



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0567/1
MS/EM/JK/CH:amn

2017 BILL

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,

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- 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.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Volunteer Firefighter and Emergency Medical Technician (EMT) Shortages. The bill authorizes the creation of fire service districts as political subdivisions of the state, for the provision of fire services, emergency medical services (EMS), or both.

Current Law

Under current law, depending on population and classification, most cities, villages, and towns are required to provide fire protection services, and generally may choose from a number of operational structures to provide those services. Towns are required to operate ambulance services, or may contract with a provider for those services. Cities, villages, and counties may provide EMS, but are not required to do so.

Current law authorizes fire departments and EMS providers to cooperate in multiple ways. Local governments generally may establish joint fire departments, enter into cooperative service agreements, or contract with one another or with private companies for the provision of services. Local fire departments may provide mutual assistance within each other's jurisdiction, upon request. EMS providers must maintain mutual aid and coverage agreements with other providers that are within or adjacent to each provider's primary service area. Also, although not explicitly authorized by statute, local governments and providers may choose to join services within a "district"; this type of district is based on written agreements and is not a local unit of government.

Bill

The bill authorizes two or more cities, villages, and towns to jointly create a fire service district as a separate unit of government in a special purpose district. The district must provide fire protection, EMS, or both.

Formation

Under the bill, a district is created using the following procedures. The sponsoring municipalities must first adopt enabling resolutions declaring the mutual intent to create the district. The municipalities must then enter into an agreement on the selection of an arbitrator who will decide certain issues if the issues are not resolved by September 1 of the year in which the enabling resolutions are approved.

By September 1 of the year in which the enabling resolutions are adopted, the municipalities must each adopt a resolution or ordinance with an agreement on the number and apportionment of district commissioners and on a list of issues that are

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subject to review by a veto panel. A method of appointing temporary members to serve until the spring election on the first Tuesday in April must also be included in the terms of the agreement; commissioners are then elected in the spring election. The agreement may also address any other issue the municipalities choose to address. A district must begin providing services on January 1 of the year following the election of the commissioners.

Each municipality that joins a district must transfer to the district all real property and attachments that relate to the fire protection or EMS service the district will provide, all vehicles and specialized equipment that have a fair market value of at least \$50,000, and any liability for debt that is associated with such property and assets. Any unused property or assets must be returned to the municipalities.

A municipality that joins may be in only one district. The territory of a district may be in more than one county. Services may be delivered to a municipality that does not join the district, if a contract with mutually agreeable terms is reached.

Commissioners

If the municipalities have chosen to use an apportionment plan, the plan must divide the district into apportioned geographic areas for the election of the commissioners. If the municipalities have chosen to not use an apportionment plan, commissioners are elected at large within the district.

The maximum number of commissioners is 9. Commissioners serve staggered 3-year terms and must elect among themselves a chairperson, vice chairperson, secretary, and treasurer. Commissioners must be residents of the district, and, if an apportionment plan is used, must be residents of the apportioned area for which the commissioner is elected.

The commissioners govern the district and may take action by majority vote. The commissioners may adopt bylaws to direct the district's activities and may vote to take other district actions, such as entering into contracts. The commissioners may choose a name for the district, and may change the name at any time.

Also under the bill, a district commission is required to establish a board of fire commissioners. The board of fire commissioners must consist of 5 citizens appointed by the district commission's chairperson. The board is required to appoint a fire chief, who must then appoint subordinates subject to approval by the board. The provision for the board of fire commissioners also allows the creation of joint departments, the combining of services with police protection, and the contracting of services, and provides procedures for disciplinary actions against subordinates and chiefs, determining hours of labor, and obtaining reimbursements from the Department of Transportation.

Employees

A district may employ personnel and may fix and regulate compensation. The bill also explicitly allows a district to use the services of volunteer firefighters.

If employees of a joining municipality had been covered by a collective bargaining agreement, the district must employ the municipal employees who provided fire services, and must offer wages and benefits at least equal to those provided under the collective bargaining agreement, until the expiration of the agreement. The district must adhere to all terms of the agreement relating to seniority, hours, and conditions of employment. After an agreement expires, a district may in its discretion offer continued employment to those employees, and an employee who accepts the offer is considered for seniority purposes to have been employed for the same period of time as employed by the municipal employer.

When initially creating a collective bargaining unit at a district, if a majority of former municipal employees were represented by the same representative, that representative becomes the initial representative without filing a petition to select a representative and conducting an election.

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In addition to the district's other employees, the commissioners must appoint a person to serve as clerk for the district. The district clerk serves under the direction of the commission.

Revenue

To carry out its functions, a district may levy a tax on taxable property in the district. The property tax levy may only be increased each year by the district's valuation factor in the same manner as local levy limits apply to a town. Upon the creation of a district, the amount of money appropriated by each joining municipality is included in the district's base year budget, and the amount of each joining municipality's levy is decreased to reflect the cost of the services that have been transferred.

In lieu of levying a local property tax, a district may impose a fee as a special charge for the services it provides. The commissioners must adopt a resolution imposing the fee, and the fee must be authorized by referendums in every municipality located within the district's jurisdiction. The total amount of revenue collected by the fee cannot exceed the amount of revenue collected from the property tax for the last year in which that tax was imposed.

A district also has the general authority to charge fees for its services to municipalities that are part of the district or that contract with the district.

For capital improvements to property or facilities, a district may issue debt in the form of borrowing or municipal bonds.

A district is eligible for the state's expenditure restraint program, if other eligibility criteria are met.

Veto Panel

The bill requires a veto panel to be in place for the first 10 years after a district is created. The chief executive officer of each municipality that is part of the district is a member of the veto panel. Issues and actions that are subject to review by the veto panel must be agreed upon at the time of creating the district and must be listed in the agreement that is adopted by resolution or ordinance of each municipality joining the district.

If the district commission takes action on an identified veto issue, the district clerk must send a written description of the action to each member of the veto panel and to the municipal clerk of each municipality that is part of the district.

If a member objects to the action, written notice of the objection must be given to the district clerk within 10 days of receiving the description of the action. If at least 50% of the members of the panel object, the action of the commission is vetoed. A veto may be overridden by a two-thirds vote of the district commissioners.

Changes in District Membership

A district may expand to include additional cities, villages, or towns, if the joining municipality adopts a resolution requesting inclusion in the district and at least 50% of the sponsoring municipalities approve the inclusion.

A city, village, or town may withdraw from a district, if the withdrawing municipality adopts a resolution declaring its intention to withdraw from the district and all of the other sponsoring municipalities adopt resolutions approving the declaration.

If a city or village whose territory is in one district annexes territory that contains property or facilities that are located in a different district, the other district must transfer ownership of the property or facilities that are located in the annexed territory to the district that serves the city or village that annexed the territory. A settlement agreement must provide compensation for the property or facilities that are transferred.

Dissolution

A district may be dissolved by action of the commission. Provisions for payment of debt must be made, and property must be transferred to the sponsoring municipalities.

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

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

7 5.58 (1u) FIRE SERVICE DISTRICT COMMISSION. Except as authorized in s. 5.655,
8 there shall be a separate ballot for members of the fire service district commission.
9 Arrangement of the names on the ballot shall be determined by the fire service
10 district clerk in the manner provided under s. 5.60 (1) (b). The ballot shall be entitled
11 "Official Primary Ballot for Member of the Fire Service District Commission."

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

13 5.58 (3) (intro.) The following individuals shall be nominees for office at the
14 spring election and their names shall appear on the official spring ballot:

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

17 5.58 (3) (a) Only 2 candidates for state superintendent, for any judicial office,
18 or for any elected seat on a metropolitan sewerage commission or town sanitary
19 district commission, ~~in.~~

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

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

24 (d) In counties having a population of less than 500,000, only 2 candidates for
25 each member of the county board of supervisors from each district or numbered seat

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1 or only 4 candidates for each 2 members of the county board of supervisors from each
2 district whenever 2 supervisors are elected to unnumbered seats from the same
3 district, ~~in.~~

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

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

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

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

14 5.58 **(3)** (h) In a fire service district, twice as many candidates as are to be
15 elected members of the fire service district commission, or, if the district elects
16 commissioners from apportioned areas, twice as many candidates as are to be elected
17 members of the commission from each apportioned area.

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

19 5.60 **(6u)** FIRE SERVICE DISTRICT COMMISSION. Except as authorized in s. 5.655,
20 a separate ballot shall list the names of all candidates for member of the fire service
21 district commission. Arrangement of the names on the ballot shall be determined by
22 the fire service district clerk in the manner provided under sub. (1) (b). The ballot
23 shall be entitled "Official Ballot for Member of the Fire Service District Commission."

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

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1 5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies,
2 notices, and any other materials necessary in preparing or conducting any election
3 shall be paid for by the county or municipality whose clerk or board of election
4 commissioners is responsible for providing them. If a ballot is prepared for a school,
5 technical college, sewerage ~~or~~, sanitary, or fire service district, the district shall pay
6 for the cost of the ballot. If no other level of government is involved in a school,
7 technical college, sewerage ~~or~~, sanitary, or fire service district election, the district
8 shall pay for all costs of the ballots, supplies, notices, and other materials. If ballots,
9 supplies, notices, or other materials are used for elections within more than one unit
10 of local government, the costs shall be proportionately divided between the units of
11 local government involved in the election. In a 1st class city, all costs otherwise
12 attributable to a school district shall be paid by the city.

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

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

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

23 7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or fire
24 service district offices or referenda, the inspectors, in lieu of par. (a), after counting
25 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper

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1 over the slots, sign their names to the paper, and deliver them and the keys therefor
2 to the municipal ~~or~~, school district, or fire service district clerk. The clerk shall retain
3 the ballots until destruction is authorized under s. 7.23.

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

5 7.51 (3) (d) Except in municipalities where absentee ballots are canvassed
6 under s. 7.52, all absentee certificate envelopes which have been opened shall be
7 returned by the inspectors to the municipal clerk in a securely sealed carrier
8 envelope which is clearly marked “used absentee certificate envelopes”. The
9 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
10 the ballots are used in a municipal ~~or~~, school district, or fire service district election
11 only, the municipal clerk shall transmit the used envelopes to the county clerk.

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

13 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
14 immediately after the votes are tabulated or counted at each election, shall report
15 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for
16 school district elections, except in 1st class cities, or to the fire service district clerk
17 for fire service district elections. The clerk shall then make the returns public.

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

19 7.51 (5) (a) 2. After recording the votes, the inspectors shall seal in a carrier
20 envelope outside the ballot bag or container one tally sheet and one poll list for
21 delivery to the county clerk, unless the election relates only to municipal or school
22 district offices or referenda or to fire service district offices.

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

24 7.51 (5) (a) 3. The inspectors shall also seal the inspectors’ statement, inside
25 a separate carrier envelope, and shall similarly seal in a separate carrier envelope

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1 one tally sheet and one poll list for delivery to the municipal clerk. For school district
2 elections, except in 1st class cities, the inspectors shall seal one tally sheet and one
3 poll list for delivery to the school district clerk. For fire service district elections, the
4 inspectors shall similarly seal one inspector's statement, one tally sheet, and one poll
5 or registration list for delivery to the fire service district clerk.

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

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

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

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1 8.10 (6) (e) For members of a fire service district commission, with the fire
2 service district clerk.

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

4 8.11 (2f) FIRE SERVICE DISTRICT COMMISSIONS. A primary shall be held in a fire
5 service district whenever there are more than twice the number of candidates as are
6 to be elected members of the fire service district commission, or, if the district elects
7 commissioners from apportioned areas, more than twice as many candidates as are
8 to be elected members of the commission from any apportioned area.

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

10 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
11 town, of any congressional, legislative, judicial, town sanitary, fire service, or school
12 district, or of any prosecutorial unit may petition for the recall of any incumbent
13 elective official by filing a petition with the same official or agency with whom
14 nomination papers or declarations of candidacy for the office are filed demanding the
15 recall of the officeholder.

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

17 9.10 (2) (b) A recall petition for a city, village, town, town sanitary district, fire
18 service district, or school district office shall contain a statement of a reason for the
19 recall which is related to the official responsibilities of the official for whom removal
20 is sought.

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

22 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
23 the petitioner first files a registration statement under s. 11.0902 with the filing
24 officer with whom the petition is filed. The petitioner shall append to the registration
25 a statement indicating his or her intent to circulate a recall petition, the name of the

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1 officer for whom recall is sought and, in the case of a petition for the recall of a city,
2 village, town, town sanitary district, fire service district, or school district officer, a
3 statement of a reason for the recall which is related to the official responsibilities of
4 the official for whom removal is sought. No petitioner may circulate a petition for
5 the recall of an officer prior to completing registration. The last date that a petition
6 for the recall of an officer may be offered for filing is 5 p.m. on the 60th day
7 commencing after registration. After the recall petition has been offered for filing,
8 no name may be added or removed. No signature may be counted unless the date of
9 the signature is within the period provided in this paragraph.

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

11 9.10 (4) (title) ~~CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, AND SCHOOL DISTRICT~~
12 LOCAL OFFICES.

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

14 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
15 town sanitary district, fire service district, or school district official, is offered for
16 filing, the officer against whom the petition is filed may file a written challenge with
17 the ~~municipal~~ clerk or board of election commissioners ~~or school district clerk~~ with
18 whom ~~it~~ the petition is filed, specifying any alleged insufficiency. If a challenge is
19 filed, the petitioner may file a written rebuttal to the challenge with the clerk or
20 board of election commissioners within 5 days after the challenge is filed. If a
21 rebuttal is filed, the officer against whom the petition is filed may file a reply to any
22 new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14
23 days after the expiration of the time allowed for filing a reply to a rebuttal, the clerk
24 or board of election commissioners shall file the certificate or an amended certificate.
25 Within 31 days after the petition is offered for filing, the clerk or board of election

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1 commissioners shall determine by careful examination of the face of the petition
2 whether the petition is sufficient and shall so state in a certificate attached to the
3 petition. If the petition is found to be insufficient, the certificate shall state the
4 particulars creating the insufficiency. The petition may be amended to correct any
5 insufficiency within 5 days following the affixing of the original certificate. Within
6 2 days after the offering of the amended petition for filing, the clerk or board of
7 election commissioners shall again carefully examine the face of the petition to
8 determine sufficiency and shall attach to the petition a certificate stating the
9 findings. Immediately upon finding an original or amended petition sufficient,
10 except in cities over 500,000 population and except with regard to a member of a fire
11 service district commission, the municipal clerk or school district clerk shall
12 transmit the petition to the governing body or to the school board. Immediately
13 Except with regard to a member of a fire service district commission, immediately
14 upon finding an original or amended petition sufficient, in cities over 500,000
15 population, the board of election commissioners shall file the petition in its office.
16 With regard to a member of a fire service district commission, immediately upon
17 finding an original or amended petition sufficient, the fire service district clerk shall
18 file the petition in his or her office and shall transmit a copy of the petition to the
19 governing body of each city, village, and town that has territory within the
20 jurisdiction of the fire service district.

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

22 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
23 under par. (a), the governing body, school board, or board of election commissioners
24 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
25 week commencing after the date on which the certificate is filed, except that if

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1 Tuesday is a legal holiday the recall election shall be held on the first day after
2 Tuesday which is not a legal holiday.

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

4 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
5 article XIII, section 12, of the constitution and to extend the same rights to electors
6 of cities, villages, towns, town sanitary districts, fire service districts, and school
7 districts.

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

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

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

23 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
24 whenever any county clerk ~~or~~ and one or more municipal ~~or~~, school district, or fire
25 service district clerks within the same county are directed to publish, or whenever

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1 2 or more municipal, school district, or fire service district clerks within the same
2 county are directed to publish any notice or portion of a notice under this chapter on
3 the same date in the same newspaper, the text of which is identical, the clerks may
4 publish one notice only. The cost of publication of such notice or the portion of the
5 notice required shall be apportioned equally between the county and each
6 municipality ~~or~~, school district, or fire service district sharing in its publication.

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

8 11.0102 (1) (b) Subject to pars. (c) ~~and~~, (d), and (dm), a candidate committee
9 for a candidate seeking local office shall file with the clerk of the most populous
10 jurisdiction for which the candidate seeks office.

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

12 11.0102 (1) (dm) A candidate committee for a candidate for fire service district
13 commission member shall file with the fire service district clerk.

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

15 17.01 (11m) By a member of a fire service district commission, to the
16 commission. The commission shall immediately give a copy of each resignation
17 under this subsection to the elections board and to the chief executive officer of each
18 municipality that has territory within the jurisdiction of the district.

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

20 **17.13 Removal of village, town, town sanitary district, school district,**
21 **fire service districts, and technical college officers.** (intro.) Officers of towns,
22 town sanitary districts, villages, school districts, fire service districts, and technical
23 college districts may be removed as follows:

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

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

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

7 17.27 (1f) FIRE SERVICE DISTRICT COMMISSION. Except as provided in s. 9.10, a
8 vacancy in the office of any member of a fire service district commission may be filled
9 by temporary appointment of the remaining members of the commission. The
10 temporary appointee shall serve until a successor is elected and qualified. If the
11 vacancy occurs in any year after the first Tuesday in April and on or before December
12 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the date
13 of the next spring election. If the vacancy occurs in any year after December 1 or on
14 or before the first Tuesday in April, the vacancy shall be filled for the residue of the
15 unexpired term, if any, at the 2nd succeeding spring election.

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

17 25.50 (1) (d) “Local government” means any county, town, village, city, power
18 district, sewerage district, drainage district, town sanitary district, public inland
19 lake protection and rehabilitation district, local professional baseball park district
20 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
21 professional football stadium district created under subch. IV of ch. 229, local
22 cultural arts district created under subch. V of ch. 229, fire service district under
23 subch. VI of ch. 229, public library system, school district or technical college district
24 in this state, any commission, committee, board or officer of any governmental

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1 subdivision of this state, any court of this state, other than the court of appeals or the
2 supreme court, or any authority created under s. 114.61, 231.02, 233.02, or 234.02.

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

4 61.65 (2) (a) 2. Contracting for fire protection services with a city or town or
5 with another village. A village that contracts for fire protection services under this
6 subdivision shall pay the full cost of services provided.

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

8 61.65 (2) (a) 5. Contracting for fire protection services with a fire service district
9 that provides such services under s. 229.863 (2).

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

11 62.13 (8) (c) A city may provide for fire protection services by contracting with
12 a fire services district that provides such services under s. 229.863 (2).

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

14 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
15 “municipality” means the state or any department or agency thereof, or any city,
16 village, town, county, or school district, the opportunity schools and partnership
17 programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of
18 schools opportunity schools and partnership program under s. 119.33, or any public
19 library system, public inland lake protection and rehabilitation district, sanitary
20 district, farm drainage district, metropolitan sewerage district, sewer utility district,
21 solid waste management system created under s. 59.70 (2), local exposition district
22 created under subch. II of ch. 229, local professional baseball park district created
23 under subch. III of ch. 229, local professional football stadium district created under
24 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, fire
25 service district created under subch. VI of ch. 229, long-term care district under s.

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1 46.2895, water utility district, mosquito control district, municipal electric company,
2 county or city transit commission, commission created by contract under this section,
3 taxation district, regional planning commission, housing authority created under s.
4 66.1201, redevelopment authority created under s. 66.1333, community
5 development authority created under s. 66.1335, or city-county health department.

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

7 66.0602 (1) (ad) "District" means a fire service district created under subch. VI
8 of ch. 229.

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

10 66.0602 (7) FIRE SERVICE DISTRICTS. (a) Unless otherwise specified in this
11 subsection, the provisions of this section apply to a district to the same extent that
12 the provisions apply to a town.

13 (b) Upon the appointment of temporary members of a district's commission, as
14 described in s. 229.861 (4) (a) 3., the department of revenue shall determine the
15 equalized value of the property within the district's jurisdiction as of January 1 of the
16 current year.

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

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

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

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1 67.01 (5) “Municipality” means any of the following which is authorized to levy
2 a tax: a county, city, village, town, school district, board of park commissioners,
3 technical college district, metropolitan sewerage district created under ss. 200.01 to
4 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, fire
5 service district under subch. VI of ch. 229, public inland lake protection and
6 rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other
7 public body empowered to borrow money and issue obligations to repay the money
8 out of public funds or revenues. “Municipality” does not include the state.

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

10 70.11 (**37m**) FIRE SERVICE DISTRICT. The property of a fire service district under
11 subch. VI of ch. 229.

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

13 71.05 (**1**) (c) 9. A fire service district created under subch. VI of ch. 229.

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

15 71.26 (**1**) (bm) *Certain local districts.* Income of a local exposition district
16 created under subch. II of ch. 229, a local professional baseball park district created
17 under subch. III of ch. 229, a local professional football stadium district created
18 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of
19 ch. 229, or a fire service district created under subch. VI of ch. 229.

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

21 77.25 (**18m**) To a fire service district under subch. VI of ch. 229.

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

23 77.54 (**9a**) (j) A fire service district under subch. VI of ch. 229.

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

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

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

CHAPTER 229**SUBCHAPTER VI****FIRE SERVICE DISTRICTS**

8 **229.86 Definitions.** In this subchapter:

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

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

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

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

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

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

23 **229.861 Creation, organization, and administration.** (1) Subject to sub.
24 (3), 2 or more municipalities may create a district that is a unit of government, that
25 is a body corporate and politic, that is separate and distinct from, and independent

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1 of, the state and the sponsoring municipalities, and that has the powers under s.
2 229.863, if the sponsoring municipalities do all of the following:

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

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

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

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

19 1. The number of members of the commission, which may not be greater than
20 9.

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

24 3. An apportionment plan for the election of members of the commission under
25 sub. (4) (b), unless the governing bodies of all of the municipalities of which the

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1 district is initially comprised provide for the election of members of the commission
2 without an apportionment plan.

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

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

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

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

20 2. The commission members shall be elected at the spring election pursuant to
21 an apportionment plan under par. (b) unless the governing bodies of each of the
22 municipalities of which the district is comprised by resolution determine, no later
23 than November 1 preceding any spring election, that the members of the commission
24 shall be elected at that election and thereafter without an apportionment plan. If the
25 governing bodies of each municipality of which the district is comprised determine

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1 to elect members of the commission without an apportionment plan, the governing
2 bodies may, no later than November 1 preceding a spring election, by resolution
3 determine to elect members of the commission at that election and thereafter
4 pursuant to an apportionment plan, if an identical plan is adopted by each of those
5 governing bodies by that date.

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

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

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

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

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

23 (e) The commission shall elect from its membership a chairperson, a vice
24 chairperson, a secretary, and a treasurer. A majority of the current membership of

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1 the commission constitutes a quorum to do business. The district may take action
2 based on the affirmative vote of at least a majority of the members of the commission.

3 (f) 1. The commission shall appoint a person to serve as clerk of the district.
4 The clerk shall serve under the direction of the commission. Within 7 days after the
5 appointment of any person to fill a vacancy on the commission, the clerk shall notify
6 the person of his or her appointment.

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

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1 The clerk shall issue certificates of election to persons who are elected to the
2 commission after each election in the manner provided under s. 7.53 (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 the district after a municipality withdraws, the municipality that withdraws and the
2 district shall negotiate a settlement agreement to compensate that district for the
3 property or facilities that are located in the municipality, based on at least all of the
4 following factors:

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

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

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

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

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

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

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

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

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

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

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

17 a. Real property and attachments that relate to a service provided by the
18 district and liability for any debt that is associated with such property and
19 attachments.

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

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

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

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

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

15 **229.863 Powers of district.** **(1)** A district has all of the powers necessary or
16 convenient to carry out the purposes and provisions of this subchapter.

17 **(2)** Subject to sub. (3), a district shall provide fire or emergency medical services
18 or both.

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

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

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

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1 3. A board created under this paragraph is subject to the provisions of s. 62.13
2 (2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class
3 cities. In applying s. 62.13 under this paragraph the commission's chairperson has
4 the powers and duties specified for a mayor, the commission has the powers and
5 duties specified for a common council and the district has the powers and duties
6 specified for a city.

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

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

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

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

23 3. The district shall employ the municipal employees specified in subd. 1. until
24 the expiration date of the collective bargaining agreement specified in subd. 1.
25 Beginning on the expiration date, the district may, under sub. (4) (e), offer continued

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1 employment to the employees, and those employees who accept the offer are
2 considered for seniority purposes to have been employed by the district for the same
3 period of time as they were employed by their municipal employer.

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

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

11 (a) Adopt and alter an official seal.

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

13 (c) Maintain an office.

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

16 1. Acquire, develop, equip, maintain, improve, operate, and manage such
17 property or facilities.

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

20 3. Grant concessions.

21 4. Operate facilities or programs.

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

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

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

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

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

- 17 1. Maintaining the district's property or facilities.
- 18 2. Operating the district's property or facilities.
- 19 3. Making capital improvements to the district's property or facilities.

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

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

24 (L) 1. In lieu of imposing a tax under par. (h), and subject to subd. 2., impose
25 a fee, as a special charge under s. 66.0627, for the services it provides. Such a fee shall

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1 be subject to the provisions of s. 66.0627 to the extent that such provisions apply to
2 a city, village, or town that may impose a special charge under s. 66.0627.

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

11 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

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

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1 (2) Except as otherwise provided in this section, the governing body of each
2 municipality that makes up the jurisdiction of the district may not expend any funds
3 to support property or facilities that are owned by the district, or impose an impact
4 fee under s. 66.0617 for property or facilities that are related to providing a service
5 being provided by a district to that municipality.

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

8 (a) Make loans to a district upon terms that the municipality considers
9 appropriate.

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

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

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

23 (b) If the commission takes any action on an item that is specified on the list
24 that is described in s. 229.861 (3) (a) 4., the clerk of the commission shall send a
25 written description of the action taken to the members of the veto panel and to the

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1 municipal clerk of each municipality that is part of the district. Each member of the
2 panel may notify the clerk in writing, not later than 10 business days after he or she
3 receives the description of the action taken, that he or she objects to the commission's
4 action. If at least 50 percent of the members of the panel object to the commission's
5 action as provided in this paragraph, the action of the commission is vetoed and may
6 not take effect. If an action of the commission is vetoed, the clerk shall include a veto
7 override session in the agenda of the commission's next regularly scheduled meeting,
8 although an override session may be held at an emergency meeting that is called
9 before the next regularly scheduled meeting. If two-thirds of all of the members of
10 the commission vote to override the veto, the commission's action that was vetoed
11 takes effect notwithstanding the objections of the veto panel.

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

15 (a) The creation of a district.

16 (b) The governance of a district.

17 (c) The functions of a district.

18 (d) The services provided by a district.

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

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

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1 (2). If the district begins to provide a service other than at the start of a municipality's
2 fiscal year, the municipality that receives the service shall transfer to the district the
3 unexpended municipal funds from its current year's budget that are specified for the
4 provision of such service. The amount of unexpended funds that are transferred
5 shall be based on the date on which the municipality stops, and the district starts,
6 providing the service.

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

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

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

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

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

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

23 340.01 (18me) "Fire service district" has the meaning given for "district" in s.
24 229.86 (3).

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

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

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

5 343.38 **(1)** (c) 2. b. A vehicle owned by or leased to the United States, this state
6 or any county ~~or~~, municipality, or fire service district of this state.

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

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

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

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

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

19 345.05 **(2)** A person suffering any damage proximately resulting from the
20 negligent operation of a motor vehicle owned and operated by a municipality or fire
21 service district, which damage was occasioned by the operation of the motor vehicle
22 in the course of its business, may file a claim for damages against the municipality
23 or district concerned and the governing body of the municipality or the commission
24 of the district may allow, compromise, settle and pay the claim. In this subsection,
25 a motor vehicle is deemed owned and operated by a municipality or fire service

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1 district if the vehicle is either being rented or leased, or is being purchased under a
2 contract whereby the municipality or district will acquire title.

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

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

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

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

19 **SECTION 54. Initial applicability.**

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

22 (END)