



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0567/P1
MS/EM/JK/CH:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 5.58 (3); *to amend* 5.02 (21), 5.68 (2), 5.68 (3),
2 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5) (a) 2., 7.51 (5) (a) 3., 9.10 (1) (a), 9.10
3 (2) (b), 9.10 (2) (d), 9.10 (4) (title), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07
4 (1), 11.0102 (1) (b), 17.13 (intro.), 17.13 (3), 25.50 (1) (d), 61.65 (2) (a) 2., 66.0301
5 (1) (a), 67.01 (5), 71.26 (1) (bm), 341.26 (2m) (a), 343.38 (1) (c) 2. b., 344.14 (2)
6 (j), 344.25 (1), 345.05 (2), (4) and (5) and 348.18; and **to create** 5.58 (1u), 5.58
7 (3) (intro.), 5.58 (3) (h), 5.60 (6u), 7.53 (3m), 8.10 (6) (e), 8.11 (2f), 11.0102 (1)
8 (dm), 17.01 (11m), 17.27 (1f), 61.65 (2) (a) 5., 62.13 (8) (c), 66.0602 (1) (ad),
9 66.0602 (7), 70.11 (37m), 71.05 (1) (c) 9., 77.25 (18m), 77.54 (9a) (j), 79.05 (1)
10 (bm), subchapter VI of chapter 229 [precedes 229.86] and 340.01 (18me) of the
11 statutes; **relating to:** authorizing the creation of a fire service district,

- 1 authorizing a fire service district to levy a property tax, and authorizing a fire
2 service district to impose special charges and issue debt.
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Analysis by the Legislative Reference Bureau

This bill authorizes two or more municipalities (any city, village, or town) to jointly create a fire service district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state and the municipalities within its jurisdiction. Generally, a district's jurisdiction consists of two or more municipalities that adopt similar enabling resolutions within a 30-day period. The resolution declares a municipality's intent to create a district and that the district will provide fire protection or emergency medical services or both.

A municipality that is not in the district may also join with approval from at least 50 percent of the municipalities that are part of the district. The territory of a municipality may be in only one district. A district may be in more than one county, although a county may not be a part of a district. A municipality may contract with a district to receive services without becoming part of a district.

Before a district may be created, the governing bodies of each of the municipalities that adopted an enabling resolution must reach an agreement that addresses a number of issues, including the number of members of the commission, which may not be greater than nine; a method of appointing temporary members of the commission to serve until the initial election and qualification of members; an apportionment plan for the election of commissioners, or an agreement to not have an apportionment plan; and a list of issues and actions of the commission that are subject to review by a veto panel (see below). The agreement may also address any other issue. Before such an agreement may be entered into, the participating municipalities must select an arbitrator who will decide by November 1 any of the issues that are not resolved by the municipalities by September 1, except the issue of whether to elect members of the commission pursuant to an apportionment plan (see below).

A district is governed by its commission. The members of the commission must choose from among themselves a chairperson, vice chairperson, secretary, and treasurer. A district may take action based on the affirmative vote of at least a majority of the members of the commission. The members of the commission are elected for three-year terms, except that the terms of the nearest whole number to one-third of the initial commissioners shall be one year and the terms of the nearest whole number to one-third of the initial commissioners shall be two years.

The first election of members of the commission occurs in the April following creation of the district. Unless unanimously agreed to by the governing bodies of all municipalities that lie within the district, the commissioners are elected at large pursuant to a plan of apportionment under which each commissioner resides in a separate geographic area. If unanimously agreed to by the respective governing bodies, the commissioners may be elected at large without a plan of apportionment.

Upon its creation, a commission and each municipality that is part of the district must determine which property, facilities, and other assets of the municipality shall be transferred from the municipality to the district. Real property and attachments that relate to a service provided by the district, and associated debts of such property and attachments, must be transferred to a district, as well as vehicles and specialized equipment with a value of at least \$50,000. Unused property, equipment, or other assets must be returned by the district from the municipality from which it came. If the commission and a municipality are unable to reach an agreement on the transfer of property, equipment, and other assets within 90 days after the municipality becomes a part of a district, the parties must agree on the selection of an arbitrator who shall decide on the terms of settlement.

A district must provide fire or emergency medical services or both and it may use the services of volunteer or paid on-call fire fighters. Generally, instead of imposing property taxes, a district may impose a fee, as a special charge for the services it provides, to the same extent that a city, village, or town may impose a special charge, except that the district's fee may not take effect unless it is approved in a referendum by every municipality within the district's jurisdiction.

If a municipality becomes a part of a district, the district must employ all municipal employees covered by a collective bargaining agreement who provided the services to be provided by the district, and the district must adhere to all terms of the collective bargaining agreement. When the agreement expires, if the district offers continued employment to the employees, the employees retain the seniority they accumulated with their municipal employers.

In connection with property or facilities used or needed by a district to perform the services it provides, the powers of a district include the authority to acquire, develop, maintain, improve, operate, and manage the property or facilities; the authority to operate facilities or programs; the authority to enter into contracts; the authority to employ personnel; the authority to issue debt for capital improvements to property or facilities; and the authority to levy a property tax to carry out the district's functions. Generally, a property tax imposed by a district is subject to levy limits to the same extent that levy limits apply to any city, village, town, or county.

Under the bill, a district is considered to be a municipality for purposes of determining eligibility for and receiving a payment under the expenditure restraint program. Under current law, generally, a municipality that imposes a property tax levy rate of more than five mills receives an expenditure restraint program payment, if any increase in the municipality's budget for the year is no more than the allowable increase under the program. The allowable increase is based, generally, on the property value in the municipality and the inflation rate.

No municipality that is part of the jurisdiction of a district may expend any funds to support property or facilities that are owned by the district, or impose an impact fee for property or facilities that are related to providing a service that the district provides to that municipality. In addition, such a municipality must reduce its budget to reflect the fact that it is not spending money on services provided by a district.

Upon the creation of a district, there is also created a veto panel, consisting of the chief executive officer of each municipality that is part of the district. The veto panel exists, generally, for ten years after its creation. The commission must notify the veto panel, and each municipality's clerk, whenever it takes action on an item that is subject to veto panel review. Each member of the panel may notify the commission's clerk within ten business days of being notified of such commission action that the member objects to the commission's action. If at least 50 percent of the members of the panel object to the commission's action, the action of the commission is vetoed and may not take effect. The commission may override a veto, however, by a two-thirds vote of all of the members of the commission.

A municipality may withdraw from a district if it adopts a resolution stating its intention to withdraw and if all of the other municipalities that are a part of the district adopt resolutions of approval.

Disputes between municipalities and the commission involving the creation, governance, functions, or services provided by a district, or the transfer of property and facilities from a district to a municipality upon a district's dissolution, must be submitted to arbitration.

Subject to providing for the payment of its debts, and the performance of other contractual obligations, a district may be dissolved by its commission. Upon dissolution, the property of the district shall be transferred to the municipalities that are a part of the district, based on a number of factors, such as the current value of the property and facilities transferred by the municipality to the district and the amount of money or other contributions made to the district by the municipality during the district's existence.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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

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

1 **SECTION 1.** 5.02 (21) of the statutes is amended to read:
2 5.02 (21) "Spring election" means the election held on the first Tuesday in April
3 to elect judicial, educational, and municipal officers, nonpartisan county officers
4 and, sewerage commissioners, and fire service district commissioners and to express
5 preferences for the person to be the presidential candidate for each party in a year
6 in which electors for president and vice president are to be elected.

1 **SECTION 2.** 5.58 (1u) of the statutes is created to read:

2 5.58 (1u) FIRE SERVICE DISTRICT COMMISSION. Except as authorized in s. 5.655,
3 there shall be a separate ballot for members of the fire service district commission.
4 Arrangement of the names on the ballot shall be determined by the fire service
5 district clerk in the manner provided under s. 5.60 (1) (b). The ballot shall be entitled
6 “Official Primary Ballot for Member of the Fire Service District Commission.”

7 **SECTION 3.** 5.58 (3) (intro.) of the statutes is created to read:

8 5.58 (3) (intro.) The following individuals shall be nominees for office at the
9 spring election and their names shall appear on the official spring ballot:

10 **SECTION 4.** 5.58 (3) of the statutes is renumbered 5.58 (3) (a) and amended to
11 read:

12 5.58 (3) (a) Only 2 candidates for state superintendent, for any judicial office,
13 or for any elected seat on a metropolitan sewerage commission or town sanitary
14 district commission, ~~in.~~

15 (b) In counties having a population of 750,000 or more, only 2 candidates for
16 the office of comptroller, ~~in.~~

17 (c) In counties having a population of 500,000 or more, only 2 candidates for
18 member of the board of supervisors within each district, ~~in.~~

19 (d) In counties having a population of less than 500,000, only 2 candidates for
20 each member of the county board of supervisors from each district or numbered seat
21 or only 4 candidates for each 2 members of the county board of supervisors from each
22 district whenever 2 supervisors are elected to unnumbered seats from the same
23 district, ~~in.~~

24 (e) In 1st class cities, only 2 candidates for any at-large seat and only 2
25 candidates from any election district to be elected to the board of school directors, ~~in.~~

1 (f) In school districts electing school board members to numbered seats, or
2 pursuant to an apportionment plan or district representation plan, only 2 school
3 board candidates for each numbered seat or within each district, ~~and twice.~~

4 (g) Twice as many candidates as are to be elected members of other school
5 boards or other elective officers receiving the highest number of votes at the primary
6 ~~shall be nominees for the office at the spring election. Only their names shall appear~~
7 ~~on the official spring ballot.~~

8 **SECTION 5.** 5.58 (3) (h) of the statutes is created to read:

9 5.58 **(3)** (h) In a fire service district, twice as many candidates as are to be
10 elected members of the fire service district commission, or, if the district elects
11 commissioners from apportioned areas, twice as many candidates as are to be elected
12 members of the commission from each apportioned area.

13 **SECTION 6.** 5.60 (6u) of the statutes is created to read:

14 5.60 **(6u)** FIRE SERVICE DISTRICT COMMISSION. Except as authorized in s. 5.655,
15 a separate ballot shall list the names of all candidates for member of the fire service
16 district commission. Arrangement of the names on the ballot shall be determined by
17 the fire service district clerk in the manner provided under sub. (1) (b). The ballot
18 shall be entitled "Official Ballot for Member of the Fire Service District Commission."

19 **SECTION 7.** 5.68 (2) of the statutes is amended to read:

20 5.68 **(2)** Except as otherwise expressly provided, all costs for ballots, supplies,
21 notices, and any other materials necessary in preparing or conducting any election
22 shall be paid for by the county or municipality whose clerk or board of election
23 commissioners is responsible for providing them. If a ballot is prepared for a school,
24 technical college, sewerage or, sanitary, or fire service district, the district shall pay
25 for the cost of the ballot. If no other level of government is involved in a school,

1 technical college, sewerage ~~or~~, sanitary, or fire service district election, the district
2 shall pay for all costs of the ballots, supplies, notices, and other materials. If ballots,
3 supplies, notices, or other materials are used for elections within more than one unit
4 of local government, the costs shall be proportionately divided between the units of
5 local government involved in the election. In a 1st class city, all costs otherwise
6 attributable to a school district shall be paid by the city.

7 **SECTION 8.** 5.68 (3) of the statutes is amended to read:

8 5.68 (3) If voting machines are used or if an electronic voting system is used
9 in which all candidates and referenda appear on the same ballot, the ballots for all
10 national, state, and county offices and for county and state referenda shall be
11 prepared and paid for by the county wherein they are used. If the voting machine
12 or electronic voting system ballot includes a municipal or school, technical college,
13 sewerage ~~or~~, sanitary, or fire service district ballot, the cost of that portion of the
14 ballot shall be reimbursed to the county or paid for by the municipality or district,
15 except as provided in a 1st class city school district under sub. (2).

16 **SECTION 9.** 7.51 (3) (b) of the statutes is amended to read:

17 7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or fire
18 service district offices or referenda, the inspectors, in lieu of par. (a), after counting
19 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper
20 over the slots, sign their names to the paper, and deliver them and the keys therefor
21 to the municipal ~~or~~, school district, or fire service district clerk. The clerk shall retain
22 the ballots until destruction is authorized under s. 7.23.

23 **SECTION 10.** 7.51 (3) (d) of the statutes is amended to read:

24 7.51 (3) (d) Except in municipalities where absentee ballots are canvassed
25 under s. 7.52, all absentee certificate envelopes which have been opened shall be

SECTION 10

1 returned by the inspectors to the municipal clerk in a securely sealed carrier
2 envelope which is clearly marked “used absentee certificate envelopes”. The
3 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
4 the ballots are used in a municipal ~~or~~, school district, or fire service district election
5 only, the municipal clerk shall transmit the used envelopes to the county clerk.

6 **SECTION 11.** 7.51 (4) (b) of the statutes is amended to read:

7 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
8 immediately after the votes are tabulated or counted at each election, shall report
9 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for
10 school district elections, except in 1st class cities, or to the fire service district clerk
11 for fire service district elections. The clerk shall then make the returns public.

12 **SECTION 12.** 7.51 (5) (a) 2. of the statutes is amended to read:

13 7.51 (5) (a) 2. After recording the votes, the inspectors shall seal in a carrier
14 envelope outside the ballot bag or container one tally sheet and one poll list for
15 delivery to the county clerk, unless the election relates only to municipal or school
16 district offices or referenda or to fire service district offices.

17 **SECTION 13.** 7.51 (5) (a) 3. of the statutes is amended to read:

18 7.51 (5) (a) 3. The inspectors shall also seal the inspectors’ statement, inside
19 a separate carrier envelope, and shall similarly seal in a separate carrier envelope
20 one tally sheet and one poll list for delivery to the municipal clerk. For school district
21 elections, except in 1st class cities, the inspectors shall seal one tally sheet and one
22 poll list for delivery to the school district clerk. For fire service district elections, the
23 inspectors shall similarly seal one inspector’s statement, one tally sheet, and one poll
24 or registration list for delivery to the fire service district clerk.

25 **SECTION 14.** 7.53 (3m) of the statutes is created to read:

1 **7.53 (3m) FIRE SERVICE DISTRICT ELECTIONS.** The fire service district clerk shall
2 appoint 2 qualified electors of the district prior to the date of the election being
3 canvassed, who shall, with the clerk, constitute the fire service district board of
4 canvassers. The clerk shall appoint an individual to fill any temporary vacancy on
5 the board of canvassers. The canvass shall begin as soon as possible after receipt of
6 the returns and shall continue, without adjournment, until completed. The board
7 of canvassers may return defective returns to the municipal board of canvassers in
8 the manner provided in s. 7.60 (3). Following the spring election, the board of
9 canvassers shall publicly declare the results on or before the 2nd Tuesday of April.
10 The board of canvassers shall prepare a written statement showing the numbers of
11 votes cast for each person for each office and shall prepare a determination showing
12 the names of the persons who are elected to the fire service district commission.
13 Following each primary election, the board of canvassers shall prepare a statement
14 certifying the names of the persons who have won nomination to the fire service
15 district commission. Each statement and determination shall be attested by each of
16 the canvassers. The board of canvassers shall file each statement and determination
17 in the fire service district office.

18 **SECTION 15.** 8.10 (6) (e) of the statutes is created to read:

19 **8.10 (6) (e)** For members of a fire service district commission, with the fire
20 service district clerk.

21 **SECTION 16.** 8.11 (2f) of the statutes is created to read:

22 **8.11 (2f) FIRE SERVICE DISTRICT COMMISSIONS.** A primary shall be held in a fire
23 service district whenever there are more than twice the number of candidates as are
24 to be elected members of the fire service district commission, or, if the district elects

1 commissioners from apportioned areas, more than twice as many candidates as are
2 to be elected members of the commission from any apportioned area.

3 **SECTION 17.** 9.10 (1) (a) of the statutes is amended to read:

4 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
5 town, of any congressional, legislative, judicial, town sanitary, fire service, or school
6 district, or of any prosecutorial unit may petition for the recall of any incumbent
7 elective official by filing a petition with the same official or agency with whom
8 nomination papers or declarations of candidacy for the office are filed demanding the
9 recall of the officeholder.

10 **SECTION 18.** 9.10 (2) (b) of the statutes is amended to read:

11 9.10 (2) (b) A recall petition for a city, village, town, town sanitary district, fire
12 service district, or school district office shall contain a statement of a reason for the
13 recall which is related to the official responsibilities of the official for whom removal
14 is sought.

15 **SECTION 19.** 9.10 (2) (d) of the statutes is amended to read:

16 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
17 the petitioner first files a registration statement under s. 11.0902 with the filing
18 officer with whom the petition is filed. The petitioner shall append to the registration
19 a statement indicating his or her intent to circulate a recall petition, the name of the
20 officer for whom recall is sought and, in the case of a petition for the recall of a city,
21 village, town, town sanitary district, fire service district, or school district officer, a
22 statement of a reason for the recall which is related to the official responsibilities of
23 the official for whom removal is sought. No petitioner may circulate a petition for
24 the recall of an officer prior to completing registration. The last date that a petition
25 for the recall of an officer may be offered for filing is 5 p.m. on the 60th day

1 commencing after registration. After the recall petition has been offered for filing,
2 no name may be added or removed. No signature may be counted unless the date of
3 the signature is within the period provided in this paragraph.

4 **SECTION 20.** 9.10 (4) (title) of the statutes is amended to read:

5 9.10 (4) (title) ~~CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, AND SCHOOL DISTRICT~~
6 LOCAL OFFICES.

7 **SECTION 21.** 9.10 (4) (a) of the statutes is amended to read:

8 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
9 town sanitary district, fire service district, or school district official, is offered for
10 filing, the officer against whom the petition is filed may file a written challenge with
11 the ~~municipal~~ clerk or board of election commissioners ~~or school district clerk~~ with
12 whom ~~it~~ the petition is filed, specifying any alleged insufficiency. If a challenge is
13 filed, the petitioner may file a written rebuttal to the challenge with the clerk or
14 board of election commissioners within 5 days after the challenge is filed. If a
15 rebuttal is filed, the officer against whom the petition is filed may file a reply to any
16 new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14
17 days after the expiration of the time allowed for filing a reply to a rebuttal, the clerk
18 or board of election commissioners shall file the certificate or an amended certificate.
19 Within 31 days after the petition is offered for filing, the clerk or board of election
20 commissioners shall determine by careful examination of the face of the petition
21 whether the petition is sufficient and shall so state in a certificate attached to the
22 petition. If the petition is found to be insufficient, the certificate shall state the
23 particulars creating the insufficiency. The petition may be amended to correct any
24 insufficiency within 5 days following the affixing of the original certificate. Within
25 2 days after the offering of the amended petition for filing, the clerk or board of

SECTION 21

1 election commissioners shall again carefully examine the face of the petition to
2 determine sufficiency and shall attach to the petition a certificate stating the
3 findings. Immediately upon finding an original or amended petition sufficient,
4 except in cities over 500,000 population and except with regard to a member of a fire
5 service district commission, the municipal clerk or school district clerk shall
6 transmit the petition to the governing body or to the school board. Immediately
7 Except with regard to a member of a fire service district commission, immediately
8 upon finding an original or amended petition sufficient, in cities over 500,000
9 population, the board of election commissioners shall file the petition in its office.
10 With regard to a member of a fire service district commission, immediately upon
11 finding an original or amended petition sufficient, the fire service district clerk shall
12 file the petition in his or her office and shall transmit a copy of the petition to the
13 governing body of each city, village, and town that has territory within the
14 jurisdiction of the fire service district.

15 **SECTION 22.** 9.10 (4) (d) of the statutes is amended to read:

16 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
17 under par. (a), the governing body, school board, or board of election commissioners
18 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
19 week commencing after the date on which the certificate is filed, except that if
20 Tuesday is a legal holiday the recall election shall be held on the first day after
21 Tuesday which is not a legal holiday.

22 **SECTION 23.** 9.10 (7) of the statutes is amended to read:

23 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
24 article XIII, section 12, of the constitution and to extend the same rights to electors

1 of cities, villages, towns, town sanitary districts, fire service districts, and school
2 districts.

3 **SECTION 24.** 10.05 of the statutes is amended to read:

4 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
5 section applies to villages, towns ~~and~~, school districts, and fire service districts.
6 Whenever a notice is required to be published, a village, town ~~or~~, school district, or
7 fire service district may post 3 notices in lieu of publication under ch. 985 whenever
8 there is not a newspaper published within the village, town ~~or~~, school district, or fire
9 service district or whenever the governing body of the village, town ~~or~~, school district,
10 or fire service district chooses to post in order to supplement notice provided in a
11 newspaper. Whenever the manner of giving notice is changed by the governing body,
12 the body shall give notice of the change in the manner used before the change.
13 Whenever posting is used, the notices shall be posted no later than the day prescribed
14 by law for publication, ~~or~~, if that day falls within the week preceding the election to
15 be noticed, at least one week before the election. All notices given for the same
16 election shall be given in the same manner.

17 **SECTION 25.** 10.07 (1) of the statutes is amended to read:

18 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
19 whenever any county clerk ~~or~~ and one or more municipal ~~or~~, school district, or fire
20 service district clerks within the same county are directed to publish, or whenever
21 2 or more municipal, school district, or fire service district clerks within the same
22 county are directed to publish any notice or portion of a notice under this chapter on
23 the same date in the same newspaper, the text of which is identical, the clerks may
24 publish one notice only. The cost of publication of such notice or the portion of the

1 notice required shall be apportioned equally between the county and each
2 municipality ~~or~~, school district, or fire service district sharing in its publication.

3 **SECTION 26.** 11.0102 (1) (b) of the statutes is amended to read:

4 11.0102 (1) (b) Subject to pars. (c) ~~and~~, (d), and (dm), a candidate committee
5 for a candidate seeking local office shall file with the clerk of the most populous
6 jurisdiction for which the candidate seeks office.

7 **SECTION 27.** 11.0102 (1) (dm) of the statutes is created to read:

8 11.0102 (1) (dm) A candidate committee for a candidate for fire service district
9 commission member shall file with the fire service district clerk.

10 **SECTION 28.** 17.01 (11m) of the statutes is created to read:

11 17.01 (11m) By a member of a fire service district commission, to the
12 commission. The commission shall immediately give a copy of each resignation
13 under this subsection to the elections board and to the chief executive officer of each
14 municipality that has territory within the jurisdiction of the district.

15 **SECTION 29.** 17.13 (intro.) of the statutes is amended to read:

16 **17.13 Removal of village, town, town sanitary district, school district,**
17 **fire service districts, and technical college officers.** (intro.) Officers of towns,
18 town sanitary districts, villages, school districts, fire service districts, and technical
19 college districts may be removed as follows:

20 **SECTION 30.** 17.13 (3) of the statutes is amended to read:

21 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school
22 district, fire service district, or technical college district officer, elective or appointive,
23 including those embraced within subs. (1) and (2), by the judge of the circuit court
24 of the circuit wherein the village, town, town sanitary district, school district, fire
25 service district, or technical college district is situated, for cause.

1 **SECTION 31.** 17.27 (1f) of the statutes is created to read:

2 17.27 (1f) FIRE SERVICE DISTRICT COMMISSION. Except as provided in s. 9.10, a
3 vacancy in the office of any member of a fire service district commission may be filled
4 by temporary appointment of the remaining members of the commission. The
5 temporary appointee shall serve until a successor is elected and qualified. If the
6 vacancy occurs in any year after the first Tuesday in April and on or before December
7 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the date
8 of the next spring election. If the vacancy occurs in any year after December 1 or on
9 or before the first Tuesday in April, the vacancy shall be filled for the residue of the
10 unexpired term, if any, at the 2nd succeeding spring election.

11 **SECTION 32.** 25.50 (1) (d) of the statutes is amended to read:

12 25.50 (1) (d) "Local government" means any county, town, village, city, power
13 district, sewerage district, drainage district, town sanitary district, public inland
14 lake protection and rehabilitation district, local professional baseball park district
15 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
16 professional football stadium district created under subch. IV of ch. 229, local
17 cultural arts district created under subch. V of ch. 229, fire service district under
18 subch. VI of ch. 229, public library system, school district or technical college district
19 in this state, any commission, committee, board or officer of any governmental
20 subdivision of this state, any court of this state, other than the court of appeals or the
21 supreme court, or any authority created under s. 114.61, 231.02, 233.02, or 234.02.

22 **SECTION 33.** 61.65 (2) (a) 2. of the statutes is amended to read:

23 61.65 (2) (a) 2. Contracting for fire protection services with a city or town or
24 with another village. A village that contracts for fire protection services under this
25 subdivision shall pay the full cost of services provided.

1 **SECTION 34.** 61.65 (2) (a) 5. of the statutes is created to read:

2 61.65 (2) (a) 5. Contracting for fire protection services with a fire service district
3 that provides such services under s. 229.863 (2).

4 **SECTION 35.** 62.13 (8) (c) of the statutes is created to read:

5 62.13 (8) (c) A city may provide for fire protection services by contracting with
6 a fire services district that provides such services under s. 229.863 (2).

7 **SECTION 36.** 66.0301 (1) (a) of the statutes is amended to read:

8 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
9 “municipality” means the state or any department or agency thereof, or any city,
10 village, town, county, or school district, the opportunity schools and partnership
11 programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of
12 schools opportunity schools and partnership program under s. 119.33, or any public
13 library system, public inland lake protection and rehabilitation district, sanitary
14 district, farm drainage district, metropolitan sewerage district, sewer utility district,
15 solid waste management system created under s. 59.70 (2), local exposition district
16 created under subch. II of ch. 229, local professional baseball park district created
17 under subch. III of ch. 229, local professional football stadium district created under
18 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, fire
19 service district created under subch. VI of ch. 229, long-term care district under s.
20 46.2895, water utility district, mosquito control district, municipal electric company,
21 county or city transit commission, commission created by contract under this section,
22 taxation district, regional planning commission, housing authority created under s.
23 66.1201, redevelopment authority created under s. 66.1333, community
24 development authority created under s. 66.1335, or city-county health department.

25 **SECTION 37.** 66.0602 (1) (ad) of the statutes is created to read:

1 66.0602 (1) (ad) “District” means a fire service district created under subch. VI
2 of ch. 229.

3 **SECTION 38.** 66.0602 (7) of the statutes is created to read:

4 66.0602 (7) FIRE SERVICE DISTRICTS. (a) Unless otherwise specified in this
5 subsection, the provisions of this section apply to a district to the same extent that
6 the provisions apply to a town.

7 (b) Upon the appointment of temporary members of a district’s commission, as
8 described in s. 229.861 (4) (a) 3., the department of revenue shall determine the
9 equalized value of the property within the district’s jurisdiction as of January 1 of the
10 current year.

11 (c) A district’s fiscal year is the calendar year, and a district’s base year budget
12 for the first year in which its equalized value is determined under par. (b) may not
13 exceed the total amount of money appropriated in the immediately preceding year,
14 for fire and emergency medical services, by each municipality which is part of a
15 district’s initial jurisdiction as described in s. 229.862 (1).

16 (d) Based on the equalized value and budget amount determined under par. (c),
17 a district shall calculate its initial levy, which may be increased in succeeding years
18 by the district’s valuation factor.

19 **SECTION 39.** 67.01 (5) of the statutes is amended to read:

20 67.01 (5) “Municipality” means any of the following which is authorized to levy
21 a tax: a county, city, village, town, school district, board of park commissioners,
22 technical college district, metropolitan sewerage district created under ss. 200.01 to
23 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, fire
24 service district under subch. VI of ch. 229, public inland lake protection and
25 rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other

1 public body empowered to borrow money and issue obligations to repay the money
2 out of public funds or revenues. “Municipality” does not include the state.

3 **SECTION 40.** 70.11 (37m) of the statutes is created to read:

4 70.11 **(37m)** FIRE SERVICE DISTRICT. The property of a fire service district under
5 subch. VI of ch. 229.

6 **SECTION 41.** 71.05 (1) (c) 9. of the statutes is created to read:

7 71.05 **(1)** (c) 9. A fire service district created under subch. VI of ch. 229.

8 **SECTION 42.** 71.26 (1) (bm) of the statutes is amended to read:

9 71.26 **(1)** (bm) *Certain local districts.* Income of a local exposition district
10 created under subch. II of ch. 229, a local professional baseball park district created
11 under subch. III of ch. 229, a local professional football stadium district created
12 under subch. IV of ch. 229, or a local cultural arts district created under subch. V of
13 ch. 229, or a fire service district created under subch. VI of ch. 229.

14 **SECTION 43.** 77.25 (18m) of the statutes is created to read:

15 77.25 **(18m)** To a fire service district under subch. VI of ch. 229.

16 **SECTION 44.** 77.54 (9a) (j) of the statutes is created to read:

17 77.54 **(9a)** (j) A fire service district under subch. VI of ch. 229.

18 **SECTION 45.** 79.05 (1) (bm) of the statutes is created to read:

19 79.05 **(1)** (bm) Notwithstanding s. 79.005 (1m), “municipality” means any city,
20 village, town, or fire service district in this state.

21 **SECTION 46.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes is
22 created to read:

23 **CHAPTER 229**

24 **SUBCHAPTER VI**

25 **FIRE SERVICE DISTRICTS**

1 **229.86 Definitions.** In this subchapter:

2 (1) “Chief executive officer” means, as to a sponsoring municipality or as to a
3 municipality that is wholly within the jurisdiction of a district, the mayor or city
4 manager of a city, the village president of a village, or the town board chairperson of
5 a town.

6 (2) “Commission” means a fire service commission, which is the governing body
7 of a district.

8 (3) “District” means a fire service district, which is a special purpose district
9 created under this subchapter.

10 (4) “Enabling resolution” means a resolution, or an amendment of a resolution,
11 adopted by the governing body of a municipality and signed by the chief executive
12 officer to create a district.

13 (5) “Municipality” means any city, village, or town.

14 (6) “Sponsoring municipality” means any municipality that creates a district
15 in combination with another municipality.

16 **229.861 Creation, organization, and administration.** (1) Subject to sub.
17 (3), 2 or more municipalities may create a district that is a unit of government, that
18 is a body corporate and politic, that is separate and distinct from, and independent
19 of, the state and the sponsoring municipalities, and that has the powers under s.
20 229.863, if the sponsoring municipalities do all of the following:

21 (a) Adopt an enabling resolution, subject to sub. (2), that declares its intent to
22 create a district and declares that the district will provide fire protection or
23 emergency medical services or both.

24 (b) File copies of the resolution with the clerk of each municipality and county
25 that is wholly or partly within the boundaries of the district.

1 **(2)** Subject to sub. (3), a district shall consist of at least 2 municipalities. Each
2 sponsoring municipality shall be identified in a substantially similar enabling
3 resolution that is adopted by the governing body of each sponsoring municipality
4 within a 30-day period beginning with the date of adoption of the first enabling
5 resolution.

6 **(3)** (a) Before a district may be created, the governing bodies of each
7 municipality that has adopted an enabling resolution under sub. (2) shall adopt a
8 resolution or enact an ordinance, not later than September 1 of the year in which the
9 resolution under sub. (1) is approved, that, subject to par. (b), contains an agreement
10 among each of the governing bodies which may address any issue, but shall address
11 at least the following:

12 1. The number of members of the commission, which may not be greater than
13 9.

14 2. A method of appointing temporary members to the commission under sub.
15 (4) (a) 3. to serve until the initial members are elected at the spring election and
16 qualified to take office.

17 3. An apportionment plan for the election of members of the commission under
18 sub. (4) (b), unless the governing bodies of all of the municipalities of which the
19 district is initially comprised provide for the election of members of the commission
20 without an apportionment plan.

21 4. A list of issues and actions of the commission that are subject to review by
22 a veto panel under s. 229.865. If the governing bodies of all of the municipalities that
23 are part of the district agree, and adopt similar resolutions, the list of items that are
24 subject to veto review may be modified as specified in the resolutions.

1 (b) 1. Before the municipalities may consider a resolution or ordinance that is
2 described in par. (a), all of the municipalities shall enter into an agreement on the
3 selection of an arbitrator who will decide any of the issues under par. (a) that are not
4 resolved by the municipalities by September 1 of the year described under par. (a),
5 except as provided in subd. 2. If the municipalities are unable to reach agreement
6 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,
7 which resolves all such outstanding items, not later than November 1 of the year
8 described under par. (a).

9 2. If the municipalities are unable to reach an agreement concerning whether
10 the commission shall be elected with or without an apportionment plan under sub.
11 (4) (b), the commission shall be elected pursuant to an apportionment plan.

12 (4) (a) 1. The district is governed by its commission. The commission may adopt
13 bylaws to govern the district's activities, subject to this subchapter.

14 2. The commission members shall be elected at the spring election pursuant to
15 an apportionment plan under par. (b) unless the governing bodies of each of the
16 municipalities of which the district is comprised by resolution determine, no later
17 than November 1 preceding any spring election, that the members of the commission
18 shall be elected at that election and thereafter without an apportionment plan. If the
19 governing bodies of each municipality of which the district is comprised determine
20 to elect members of the commission without an apportionment plan, the governing
21 bodies may, no later than November 1 preceding a spring election, by resolution
22 determine to elect members of the commission at that election and thereafter
23 pursuant to an apportionment plan, if an identical plan is adopted by each of those
24 governing bodies by that date.

1 3. The first election of members of the commission shall occur in April of the
2 year following the year described in sub. (3) (a). Temporary members shall be
3 appointed according to the agreement reached under sub. (3) (a) 2. or imposed by an
4 arbitrator under sub. (3) (b) to serve until the initial members are elected at the
5 spring election and qualified to take office.

6 (b) 1. Each apportionment plan shall divide the entire district into apportioned
7 geographic areas for the election of members of the commission. Unless the number
8 of commissioners is changed under s. 229.864 (1), the boundaries of the apportioned
9 areas shall remain unchanged unless the governing bodies of each of the
10 municipalities of which the district is comprised agree, by resolution adopted no later
11 than November 1 preceding a spring election, to prescribe revised boundaries for the
12 election of members of the commission at that election and thereafter, and except
13 that, if a municipality becomes a part of the district after its creation, the governing
14 bodies of the municipalities of which the district is comprised shall, by resolution,
15 prescribe identical revised boundaries of the apportioned areas no later than
16 September 1 preceding the first spring election at which members of the commission
17 are to be elected from the new district. If the governing bodies are unable to reach
18 an agreement concerning an identical apportionment plan by September 1 preceding
19 that spring election, an arbitrator appointed pursuant to sub. (3) (b) 1. shall resolve
20 the dispute no later than November 1 preceding that election.

21 2. If the members of the commission are elected pursuant to an apportionment
22 plan, each candidate for member of the commission shall state on the face of his or
23 her declaration of candidacy and nomination papers the apportioned area for which
24 the candidate seeks office.

1 (c) Each member of the commission shall be a resident of the district and, if an
2 apportionment plan for the election of members of the commission is used, shall be
3 a resident of the apportioned area for which he or she is elected at the time that the
4 member takes the oath of office. If a member of the commission who is elected from
5 an apportioned area ceases to be a resident of that area after the beginning of his or
6 her term of office but continues to be a resident of the district, the member may
7 continue to serve for the remainder of the term for which he or she was elected or
8 appointed.

9 (d) The terms of the members of the commission shall be 3 years, beginning on
10 the 3rd Tuesday of April following their election, except that the terms of the nearest
11 whole number to one-third of the initial persons elected to office shall expire on the
12 3rd Tuesday of April that is one year following the year of their election; and the
13 terms of the nearest whole number to one-third of the initial persons elected to office
14 shall expire on the 3rd Tuesday in April that is 2 years following the year of their
15 election. Members of the commission may be removed from office before the
16 expiration of their terms, for cause, as provided under s. 17.13 (3) and may be recalled
17 as provided under s. 9.10. Vacancies in the office of member of the commission shall
18 be filled as provided under s. 17.27 (1f).

19 (e) The commission shall elect from its membership a chairperson, a vice
20 chairperson, a secretary, and a treasurer. A majority of the current membership of
21 the commission constitutes a quorum to do business. The district may take action
22 based on the affirmative vote of at least a majority of the members of the commission.

23 (f) 1. The commission shall appoint a person to serve as clerk of the district.
24 The clerk shall serve under the direction of the commission. Within 7 days after the

1 appointment of any person to fill a vacancy on the commission, the clerk shall notify
2 the person of his or her appointment.

3 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify
4 to the county clerk of each county lying wholly or partially within the district the
5 names of candidates who have filed valid nomination papers for member of the
6 commission and who are eligible to have their names appear on the ballot under s.
7 8.30. If any municipality lying wholly or partially within the district prepares its
8 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
9 candidates to the municipal clerk. In making these certifications, the clerk shall
10 designate the form of each candidate's name to appear on the ballot in the manner
11 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a commission,
12 the clerk shall certify to the county clerk of each county lying wholly or partially
13 within the district the names of candidates who have won nomination to the
14 commission and who are eligible to have their names appear on the ballot under s.
15 8.30. If any municipality lying wholly or partially within the district prepares its
16 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
17 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each
18 municipality lying wholly or partially within the district of any district election and
19 furnish each municipal clerk with a copy of the notice of the district election. If paper
20 ballots are utilized at a district election, the clerk shall provide each municipal clerk
21 with an adequate supply of ballots for the election at least 22 days before the election.
22 The clerk shall issue certificates of election to persons who are elected to the
23 commission after each election in the manner provided under s. 7.53 (4).

24 (g) The members of the commission shall be reimbursed for their actual and
25 necessary expenses incurred in the performance of their duties.

1 (h) Upon the election under par. (a) and qualification of a majority of the
2 members of a commission, the commission may exercise the powers and duties of a
3 commission under this subchapter, subject to s. 229.865 (1).

4 (i) The commission may choose a name for the district, or change the name, at
5 any time.

6 **(5)** (a) The territory of a municipality may be in only one district.

7 (b) A district may be in more than one county, although a county may not be
8 part of a district.

9 (e) A municipality that joins a district under s. 229.862 (3) or (4) shall accept
10 the fire protection or emergency medical services, or both, provided by the district
11 at the time that the municipality joins the district.

12 (f) Once a district is created, it shall remain in effect unless it is dissolved as
13 provided in s. 229.867.

14 (h) If a city or village whose territory is in one district annexes territory that
15 contains property or facilities that are located in a different district, that district
16 shall transfer ownership of the property or facilities that are located in the annexed
17 territory to the district whose territory includes the annexing city or village. The
18 district which receives the annexed territory shall negotiate a settlement agreement
19 with the district from which the territory was annexed to compensate that district
20 for the property or facilities that are transferred, based on at least all of the following
21 factors:

22 1. The current value of property or facilities that are transferred.

23 2. The amount of money or any other contribution made by the district for the
24 property or facilities that are transferred.

1 3. The amount of money or any other contribution made by the municipality
2 for the property or facilities that are transferred.

3 (i) If the districts are unable to negotiate a settlement under par. (h) within 60
4 days after the effective date of the annexation that results in the transfer of territory,
5 the districts shall agree on the selection of an arbitrator who shall decide the
6 settlement amount, and send written notification of his or her decision to all parties,
7 within 30 days after his or her appointment.

8 (j) A transfer of ownership under par. (h) takes effect on the date on which a
9 settlement is reached under par. (h) or the date on which an arbitrator sends written
10 notification of his or her decision under par. (i).

11 **(6)** (a) A municipality which is part of a district may withdraw from the district
12 as provided in this subsection if the governing body of the municipality adopts a
13 resolution declaring its intention to withdraw from the district and if the governing
14 bodies of all of the other municipalities that are part of the district adopt a resolution
15 approving the municipality's resolution. If a municipality withdraws from a district
16 under this subsection, title to the property or facilities of the district that are located
17 in the municipality shall be transferred from the district to the municipality.

18 (b) If a municipality adopts a resolution declaring its intention to withdraw
19 from the district and if the governing bodies of all of the other municipalities that are
20 part of the district approve the resolution, the district shall dissolve as provided in
21 s. 229.867 if only one municipality remains a part of the district after a municipality
22 withdraws under this subsection. If more than one municipality remains a part of
23 the district after a municipality withdraws, the municipality that withdraws and the
24 district shall negotiate a settlement agreement to compensate that district for the

1 property or facilities that are located in the municipality, based on at least all of the
2 following factors:

- 3 1. The current value of property or facilities that are transferred.
- 4 2. The amount of money or any other contribution made by the district for the
5 property or facilities that are transferred.
- 6 3. The amount of money or any other contribution made by the municipality
7 for the property or facilities that are transferred.

8 (c) If the municipality and the district are unable to negotiate a settlement
9 under par. (b) within 60 days after the last governing body approves the
10 municipality's resolution under par. (b), the municipality and the district shall agree
11 on the selection of an arbitrator who shall decide the settlement amount, and send
12 written notification of his or her decision to all parties, within 30 days after his or her
13 appointment. The municipality shall comply with the arbitrator's decision during
14 any court challenge to the decision.

15 (d) A withdrawal under this subsection takes effect on the 3rd Tuesday of April
16 following the date on which a settlement is reached or the date on which an arbitrator
17 sends written notification of his or her decision, except that if a withdrawal would
18 otherwise become effective during the period beginning on November 1 and ending
19 on the succeeding 3rd Tuesday of April, the withdrawal becomes effective on the 2nd
20 succeeding 3rd Tuesday of April following that date.

21 (e) On the effective date of any withdrawal, the office of each member of the
22 commission who resides in the withdrawn municipality is vacated.

23 **229.862 Jurisdiction and expansion.** (1) The initial jurisdiction of a
24 district shall consist of the territory of all of the sponsoring municipalities that have
25 acted under s. 229.861 (1) and (2).

1 **(2)** If the governing body of a municipality that is not part of a district adopts
2 a resolution requesting that it become part of a district, the municipality may become
3 part of the district only upon the approval of at least 50 percent of the governing
4 bodies of the municipalities that are part of the district.

5 **(3)** A municipality may contract with a district to receive fire protection or
6 emergency medical services or both from the district without becoming part of a
7 district, upon mutually agreeable terms.

8 **(4)** (a) Subject to par. (b) and s. 229.865 (1), the commission and each
9 municipality that is part of the district's initial jurisdiction, or that becomes part of
10 the district as described under this section, shall determine which property,
11 facilities, and other assets of the municipality shall be transferred from the
12 municipality to the district.

13 (b) 1. A municipality shall transfer to the district all of the following:

14 a. Real property and attachments that relate to a service provided by the
15 district and liability for any debt that is associated with such property and
16 attachments.

17 b. All vehicles and specialized equipment that relate to a service provided by
18 the district and that have a fair market value of at least \$50,000 and liability for any
19 debt that is associated with such vehicles and equipment.

20 2. A municipality may transfer, sell, lease, or donate to the district, or to any
21 other person if the district does not want the item, any property or asset that is not
22 specified in subd. 1.

23 3. If any property or other asset that is transferred by a municipality to the
24 district is not used by the district, the district shall return the property or asset to
25 the municipality from which it was received.

1 (c) If the commission and a municipality are unable to reach an agreement on
2 the property, facilities, or other assets that are to be transferred to the district under
3 par. (a) or (b) within 90 days after the municipality becomes part of a district, and
4 the system of payments for such items, the municipality and the district shall agree
5 on the selection of an arbitrator who shall decide the terms of the settlement and send
6 written notification of his or her decision to all parties, within 30 days after his or her
7 appointment.

8 (5) Eligible electors of a municipality who are included in the expanded
9 jurisdiction of a district may vote for members of the commission at the first election
10 occurring after the effective date of the expansion at which members of the
11 commission are elected.

12 **229.863 Powers of district.** (1) A district has all of the powers necessary or
13 convenient to carry out the purposes and provisions of this subchapter.

14 (2) Subject to sub. (3), a district shall provide fire or emergency medical services
15 or both.

16 (3) (a) A district may charge fees for its services only to the municipalities that
17 are part of the district, or contract with the district, for its services.

18 (b) 1. The district shall provide fire or emergency medical services or both, and
19 the commission shall establish a board of fire commissioners.

20 2. A board created under this paragraph shall be organized in the same manner
21 as boards of police and fire commissioners under s. 62.13 (1).

22 3. A board created under this paragraph is subject to the provisions of s. 62.13
23 (2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class
24 cities. In applying s. 62.13 under this paragraph the commission's chairperson has
25 the powers and duties specified for a mayor, the commission has the powers and

1 duties specified for a common council and the district has the powers and duties
2 specified for a city.

3 4. The fire fighters employed by the district, subject to par. (g), who are not
4 subject to Titles II and XVIII of the federal Social Security Act on the day on which
5 they become employees of the district, shall continue not to be subject to those
6 provisions unless the fire fighters and the district agree otherwise through the
7 collective bargaining process.

8 5. A district may use the services of volunteer fire fighters or paid on-call fire
9 fighters, including individuals who are considered volunteers under 29 CFR 553.106.

10 (c) 1. Whenever a municipality becomes a part of a district, the district shall
11 employ all municipal employees who provided the fire services that the district will
12 provide if the employees, as municipal employees, are covered by a collective
13 bargaining agreement under subch. IV of ch. 111.

14 2. Until the expiration date of a collective bargaining agreement specified in
15 subd. 1., the district shall provide the municipal employees who become district
16 employees wages and benefits at least equal to those provided under the collective
17 bargaining agreement and shall adhere to all terms of the collective bargaining
18 agreement relating to seniority and hours and conditions of employment.

19 3. The district shall employ the municipal employees specified in subd. 1. until
20 the expiration date of the collective bargaining agreement specified in subd. 1.
21 Beginning on the expiration date, the district may, under sub. (4) (e), offer continued
22 employment to the employees, and those employees who accept the offer are
23 considered for seniority purposes to have been employed by the district for the same
24 period of time as they were employed by their municipal employer.

1 4. Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that
2 is initially created at a district, a majority of the former municipal employees were
3 represented by the same representative when they were employed by a municipality,
4 that representative shall become the initial representative of the employees in the
5 collective bargaining unit without filing a petition or conducting an election.

6 (4) In addition to all other powers granted by this subchapter, a district may
7 do all of the following:

8 (a) Adopt and alter an official seal.

9 (b) Sue and be sued in its own name, and plead and be impleaded.

10 (c) Maintain an office.

11 (d) In connection with property or facilities used or needed by a district to
12 perform the services it provides:

13 1. Acquire, develop, equip, maintain, improve, operate, and manage such
14 property or facilities.

15 2. Enter into contracts, subject to such standards as may be established by the
16 commission.

17 3. Grant concessions.

18 4. Operate facilities or programs.

19 (e) Employ personnel, and fix and regulate their compensation; and provide,
20 either directly or subject to an agreement under s. 66.0301 as a participant in a
21 benefit plan of another municipality, any employee benefits, including an employee
22 pension plan.

23 (f) Purchase insurance, establish and administer a plan of self-insurance, or,
24 subject to an agreement with another political subdivision under s. 66.0301,
25 participate in a governmental plan of insurance or self-insurance.

1 (g) Set standards governing the use of, and the conduct within, its property and
2 facilities in order to promote public safety and convenience and to maintain order.

3 (h) To carry out its functions, and subject to s. 66.0602 (7), levy a tax on the
4 taxable property in the district, as equalized by the department of revenue under s.
5 70.57. The commission shall establish the tax levy rate. The tax levy shall be applied
6 to the respective real property and personal property tax rolls of each city, village,
7 and town, or part of a town, included in the district's jurisdiction and shall not be
8 included within any limitation on county or municipality taxes. Collected taxes
9 levied under this paragraph shall be paid to the district treasurer. Collected taxes
10 levied under this paragraph may not be used to provide a service that is not provided
11 to every municipality within the district.

12 (i) Accept gifts and other aid, which may be used only for the following
13 purposes:

- 14 1. Maintaining the district's property or facilities.
- 15 2. Operating the district's property or facilities.
- 16 3. Making capital improvements to the district's property or facilities.

17 (j) Administer the receipt of revenues, and oversee the payment of bills or other
18 debts incurred by the district.

19 (k) Issue debt under ch. 67 only for capital improvements to property or
20 facilities.

21 (L) 1. In lieu of imposing a tax under par. (h), and subject to subd. 2., impose
22 a fee, as a special charge under s. 66.0627, for the services it provides. Such a fee shall
23 be subject to the provisions of s. 66.0627 to the extent that such provisions apply to
24 a city, village, or town that may impose a special charge under s. 66.0627.

1 2. If a commission adopts a resolution imposing a fee under this paragraph, the
2 resolution may not take effect in the district until it is approved in a referendum in
3 every municipality that is located within the district's jurisdiction. The referenda
4 must be held on the same day in each municipality. If a commission decides to impose
5 a fee under this paragraph to replace the tax it imposed under par. (h), the total
6 amount of revenue collected by the fee may not exceed the amount of revenue
7 collected from the tax imposed under par. (h) for the last year in which the tax was
8 imposed.

9 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

10 The number of members of the commission determined under s. 229.861 (3) (a) 1.
11 may be changed only by an agreement that is approved unanimously by ordinance
12 or resolution of the governing bodies of each municipality that makes up the
13 jurisdiction of the district. Each such ordinance or resolution shall include an
14 identical revised schedule for expiration of the terms of office of the commissioners
15 under s. 227.861 (4) (d) that does not change the term of office of any current or future
16 commissioner and if commissioners are elected pursuant to an apportionment plan
17 under s. 229.861 (4) (b) 1., an identical revised apportionment plan. Any change that
18 is adopted or enacted by all municipalities on or before November 1 of any year is
19 effective with respect to terms of office that begin on the 3rd Tuesday of April
20 following that November 1. Any change that is adopted or enacted by all
21 municipalities after November 1 of any year is effective with respect to terms of office
22 that begin on the 2nd succeeding 3rd Tuesday of April following that November 1.

23 **(2)** Except as otherwise provided in this section, the governing body of each
24 municipality that makes up the jurisdiction of the district may not expend any funds
25 to support property or facilities that are owned by the district, or impose an impact

1 fee under s. 66.0617 for property or facilities that are related to providing a service
2 being provided by a district to that municipality.

3 (3) In addition to any powers that it may otherwise have, a municipality located
4 wholly or partly within a district's jurisdiction may do any of the following:

5 (a) Make loans to a district upon terms that the municipality considers
6 appropriate.

7 (b) Lease or transfer property to a district upon terms that the municipality
8 considers appropriate.

9 (4) A fire district that exists on the effective date of this subsection [LRB
10 inserts date], may become a district under this subchapter if the municipalities that
11 created the fire district follow the procedures in this subchapter for creating a
12 district.

13 **229.865 Dispute resolution, veto panel.** (1) (a) Upon the creation of a
14 district under this subchapter, there shall be created for that district a veto panel,
15 the membership of which shall be the chief executive officer of each municipality that
16 is part of the district. If a municipality becomes part of a district after its creation,
17 the chief executive officer of the municipality shall become a member of the veto
18 panel. A veto panel that is created under this section shall dissolve on the first day
19 of the 120th month beginning after its creation.

20 (b) If the commission takes any action on an item that is specified on the list
21 that is described in s. 229.861 (3) (a) 4., the clerk of the commission shall send a
22 written description of the action taken to the members of the veto panel and to the
23 municipal clerk of each municipality that is part of the district. Each member of the
24 panel may notify the clerk in writing, not later than 10 business days after he or she
25 receives the description of the action taken, that he or she objects to the commission's

1 action. If at least 50 percent of the members of the panel object to the commission's
2 action as provided in this paragraph, the action of the commission is vetoed and may
3 not take effect. If an action of the commission is vetoed, the clerk shall include a veto
4 override session in the agenda of the commission's next regularly scheduled meeting,
5 although an override session may be held at an emergency meeting that is called
6 before the next regularly scheduled meeting. If two-thirds of all of the members of
7 the commission vote to override the veto, the commission's action that was vetoed
8 takes effect notwithstanding the objections of the veto panel.

9 (2) Other than a dispute for which arbitration is specified in this subchapter,
10 any dispute between a commission and a municipality, in any of the following areas,
11 shall be submitted to arbitration under ch. 788:

12 (a) The creation of a district.

13 (b) The governance of a district.

14 (c) The functions of a district.

15 (d) The services provided by a district.

16 (e) The transfer of property and facilities from a district to a municipality upon
17 the dissolution of a district under s. 229.867.

18 **229.866 Commencement of services.** A district shall commence providing
19 its initial services on January 1 of the year following the year in which the first
20 election of commissioners takes place. A municipality shall cease providing the
21 service as of the date specified by the district, and shall reduce its budget to reflect
22 the fact that it is not expending revenue to provide the services specified in s. 229.863

23 (2). If the district begins to provide a service other than at the start of a municipality's
24 fiscal year, the municipality that receives the service shall transfer to the district the
25 unexpended municipal funds from its current year's budget that are specified for the

1 provision of such service. The amount of unexpended funds that are transferred
2 shall be based on the date on which the municipality stops, and the district starts,
3 providing the service.

4 **229.867 Dissolution of district.** (1) Subject to providing for the payment of
5 its debts, and the performance of its other contractual obligations, a district may be
6 dissolved by the action of the commission. If the district is dissolved, the commission
7 shall certify to each of the municipalities that are a part of the district that the
8 district is dissolved, and the property of the district shall be transferred to such
9 municipalities by the commission, based on at least all of the following factors:

10 (a) The current value of property and facilities transferred by a municipality
11 to a district.

12 (b) The amount of money contributed to the district during its existence by a
13 municipality under s. 229.863 (4) (h) and (L).

14 (c) The amount of any other contribution made by a municipality to a district,
15 including any contribution that is made under s. 229.864 (3).

16 (2) If a municipality disagrees with the commission's decisions regarding the
17 transfer of property, the municipality may have its disagreement settled by an
18 arbitrator under s. 229.865 (2) (e).

19 **SECTION 47.** 340.01 (18me) of the statutes is created to read:

20 340.01 (18me) "Fire service district" has the meaning given for "district" in s.
21 229.86 (3).

22 **SECTION 48.** 341.26 (2m) (a) of the statutes is amended to read:

23 341.26 (2m) (a) In this subsection, "municipality" has the meaning given in s.
24 345.05 (1) (c), except that the term includes a fire service district but does not include
25 a county.

1 **SECTION 49.** 343.38 (1) (c) 2. b. of the statutes is amended to read:

2 343.38 (1) (c) 2. b. A vehicle owned by or leased to the United States, this state
3 or any county ~~or~~, municipality, or fire service district of this state.

4 **SECTION 50.** 344.14 (2) (j) of the statutes is amended to read:

5 344.14 (2) (j) To the owner of a vehicle involved in an accident if at the time of
6 the accident such vehicle was owned by or leased to the United States, this state or
7 any county ~~or~~, municipality, or fire service district of this state, or to the operator of
8 such vehicle if operating such vehicle with permission.

9 **SECTION 51.** 344.25 (1) of the statutes is amended to read:

10 344.25 (1) If the judgment arose out of an accident caused by the ownership or
11 operation, with permission, of a vehicle owned by or leased to the United States, this
12 state or any county ~~or~~, municipality, or fire service district of this state or a vehicle
13 subject to the requirements of s. 121.53, 194.41 or 194.42, the secretary shall not
14 suspend such operating privilege or registration.

15 **SECTION 52.** 345.05 (2), (4) and (5) of the statutes are amended to read:

16 345.05 (2) A person suffering any damage proximately resulting from the
17 negligent operation of a motor vehicle owned and operated by a municipality or fire
18 service district, which damage was occasioned by the operation of the motor vehicle
19 in the course of its business, may file a claim for damages against the municipality
20 or district concerned and the governing body of the municipality or the commission
21 of the district may allow, compromise, settle and pay the claim. In this subsection,
22 a motor vehicle is deemed owned and operated by a municipality or fire service
23 district if the vehicle is either being rented or leased, or is being purchased under a
24 contract whereby the municipality or district will acquire title.

1 (4) In this section, judgments against municipalities and fire service districts
2 shall be certified, filed and collected as provided in s. 66.0117 whether named therein
3 or not.

4 (5) If the allowance of claim is by or the judgment is against any municipality
5 or fire service district lying in more than one town, city, village or county, the
6 governing body of the debtor municipality or the commission of the debtor service fire
7 district shall prorate the amount of the claim allowed or the judgment and so certify
8 to the proper officials for tax levy, so that the taxable property of the debtor
9 municipality or the debtor fire service district will equitably bear the amount of the
10 claim or judgment.

11 **SECTION 53.** 348.18 of the statutes is amended to read:

12 **348.18 Weight limitations apply to publicly-owned vehicles;**
13 **exceptions.** Sections 348.15 to 348.17 and the penalties for violations thereof also
14 apply to vehicles owned by the state, a county ~~or,~~ a municipality, or a fire service
15 district, except when such vehicles are being used for the removal, treatment or
16 sanding of snow or ice or when such vehicles are authorized emergency vehicles.

17 **SECTION 54. Initial applicability.**

18 (1) The treatment of section 79.05 (1) (bm) of the statutes first applies to
19 distributions under the expenditure restraint program in 2017.

20 (END)