** (a) All appropriation bonds shall be registered by the
19 city clerk or city treasurer of the city issuing the appropriation bonds, or such other
20 officers or agents, including fiscal agents, as the common council may determine.
21 After registration, no transfer of an appropriation bond is valid unless made by the
22 registered owner's duly authorized attorney, on the records of the city and similarly
23 noted on the appropriation bond. The city may treat the registered owner as the
24 owner of the appropriation bond for all purposes. Payments of principal and interest
25 shall be by electronic funds transfer, check, share draft, or other draft to the

1 registered owner at the owner's address as it appears on the register, unless the
2 common council has otherwise provided. Information in the register is not available
3 for inspection and copying under s. 19.35 (1). The common council may make any
4 other provision respecting registration as it considers necessary or desirable.

5 (b) The common council may appoint one or more trustees or fiscal agents for
6 each issue of appropriation bonds. The city treasurer may be designated as the
7 trustee and the sole fiscal agent or as cofiscal agent for any issue of appropriation
8 bonds. Every other fiscal agent shall be an incorporated bank or trust company
9 authorized by the laws of the United States or of the state in which it is located to
10 conduct banking or trust company business. There may be deposited with a trustee,
11 in a special account, moneys to be used only for the purposes expressly provided in
12 the resolution authorizing the issuance of appropriation bonds or an agreement
13 between the city and the trustee. The common council may make other provisions
14 respecting trustees and fiscal agents as the common council considers necessary or
15 desirable and may enter into contracts with any trustee or fiscal agent containing
16 such terms, including compensation, and conditions in regard to the trustee or fiscal
17 agent as the common council considers necessary or desirable.

18 (c) If any appropriation bond is destroyed, lost, or stolen, the city shall execute
19 and deliver a new appropriation bond, upon filing with the common council evidence
20 satisfactory to the common council that the appropriation bond has been destroyed,
21 lost, or stolen, upon providing proof of ownership thereof, and upon furnishing the
22 common council with indemnity satisfactory to it and complying with such other
23 rules of the city and paying any expenses that the city may incur. The common
24 council shall cancel the appropriation bond surrendered to the city.



1 (d) Unless otherwise directed by the common council, every appropriation bond
2 paid or otherwise retired shall be marked "canceled" and delivered to the city
3 treasurer, or to such other fiscal agent as applicable with respect to the appropriation
4 bond, who shall destroy them and deliver a certificate to that effect to the city clerk.

5 (8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may
6 legally invest any sinking funds, moneys, or other funds belonging to them or under
7 their control in any appropriation bonds issued under this section:

8 (a) The state, the investment board, public officers, municipal corporations,
9 political subdivisions, and public bodies.

10 (b) Banks and bankers, savings and loan associations, credit unions, trust
11 companies, savings banks and institutions, investment companies, insurance
12 companies, insurance associations, and other persons carrying on a banking or
13 insurance business.

14 (c) Personal representatives, guardians, trustees, and other fiduciaries.

15 (9) MORAL OBLIGATION PLEDGE. If the common council considers it necessary or
16 desirable to do so, it may express in a resolution authorizing appropriation bonds its
17 expectation and aspiration to make timely appropriations sufficient to pay the
18 principal and interest due with respect to such appropriation bonds, to make
19 deposits into a reserve fund created under sub. (4) (a) with respect to such
20 appropriation bonds, to make payments under any agreement or ancillary
21 arrangement entered into under s. 62.621 with respect to such appropriation bonds,
22 to make deposits into any stabilization fund established or continued under s. 62.622
23 with respect to such appropriation bonds, or to pay related issuance or
24 administrative expenses.

1 (10) APPLICABILITY. This section does not apply if a city does not issue
2 appropriation bonds as authorized under sub. (2).

3 **SECTION 1461.** 62.621 of the statutes is created to read:

4 **62.621 Agreements and ancillary arrangements for certain notes and**
5 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
6 appropriation bonds under s. 62.62, or general obligation promissory notes under s.
7 67.12 (12), to pay unfunded prior service liability with respect to an employee
8 retirement system, or at any time thereafter so long as the appropriation bonds or
9 general obligation promissory notes are outstanding, a 1st class city may enter into
10 agreements or ancillary arrangements relating to the appropriation bonds or general
11 obligation promissory notes, including trust indentures, liquidity facilities,
12 remarketing or dealer agreements, letters of credit, insurance policies, guaranty
13 agreements, reimbursement agreements, indexing agreements, and interest
14 exchange agreements. Any payments made or amounts received with respect to any
15 such agreement or ancillary arrangement shall be made from or deposited as
16 provided in the agreement or ancillary arrangement.

17 **SECTION 1462.** 62.622 of the statutes is created to read:

18 **62.622 Employee retirement system liability financing in 1st class**
19 **cities; additional powers. (1) DEFINITIONS.** In this section:

20 (a) "City" means a 1st class city.

21 (b) "Common council" means the common council of a city.

22 (c) "Pension funding plan" means a strategic and financial plan related to the
23 payment of all or part of a city's unfunded prior service liability with respect to an
24 employee retirement system.

1 (d) "Trust" means a common law trust organized under the laws of this state,
2 by the city, as settlor, pursuant to a formal, written, declaration of trust.

3 (2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS. (a) To facilitate a pension
4 funding plan and in furtherance thereof, a common council may create one or more
5 of the following:

- 6 1. A trust.
- 7 2. A nonstock corporation under ch. 181.
- 8 3. A limited liability company under ch. 183.
- 9 4. A special fund or account of the city.

10 (b) An entity described under par. (a) has all of the powers provided to it under
11 applicable law and the documents pursuant to which it is created and established.
12 The powers shall be construed broadly in favor of effectuating the purposes for which
13 the entity is created. A city may appropriate funds to such entities and to such funds
14 and accounts, under terms and conditions established by the common council,
15 consistent with the purposes for which they are created and established.

16 (3) STABILIZATION FUNDS. (a) To facilitate a pension funding plan a common
17 council may establish a stabilization fund. Any such fund may be created as a trust,
18 a special fund or account of the city established by a separate resolution or ordinance,
19 or a fund or account created under an authorizing resolution or trust indenture in
20 connection with the authorization and issuance of appropriation bonds under s.
21 62.62 or general obligation promissory notes under s. 67.12 (12). A city may
22 appropriate funds for deposit to a stabilization fund established under this
23 subsection.

24 (b) Moneys in a stabilization fund established under this subsection may be
25 used, subject to annual appropriation by the common council, solely to pay principal

1 or interest on appropriation bonds issued under s. 62.62 and general obligation
2 promissory notes under s. 67.12 (12) issued in connection with a pension funding
3 plan, for the redemption or repurchase of such appropriation bonds or general
4 obligation promissory notes, to make payments under any agreement or ancillary
5 arrangement entered into under s. 62.621 with respect to such appropriation bonds
6 or general obligation promissory notes, or to pay annual pension costs other than
7 normal costs. Moneys on deposit in a stabilization fund may not be subject to any
8 claims, demands, or actions by, or transfers or assignments to, any creditor of the city,
9 any beneficiary of the city's employee retirement system, or any other person, on
10 terms other than as may be established in the resolution or ordinance creating the
11 stabilization fund. Moneys on deposit in a stabilization fund established under this
12 subsection may be invested and reinvested in the manner directed by the common
13 council or pursuant to delegation by the common council as provided under s. 66.0603
14 (5).

15 **SECTION 1463.** 62.67 of the statutes is amended to read:

16 **62.67 Uninsured motorist coverage; 1st class cities.** A 1st class city shall
17 provide uninsured motorist motor vehicle liability insurance coverage for motor
18 vehicles owned by the city and operated by city employees in the course of
19 employment. The coverage required by this section shall have at least the limits
20 prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

21 **SECTION 1463r.** 63.03 (2) (r) of the statutes, as created by 2009 Wisconsin Act
22 15, is amended to read:

23 63.03 (2) (r) All staff performing services for the Milwaukee County enrollment
24 services unit under s. 49.825 or for the child care provider services unit under s.
25 49.826.



1 **SECTION 1463w.** 66.0137 (4) of the statutes, as affected by 2009 Wisconsin Act
2 14, is amended to read:

3 66.0137 (4) **SELF-INSURED HEALTH PLANS.** If a city, including a 1st class city, or
4 a village provides health care benefits under its home rule power, or if a town
5 provides health care benefits, to its officers and employees on a self-insured basis,
6 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
7 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
8 and (6), 632.885, 632.895 (9) to ~~(16)~~ (17), 632.896, and 767.513 (4).

9 **SECTION 1464.** 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and
10 amended to read:

11 66.0137 (5) (b) The state or a local governmental unit may provide for the
12 payment of premiums for hospital, surgical and other health and accident insurance
13 and life insurance for employees and officers ~~and~~, their spouses and dependent
14 children, and their domestic partner under ch. 770 and dependent children. A local
15 governmental unit may also provide for the payment of premiums for hospital and
16 surgical care for its retired employees. In addition, a local governmental unit may,
17 by ordinance or resolution, elect to offer to all of its employees a health care coverage
18 plan through a program offered by the group insurance board under ch. 40. A local
19 governmental unit that elects to participate under s. 40.51 (7) is subject to the
20 applicable sections of ch. 40 instead of this subsection.

21 **SECTION 1465.** 66.0137 (5) (a) of the statutes is created to read:

22 66.0137 (5) (a) In this subsection, "local governmental unit" includes the school
23 district operating under ch. 119.

24 **SECTION 1466.** 66.0301 (1) (a) of the statutes is amended to read:

1 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
2 “municipality” means the state or any department or agency thereof, or any city,
3 village, town, county, school district, public library system, public inland lake
4 protection and rehabilitation district, sanitary district, farm drainage district,
5 metropolitan sewerage district, sewer utility district, solid waste management
6 system created under s. 59.70 (2), local exposition district created under subch. II of
7 ch. 229, local professional baseball park district created under subch. III of ch. 229,
8 local professional football stadium district created under subch. IV of ch. 229, a local
9 cultural arts district created under subch. V of ch. 229, transit authority created
10 under s. 66.1039, long-term care district under s. 46.2895, water utility district,
11 mosquito control district, municipal electric company, county or city transit
12 commission, commission created by contract under this section, taxation district,
13 regional planning commission, or city-county health department.

14 **SECTION 1467.** 66.0307 (7m) of the statutes is amended to read:

15 66.0307 (7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative
16 plan with a city or village, the town and city or village may agree, as part of the
17 cooperative plan, to authorize the town, city or village to adopt a zoning ordinance
18 under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the
19 plan. The exercise of zoning authority by a town under this subsection is not subject
20 to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory
21 covered by the plan, that ordinance and amendments to it continue until a zoning
22 ordinance is adopted under this subsection. If a zoning ordinance is adopted under
23 this subsection, that zoning ordinance continues in effect after the planning period
24 ceases until a different zoning ordinance for the territory is adopted under other

1 applicable law. This subsection does not affect zoning ordinances adopted under ss.
2 s. 59.692, or 87.30 or ~~91.71 to 91.78~~ ch. 91.

3 **SECTION 1468.** 66.0602 (1) (b) of the statutes is amended to read:

4 66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least
5 \$500 over the limit under sub. (2) for the political subdivision, not including any
6 amount that is excepted from the limit under subs. (3), (4), and (5).

7 **SECTION 1469.** 66.0602 (1) (d) of the statutes is amended to read:

8 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
9 either ~~2~~ 3 percent or the percentage change in the political subdivision's January 1
10 equalized value due to new construction less improvements removed between the
11 previous year and the current year. ~~Except as provided, no political subdivision may~~
12 ~~increase its levy in any year by a percentage that exceeds the political subdivision's~~
13 ~~valuation factor. In determining its levy in any year, a city, village, or town shall~~
14 ~~subtract any tax increment that is calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

15 **SECTION 1470.** 66.0602 (2) of the statutes is amended to read:

16 66.0602 (2) LEVY LIMIT. ~~Except as provided, no political subdivision may~~
17 ~~increase its levy in 2007 by a percentage that exceeds the political subdivision's~~
18 ~~valuation factor or 3.86 in subs. (3), (4), and (5), no political subdivision may increase~~
19 its levy in any year by a percentage that exceeds the political subdivision's valuation
20 factor. The base amount in any year, to which the limit under this section applies,
21 shall be the maximum allowable levy for the immediately preceding year. In
22 determining its levy in any year, a city, village, or town shall subtract any tax
23 increment that is calculated under s. 59.57 (3) (a), 60.85 (1) (L), or 66.1105 (2) (i). The
24 base amount in any year, to which the limit under this section applies, may not
25 include any amount to which sub. (3) (e) 8. applies.



1 **SECTION 1470s.** 66.0602 (3) (cm) of the statutes is created to read:

2 66.0602 (3) (cm) If a political subdivision's allowable levy under this section in
3 2007 was greater than its actual levy in 2007, the levy increase limit otherwise
4 applicable under this section to the political subdivision in 2009 is increased by the
5 difference between these 2 amounts, as determined by the department of revenue.
6 In calculating a political subdivision's actual levy for 2007, the department may not
7 include amounts that are excluded from the limit under pars. (d) 2. and 3., (e), and
8 (h).

9 **SECTION 1471.** 66.0602 (3) (d) 5. of the statutes is created to read:

10 66.0602 (3) (d) 5. The limit otherwise applicable under this section does not
11 apply to amounts levied by a 1st class city for the payment of debt service on
12 appropriation bonds issued under s. 62.62, including debt service on appropriation
13 bonds issued to fund or refund outstanding appropriation bonds of the city, to pay
14 related issuance costs or redemption premiums, or to make payments with respect
15 to agreements or ancillary arrangements authorized under s. 62.621.

16

16 **SECTION 1471m.** 66.0602 (3) (e) 8. of the statutes is created to read:

17 66.0602 (3) (e) 8. The amount that a political subdivision levies in that year to
18 pay the unreimbursed expenses related to an emergency declared under s. 166.03 (1)
19 (b) 1., including any amounts levied in that year to replenish cash reserves that were
20 used to pay any unreimbursed expenses related to that emergency. A levy under this
21 subdivision that relates to a particular emergency initially shall be imposed in the
22 year in which the emergency is declared or in the following year.

23 **SECTION 1471s.** 66.0602 (3) (i) of the statutes is created to read:

24 66.0602 (3) (i) 1. If a political subdivision enters into an intergovernmental
25 cooperation agreement under s. 66.0301 to jointly provide a service on a consolidated

1 basis with another political subdivision, and if one of the political subdivisions
2 increases its levy from the previous year by an amount the parties to the agreement
3 agree is needed to provide a more equitable distribution of payments for services
4 received, the levy increase limit otherwise applicable under this section to that
5 political subdivision in the current year is increased by that agreed amount.

6 2. If a political subdivision increases its levy as described in subd. 1. the other
7 political subdivision, which is a party to the intergovernmental cooperation
8 agreement and has agreed to the adjustment under subd. 1., shall decrease its levy
9 in the current year by the same amount that the first political subdivision is allowed
10 to increase its levy under subd. 1.

11 **SECTION 1472.** 66.0602 (4) (a) of the statutes is amended to read:

12 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
13 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
14 is approved in a referendum. The resolution shall specify the proposed amount of
15 increase in the levy beyond the amount that is allowed under sub. (2), and shall
16 specify whether the proposed amount of increase is for the next fiscal year only or if
17 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
18 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
19 call a special referendum for the purpose of submitting the resolution to the electors
20 of the political subdivision for approval or rejection. With regard to a referendum
21 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
22 referendum shall be held at the next succeeding spring primary or election or
23 September primary or general election.

24 **SECTION 1473.** 66.0602 (6) (c) of the statutes is amended to read:

1 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
2 in determining the limit described under sub. (2) for the political subdivision for the
3 following year.

4 **SECTION 1474.** 66.0602 (7) of the statutes is created to read:

5 66.0602 (7) SUNSET. This section does not apply to a political subdivision's levy
6 that is imposed after December 2010.

7 **SECTION 1475.** 66.0603 (1m) (f) of the statutes is created to read:

8 66.0603 (1m) (f) Subject to s. 67.11 (2) with respect to funds on deposit in a debt
9 service fund for general obligation promissory notes issued under s. 67.12 (12), a 1st
10 class city, or a person to whom the city has delegated investment authority under sub.
11 (5), may invest and reinvest in the same manner as is authorized for investments and
12 reinvestments under s. 881.01, any of the following:

13 1. Moneys held in any stabilization fund established under s. 62.622 (3).

14 2. Moneys held in a fund or account, including any reserve fund, created in
15 connection with the issuance of appropriation bonds under s. 62.62 or general
16 obligation promissory notes under s. 67.12 (12) issued to provide funds for the
17 payment of all or a part of the city's unfunded prior service liability.

18 3. Moneys appropriated or held by the city to pay debt service on appropriation
19 bonds or general obligation promissory notes under s. 67.12 (12).

20 4. Moneys constituting proceeds of appropriation bonds or general obligation
21 promissory notes described in subd. 2. that are available for investment until they
22 are spent.

23 5. Moneys held in an employee retirement system of the city.

24 **SECTION 1476.** 66.0603 (5) (intro.) and (a) of the statutes are amended to read:

1 66.0603 (5) DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION
2 FINANCING IN POPULOUS CITIES AND COUNTIES. (intro.) The governing ~~board~~ body of a
3 county having a population of 500,000 or more, or a 1st class city, may delegate
4 investment authority over any of the moneys described in sub. (1m) (e) or (f) to any
5 of the following persons, which shall be responsible for the general administration
6 and proper operation of the county's or city's employee retirement system, subject to
7 the ~~board's~~ governing body's finding that such person has expertise in the field of
8 investments:

9 (a) A public board that is organized for such purpose under county or city
10 ordinances.

11 **SECTION 1477.** 66.0721 (1) (a) of the statutes is amended to read:

12 66.0721 (1) (a) "Agricultural use" has the meaning given in s. 91.01 ~~(1)~~ (2) and
13 includes any additional agricultural uses of land, as determined by the town sanitary
14 district or town.

15 **SECTION 1478.** 66.0721 (1) (b) of the statutes is amended to read:

16 66.0721 (1) (b) "Eligible farmland" means ~~a parcel of 35 or more acres of~~
17 ~~contiguous land which is devoted exclusively to agricultural use which during the~~
18 ~~year preceding the year in which the land is subject to a special assessment under~~
19 ~~this section produced gross farm profits, as defined in s. 71.58 (4), of not less than~~
20 ~~\$6,000 or which, during the 3 years preceding the year in which the land is subject~~
21 ~~to a special assessment under this section, produced gross farm profits, as defined~~
22 ~~in s. 71.58 (4), of not less than \$18,000~~ that is eligible for farmland preservation tax
23 credits under ss. 71.58 to 71.61 or 71.613.

24 **SECTION 1478r.** 66.0903 (1) (a) of the statutes is amended to read:

1 66.0903 (1) (a) "Area" means the county in which a proposed project of public
2 works that is subject to this section is located or, if the department determines that
3 there is insufficient wage data in that county, "area" means those counties that are
4 contiguous to that county or, if the department determines that there is insufficient
5 wage data in those counties, "area" means those counties that are contiguous to those
6 counties or, if the department determines that there is insufficient wage data in those
7 counties, "area" means the entire state or, if the department is requested to review
8 a determination under sub. (3) (br), "area" means the city, village or town in which
9 a proposed project of public works that is subject to this section is located.

10 **SECTION 1478t.** 66.0903 (1) (am) of the statutes is created to read:

11 66.0903 (1) (am) "Bona fide economic benefit" has the meaning given in s.
12 103.49 (1) (am).

13 **SECTION 1478v.** 66.0903 (1) (d) of the statutes is amended to read:

14 66.0903 (1) (d) "Local governmental unit" means a political subdivision of this
15 state, a special purpose district in this state, an instrumentality or corporation of
16 such a political subdivision or special purpose district, a combination or subunit of
17 any of the foregoing or an instrumentality of the state and any of the foregoing.
18 "Local governmental unit" includes a local public body and corporate created by
19 constitution, statute, ordinance, rule, or order, including specifically a regional
20 transit authority created under s. 66.1039, the Milwaukee Transit Authority created
21 under s. 66.1038, and the southeastern regional transit authority created under s.
22 59.58 (7).

23 **SECTION 1478x.** 66.0903 (1) (dr) of the statutes is created to read:

24 66.0903 (1) (dr) "Minor service and maintenance work" means a project of
25 public works that is limited to minor crack filling, chip or slurry sealing, or other

1 minor pavement patching, not including overlays, that has a projected life span of
2 no longer than 5 years; the depositing of gravel on an existing gravel road applied
3 solely to maintain the road; road shoulder maintenance; cleaning of drainage or
4 sewer ditches or structures; or any other limited, minor work on public facilities or
5 equipment that is routinely performed to prevent breakdown or deterioration.

6 **SECTION 1479.** 66.0903 (1) (e) of the statutes is repealed.

7 **SECTION 1479p.** 66.0903 (1) (g) 1. of the statutes is amended to read:

8 66.0903 (1) (g) 1. Except as provided in subd. 2., “prevailing wage rate” for any
9 trade or occupation engaged in the erection, construction, remodeling, repairing ~~or,~~
10 demolition, or improvement of any project of public works in any area means the
11 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
12 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
13 directly or indirectly, for a majority of the hours worked in the trade or occupation
14 on projects in the area.

15 **SECTION 1479r.** 66.0903 (1) (g) 2. of the statutes is amended to read:

16 66.0903 (1) (g) 2. If there is no rate at which a majority of the hours worked in
17 the trade or occupation on projects in the area is paid, “prevailing wage rate” for any
18 trade or occupation engaged in the erection, construction, remodeling, repairing ~~or,~~
19 demolition, or improvement of any project of public works in any area means the
20 average hourly basic rate of pay, weighted by the number of hours worked, plus the
21 average hourly contribution, weighted by the number of hours worked, for health
22 insurance benefits, vacation benefits, pension benefits, and any other bona fide
23 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
24 rate of pay of the highest-paid 51% of hours worked in that trade or occupation on
25 projects in that area.

1 **SECTION 1479t.** 66.0903 (1) (h) of the statutes is created to read:

2 66.0903 (1) (h) "Project of public works" means a project involving the erection,
3 construction, repair, remodeling, demolition, or improvement, including any
4 alteration, painting, decorating, or grading, of a public facility, including land, a
5 building, or other infrastructure.

6 **SECTION 1480.** 66.0903 (1) (i) of the statutes is repealed.

7 **SECTION 1480b.** 66.0903 (1) (im) of the statutes is created to read:

8 66.0903 (1) (im) "Supply and installation contract" means a contract under
9 which the material is installed by the supplier, the material is installed by means of
10 simple fasteners or connectors such as screws or nuts and bolts and no other work
11 is performed on the site of the project of public works, and the total labor cost to
12 install the material does not exceed 20 percent of the total cost of the contract.

13 **SECTION 1480c.** 66.0903 (2) of the statutes is created to read:

14 66.0903 (2) **APPLICABILITY.** Subject to sub. (5), this section applies to any project
15 of public works erected, constructed, repaired, remodeled, demolished, or improved
16 for a local governmental unit, including all of the following:

17 (a) A highway, street, bridge, building, or other infrastructure project.

18 (b) A project erected, constructed, repaired, remodeled, demolished, or
19 improved by one local governmental unit for another local governmental unit under
20 a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other
21 statute specifically authorizing cooperation between local governmental units.

22 (c) A project in which the completed facility is leased, purchased, lease
23 purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu
24 of the local governmental unit contracting for the erection, construction, repair,
25 remodeling, demolition, or improvement of the facility.

1 (d) A road, street, bridge, sanitary sewer, or water main project in which the
2 completed road, street, bridge, sanitary sewer, or water main is acquired by, or
3 dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership
4 or maintenance by the local governmental unit.

5 **SECTION 1480e.** 66.0903 (3) (am) of the statutes is amended to read:

6 66.0903 (3) (am) A local governmental unit, before making a contract by ~~direct~~
7 ~~negotiation~~ or soliciting bids on a contract, for the erection, construction, remodeling,
8 repairing ~~or~~ demolition, or improvement of any project of public works, ~~including a~~
9 ~~highway, street or bridge construction project~~, shall apply to the department to
10 determine the prevailing wage rate for each trade or occupation required in the work
11 ~~contemplated~~ under contemplation in the area in which the work is to be done. The
12 department shall conduct investigations and hold public hearings as necessary to
13 define the trades or occupations that are commonly employed on projects of public
14 works that are subject to this section and to inform itself as to the prevailing wage
15 rates in all areas of the state for those trades or occupations, in order to determine
16 the prevailing wage rate for each trade or occupation. The department shall issue
17 its determination within 30 days after receiving the request and shall file the
18 determination with the requesting local governmental unit.

19 **SECTION 1480g.** 66.0903 (3) (ar) of the statutes is amended to read:

20 66.0903 (3) (ar) The department shall, by January 1 of each year, compile the
21 prevailing wage rates for each trade or occupation in each area. The compilation
22 shall, in addition to the current prevailing wage rates, include future prevailing
23 wage rates when those prevailing wage rates can be determined for any trade or
24 occupation in any area and shall specify the effective date of those future prevailing

1 wage rates. If a ~~construction~~ project of public works extends into more than one area
2 there shall be but one standard of prevailing wage rates for the entire project.

3 **SECTION 1481.** 66.0903 (3) (av) of the statutes is amended to read:

4 66.0903 (3) (av) In determining prevailing wage rates under par. (am) or (ar),
5 the department may not use data from projects that are subject to this section, s.
6 66.0904, 103.49, or 103.50 or 40 USC ~~276a~~ 3142 unless the department determines
7 that there is insufficient wage data in the area to determine those prevailing wage
8 rates, in which case the department may use data from projects that are subject to
9 this section, s. 66.0904, 103.49, or 103.50 or 40 USC ~~276a~~ 3142.

10 **SECTION 1481f.** 66.0903 (3) (br) of the statutes is amended to read:

11 66.0903 (3) (br) In addition to the recalculation under par. (bm), the local
12 governmental unit that requested the determination under this subsection may
13 request a review of any portion of a determination within 30 days after the date of
14 issuance of the determination if the local governmental unit submits evidence with
15 the request showing that the prevailing wage rate for any given trade or occupation
16 included in the determination does not represent the prevailing wage rate for that
17 trade or occupation in the city, village, or town in which the proposed project of public
18 works is located. That evidence shall include wage rate information for the contested
19 trade or occupation on at least 3 similar projects located in the city, village, or town
20 where the proposed project of public works is located and on which some work has
21 been performed during the current survey period and which were considered by the
22 department in issuing its most recent compilation under par. (ar). The department
23 shall affirm or modify the determination within 15 days after the date on which the
24 department receives the request for review.

25 **SECTION 1481h.** 66.0903 (3) (dm) of the statutes is amended to read:

1 66.0903 (3) (dm) A reference to the prevailing wage rates determined by the
2 department or a local governmental unit exempted under sub. (6) and to the
3 prevailing hours of labor shall be published in the notice issued for the purpose of
4 securing bids for the project of public works. If any contract or subcontract for a
5 project of public works, ~~including a highway, street or bridge construction project,~~ is
6 entered into, the prevailing wage rates determined by the department or exempted
7 local governmental unit and the prevailing hours of labor shall be physically
8 incorporated into and made a part of the contract or subcontract, except that for a
9 minor subcontract, as determined by the department, the department shall
10 prescribe by rule the method of notifying the minor subcontractor of the prevailing
11 wage rates and prevailing hours of labor applicable to the minor subcontract. The
12 prevailing wage rates and prevailing hours of labor applicable to a contract or
13 subcontract may not be changed during the time that the contract or subcontract is
14 in force. No person performing the work described in sub. (4) may be paid less than
15 the prevailing wage rate in the same or most similar trade or occupation determined
16 under this subsection; nor may he or she be permitted to work a greater number of
17 hours per day or per week than the prevailing hours of labor, unless he or she is paid
18 for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5
19 times his or her hourly basic rate of pay.

20 **SECTION 1481j.** 66.0903 (4) (a) 1. of the statutes is amended to read:

21 66.0903 (4) (a) 1. All laborers, workers, mechanics, and truck drivers employed
22 on the site of a project of public works that is subject to this section.

23 **SECTION 1481L.** 66.0903 (4) (a) 2. of the statutes is amended to read:

24 66.0903 (4) (a) 2. All laborers, workers, mechanics, and truck drivers employed
25 in the manufacturing or furnishing of materials, articles, supplies, or equipment on

1 the site of a project of public works that is subject to this section or from a facility
2 dedicated exclusively, or nearly so, to a project of public works that is subject to this
3 section by a contractor, subcontractor, agent, or other person performing any work
4 on the site of the project.

5 **SECTION 1481m.** 66.0903 (4) (b) 1. of the statutes is amended to read:

6 66.0903 (4) (b) 1. The laborer, worker, mechanic, or truck driver is employed
7 to go to the source of mineral aggregate such as sand, gravel, or stone that is to be
8 immediately incorporated into the work, and not stockpiled or further transported
9 by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the
10 site of a project of public works that is subject to this section by depositing the
11 material substantially in place, directly or through spreaders from the transporting
12 vehicle.

13 **SECTION 1481n.** 66.0903 (4) (b) 2. of the statutes is amended to read:

14 66.0903 (4) (b) 2. The laborer, worker, mechanic, or truck driver is employed
15 to go to the site of a project of public works that is subject to this section, pick up
16 excavated material or spoil from the site of the project, and transport that excavated
17 material or spoil away from the site of the project.

18 **SECTION 1482d.** 66.0903 (5) of the statutes is renumbered 66.0903 (5) (intro.)
19 and amended to read:

20 66.0903 (5) NONAPPLICABILITY. (intro.) This section does not apply to any
21 ~~single-trade public works project, including a highway, street or bridge construction~~
22 ~~project, of the following:~~

23 (a) A project of public works for which the estimated project cost of completion
24 is below \$30,000 ~~or an amount determined by the department under this subsection~~
25 ~~or to any multiple-trade public works project, including a highway, street or bridge~~

~~construction project, for which the estimated project cost of completion is below \$150,000 or an amount determined by the department under this subsection. The department shall adjust those dollar amounts every year, the first adjustment to be made not sooner than December 1, 1997. The adjustments shall be in proportion to any change in construction costs since the effective date of the dollar amounts established under this subsection \$25,000.~~

SECTION 1482f. 66.0903 (5) (b) of the statutes is created to read:

66.0903 (5) (b) A project of public works in which the labor for the project is provided by unpaid volunteers.

SECTION 1482j. 66.0903 (5) (c) of the statutes is created to read:

66.0903 (5) (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

SECTION 1482L. 66.0903 (8) of the statutes is amended to read:

66.0903 (8) POSTING. For the information of the employees working on the project of public works, the prevailing wage rates determined by the department or exempted local governmental unit, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) shall be kept posted by the local governmental unit in at least one conspicuous and easily accessible place on the site of the project or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.

SECTION 1482n. 66.0903 (9) (b) of the statutes is amended to read:

66.0903 (9) (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A

1 contractor may not authorize final payment until the affidavit is filed in proper form
2 and order.

3 **SECTION 1482p.** 66.0903 (9) (c) of the statutes is amended to read:

4 66.0903 (9) (c) Upon completion of a project of public works and before receiving
5 final payment for his or her work on the project, each contractor shall file with the
6 local governmental unit authorizing the work an affidavit stating that the contractor
7 has complied fully with the requirements of this section and that the contractor has
8 received an affidavit under par. (b) from each of the contractor's agents and
9 subcontractors. A local governmental unit may not authorize a final payment until
10 the affidavit is filed in proper form and order. If a local governmental unit authorizes
11 a final payment before an affidavit is filed in proper form and order or if the
12 department determines, based on the greater weight of the credible evidence, that
13 any person performing the work specified in sub. (4) has been or may have been paid
14 less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay
15 for all hours worked in excess of the prevailing hours of labor and requests that the
16 local governmental unit withhold all or part of the final payment, but the local
17 governmental unit fails to do so, the local governmental unit is liable for all back
18 wages payable up to the amount of the final payment.

19 **SECTION 1483d.** 66.0903 (10) (a) of the statutes is amended to read:

20 66.0903 (10) (a) Each contractor, subcontractor, or contractor's or
21 subcontractor's agent performing work on a project of public works that is subject to
22 this section shall keep full and accurate records clearly indicating the name and
23 trade or occupation of every person performing the work described in sub. (4) and an
24 accurate record of the number of hours worked by each of those persons and the
25 actual wages paid for the hours worked.



1 **SECTION 1483f.** 66.0903 (10) (am) of the statutes is created to read:

2 66.0903 (10) (am) 1. Except as provided in this subdivision, by no later than
3 the end of the first week of a month following a month in which a contractor,
4 subcontractor, or contractor's or subcontractor's agent performs work on a project of
5 public works that is subject to this section, the contractor, subcontractor, or agent
6 shall submit to the department in an electronic format a certified record of the
7 information specified in par. (a) for that preceding month. This requirement does not
8 apply to a contractor, subcontractor, or agent if all persons employed by the
9 contractor, subcontractor, or agent who are performing the work described in sub. (4)
10 are covered under a collective bargaining agreement and the wage rates for those
11 persons under the collective bargaining agreement are not less than the prevailing
12 wage rate. In that case, the contractor, subcontractor, or agent shall submit to the
13 department in an electronic format a copy of all collective bargaining agreements
14 that are pertinent to the project of public works by no later than the end of the first
15 week of the first month in which the contractor, subcontractor, or agent performs
16 work on the project of public works.

17 2. The department shall post on its Internet site all certified records and
18 collective bargaining agreements submitted to the department under subd. 1.,
19 except that the department may not post on that site the name of or any other
20 personally identifiable information relating to any employee of a contractor,
21 subcontractor, or agent that submits information to the department under subd. 1.
22 In this subdivision, "personally identifiable information" does not include an
23 employee's trade or occupation, his or her hours of work, or the wages paid for those
24 hours worked.

25 **SECTION 1483h.** 66.0903 (10) (b) of the statutes is amended to read:

1 66.0903 (10) (b) The department or the contracting local governmental unit
2 may demand and examine, and every contractor, subcontractor, and contractor's or
3 subcontractor's agent shall keep, and furnish upon request by the department or
4 local governmental unit, copies of payrolls and other records and information
5 relating to the wages paid to persons performing the work described in sub. (4) for
6 work to which this section applies. The department may inspect records in the
7 manner provided in ch. 103. Every contractor, subcontractor, or agent performing
8 work on a project of public works that is subject to this section is subject to the
9 requirements of ch. 103 relating to the examination of records.

10 **SECTION 1484.** 66.0903 (10) (c) of the statutes is amended to read:

11 66.0903 (10) (c) If requested by any person, the department shall inspect the
12 payroll records of any contractor, subcontractor, or agent performing work on a
13 project of public works that is subject to this section to ensure compliance with this
14 section. If In the case of a request made by a person performing the work specified
15 in sub. (4), if the department finds that the contractor, subcontractor, or agent subject
16 to the inspection is found to be in compliance and if the person making the request
17 is a person performing the work specified in sub. (4) that the request is frivolous, the
18 department shall charge the person making the request the actual cost of the
19 inspection. If In the case of a request made by a person not performing the work
20 specified in sub. (4), if the department finds that the contractor, subcontractor, or
21 agent subject to the inspection is found to be in compliance and if the person making
22 the request is not a person performing the work specified in sub. (4) that the request
23 is frivolous, the department shall charge the person making the request \$250 or the
24 actual cost of the inspection, whichever is greater. In order to find that a request is
25 frivolous, the department must find that the person making the request made the

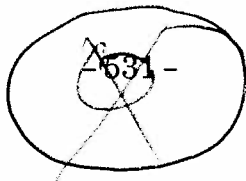
1 request in bad faith, solely for the purpose of harassing or maliciously injuring the
2 contractor, subcontractor, or agent subject to the inspection, or that the person
3 making the request knew, or should have known, that there was no reasonable basis
4 for believing that a violation of this section had been committed.

5 **SECTION 1484f.** 66.0903 (11) (a) of the statutes is renumbered 66.0903 (11) (a)

6 1. and amended to read:

7 66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or
8 subcontractor's agent who fails to pay the prevailing wage rate determined by the
9 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
10 pay for all hours worked in excess of the prevailing hours of labor is liable to any
11 affected employee in the amount of his or her unpaid wages or his or her unpaid
12 overtime compensation and in an additional equal amount as liquidated damages.
13 ~~An action to recover the liability may be maintained in any court of competent~~
14 ~~jurisdiction by any as provided under subd. 2., 3., or 4., whichever is applicable.~~

15 3. In addition to or in lieu of recovering the liability specified in subd. 1. as
16 provided in subd. 2., any employee for and in behalf of that employee and other
17 employees similarly situated may commence an action to recover that liability in
18 any court of competent jurisdiction. In an action that is commenced before the end
19 of any period specified by the department under subd. 2., if the court finds that a
20 contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay
21 the prevailing wage rate determined by the department under sub. (3) or has paid
22 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
23 prevailing hours of labor, the court shall order the contractor, subcontractor, or agent
24 to pay to any affected employee the amount of his or her unpaid wages or his or her
25 unpaid overtime compensation and an additional amount equal to 100 percent of the

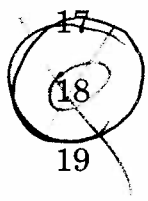


1 amount of those unpaid wages or that unpaid overtime compensation as liquidated
2 damages.

3 5. No employee may be a party plaintiff to ~~the~~ an action under subd. 3. or 4.
4 unless the employee consents in writing to become a party and the consent is filed
5 in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court
6 shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney
7 fees and costs to be paid by the defendant.

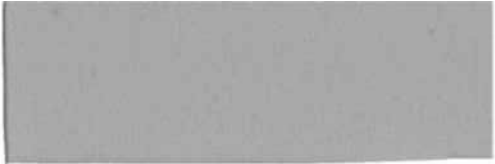
8 **SECTION 1485g.** 66.0903 (11) (a) 2. of the statutes is created to read:

9 66.0903 (11) (a) 2. If the department determines upon inspection under sub.
10 (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent
11 has failed to pay the prevailing wage rate determined by the department under sub.
12 (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked
13 in excess of the prevailing hours of labor, the department shall order the contractor
14 to pay to any affected employee the amount of his or her unpaid wages or his or her
15 unpaid overtime compensation and an additional amount equal to 100 percent of the
16 amount of those unpaid wages or that unpaid overtime compensation as liquidated
17 damages within a period specified by the department in the order.



18 **SECTION 1485g.** 66.0903 (11) (a) 4. of the statutes is created to read:

19 66.0903 (11) (a) 4. In an action that is commenced after the end of any period
20 specified by the department under subd. 2., if the court finds that a contractor,
21 subcontractor, or contractor's or subcontractor's agent has failed to pay the
22 prevailing wage rate determined by the department under sub. (3) or has paid less
23 than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
24 prevailing hours of labor, the court shall order the contractor, subcontractor, or agent
25 to pay to any affected employee the amount of his or her unpaid wages or his or her



1 unpaid overtime compensation and an additional amount equal to 200 percent of the
2 amount of those unpaid wages or that unpaid overtime compensation as liquidated
3 damages.

4 **SECTION 1484t.** 66.0903 (11) (b) 2. of the statutes is amended to read:

5 66.0903 (11) (b) 2. Whoever induces any person who seeks to be or is employed
6 on any project of public works that is subject to this section to give up, waive, or
7 return any part of the wages to which the person is entitled under the contract
8 governing the project, or who reduces the hourly basic rate of pay normally paid to
9 a person for work on a project that is not subject to this section during a week in which
10 the person works both on a project of public works that is subject to this section and
11 on a project that is not subject to this section, by threat not to employ, by threat of
12 dismissal from employment, or by any other means is guilty of an offense under s.
13 946.15 (1).

14 **SECTION 1484v.** 66.0903 (11) (b) 3. of the statutes is amended to read:

15 66.0903 (11) (b) 3. Any person employed on a project of public works that is
16 subject to this section who knowingly permits a contractor, subcontractor, or
17 contractor's or subcontractor's agent to pay him or her less than the prevailing wage
18 rate set forth in the contract governing the project, who gives up, waives, or returns
19 any part of the compensation to which he or she is entitled under the contract, or who
20 gives up, waives, or returns any part of the compensation to which he or she is
21 normally entitled for work on a project that is not subject to this section during a
22 week in which the person works both on a project of public works that is subject to
23 this section and on a project that is not subject to this section, is guilty of an offense
24 under s. 946.15 (2).

25 **SECTION 1485.** 66.0903 (11) (b) 4. of the statutes is amended to read:

1 66.0903 (11) (b) 4. Whoever induces any person who seeks to be or is employed
2 on any project of public works that is subject to this section to permit any part of the
3 wages to which the person is entitled under the contract governing the project to be
4 deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the
5 deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working
6 on a project that is subject to 40 USC ~~276e~~ 3142. C

7 **SECTION 1486.** 66.0903 (11) (b) 5. of the statutes is amended to read:

8 66.0903 (11) (b) 5. Any person employed on a project of public works that is D
9 subject to this section who knowingly permits any part of the wages to which he or
10 she is entitled under the contract governing the project to be deducted from his or her
11 pay is guilty of an offense under s. 946.15 (4), unless the deduction would be
12 permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is
13 subject to 40 USC ~~276e~~ 3142.

14 **SECTION 1486f.** 66.0903 (12) (d) of the statutes is amended to read:

15 66.0903 (12) (d) Any person submitting a bid or negotiating a contract on a
16 project of public works that is subject to this section shall, on the date the person
17 submits the bid or negotiates the contract, identify any construction business in
18 which the person, or a shareholder, officer or partner of the person, if the person is
19 a business, owns, or has owned at least a 25% interest on the date the person submits
20 the bid or negotiates the contract or at any other time within 3 years preceding the
21 date the person submits the bid or negotiates the contract, if the business has been
22 found to have failed to pay the prevailing wage rate determined under sub. (3) or to
23 have paid less than 1.5 times the hourly basic rate of pay for all hours worked in
24 excess of the prevailing hours of labor.

25 **SECTION 1487.** 66.0904 of the statutes is created to read: