



2003 ASSEMBLY BILL 510

September 11, 2003 – Introduced by Representatives HUBER, M. LEHMAN, PLOUFF, GUNDERSON, ZIEGELBAUER, LADWIG, SCHOOFF, MUSSER, SINICKI, OLSEN, ZEPNICK, NASS, BERCEAU, OTT, MILLER, GROTHMAN, J. LEHMAN, KESTELL, MOLEPSKE, ALBERS, POCAN, SERATTI, BALOW, JESKEWITZ, TRAVIS and HAHN, cosponsored by Senators ROESSLER, DECKER, BROWN, LASSA, ERPENBACH and RISSER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to renumber** 66.0617 (2) (am); **to renumber and amend** 83.001; **to**
2 **amend** 5.02 (21), 5.58 (3), 5.68 (2), 5.68 (3), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b),
3 7.51 (5), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d),
4 9.10 (7), 10.05, 10.07 (1), 11.31 (1) (h) (intro.), 17.13 (intro.), 17.13 (3), 23.09 (19)
5 (a) 2., 23.09 (20) (ab) 1., 23.09 (20m) (a) 1., 23.0917 (4m) (a) 3., 23.094 (1), 25.50
6 (1) (d), 27.01 (3), 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08
7 (3), 30.277 (1b) (a), 43.18 (1) (ag), 59.69 (5) (c), 59.69 (7), 60.62 (1), 61.65 (1) (a)
8 2., 61.65 (2) (a) 2., 62.13 (1), 62.13 (8), 66.0217 (2), 66.0217 (3) (a) (intro.),
9 66.0217 (3) (b) (intro.), 66.0219 (intro.), 66.0221 (1), 66.0223, 66.0301 (1) (a),
10 66.0615 (1m) (a), 66.0615 (2) (intro.), 66.0615 (2) (a), 66.0615 (2) (d), 66.0615 (3),
11 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h),
12 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5),
13 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617
14 (10), 66.1021 (11) (a), 66.1341, 67.01 (5), 71.26 (1) (bm), 83.018, 84.07 (1), 84.07

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1 (2), 84.07 (4), 85.20 (1) (d), 85.22 (2) (c), 85.243 (1) (b), 85.52 (1) (ag), 86.105,
2 287.09 (1) (a), 287.09 (1) (e), 341.26 (2m) (a), 343.38 (1) (c) 2. b., 344.14 (2) (j),
3 344.25 (1), 345.05 (2), (4) and (5) and 348.18; **to create** 5.58 (1u), 5.60 (6u), 7.53
4 (3m), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 43.01 (1m), 43.52
5 (1r), 43.53 (4), 59.69 (2) (g), 60.61 (3) (d), 60.62 (3m), 61.65 (1) (a) 4., 61.65 (2)
6 (a) 5., 62.13 (2s), 66.0309 (8) (c), 66.0615 (1) (bs), 66.0615 (1m) (em), 66.0617 (1)
7 (dg), 66.0617 (2) (am) 2., 66.0617 (6) (h), 66.0617 (11), 70.11 (37m), 77.25 (18m),
8 77.54 (9a) (i), 79.05 (1) (bm), 81.001, 81.19, 83.001 (2), 84.001 (1s), 84.001 (1t),
9 85.01 (2g), 86.001 (2g), subchapter VI of chapter 229 [precedes 229.86], 287.09
10 (1) (dm) and 340.01 (28t) of the statutes; and **to affect** Laws of 1975, chapter
11 105, section 1 (1) and (2); **relating to:** authorizing the creation of a
12 metropolitan service district, authorizing a metropolitan service district to levy
13 a property tax, authorizing a metropolitan service district to apply for funding
14 from certain programs that receive funding from the Warren Knowles–Gaylord
15 Nelson Stewardship 2000 Program, authorizing certain towns to use tax
16 incremental financing, and authorizing a metropolitan service district to
17 impose impact fees and issue debt.

Analysis by the Legislative Reference Bureau

This bill authorizes certain municipalities (any city, village, or town or portion of a town, that is located in an urbanized area, as designated by a regional planning commission or county zoning agency) to jointly create a metropolitan 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. Subject to a number of conditions, a district's jurisdiction consists of two or more municipalities, that are located within a single urbanized area, if the municipalities adopt similar enabling resolutions within a 30-day period. The resolution declares a municipality's intent to create a district and declares which two or more governmental services the district will provide.

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Upon the adoption of such resolutions by at least two municipalities, every municipality within the urbanized area becomes a part of the district unless a municipality's governing body opts out of the district within 60 days after the adoption of the second enabling resolution.

A municipality that opts out of a district may later join if its request to join is approved by the commission, which is the district's governing body, and by all of the municipalities that are part of the district. A city or village that is not in the district's urbanized area may also join with approval from at least 50% 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.

Before a district may be created, the governing bodies of each of the municipalities that have not opted out of the district 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

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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 at least two governmental services, which shall include at least one of the following: economic development; land use planning; fire and emergency medical; parks and recreation; zoning; mass transit; highway maintenance; police; recycling; yard waste and garbage collection; and municipal or joint libraries. If a district provides a service to only some of the municipalities in the district, only the municipalities that receive the service may be charged a fee for that service.

If a municipality becomes a part of a district, the district must employ all municipal employees who provided the service to be provided by the district, and pay them wages and benefits at least comparable to their former wages and benefits, until the expiration of the of the applicable collective bargaining agreements. Upon the expiration of the agreements, the district may offer continued employment to those employees, who shall retain as district employees the seniority they accumulated with their municipal employers. If, in any collective bargaining unit that is initially created at a district, a majority of the former municipal employees were represented by the same representative when they were employed by a municipality, that representative becomes the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election that otherwise applies under current law. If a municipality becomes a part of a district, it must accept all of the services then provided by the district, and must discontinue its collection of a room tax, if any, if the district collects a room tax.

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 recreational facilities or programs; the authority to enter into contracts; the authority to employ personnel; the authority to impose an impact fee on developers; the authority to impose a room tax; 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.

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. No city or village may annex town territory of a town that is part of the same district to which the annexing city or village belongs,

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other than under a boundary agreement or at the request of the property owner and with the consent of the town board. In addition, a town that is located in whole or part within a district that provides the town with planning and zoning services may exercise tax incremental financing powers if the town enters into a revenue sharing agreement with every other municipality in the 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% 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.

A district may operate (as well as improve and promote) an existing mass transit system. A mass transit system means public transportation on a regular and continuing basis by bus, shared-ride taxicab, rail, or other conveyance, whether publicly or privately owned.

A district may contract with a municipality for the district to perform all or certain parts of highway maintenance services on highways under the municipality's jurisdiction. These services may include but are not limited to snow removal, highway lighting, and highway surface cleaning. (Current law allows a municipality to contract with the Department of Transportation (DOT) to perform highway maintenance services on highways under DOT's jurisdiction, and the bill also allows a district to contract with DOT to perform such services.) If a municipality and district enter into a highway maintenance contract, the municipality must transfer to the district, within 30 days of receipt, all state transportation aids received by the municipality allocable to the cost of providing those highway maintenance services that are the subject of the contract. The municipality must further provide information to DOT regarding the services that are subject to the highway

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maintenance contract and the amount of state transportation aids transferred to the district because of the contract. A district providing highway maintenance services may register vehicles with DOT in the same manner as a municipality and is governed by the same civil liability limitations that apply to municipalities with respect to operation of motor vehicles. While the bill does not relieve a municipality from its legal responsibility for highways under its jurisdiction, including limited civil liability for highway defects, the bill allows a municipality to recover from a district for any legal liability imposed upon the municipality based upon a highway defect resulting from a district's highway maintenance work.

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 sewerage commissioners, and commissioners of metropolitan service districts and to
5 express preferences for the person to be the presidential candidate for each party.

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

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

13 **SECTION 3.** 5.58 (3) of the statutes is amended to read:

14 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
15 for any judicial office, or for any elected seat on a metropolitan sewerage commission
16 or town sanitary district commission; in counties having a population of 500,000 or

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1 more only 2 candidates for member of the board of supervisors within each district,;
2 in counties having a population of less than 500,000 only 2 candidates for each
3 member of the county board of supervisors from each district or numbered seat or
4 only 4 candidates for each 2 members of the county board of supervisors from each
5 district whenever 2 supervisors are elected to unnumbered seats from the same
6 district,; in 1st class cities only 2 candidates for any at-large seat and only 2
7 candidates from any election district to be elected to the board of school directors,;
8 in school districts electing school board members to numbered seats, or pursuant to
9 an apportionment plan or district representation plan, only 2 school board
10 candidates for each numbered seat or within each district,; in a metropolitan service
11 district, twice as many candidates as are to be elected members of the metropolitan
12 service district commission, or, if the district elects commissioners from apportioned
13 areas, twice as many candidates as are to be elected members of the commission from
14 each apportioned area; and twice as many candidates as are to be elected members
15 of other school boards or other elective officers receiving the highest number of votes
16 at the primary shall be nominees for the office at the spring election. Only their
17 names shall appear on the official spring ballot.

18 **SECTION 4.** 5.60 (6u) of the statutes is created to read:

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

25 **SECTION 5.** 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 metropolitan service district, the district
6 shall pay for the cost of the ballot. If no other level of government is involved in a
7 school, technical college, sewerage ~~or~~, sanitary, or metropolitan service district
8 election, the district shall pay for all costs of the ballots, supplies, notices, and other
9 materials. If ballots, supplies, notices, or other materials are used for elections
10 within more than one unit of local government, the costs shall be proportionately
11 divided between the units of local government involved in the election. In a 1st class
12 city, all costs otherwise attributable to a school district shall be paid by the city.

13 **SECTION 6.** 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 metropolitan service district ballot, the cost of that portion
20 of the ballot shall be reimbursed to the county or paid for by the municipality or
21 district, except as provided in a 1st class city school district under sub. (2).

22 **SECTION 7.** 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
24 metropolitan service district offices or referenda, the inspectors, in lieu of par. (a),
25 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,

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

4 **SECTION 8.** 7.51 (3) (d) of the statutes is amended to read:

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

12 **SECTION 9.** 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 metropolitan service
17 district clerk for metropolitan service district elections. The clerk shall then make
18 the returns public.

19 **SECTION 10.** 7.51 (5) of the statutes is amended to read:

20 7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the
21 votes cast for each candidate and proposition on tally sheet forms provided by the
22 municipal clerk for that purpose. Each tally sheet shall record the returns for each
23 office or referendum by ward, unless combined returns are authorized in accordance
24 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
25 of combined wards. After recording the votes, the inspectors shall seal in a carrier

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1 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
2 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,
3 unless the election relates only to municipal or school district offices or referenda or
4 metropolitan service district offices. The inspectors shall also similarly seal one
5 inspectors' statement, one tally sheet, and one poll or registration list for delivery to
6 the municipal clerk. For school district elections, except in 1st class cities, the
7 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll
8 or registration list for delivery to the school district clerk. For metropolitan service
9 district elections, the inspectors shall similarly seal one inspectors' statement, one
10 tally sheet, and one poll or registration list for delivery to the metropolitan service
11 district clerk. The inspectors shall immediately deliver all ballots, statements, tally
12 sheets, lists, and envelopes to the municipal clerk.

13 (b) The municipal clerk shall arrange for delivery of all ballots, statements,
14 tally sheets, lists, and envelopes relating to a school district or metropolitan service
15 district election to the school district or metropolitan service district clerk,
16 respectively. The municipal clerk shall deliver the ballots, statements, tally sheets,
17 lists, and envelopes for his or her municipality relating to any county, technical
18 college district, state, or national election to the county clerk by 2 p.m. on the day
19 following each such election. The person delivering the returns shall be paid out of
20 the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or
21 envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

22 **SECTION 11.** 7.53 (3m) of the statutes is created to read:

23 7.53 (3m) METROPOLITAN SERVICE DISTRICT ELECTIONS. The metropolitan service
24 district clerk shall appoint 2 qualified electors of the district prior to the date of the
25 election being canvassed, who shall, with the clerk, constitute the metropolitan

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

16 **SECTION 12.** 8.10 (6) (e) of the statutes is created to read:

17 8.10 (6) (e) For members of a metropolitan service district commission, with the
18 metropolitan service district clerk.

19 **SECTION 13.** 8.11 (2f) of the statutes is created to read:

20 8.11 (2f) METROPOLITAN SERVICE DISTRICT COMMISSIONS. A primary shall be held
21 in a metropolitan service district whenever there are more than twice the number
22 of candidates as are to be elected members of the metropolitan service district
23 commission, or, if the district elects commissioners from apportioned areas, more
24 than twice as many candidates as are to be elected members of the commission from
25 any apportioned area.

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1 **SECTION 14.** 9.10 (1) (a) of the statutes is amended to read:

2 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or
3 town,; of any congressional, legislative, judicial, or school district,; of any
4 metropolitan service district; or of any prosecutorial unit may petition for the recall
5 of any incumbent elective official by filing a petition with the same official or agency
6 with whom nomination papers or declarations of candidacy for the office are filed
7 demanding the recall of the officeholder.

8 **SECTION 15.** 9.10 (1) (b) of the statutes is amended to read:

9 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,
10 congressional, legislative, judicial, or county officer shall be signed by electors equal
11 to at least 25% of the vote cast for the office of governor at the last election within the
12 same district or territory as that of the officeholder being recalled. Except as
13 provided in par. (c), a petition for the recall of a city, village, town, metropolitan
14 service district, or school district officer shall be signed by electors equal to at least
15 25% of the vote cast for the office of president at the last election within the same
16 district or territory as that of the officeholder being recalled.

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

18 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
19 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
20 filing officer with whom the petition is filed. The petitioner shall append to the
21 registration a statement indicating his or her intent to circulate a recall petition, the
22 name of the officer for whom recall is sought and, in the case of a petition for the recall
23 of a city, village, town, metropolitan service district, or school district officer, a
24 statement of a reason for the recall which is related to the official responsibilities of
25 the official for whom removal is sought. No petitioner may circulate a petition for

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1 the recall of an officer prior to completing registration. The last date ~~that~~ on which
2 a petition for the recall of a state, congressional, legislative, judicial, or county officer
3 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The
4 last date ~~that~~ on which a petition for the recall of a city, village, town, metropolitan
5 service district, or school district officer may be offered for filing is 5 p.m. on the 30th
6 day commencing after registration. After the recall petition has been offered for
7 filing, no name may be added or removed. No signature may be counted unless the
8 date of the signature is within the period provided in this paragraph.

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

10 9.10 (3) (a) This subsection applies to the recall of all elective officials other
11 than city, village, town, metropolitan service district, and school district officials.
12 City, village, town, metropolitan service district, and school district officials are
13 recalled under sub. (4).

14 **SECTION 18.** 9.10 (4) (a) of the statutes is amended to read:

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

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1 certificate or an amended certificate. Within 31 days after the petition is offered for
2 filing, the ~~clerk or board of election commissioners~~ official or agency shall determine
3 by careful examination of the face of the petition whether the petition is sufficient
4 and shall so state in a certificate issued by the official or agency and attached to the
5 petition. If the petition is found to be insufficient, the certificate shall state the
6 particulars creating the insufficiency. The petition may be amended to correct any
7 insufficiency within 5 days following the affixing of the original certificate. Within
8 2 days after the offering of the amended petition for filing, the ~~clerk or board of~~
9 ~~election commissioners~~ official or agency shall again carefully examine the face of the
10 petition to determine sufficiency and shall attach to the petition a certificate stating
11 the findings. Immediately upon finding an original or amended petition sufficient,
12 except in cities over 500,000 population, ~~the municipal clerk or school district clerk~~
13 and except with regard to a member of a metropolitan service district commission,
14 the official shall transmit the petition to the governing body or to the school board.
15 Immediately Except with regard to a member of a metropolitan service district
16 commission, immediately upon finding an original or amended petition sufficient, in
17 cities over 500,000 population, the board of election commissioners shall file the
18 petition in its office. Immediately upon finding an original or amended petition
19 sufficient, with regard to a member of a metropolitan service district commission, the
20 metropolitan service district clerk shall file the petition in his or her office and shall
21 transmit a copy of the petition to the governing body of each city, village, and town
22 that has territory within the jurisdiction of the metropolitan service district.

23 **SECTION 19.** 9.10 (4) (d) of the statutes is amended to read:

24 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
25 under par. (a), the governing body, school board, or board of election commissioners

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1 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
2 week commencing after the date on which the certificate is filed, except that if
3 Tuesday is a legal holiday the recall election shall be held on the first day after
4 Tuesday which is not a legal holiday.

5 **SECTION 20.** 9.10 (7) of the statutes is amended to read:

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

9 **SECTION 21.** 10.05 of the statutes is amended to read:

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

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

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1 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
2 whenever any county clerk ~~or~~ and one or more municipal ~~or~~, school district, or
3 metropolitan service district clerks within the same county are directed to publish,
4 or whenever 2 or more municipal, school district, or metropolitan service district
5 clerks within the same county are directed to publish any notice or portion of a notice
6 under this chapter on the same date in the same newspaper, the text of which is
7 identical, the clerks may publish one notice only. The cost of publication of such
8 notice or the portion of the notice required shall be apportioned equally between the
9 county and each municipality ~~or~~, school district, or metropolitan service district
10 sharing in its publication.

11 **SECTION 23.** 11.02 (8) of the statutes is created to read:

12 11.02 (8) If the jurisdiction under sub. (3) is a metropolitan service district, the
13 appropriate clerk is the metropolitan service district clerk.

14 **SECTION 24.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

15 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
16 jurisdiction or district with less than 500,000 inhabitants according to the latest
17 federal census or census information on which the district is based, as certified by
18 the appropriate filing officer, and candidates for member of a metropolitan service
19 district commission, an amount equal to the greater of the following:

20 **SECTION 25.** 17.01 (11m) of the statutes is created to read:

21 17.01 (11m) By a member of a metropolitan service district commission, to the
22 commission. The commission shall immediately give a copy of each resignation
23 under this subsection to the elections board and to the chief executive officer of each
24 municipality that has territory within the jurisdiction of the district.

25 **SECTION 26.** 17.13 (intro.) of the statutes is amended to read:

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1 **17.13 Removal of village, town, town sanitary district, school district,**
2 **technical college and district, family care district, and metropolitan**
3 **service district officers.** (intro.) Officers of towns, town sanitary districts,
4 villages, school districts, technical college districts and, family care districts, and
5 metropolitan service districts may be removed as follows:

6 **SECTION 27.** 17.13 (3) of the statutes is amended to read:

7 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
8 or, technical college district, or metropolitan service district officer, elective or
9 appointive, including those embraced within subs. (1) and (2), by the a judge of the
10 circuit court of the a circuit wherein the village, town, town sanitary district, school
11 district or, technical college district, or metropolitan service district is situated, for
12 cause.

13 **SECTION 28.** 17.27 (1f) of the statutes is created to read:

14 17.27 (1f) METROPOLITAN SERVICE DISTRICT COMMISSION. Except as provided in
15 s. 9.10, a vacancy in the office of any member of a metropolitan service district
16 commission may be filled by temporary appointment of the remaining members of
17 the commission. The temporary appointee shall serve until a successor is elected and
18 qualified. If the vacancy occurs in any year after the first Tuesday in April and on
19 or before December 1, the vacancy shall be filled for the residue of the unexpired
20 term, if any, at the date of the next spring election. If the vacancy occurs in any year
21 after December 1 or on or before the first Tuesday in April, the vacancy shall be filled
22 for the residue of the unexpired term, if any, at the 2nd succeeding spring election.

23 **SECTION 29.** 23.09 (19) (a) 2. of the statutes is amended to read:

24 23.09 (19) (a) 2. "Governmental unit" means a city, village, town, county, lake
25 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and

ASSEMBLY BILL 510**SECTION 29**

1 rehabilitation district, or metropolitan service district under subch. VI of ch. 229
2 which provides parks and recreation services under s. 229.863 (2) (d), or the Kickapoo
3 reserve management board.

4 **SECTION 30.** 23.09 (20) (ab) 1. of the statutes is amended to read:

5 23.09 (20) (ab) 1. “Governmental unit” means a municipality, a metropolitan
6 service district under subch. VI of ch. 229 which provides parks and recreation
7 services under s. 229.863 (2) (d), or the Kickapoo reserve management board.

8 **SECTION 31.** 23.09 (20m) (a) 1. of the statutes is amended to read:

9 23.09 (20m) (a) 1. “Governmental unit” means a city, village, town, county, or
10 metropolitan service district under subch. VI of ch. 229 which provides parks and
11 recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management
12 board.

13 **SECTION 32.** 23.0917 (4m) (a) 3. of the statutes is amended to read:

14 23.0917 (4m) (a) 3. “Local governmental unit” means a city, village, town,
15 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake
16 protection and rehabilitation district, or metropolitan service district under subch.
17 VI of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d).

18 **SECTION 33.** 23.094 (1) of the statutes is amended to read:

19 23.094 (1) DEFINITION. In this section, “political subdivision” means a city,
20 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public
21 inland lake protection and rehabilitation district, or metropolitan service district
22 under subch. VI of ch. 229 which provides parks and recreation services under s.
23 229.863 (2) (d).

24 **SECTION 34.** 25.50 (1) (d) of the statutes is amended to read:

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1 25.50 (1) (d) “Local government” means any county, town, village, city, power
2 district, sewerage district, drainage district, town sanitary district, public inland
3 lake protection and rehabilitation district, local professional baseball park district
4 created under subch. III of ch. 229, family care district under s. 46.2895, local
5 professional football stadium district created under subch. IV of ch. 229, local
6 cultural arts district created under subch. V of ch. 229, metropolitan service district
7 under subch. VI of ch. 229, public library system, school district or technical college
8 district in this state, any commission, committee, board or officer of any
9 governmental subdivision of this state, any court of this state, other than the court
10 of appeals or the supreme court, or any authority created under s. 231.02, 233.02 or
11 234.02.

12 **SECTION 35.** 27.01 (3) of the statutes is amended to read:

13 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may
14 not transfer the ownership of any state park or land within any state park to any
15 county, city, village ~~or~~ town, county, or metropolitan service district under subch. VI
16 of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d) unless
17 it the department receives the approval of the joint committee on finance regarding
18 the appropriate level of reimbursement to be received by the state to reflect the
19 state’s cost in acquiring and developing the state park or land within the state park.

20 **SECTION 36.** 27.075 (1) of the statutes is amended to read:

21 27.075 (1) The county board of any county with a population of less than
22 500,000 is hereby vested with all powers of a local, legislative, and administrative
23 character for the purpose of governing, managing, controlling, improving, and caring
24 for public parks, parkways, boulevards, and pleasure drives; and to carry out these
25 powers in districts which it may create for different purposes, or throughout the

ASSEMBLY BILL 510**SECTION 36**

1 county, and for such purposes to levy county taxes, to issue bonds, assessment
2 certificates, and improvement bonds, or any other evidence of indebtedness. The
3 powers hereby conferred under this section may be exercised by the county board in
4 any town, city or village city, village, or town, or part thereof located in such the
5 county upon the request of any such town, city or village city, village, or town,
6 evidenced by a resolution adopted by a majority vote of the members-elect of its
7 governing body, designating the particular park function, duty, or act, and the terms,
8 if any, upon which the same shall be exercised by the county board. ~~Such~~ The
9 resolution shall state whether the authority or function is to be exercised exclusively
10 by the county or jointly by the county and the town, city or village city, village, or
11 town, and shall also state that the exercise of such the power by the county is in the
12 public interest. Upon the receipt of the resolution, the county board may, by a
13 resolution adopted by a majority vote of its membership, elect to assume the exercise
14 of such the authority or function, upon the terms and conditions set forth in the
15 resolution presented by the town, city or village city, village, or town. A city, village,
16 or town whose parks and recreation services are provided under s. 229.863 (2) (d) by
17 a metropolitan service district under subch. VI of ch. 229 may negotiate the
18 termination of any agreement entered into with a county under this subsection.

19 **SECTION 37.** 27.075 (2) of the statutes is amended to read:

20 27.075 (2) The county board of any such county may, by a resolution adopted
21 by a majority of its membership, propose to the towns, cities and villages cities,
22 villages, and towns located in such the county, or any of them, that it offers to exercise
23 such the powers and functions ~~therein in order that are necessary~~ to consolidate
24 municipal park services and functions in said the county. ~~Such~~ The resolution shall
25 designate the particular function, duty, or act and the terms and conditions, if any,

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1 upon which the county board will perform the same. The powers conferred in sub.
2 (1) and designated in such the resolution may thereafter be exercised by the county
3 board in each ~~such town, city or village which shall accept such~~ city, village, or town
4 which accepts the proposal by the adoption of a resolution by a majority vote of the
5 members-elect of its governing body, except that no governing body may accept any
6 proposal described under this subsection unless it contains a provision under which
7 the city, village, or town may terminate its agreement with the county if the city,
8 village, or town wishes to have its parks and recreation services provided under s.
9 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229.

10 **SECTION 38.** 27.075 (3) of the statutes is amended to read:

11 27.075 (3) After the adoption of resolutions by the county board, the county
12 board ~~shall have full power to~~ may legislate upon and administer the entire subject
13 matter committed to it, ~~and among other things, to~~ and may determine, where not
14 otherwise provided by law, the manner of exercising the power thus assumed. No
15 county may exercise any power under this section in a city, village, or town whose
16 parks and recreation services are provided under s. 229.863 (2) (d) by a metropolitan
17 service district under subch. VI of ch. 229.

18 **SECTION 39.** 27.075 (4) of the statutes is amended to read:

19 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter
20 into ~~necessary contracts~~ a contract with the county, and appropriate money to pay
21 the county, for the reasonable expenses incurred in rendering the park services
22 assumed. ~~Such~~ The contract shall provide a procedure for the termination of the
23 contract by any city, village, or town that wishes to have its parks and recreation
24 services provided under s. 229.863 (2) (d) by a metropolitan service district under
25 subch. VI of ch. 229. The expenses may be certified, returned, and paid as are other

ASSEMBLY BILL 510**SECTION 39**

1 county charges, and, in the case of services performed pursuant to under a proposal
2 for the consolidation thereof of municipal park services initiated by the county board
3 and made available to each ~~town, city and village~~ city, village, and town in the county
4 on the same terms, the expenses thereof shall be certified, returned, and paid as
5 county charges; but ~~in the event that each and every town, city and village~~ if every
6 city, village, and town in the county shall ~~accept such~~ accepts the proposal of the
7 county board the expenses thereof shall be paid by county taxes to be levied and
8 collected as are other taxes for county purposes. ~~Said towns, cities and villages are~~
9 ~~vested with all necessary power to do the things herein required, and to do all things~~
10 ~~and to exercise or relinquish any of the powers herein provided or contemplated.~~ The
11 procedure herein provided in this section for the request or acceptance of the exercise
12 of the powers conferred on the county board in cities and villages is ~~hereby prescribed~~
13 as a special method of determining the local affairs and government of such cities and
14 villages pursuant to article XI, section 3, of the constitution.

15 **SECTION 40.** 27.08 (1) of the statutes is amended to read:

16 27.08 (1) Every city that does not have its parks and recreation services
17 provided under s. 229.863 (2) (d) by a metropolitan service district under subch. VI
18 of ch. 229 may by ordinance create a board of park commissioners subject to this
19 section, or otherwise as provided by ordinance. ~~Such, and if the city has a board of~~
20 park commissioners the city shall terminate that board and end the board's authority
21 under this section upon the city's decision to have its parks and recreation services
22 provided under s. 229.863 (2) (d). The board shall be organized as directed by the
23 common council ~~shall provide.~~

24 **SECTION 41.** 27.08 (3) of the statutes is amended to read:

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1 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
2 commissioners ~~its and its parks and recreation services are not provided under s.~~
3 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229, the city's
4 public parks, parkways, boulevards, and pleasure drives shall be under the charge
5 of its board of public works, ~~if it has such last named board; otherwise or, if it does~~
6 not have such a board, under the charge of its common council. When so in charge,
7 the board of public works or the common council may exercise all of the powers of a
8 board of park commissioners. Upon a city's decision to have its parks and recreation
9 services provided under s. 229.863 (2) (d), the city's board of public works or common
10 council may not exercise any authority under this section.

11 **SECTION 42.** 30.277 (1b) (a) of the statutes is amended to read:

12 30.277 (1b) (a) "Governmental unit" means a city, village, town, county, or
13 metropolitan service district under subch. VI of ch. 229 which provides parks and
14 recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management
15 board.

16 **SECTION 43.** 43.01 (1m) of the statutes is created to read:

17 43.01 (1m) "District" means a metropolitan service district under ch. 229.

18 **SECTION 44.** 43.18 (1) (ag) of the statutes is amended to read:

19 43.18 (1) (ag) In this subsection, "participating municipality" means a district
20 or municipality that operates a public library and is a member of a public library
21 system.

22 **SECTION 45.** 43.52 (1r) of the statutes is created to read:

23 43.52 (1r) A municipal library may be operated by a district if the municipality
24 and district enter into an agreement of their governing bodies. Notwithstanding s.

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1 43.54, the agreement shall provide for the creation of new library board to carry out
2 the powers and duties under s. 43.58.

3 **SECTION 46.** 43.53 (4) of the statutes is created to read:

4 43.53 (4) A joint library may be operated by a district if the district and the
5 municipalities that established the joint library enter into an agreement of their
6 governing bodies. Notwithstanding s. 43.54, the agreement shall provide for the
7 creation of a new library board to carry out the powers and duties under s. 43.58.

8 **SECTION 47.** 59.69 (2) (g) of the statutes is created to read:

9 59.69 (2) (g) 1. Subject to subd. 2., not later than the first day of the 7th month
10 after the effective date of this subdivision [revisor inserts date], the county zoning
11 agency shall designate the boundaries of all urbanized areas in the county, based on
12 at least all of the following factors:

- 13 a. Population density.
- 14 b. Compactness.
- 15 c. Community of interests.
- 16 d. Cost effectiveness of service delivery.

17 2. A county zoning agency may act under subd. 1. only if the county is not part
18 of a regional planning commission. If a county is not part of a regional planning
19 commission, the zoning agency may contract with any regional planning commission
20 to designate the urbanized areas of the county, based on the factors listed in, and
21 subject to the time limits specified in, subd. 1.

22 3. Following an initial designation of urbanized areas under this paragraph,
23 a county zoning agency, or regional planning commission under subd. 2., shall
24 redesignate urbanized areas of the county every 10 years, based on the factors listed
25 in subd. 1., unless an earlier redesignation is requested under s. 229.863 (4) (n).

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1 4. The boundaries of an urbanized area may consist of any combination of the
2 whole of any city, the whole of any village, or the whole or part of any town.

3 **SECTION 48.** 59.69 (5) (c) of the statutes is amended to read:

4 59.69 (5) (c) A county ordinance enacted under this section shall not be effective
5 in any town until it has been approved by the town board. If the town board approves
6 an ordinance enacted by the county board, under this section, a certified copy of the
7 approving resolution attached to one of the copies of such ordinance submitted to the
8 town board shall promptly be filed with the county clerk by the town clerk. The
9 ordinance shall become effective in the town as of the date of the filing, which filing
10 shall be recorded by the county clerk in the clerk's office, reported to the town board
11 and the county board, and printed in the proceedings of the county board. The
12 ordinance shall supersede any prior town ordinance in conflict therewith or which
13 is concerned with zoning, except as provided by s. 60.62 or by s. 229.863 (3) (c).

14 **SECTION 49.** 59.69 (7) of the statutes is amended to read:

15 59.69 (7) CONTINUED EFFECT OF ORDINANCE. Whenever an area which has been
16 subject to a county zoning ordinance petitions to become part of a city or village, the
17 regulations imposed by the county zoning ordinance shall continue in effect, without
18 change, and shall be enforced by the city or village until the regulations have been
19 changed by official action of the governing body of the city or village, except that in
20 the event an ordinance of annexation is contested in the courts, the county zoning
21 shall prevail and the county shall have jurisdiction over the zoning in the area
22 affected until ultimate determination of the court action. Whenever an area which
23 has been subject to a county zoning ordinance becomes part of a metropolitan service
24 district under subch. VI of ch. 229 and the metropolitan service district provides
25 zoning services under s. 229.863 (2) (e), that town territory is not subject to a county

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1 zoning ordinance and the county zoning ordinance may not be enforced within the
2 town.

3 **SECTION 50.** 60.61 (3) (d) of the statutes is created to read:

4 60.61 (3) (d) The town is not subject to zoning authority that is exercised by a
5 municipal service district under s. 229.863 (2) (e).

6 **SECTION 51.** 60.62 (1) of the statutes is amended to read:

7 60.62 (1) Subject to subs. (2), (3), (3m), and (4), if a town board has been granted
8 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
9 ordinances under s. 61.35.

10 **SECTION 52.** 60.62 (3m) of the statutes is created to read:

11 60.62 (3m) The town board may not exercise authority under sub. (1) if the
12 town is part of a metropolitan service district that exercises zoning authority under
13 s. 229.863 (2) (e).

14 **SECTION 53.** 61.65 (1) (a) 2. of the statutes is amended to read:

15 61.65 (1) (a) 2. Contracting for police protective services with a city or town,
16 with another village or with the county in which the village is located. A village that
17 contracts for police protective services under this subdivision shall pay the full cost
18 of services provided.

19 **SECTION 54.** 61.65 (1) (a) 4. of the statutes is created to read:

20 61.65 (1) (a) 4. Contracting for police protective services with a metropolitan
21 services district that provides such service under s. 229.863 (2) (h) and (3) (d).

22 **SECTION 55.** 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.

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1 **SECTION 56.** 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 metropolitan
3 service district that provides such services under s. 229.863 (2) (c) and (3) (d).

4 **SECTION 57.** 62.13 (1) of the statutes is amended to read:

5 62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each
6 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of
7 whom shall constitute a quorum. The mayor shall annually, between the last
8 Monday of April and the first Monday of May, appoint in writing to be filed with the
9 secretary of the board, one member for a term of 5 years. No appointment shall be
10 made which will result in more than 3 members of the board belonging to the same
11 political party. The board shall keep a record of its proceedings.

12 **SECTION 58.** 62.13 (2s) of the statutes is created to read:

13 62.13 (2s) METROPOLITAN SERVICE DISTRICTS, CONTRACT SERVICES. A city may
14 provide for police protective services by contracting with a metropolitan service
15 district that provides such services under s. 229.863 (2) (h) and (3) (d).

16 **SECTION 59.** 62.13 (8) of the statutes is amended to read:

17 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a
18 paid or a volunteer fire department and for the management and equipment of either
19 insofar as not otherwise provided for by law. In the case where a combination of paid
20 and volunteer fire department is provided for, such city shall be reimbursed by the
21 department of transportation, not to exceed \$500 for any fire calls on a state trunk
22 highway or on any highway that is a part of the national system of interstate
23 highways and is maintained by the department of transportation. A city may also
24 provide for fire protection services by contracting with a metropolitan services
25 district that provides such services under s. 229.863 (2) (c) and (3) (d).

ASSEMBLY BILL 510**SECTION 60**

1 **SECTION 60.** 66.0217 (2) of the statutes is amended to read:

2 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided
3 in s. 229.864 (4), if a petition for direct annexation signed by all of the electors
4 residing in the territory and the owners of all of the real property in the territory is
5 filed with the city or village clerk, and with the town clerk of the town or towns in
6 which the territory is located, together with a scale map and a legal description of
7 the property to be annexed, an annexation ordinance for the annexation of the
8 territory may be enacted by a two-thirds vote of the elected members of the
9 governing body of the city or village without compliance with the notice requirements
10 of sub. (4). In an annexation under this subsection, subject to sub. (6), the person
11 filing the petition with the city or village clerk and the town clerk shall, within 5 days
12 of the filing, mail a copy of the scale map and a legal description of the territory to
13 be annexed to the department and the governing body shall review the advice of the
14 department, if any, before enacting the annexation ordinance.

15 **SECTION 61.** 66.0217 (3) (a) (intro.) of the statutes is amended to read:

16 66.0217 (3) (a) *Direct annexation by one-half approval.* (intro.) ~~A~~ Except as
17 provided in s. 229.864 (4), a petition for direct annexation may be filed with the city
18 or village clerk if it has been signed by either of the following:

19 **SECTION 62.** 66.0217 (3) (b) (intro.) of the statutes is amended to read:

20 66.0217 (3) (b) *Annexation by referendum.* (intro.) ~~A~~ Except as provided in
21 s. 229.864 (4), a petition for a referendum on the question of annexation may be filed
22 with the city or village clerk signed by a number of qualified electors residing in the
23 territory equal to at least 20% of the votes cast for governor in the territory at the last
24 gubernatorial election, and the owners of at least 50% of the real property either in
25 area or assessed value. The petition shall conform to the requirements of s. 8.40.

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1 **SECTION 63.** 66.0219 (intro.) of the statutes is amended to read:

2 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

3 As a complete alternative to any other annexation procedure, and subject to s.
4 66.0307 (7) and s. 229.864 (4), unincorporated territory which contains electors and
5 is contiguous to a city or village may be annexed to the city or village under this
6 section. The definitions in s. 66.0217 (1) apply to this section.

7 **SECTION 64.** 66.0221 (1) of the statutes is amended to read:

8 66.0221 (1) Upon its own motion and except as provided in s. 229.864 (4), a city
9 or village, by a two-thirds vote of the entire membership of its governing body, may
10 enact an ordinance annexing territory which comprises a portion of a town or towns
11 and which was completely surrounded by territory of the city or village on
12 December 2, 1973. The ordinance shall include all surrounded town areas except
13 those that are exempt by mutual agreement of all of the governing bodies involved.
14 The annexation ordinance shall contain a legal description of the territory and the
15 name of the town or towns from which the territory is detached. Upon enactment of
16 the ordinance, the city or village clerk immediately shall file 6 certified copies of the
17 ordinance in the office of the secretary of state, together with 6 copies of a scale map.
18 The secretary of state shall forward 2 copies of the ordinance and scale map to the
19 department of transportation, one copy to the department of natural resources, one
20 copy to the department of revenue and one copy to the department of administration.
21 This subsection does not apply if the town island was created only by the annexation
22 of a railroad right-of-way or drainage ditch. This subsection does not apply to land
23 owned by a town government which has existing town government buildings located
24 on the land. No town island may be annexed under this subsection if the island
25 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies

ASSEMBLY BILL 510**SECTION 64**

1 to annexations under this subsection. Except as provided in sub. (2), after
2 December 2, 1973, no city or village may, by annexation, create a town area which
3 is completely surrounded by the city or village.

4 **SECTION 65.** 66.0223 of the statutes is amended to read:

5 **66.0223 Annexation of territory owned by a city or village.** In addition
6 to other methods provided by law and subject to ss. 59.692 (7) and, 66.0307 (7), and
7 229.864 (4), territory owned by and lying near but not necessarily contiguous to a
8 village or city may be annexed to a village or city by ordinance enacted by the board
9 of trustees of the village or the common council of the city, provided that in the case
10 of noncontiguous territory the use of the territory by the city or village is not contrary
11 to any town or county zoning regulation. The ordinance shall contain the exact
12 description of the territory annexed and the names of the towns from which
13 detached, and attaches the territory to the village or city upon the filing of 7 certified
14 copies of the ordinance in the office of the secretary of state, together with 7 copies
15 of a plat showing the boundaries of the territory attached. Two copies of the
16 ordinance and plat shall be forwarded by the secretary of state to the department of
17 transportation, one copy to the department of administration, one copy to the
18 department of natural resources, one copy to the department of revenue and one copy
19 to the department of public instruction. Within 10 days of filing the certified copies,
20 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
21 in which the annexed territory is located. Section 66.0217 (11) applies to annexations
22 under this section.

23 **SECTION 66.** 66.0301 (1) (a) of the statutes is amended to read:

24 66.0301 (1) (a) In this section “municipality” means the state or any
25 department or agency thereof, or any city, village, town, county, school district, public

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1 library system, public inland lake protection and rehabilitation district, sanitary
2 district, farm drainage district, metropolitan sewerage district, sewer utility district,
3 solid waste management system created under s. 59.70 (2), local exposition district
4 created under subch. II of ch. 229, local professional baseball park district created
5 under subch. III of ch. 229, local professional football stadium district created under
6 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
7 metropolitan service district created under subch. VI of ch. 229, family care district
8 under s. 46.2895, water utility district, mosquito control district, municipal electric
9 company, county or city transit commission, commission created by contract under
10 this section, taxation district, regional planning commission, or city-county health
11 department.

12 **SECTION 67.** 66.0309 (8) (c) of the statutes is created to read:

13 66.0309 (8) (c) 1. Subject to subd. 2., not later than the first day of the 7th month
14 after the effective date of this subdivision [revisor inserts date], each regional
15 planning commission shall designate the boundaries of all urbanized areas in the
16 region, based on at least all of the following factors:

- 17 a. Population density.
- 18 b. Compactness.
- 19 c. Community of interests.
- 20 d. Cost effectiveness of service delivery.

21 2. Following an initial designation of urbanized areas under this paragraph,
22 a regional planning commission shall redesignate urbanized areas of the region
23 every 10 years, based on the factors listed in subd. 1., unless an earlier redesignation
24 is requested under s. 229.863 (4) (n).

ASSEMBLY BILL 510**SECTION 67**

1 3. The boundaries of an urbanized area may consist of any combination of the
2 whole of any city, the whole of any village, or the whole or part of any town.

3 **SECTION 68.** 66.0615 (1) (bs) of the statutes is created to read:

4 66.0615 (1) (bs) “Metropolitan service district” has the meaning given for
5 “district” in s. 229.86 (3).

6 **SECTION 69.** 66.0615 (1m) (a) of the statutes is amended to read:

7 66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,
8 and a district, under par. (e), and a metropolitan service district, under par. (em), may
9 adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except
10 sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and
11 other persons furnishing accommodations that are available to the public,
12 irrespective of whether membership is required for use of the accommodations. A tax
13 imposed under this paragraph is not subject to the selective sales tax imposed by s.
14 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and
15 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a
16 municipality shall be paid to the municipality and may be forwarded to a commission
17 if one is created under par. (c), as provided in par. (d). A tax imposed under this
18 paragraph by a metropolitan service district shall be paid to the district. Except as
19 provided in par. (am), a tax imposed under this paragraph by a municipality or by
20 a metropolitan service district may not exceed 8%. Except as provided in par. (am),
21 if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the
22 municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

23 **SECTION 70.** 66.0615 (1m) (em) of the statutes is created to read:

24 66.0615 (1m) (em) 1. The governing body of a metropolitan service district may
25 adopt a resolution imposing a room tax under par. (a) if none of the municipalities

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1 within the metropolitan service district's jurisdiction under s. 229.862, that are also
2 part of the district, impose such a tax and if all such municipalities enact an
3 ordinance authorizing the metropolitan service district to impose the tax under par.
4 (a). A tax imposed under par. (a) applies within every municipality that is both
5 located within the metropolitan service district's jurisdiction and that is part of the
6 metropolitan service district.

7 2. If a metropolitan service district stops imposing and collecting a room tax,
8 the municipalities within the district's jurisdiction that are also a part of the district
9 may impose a room tax under par. (a).

10 **SECTION 71.** 66.0615 (2) (intro.) of the statutes is amended to read:

11 66.0615 (2) (intro.) As a means of enforcing the collection of any room tax
12 imposed by a municipality ~~or, a district,~~ or a metropolitan service district under sub.
13 (1m), the municipality ~~or, district,~~ or metropolitan service district may exchange
14 audit and other information with the department of revenue and may do any of the
15 following:

16 **SECTION 72.** 66.0615 (2) (a) of the statutes is amended to read:

17 66.0615 (2) (a) If a municipality ~~or, district,~~ or metropolitan service district has
18 probable cause to believe that the correct amount of room tax has not been assessed
19 or that the tax return is not correct, inspect and audit the financial records of any
20 person subject to sub. (1m) pertaining to the furnishing of accommodations to
21 determine whether the correct amount of room tax is assessed and whether any room
22 tax return is correct.

23 **SECTION 73.** 66.0615 (2) (d) of the statutes is amended to read:

24 66.0615 (2) (d) Require each person who is subject to par. (c) to pay an amount
25 of taxes that the municipality ~~or, district,~~ or metropolitan service district determines

ASSEMBLY BILL 510**SECTION 73**

1 to be due under par. (c) plus interest at the rate of 1% per month on the unpaid
2 balance. No refund or modification of the payment determined may be granted until
3 the person files a correct room tax return and permits the municipality ~~or~~ district,
4 or metropolitan service district to inspect and audit his or her financial records under
5 par. (a).

6 **SECTION 74.** 66.0615 (3) of the statutes is amended to read:

7 66.0615 (3) The municipality shall provide by ordinance and the district or
8 metropolitan service district shall provide by resolution for the confidentiality of
9 information obtained under sub. (2) but shall provide exceptions for persons using
10 the information in the discharge of duties imposed by law or of the duties of their
11 office or by order of a court. The municipality ~~or~~ district, or metropolitan service
12 district may provide for the publishing of statistics classified so as not to disclose the
13 identity of particular returns. The municipality ~~or~~ district, or metropolitan service
14 district shall provide that persons violating ordinances or resolutions enacted under
15 this subsection may be required to forfeit not less than \$100 nor more than \$500.

16 **SECTION 75.** 66.0617 (1) (a) of the statutes is amended to read:

17 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
18 improve public facilities, including the cost of land, and including legal, engineering,
19 and design costs to construct, expand, or improve public facilities, except that not
20 more than 10% of capital costs may consist of legal, engineering, and design costs
21 unless the political subdivision or metropolitan service district can demonstrate that
22 its legal, engineering, and design costs which relate directly to the public
23 improvement for which the impact fees were imposed exceed 10% of capital costs.
24 “Capital costs” does not include other noncapital costs to construct, expand, or

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1 improve public facilities or the costs of equipment to construct, expand, or improve
2 public facilities.

3 **SECTION 76.** 66.0617 (1) (c) of the statutes is amended to read:

4 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
5 or interests in land, or any other items of value that are imposed on a developer by
6 a political subdivision or a metropolitan service district under this section.

7 **SECTION 77.** 66.0617 (1) (d) of the statutes is amended to read:

8 66.0617 (1) (d) "Land development" means the construction or modification of
9 improvements to real property that creates additional residential dwelling units
10 within a political subdivision or metropolitan service district or that results in
11 nonresidential uses that create a need for new, expanded, or improved public
12 facilities within a political subdivision or metropolitan service district.

13 **SECTION 78.** 66.0617 (1) (dg) of the statutes is created to read:

14 66.0617 (1) (dg) "Metropolitan service district" has the meaning given for
15 "district" in s. 229.86 (3).

16 **SECTION 79.** 66.0617 (1) (g) of the statutes is amended to read:

17 66.0617 (1) (g) "Service area" means a geographic area delineated by a political
18 subdivision or metropolitan service district within which there are public facilities.

19 **SECTION 80.** 66.0617 (1) (h) of the statutes is amended to read:

20 66.0617 (1) (h) "Service standard" means a certain quantity or quality of public
21 facilities relative to a certain number of persons, parcels of land, or other appropriate
22 measure, as specified by the political subdivision or metropolitan service district.

23 **SECTION 81.** 66.0617 (2) (a) of the statutes is amended to read:

24 66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an
25 ordinance under this section, and a metropolitan service district may adopt a

ASSEMBLY BILL 510**SECTION 81**

1 resolution under this section, that imposes impact fees on developers to pay for the
2 capital costs that are necessary to accommodate land development.

3 **SECTION 82.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)
4 1.

5 **SECTION 83.** 66.0617 (2) (am) 2. of the statutes is created to read:

6 66.0617 (2) (am) 2. No metropolitan service district may impose an impact fee
7 under this section for any purpose other than a purpose that is related to a service
8 under s. 229.863 (2) and (3) that the district provides or has agreed to provide.

9 **SECTION 84.** 66.0617 (3) of the statutes is amended to read:

10 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting a political subdivision
11 enacts an ordinance or a metropolitan service district adopts a resolution that
12 imposes impact fees, or amending amends an existing ordinance or resolution that
13 imposes impact fees, a political subdivision or a metropolitan service district shall
14 hold a public hearing on the proposed ordinance or resolution or amendment. Notice
15 of the public hearing shall be published as a class 1 notice under ch. 985, and shall
16 specify where a copy of the proposed ordinance or resolution or amendment and the
17 public facilities needs assessment may be obtained.

18 **SECTION 85.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

19 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
20 that imposes impact fees or amending an ordinance or resolution that imposes
21 impact fees by revising the amount of the fee or altering the public facilities for which
22 impact fees may be imposed, a political subdivision or a metropolitan service district
23 shall prepare a needs assessment for the public facilities for which it is anticipated
24 that impact fees may be imposed. The public facilities needs assessment shall
25 include, but not be limited to, the following:

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1 **SECTION 86.** 66.0617 (4) (b) of the statutes is amended to read:

2 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
3 needs assessment that is prepared under this subsection shall be available for public
4 inspection and copying in the office of the clerk of the political subdivision or in the
5 office of the secretary of the metropolitan service district commission at least 20 days
6 before the hearing under sub. (3).

7 **SECTION 87.** 66.0617 (5) of the statutes is amended to read:

8 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
9 resolution adopted under this section may impose different impact fees on different
10 types of land development.

11 (b) An ordinance enacted or resolution adopted under this section may
12 delineate geographically defined zones within the political subdivision or
13 metropolitan service district and may impose impact fees on land development in a
14 zone that differ from impact fees imposed on land development in other zones within
15 the political subdivision or metropolitan service district. The public facilities needs
16 assessment that is required under sub. (4) shall explicitly identify the differences,
17 such as land development or the need for those public facilities, which justify the
18 differences between zones in the amount of impact fees imposed.

19 **SECTION 88.** 66.0617 (6) (intro.) of the statutes is amended to read:

20 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
21 ordinance enacted or resolution adopted under this section:

22 **SECTION 89.** 66.0617 (6) (b) of the statutes is amended to read:

23 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
24 are required to serve land development, as compared to existing uses of land within
25 the political subdivision or metropolitan service district.

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1 **SECTION 90.** 66.0617 (6) (h) of the statutes is created to read:

2 66.0617 **(6)** (h) Shall be payable, no sooner than 90 days after final plat
3 approval, by the developer to the metropolitan service district either in full or in
4 installment payments that are approved by the metropolitan service district.

5 **SECTION 91.** 66.0617 (7) of the statutes is amended to read:

6 66.0617 **(7)** LOW-COST HOUSING. An ordinance enacted or resolution adopted
7 under this section may provide for an exemption from, or a reduction in the amount
8 of, impact fees on land development that provides low-cost housing, except that no
9 amount of an impact fee for which an exemption or reduction is provided under this
10 subsection may be shifted to any other development in the land development in
11 which the low-cost housing is located or to any other land development in the
12 political subdivision or metropolitan service district.

13 **SECTION 92.** 66.0617 (8) of the statutes is amended to read:

14 66.0617 **(8)** REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
15 fees shall be placed in a segregated, interest-bearing account and shall be accounted
16 for separately from the other funds of the political subdivision or metropolitan
17 service district. Impact fee revenues and interest earned on impact fee revenues may
18 be expended only for capital costs for which the impact fees were imposed.

19 **SECTION 93.** 66.0617 (9) of the statutes is amended to read:

20 66.0617 **(9)** REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
21 under this section shall specify that impact fees that are imposed and collected by
22 a political subdivision or metropolitan service district but are not used within a
23 reasonable period of time after they are collected to pay the capital costs for which
24 they were imposed shall be refunded to the current owner of the property with
25 respect to which the impact fees were imposed. The ordinance or resolution shall

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1 specify, by type of public facility, reasonable time periods within which impact fees
2 must be spent or refunded under this subsection. In determining the length of the
3 time periods under the ordinance or resolution, a political subdivision or
4 metropolitan service district shall consider what are appropriate planning and
5 financing periods for the particular types of public facilities for which the impact fees
6 are imposed.

7 **SECTION 94.** 66.0617 (10) of the statutes is amended to read:

8 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee
9 ordinance under this section shall, by ordinance, and a metropolitan service district
10 that adopts an impact fee resolution under this section shall, by resolution, specify
11 a procedure under which a developer upon whom an impact fee is imposed has the
12 right to contest the amount, collection, or use of the impact fee to the governing body
13 of the political subdivision or metropolitan service district.

14 **SECTION 95.** 66.0617 (11) of the statutes is created to read:

15 66.0617 (11) TRANSFER OF UNUSED IMPACT FEES. If a city, village, or town
16 transfers title to any of its property or facilities to a metropolitan service district, as
17 described in s. 229.862 (6) (a), and if the city, village, or town has unspent impact fees
18 that were to be used for such property or facilities, the city, village, or town shall
19 transfer such impact fees to the metropolitan service district.

20 **SECTION 96.** 66.1021 (11) (a) of the statutes is amended to read:

21 66.1021 (11) (a) In lieu of providing transportation services, a city, village or
22 town may contract with a private organization for the services or, with respect to
23 mass transit services as defined in s. 229.863 (3) (e), a metropolitan service district
24 that provides services under s. 229.863 (2) (f).

25 **SECTION 97.** 66.1341 of the statutes is amended to read:

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1 **66.1341 Towns to have certain city powers.** Towns have all of the powers
2 of cities under ss. 66.0923, 66.0925, 66.1201 to 66.1329 and 66.1331 to 66.1335,
3 except the powers under s. 66.1201 (10) and any other powers that conflict with
4 statutes relating to towns and town boards. As described in s. 229.864 (5), certain
5 towns have all of the powers of cities under s. 66.1105.

6 **SECTION 98.** 67.01 (5) of the statutes is amended to read:

7 67.01 (5) “Municipality” means any of the following which is authorized to levy
8 a tax: a county, city, village, town, school district, board of park commissioners,
9 technical college district, metropolitan sewerage district created under ss. 200.01 to
10 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60,
11 metropolitan service district under subch. VI of ch. 229, public inland lake protection
12 and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other
13 public body empowered to borrow money and issue obligations to repay the money
14 out of public funds or revenues. “Municipality” does not include the state.

15 **SECTION 99.** 70.11 (37m) of the statutes is created to read:

16 70.11 (37m) METROPOLITAN SERVICE DISTRICT. The property of a metropolitan
17 service district under subch. VI of ch. 229.

18 **SECTION 100.** 71.26 (1) (bm) of the statutes is amended to read:

19 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
20 created under subch. II of ch. 229, a local professional baseball park district created
21 under subch. III of ch. 229 ~~or~~, a local professional football stadium district created
22 under subch. IV of ch. 229 ~~or~~, a local cultural arts district created under subch. V of
23 ch. 229, or a metropolitan service district created under subch. VI of ch. 229.

24 **SECTION 101.** 77.25 (18m) of the statutes is created to read:

25 77.25 (18m) To a metropolitan service district under subch. VI of ch. 229.

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1 **SECTION 102.** 77.54 (9a) (i) of the statutes is created to read:

2 77.54 **(9a)** (i) A metropolitan service district under subch. VI of ch. 229.

3 **SECTION 103.** 79.05 (1) (bm) of the statutes is created to read:

4 79.05 **(1)** (bm) Notwithstanding s. 79.005 (1), “municipality” means any town,
5 village, or city in this state or a metropolitan service district created under subch. VI
6 of ch. 229.

7 **SECTION 104.** 81.001 of the statutes is created to read:

8 **81.001 Definitions.** In this chapter, “metropolitan service district” has the
9 meaning given for “district” in s. 229.86 (3).

10 **SECTION 105.** 81.19 of the statutes is created to read:

11 **81.19 Highway defects; liability of metropolitan service district.** A
12 town, city, or village has a right of action against a metropolitan service district with
13 which the town, city, or village has contracted to perform highway maintenance
14 services under s. 229.863 (2) (g) if any damages recovered against the town, city, or
15 village under s. 81.15 or 81.17 arise from the actions or omissions of the metropolitan
16 service district in fulfilling its highway maintenance duties.

17 **SECTION 106.** 83.001 of the statutes is renumbered 83.001 (intro.) and amended
18 to read:

19 **83.001 Definition Definitions.** (intro.) In this chapter, “~~department~~”:

20 **(1) “Department”** means the department of transportation.

21 **SECTION 107.** 83.001 (2) of the statutes is created to read:

22 83.001 **(2)** “Metropolitan service district” has the meaning given for “district”
23 in s. 229.86 (3).

24 **SECTION 108.** 83.018 of the statutes is amended to read:

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1 **83.018 Road supplies; committee may sell to municipalities.** The county
2 highway committee is authorized to sell road building and maintenance supplies on
3 open account to any city, village, town or school district within the county, or to any
4 metropolitan service district that provides services under s. 229.863 (2) (g) and any
5 part of which includes the county; and any such city, village, town ~~or~~, school district,
6 or metropolitan service district is authorized to purchase such supplies.

7 **SECTION 109.** 84.001 (1s) of the statutes is created to read:

8 84.001 (1s) “Metropolitan service commission” has the meaning given for
9 “commission” in s. 229.86 (2).

10 **SECTION 110.** 84.001 (1t) of the statutes is created to read:

11 84.001 (1t) “Metropolitan service district” has the meaning given for “district”
12 in s. 229.86 (3).

13 **SECTION 111.** 84.07 (1) of the statutes is amended to read:

14 84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk
15 highway system shall be maintained by the state at state expense. The department
16 shall prescribe by rule specifications for such maintenance and may contract with
17 any county highway committee ~~or~~, municipality, or metropolitan service district that
18 provides services under s. 229.863 (2) (g) to have all or certain parts of the work of
19 maintaining the state trunk highways within or beyond the limits of the county or
20 municipality, including interstate bridges, performed by the county ~~or~~, municipality,
21 or metropolitan service district, and any county ~~or~~, municipality, or metropolitan
22 service district may enter into such contract. General maintenance activities include
23 the application of protective coatings, the removal and control of snow, the removal,
24 treatment and sanding of ice, interim repair of highway surfaces and adjacent
25 structures, and all other operations, activities and processes required on a

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1 continuing basis for the preservation of the highways on the state trunk system, and
2 including the care and protection of trees and other roadside vegetation and suitable
3 planting to prevent soil erosion or to beautify highways pursuant to s. 80.01 (3), and
4 all measures deemed necessary to provide adequate traffic service. Special
5 maintenance activities include the restoration, reinforcement, complete repair or
6 other activities which the department deems are necessary on an individual basis for
7 specified portions of the state trunk system. Maintenance activities also include the
8 installation, replacement, rehabilitation, or maintenance of highway signs, traffic
9 control signals, highway lighting, pavement markings, and intelligent
10 transportation systems. The department may contract with a private entity for
11 services or materials or both associated with the installation, replacement,
12 rehabilitation, or maintenance of highway signs, traffic control signals, highway
13 lighting, pavement markings, and intelligent transportation systems.

14 **SECTION 112.** 84.07 (2) of the statutes is amended to read:

15 84.07 (2) REPAYMENT FOR STATE WORK. When any county ~~or~~, municipality, or
16 metropolitan service district maintains the state trunk highways within or beyond
17 the limits of the county or municipality, including interstate bridges, in compliance
18 with the arrangement with the department, the department shall pay the actual cost
19 of the maintenance, including the allowance for materials and the use of county ~~or~~,
20 municipal, or metropolitan service district machinery and overhead expenses agreed
21 upon in advance. The payments shall be made upon presentation by the county
22 highway committee ~~or~~, municipal clerk, or metropolitan service commission of a
23 properly itemized and verified account. The county highway committee ~~or~~,
24 municipal clerk, or metropolitan service commission shall present the itemized

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1 accounts for general maintenance work no later than one month following the period
2 during which the work is performed.

3 **SECTION 113.** 84.07 (4) of the statutes is amended to read:

4 84.07 (4) EMERGENCY REPAIRS; BLOCKING STREETS OR ROADS; DETOURS. Except in
5 case of emergency, no city, village ~~or~~, town, or metropolitan service district shall
6 obstruct any street or road over which any state trunk highway is marked unless it
7 first makes arrangements with the department for marking a detour.

8 **SECTION 114.** 85.01 (2g) of the statutes is created to read:

9 85.01 (2g) “Metropolitan service district” has the meaning given for “district”
10 in s. 229.86 (3).

11 **SECTION 115.** 85.20 (1) (d) of the statutes is amended to read:

12 85.20 (1) (d) “Local public body” includes counties, municipalities or towns, or
13 agencies thereof; metropolitan service districts that provide services under s.
14 229.863 (2) (f); transit or transportation commissions or authorities and public
15 corporations established by law or by interstate compact to provide mass
16 transportation services and facilities or 2 or more of any such bodies acting jointly
17 under s. 66.0301 to 66.0303.

18 **SECTION 116.** 85.22 (2) (c) of the statutes is amended to read:

19 85.22 (2) (c) “Local public body” has the meaning given in s. 85.20 (1) (d), except
20 as limited by rule of the department, but does not include metropolitan service
21 districts.

22 **SECTION 117.** 85.243 (1) (b) of the statutes is amended to read:

23 85.243 (1) (b) “Local public body” includes counties, municipalities or towns,
24 or agencies thereof; metropolitan service districts that provide services under s.
25 229.863 (2) (f); transit or transportation commissions or authorities and public

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1 corporations established by law or by interstate compact to provide mass
2 transportation services and facilities or 2 or more of any such bodies acting jointly
3 under s. 66.0301 or 66.0303.

4 **SECTION 118.** 85.52 (1) (ag) of the statutes is amended to read:

5 85.52 (1) (ag) "Eligible applicant" means a county, city, village, town or
6 combination thereof, a metropolitan service district that provides services under s.
7 229.863 (2) (f), Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01
8 (5), a private nonprofit organization that is an eligible applicant under s. 85.22 (2)
9 (am), or a transit commission created under s. 59.58 (2) or 66.1021.

10 **SECTION 119.** 86.001 (2g) of the statutes is created to read:

11 86.001 (2g) "Metropolitan service district" has the meaning given for "district"
12 in s. 229.86 (3).

13 **SECTION 120.** 86.105 of the statutes is amended to read:

14 **86.105 Snow removal in private driveways.** The governing body of any
15 county, town, city or, village, or metropolitan service district providing services under
16 s. 229.863 (2) (g) may enter into contracts to remove snow from private roads and
17 driveways.

18 **SECTION 121.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes
19 is created to read:

20 **CHAPTER 229**

21 **SUBCHAPTER VI**

22 **METROPOLITAN SERVICE DISTRICTS**

23 **229.86 Definitions.** In this subchapter:

24 (1) "Chief executive officer" means, as to a sponsoring municipality or as to a
25 municipality that is wholly within the jurisdiction of a district, the mayor or city

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1 manager of a city, the village president of a village, or the town board chairperson of
2 a town.

3 (2) “Commission” means a metropolitan service commission, which is the
4 governing body of a district.

5 (3) “District” means a metropolitan service district, which is a special purpose
6 district created under this subchapter.

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

10 (6) “Municipality” means any city that is located in an urbanized area; any
11 village that is located in an urbanized area; or any town or portion of a town that is
12 located in an urbanized area.

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

15 (8) “Urbanized area” means an area that is designated as such by a regional
16 planning commission, or a county zoning agency, under s. 66.0309 (8) (c) or 59.69 (2)
17 (g).

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

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1 (a) Adopt an enabling resolution, subject to sub. (2), that declares its intent to
2 create a district and declares which 2 or more services under s. 229.863 (2) the district
3 will provide.

4 (b) File copies of the resolution with the clerk of each municipality and county
5 that is wholly or partly within the boundaries of the urbanized area.

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

11 (b) If at least 2 municipalities adopt an enabling resolution under par. (a), every
12 municipality in that urbanized area shall become a part of the district unless the
13 municipality's governing body adopts a resolution, not later than 60 days after the
14 adoption of the second enabling resolution, stating that it does not wish to become
15 part of the district.

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

22 1. The number of members of the commission, which may not be greater than
23 9.

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

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

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

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

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

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

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1 2. The commission shall be elected at the spring election pursuant to an
2 apportionment plan under par. (b) unless the governing bodies of each of the
3 municipalities of which the district is comprised by resolution determine, no later
4 than November 1 preceding any spring election, that the members of the commission
5 shall be elected at that election and thereafter without an apportionment plan. If the
6 governing bodies of each municipality of which the district is comprised determine
7 to elect members of the commission without an apportionment plan, the governing
8 bodies may, no later than November 1 preceding a spring election, by resolution
9 determine to elect members of the commission at that election and thereafter
10 pursuant to an apportionment plan, if an identical plan is adopted by each of those
11 governing bodies by that date.

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

17 (b) 1. Each apportionment plan shall divide the entire district into apportioned
18 geographic areas for the election of members of the commission. Unless the number
19 of commissioners is changed under s. 229.864 (1), the boundaries of the apportioned
20 areas shall remain unchanged unless the governing bodies of each of the
21 municipalities of which the district is comprised agree, by resolution adopted no later
22 than November 1 preceding a spring election, to prescribe revised boundaries for the
23 election of members of the commission at that election and thereafter, and except
24 that, if a municipality becomes a part of the district after its creation, the governing
25 bodies of the municipalities of which the district is comprised shall, by resolution,

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1 prescribe identical revised boundaries of the apportioned areas no later than
2 September 1 preceding the first spring election at which members of the commission
3 are to be elected from the new district. If the governing bodies are unable to reach
4 an agreement concerning an identical apportionment plan by September 1 preceding
5 that spring election, an arbitrator appointed pursuant to sub. (3) (b) 1. shall resolve
6 the dispute no later than November 1 preceding that election.

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

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

19 (d) The terms of the members of the commission shall be 3 years, beginning on
20 the 3rd Tuesday of April following their election, except that the terms of the nearest
21 whole number to one-third of the initial persons elected to office shall expire on the
22 3rd Tuesday of April that is one year following the year of their election; and the
23 terms of the nearest whole number to one-third of the initial persons elected to office
24 shall expire on the 3rd Tuesday in April that is 2 years following the year of their
25 election. Members of the commission may be removed from office before the

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1 expiration of their terms, for cause, as provided under s. 17.13 (3) and may be recalled
2 as provided under s. 9.10. Vacancies in the office of member of the commission shall
3 be filled as provided under s. 17.27 (1f).

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

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

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

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1 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each
2 municipality lying wholly or partially within the district of any district election and
3 furnish each municipal clerk with a copy of the notice of the district election. If paper
4 ballots are utilized at a district election, the clerk shall provide each municipal clerk
5 with an adequate supply of ballots for the election at least 22 days before the election.
6 The clerk shall issue certificates of election to persons who are elected to the
7 commission after each election in the manner provided under s. 7.53 (4).

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

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

13 (i) The district shall be initially named by the regional planning commission
14 or county that designated the urbanized area in which the district is located, at the
15 time that the urbanized area is designated. The commission may change the name
16 of the district at any time.

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

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

20 (e) A municipality that joins a district under s. 229.862 (3) or (4) shall accept
21 all of the services provided by the district at the time that the municipality joins the
22 district. If such a municipality imposes a room tax under s. 66.0615 (1m) (a) and if
23 the district imposes a room tax under s. 66.0615 (1m) (a), the municipality shall enact
24 an ordinance that discontinues its collection of the room tax and that authorizes the
25 district to collect a room tax in that municipality.

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1 (f) No additional district may be created in an urbanized area, unless the
2 commissions of all of the existing districts in the urbanized area adopt a resolution
3 consenting to the creation of another district in that urbanized area.

4 (g) Once a district is created, it shall remain in effect unless it is dissolved as
5 provided in s. 229.867. If a municipality in a district loses its designation as an
6 urbanized area, that municipality may remain as part of the district unless the
7 municipality withdraws from the district as provided in sub. (6).

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

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

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

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

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

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

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

11 (b) If a municipality adopts a resolution declaring its intention to withdraw
12 from the district and if the governing bodies of all of the other municipalities that are
13 part of the district approve the resolution, the district shall dissolve as provided in
14 s. 229.867 if only one municipality remains a part of the district after a municipality
15 withdraws under this subsection. If more than one municipality remains a part of
16 the district after a municipality withdraws, the municipality that withdraws and the
17 district shall negotiate a settlement agreement to compensate that district for the
18 property or facilities that are located in the municipality, based on at least all of the
19 following factors:

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

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

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

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

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

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

16 **229.862 Jurisdiction and expansion.** (1) The initial jurisdiction of a
17 district shall consist of the territory of all of the sponsoring municipalities that have
18 acted under s. 229.861 (1) and (2), and all of the territory that is subject to inclusion
19 in a district under s. 229.861 (2) (b) other than territory located in a municipality that
20 has opted out under s. 229.861 (2) (b).

21 (2) If only the urbanized part of a town is part of a district, the remainder of
22 the town shall be added to the district if it becomes an urbanized area. Upon the
23 approval of the commission, the nonurbanized area of a town may be added to a
24 district at any time.

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1 **(3)** If the governing body of a city or village that is not in a district’s urbanized
2 area adopts a resolution requesting that it become part of a district, the city or village
3 may become part of the district only upon the approval of at least 50% of the
4 governing bodies of the municipalities that are part of the district.

5 **(4)** If a municipality that opts out of a district by adopting a resolution under
6 s. 229.861 (2) (b) adopts a resolution requesting that it become part of a district, the
7 municipality may become part of the district only upon the approval of the
8 commission and all of the governing bodies of the municipalities that are part of the
9 district.

10 **(5)** Following the redesignations of urbanized areas by a regional planning
11 commission under s. 66.0309 (8) (c) 2., or by a county under s. 59.69 (2) (g) 3., a
12 municipality that becomes part of an urbanized area in which a district exists shall
13 become a part of the district in which it is located, unless the municipality’s
14 governing body opts out of the district by adopting a resolution, not later than 60 days
15 after the redesignation takes effect, stating that it does not wish to become part of
16 a district.

17 **(6)** (a) Subject to par. (b) and s. 229.865 (1), the commission and each
18 municipality that is part of the district’s initial jurisdiction, or that becomes part of
19 the district as described under this section, shall determine which property,
20 facilities, and other assets of the municipality shall be transferred from the
21 municipality to the district.

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

23 a. Real property and attachments that relate to a service provided by the
24 district and liability for any debt that is associated with such property and
25 attachments.

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

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

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

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

17 (7) Eligible electors of a municipality who are included in the expanded
18 jurisdiction of a district may vote for members of the commission at the first election
19 occurring after the effective date of the expansion at which members of the
20 commission are elected.

21 **229.863 Powers of district.** (1) A district has all of the powers necessary or
22 convenient to carry out the purposes and provisions of this subchapter.

23 (2) Subject to sub. (3), a district shall provide at least 2 governmental services,
24 which shall include at least one of the following:

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1 (a) Economic development services directed at attracting business to the
2 district. Upon request of a district, any municipality within the district shall
3 cooperate with the district in the district's provision of economic development
4 services under this paragraph.

5 (b) Land use planning, by developing a comprehensive plan, as that term is
6 used in s. 66.1001 (1) (a), for the district as if the district were a local governmental
7 unit under s. 66.1001 (1) (b), and by encouraging all of the municipalities in the
8 district to adopt comprehensive plans under s. 66.1001 that are consistent with the
9 plan adopted by the district. A district's comprehensive plan under this paragraph
10 shall be adopted by the district as soon as possible. Such a plan may be used only
11 for advisory purposes, unless the district exercises zoning powers under par. (e) and
12 (3) (b) and except as provided in sub. (3) (c).

13 (c) Fire and emergency medical services.

14 (d) Parks and recreation services.

15 (e) Zoning.

16 (f) Mass transit services.

17 (g) Highway maintenance services.

18 (h) Police.

19 (i) Recycling.

20 (j) Yard waste and garbage collection.

21 (k) Libraries.

22 **(3)** (a) 1. If all of the municipalities that are part of a district adopt a resolution
23 requesting that the district provide a service, the district shall provide that service.
24 If one or more, but not all, of the municipalities that are part of a district adopt a
25 resolution requesting that the district provide a service, the district may either

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1 provide the service to or within the municipalities that have requested the service
2 or the district may choose to not provide the service.

3 2. If less than all of the municipalities in a district request that the district
4 provide a service and if the district provides the service, the residents of each
5 municipality that has not adopted a resolution requesting that the service be
6 provided may petition the municipality's governing body to either adopt such a
7 resolution or provide for an advisory referendum. The petition and referendum
8 requirements under s. 9.20 (1) to (6), as they apply to direct legislation in cities and
9 villages, shall apply to a petition and referendum that is undertaken under this
10 subdivision, except that a referendum question, if approved by the electors, is not
11 binding.

12 3. If a district provides a service to only some of the municipalities in the
13 district, only the municipalities that receive the service may be charged a fee by the
14 district for that service.

15 (b) If a district engages in zoning under sub. (2) (e), the district shall exercise
16 authority under s. 62.23 (7) and act as if it were a city. A district acting under this
17 paragraph may create a "District Plan Commission" to act as if it were a "City Plan
18 Commission" as described in s. 62.23 (1). If a district acts under this paragraph all
19 zoning ordinances that were enacted by a municipality, that is part of the district,
20 before the district exercises zoning authority under this paragraph remain in effect
21 until the district amends or repeals the ordinances.

22 (c) If at the time a district is created a town is subject to county zoning under
23 s. 59.69, town zoning under s. 60.61, or is unzoned, that portion of the town that is
24 part of the district shall be subject to the district's comprehensive plan upon the

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1 plan’s adoption. The town shall also be subject to district zoning authority that may
2 be exercised under sub. (2) (e), notwithstanding s. 59.69 (5) (c).

3 (d) 1. If the district provides fire and emergency medical services under sub.
4 (2) (c), the commission shall establish a board of fire commissioners.

5 2. If the district provides police services under sub. (2) (h), the commission shall
6 establish a board of police commissioners.

7 3. If the district provides both fire and emergency medical services under sub.
8 (2) (c), and police services under sub. (2) (h), the commission shall establish a board
9 of police and fire commissioners.

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

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

18 6. If the district provides fire protection services, the fire fighters employed by
19 the district, subject to par. (g), who are not subject to Titles II and XVIII of the federal
20 Social Security Act on the day on which they become employees of the district, shall
21 continue not to be subject to those provisions unless the fire fighters and the district
22 agree otherwise through the collective bargaining process.

23 (e) A district may provide services relating to the operation, enhancement,
24 improvement, and promotion of an existing mass transit system. “Mass transit
25 system” has the meaning given in s. 85.20 (1) (e).

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1 (f) 1. A municipality may provide all or certain parts of the work of maintaining
2 the highways under its jurisdiction, including snow removal, highway lighting, and
3 highway surface cleaning, by contracting with a district to provide highway
4 maintenance services. Notwithstanding s. 229.861 (5) (e), a municipality that joins
5 a district providing services under sub. (2) (g) may specify which highway
6 maintenance services shall be provided by the district and need not have all highway
7 maintenance services provided by the district.

8 2. A district that provides services under sub. (2) (g) may contract with the
9 department of transportation to provide highway maintenance services under s.
10 84.07. The department of transportation may require the district to adopt the
11 uniform system of cost accounting required of counties under s. 83.015 (3) (d) before
12 entering into a contract with the district to provide highway maintenance services
13 under s. 84.07.

14 3. A municipality that contracts with a district under subd. 1. to provide
15 highway maintenance services shall transfer to the district, within 30 days of receipt
16 by the municipality of any transportation aids payment under s. 86.30 or 86.32, that
17 percentage of the payment that represents the cost of the highway maintenance
18 services to be provided by the district as compared to, with respect to aids paid under
19 s. 86.30, the cost of all other transportation-related services provided by the
20 municipality and, with respect to aids paid under s. 86.32, the cost of all other
21 connecting highway maintenance services provided by the municipality. The
22 percentage transferred under this subdivision shall be consistent with the
23 municipality's reporting of cost data under s. 86.303. For purposes of reporting under
24 s. 86.303, a municipality that contracts with a district under subd. 1. to provide
25 highway maintenance services shall include such highway maintenance services in

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1 its report under s. 86.303 and specify that such services are provided by a district,
2 and shall further specify the amount of transportation aids transferred to the district
3 for the performance of such services. A district receiving a transfer under this
4 subdivision of aids paid to a municipality under s.86.30 is subject to the provisions
5 of s. 86.30 (2) (f).

6 (g) 1. Whenever a municipality becomes a part of a district, the district shall
7 employ all municipal employees who provided the services that will henceforth be
8 provided by the district if the employees, as municipal employees, were included in
9 a collective bargaining unit for which a representative is certified under subch. IV
10 of ch. 111.

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

16 3. The district shall employ the municipal employees specified under subd. 1.
17 until the expiration date of the applicable collective bargaining agreement that
18 covered the employees while they were municipal employees. Beginning on that
19 expiration date, the district may offer continued employment to these employees
20 under sub. (4) (e) and all such employees hired by the district, for seniority purposes,
21 shall be considered to have been employed by the district for the same period of time
22 as they were employed by their municipal employer.

23 4. Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that
24 is initially created at a district, a majority of the former municipal employees were
25 represented by the same representative when they were employed by a municipality,

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1 that representative shall become the initial representative of the employees in the
2 collective bargaining unit without the necessity of filing a petition or conducting an
3 election.

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

6 (a) Adopt and alter an official seal.

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

8 (c) Maintain an office.

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

11 1. Acquire, develop, equip, maintain, improve, operate, and manage such
12 property or facilities.

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

15 3. Grant concessions.

16 4. Operate recreational facilities or programs.

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

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

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

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

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

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

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

20 (k) Adopt a resolution to impose a room tax under s. 66.0615 (1m) (em).

21 (L) Adopt a resolution to impose impact fees under s. 66.0617.

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

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1 (n) Request that a county or a regional planning commission redesignate the
2 urbanized areas of the county or the region before the 10-year period specified in ss.
3 59.69 (2) (g) 3. and 66.0309 (8) (c) 2.

4 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

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

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

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

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1 (a) Make loans to a district upon terms that the municipality considers
2 appropriate.

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

5 **(4)** No city or village may annex any town territory under s. 66.0217, 66.0219,
6 66.0221, or 66.0223 if that territory is part of the same district of which the annexing
7 city or village is a part, except that such territory may be annexed under a boundary
8 agreement under s. 66.0307, or such territory may be annexed at the request of the
9 property owner and with the approval of the town board.

10 **(5)** The board of any town which, in whole or in part, is located in a district that
11 provides the town with zoning and planning services under s. 229.863 (2) (e) and (3)
12 (c) may exercise all powers of cities under s. 66.1105 in the part of the town that is
13 subject to such district services. If the town board exercises the powers of a city under
14 s. 66.1105, it is subject to the same duties as a common council under s. 66.1105 and
15 the town is subject to the same duties and liabilities as a city under s. 66.1105. If the
16 town board exercises the powers of a city under s. 66.1105, the town shall enter into
17 a revenue sharing agreement under s. 66.0305 with every other municipality in the
18 district.

19 **(6)** (a) If all of the municipalities in a district are covered by full-time police
20 service that is provided by an entity other than the county or the district, each of the
21 municipalities shall be reimbursed by the county in an amount that equals 50% of
22 the municipality's share of the county tax levy for the sheriff's department, other
23 than costs related to the county jail and administration of the sheriff's department.

24 (b) If all of the municipalities in a district are covered by full-time police service
25 that is provided by the district, the district shall be reimbursed by the county in an

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1 amount that equals 50% of each municipality's share of the county tax levy for the
2 sheriff's department, other than costs related to the county jail and administration
3 of the sheriff's department.

4 **229.865 Dispute resolution, veto panel.** (1) (a) Upon the creation of a
5 district under this subchapter, there shall be created for that district a veto panel,
6 the membership of which shall be the chief executive officer of each municipality that
7 is part of the district. If a municipality becomes part of a district after its creation,
8 the chief executive officer of the municipality shall become a member of the veto
9 panel. A veto panel that is created under this section shall dissolve on the first day
10 of the 120th month beginning after its creation.

11 (b) If the commission takes any action on an item that is specified on the list
12 that is described in s. 229.861 (3) (a) 4., the clerk of the commission shall send a
13 written description of the action taken to the members of the veto panel and to the
14 municipal clerk of each municipality that is part of the district. Each member of the
15 panel may notify the clerk in writing, not later than 10 business days after he or she
16 receives the description of the action taken, that he or she objects to the commission's
17 action. If at least 50% of the members of the panel object to the commission's action
18 as provided in this paragraph, the action of the commission is vetoed and may not
19 take effect. If an action of the commission is vetoed, the clerk shall include a veto
20 override session in the agenda of the commission's next regularly scheduled meeting,
21 although an override session may be held at an emergency meeting that is called
22 before the next regularly scheduled meeting. If two-thirds of all of the members of
23 the commission vote to override the veto, the commission's action that was vetoed
24 takes effect notwithstanding the objections of the veto panel.

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

4 (a) The creation of a district.

5 (b) The governance of a district.

6 (c) The functions of a district.

7 (d) The services provided by a district.

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

10 **229.866 Commencement of services.** A district shall commence providing
11 its initial services on January 1 of the year following the year in which the first
12 election of commissioners takes place. Thereafter, a district may determine the date
13 on which it commences providing any additional service, and shall provide written
14 notification of the date to a municipality. A municipality shall cease providing the
15 service as of the date specified by the district. If the district begins to provide a
16 service other than at the start of a municipality's fiscal year, the municipality that
17 receives the service shall transfer to the district the unexpended municipal funds
18 from its current year's budget that are specified for the provision of such service. The
19 amount of unexpended funds that are transferred shall be based on the date on which
20 the municipality stops, and the district starts, providing the service.

21 **229.867 Dissolution of district.** (1) Subject to providing for the payment of
22 its debts, and the performance of its other contractual obligations, a district may be
23 dissolved by the action of the commission. If the district is dissolved, the commission
24 shall certify to each of the municipalities that are a part of the district that the

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1 district is dissolved, and the property of the district shall be transferred to such
2 municipalities by the commission, based on at least all of the following factors:

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

5 (b) The amount of money contributed to the district during its existence by a
6 municipality under ss. 66.0615 and 229.863 (4) (h).

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

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

12 **SECTION 122.** 287.09 (1) (a) of the statutes is amended to read:

13 287.09 (1) (a) Except as provided in pars. (b) to ~~(d)~~ (dm), each municipality is
14 a responsible unit.

15 **SECTION 123.** 287.09 (1) (dm) of the statutes is created to read:

16 287.09 (1) (dm) A metropolitan service district that provides recycling services
17 under s. 229.863 (2) (i) is a responsible unit.

18 **SECTION 124.** 287.09 (1) (e) of the statutes is amended to read:

19 287.09 (1) (e) The governing body of a county that adopts a resolution under
20 par. (b) or enters into a contract under par. (d) shall submit a copy of the resolution
21 or contract to the department and to the clerk of each municipality in the county,
22 within 30 days after adoption of the resolution or the signing of the contract. The
23 governing body of a municipality that adopts a resolution under par. (c) or enters into
24 a contract under par. (d) shall submit a copy of the resolution or contract to the
25 department and to the clerk of the county in which the municipality is located, within

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1 30 days after adoption of the resolution or the signing of the contract. A metropolitan
2 service district that is a responsible unit under par. (dm) shall notify the department
3 and the clerk of the county in which the metropolitan service district is located of the
4 region for which the metropolitan service district is a responsible unit, within 30
5 days after it becomes a responsible unit.

6 **SECTION 125.** 340.01 (28t) of the statutes is created to read:

7 340.01 (28t) “Metropolitan service district” has the meaning given for “district”
8 in s. 229.86 (3).

9 **SECTION 126.** 341.26 (2m) (a) of the statutes is amended to read:

10 341.26 (2m) (a) In this subsection, “municipality” has the meaning given in s.
11 345.05 (1) (c), except that the term includes a metropolitan service district but does
12 not include a county.

13 **SECTION 127.** 343.38 (1) (c) 2. b. of the statutes is amended to read:

14 343.38 (1) (c) 2. b. A vehicle owned by or leased to the United States, this state
15 or any county ~~or~~, municipality, or metropolitan service district of this state.

16 **SECTION 128.** 344.14 (2) (j) of the statutes is amended to read:

17 344.14 (2) (j) To the owner of a vehicle involved in an accident if at the time of
18 the accident such vehicle was owned by or leased to the United States, this state or
19 any county ~~or~~, municipality, or metropolitan service district of this state, or to the
20 operator of such vehicle if operating such vehicle with permission.

21 **SECTION 129.** 344.25 (1) of the statutes is amended to read:

22 344.25 (1) If the judgment arose out of an accident caused by the ownership or
23 operation, with permission, of a vehicle owned by or leased to the United States, this
24 state or any county ~~or~~, municipality, or metropolitan service district of this state or

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1 a vehicle subject to the requirements of s. 121.53, 194.41 or 194.42, the secretary
2 shall not suspend such operating privilege or registration.

3 **SECTION 130.** 345.05 (2), (4) and (5) of the statutes are amended to read:

4 345.05 (2) A person suffering any damage proximately resulting from the
5 negligent operation of a motor vehicle owned and operated by a municipality or
6 metropolitan service district, which damage was occasioned by the operation of the
7 motor vehicle in the course of its business, may file a claim for damages against the
8 municipality or metropolitan service district concerned and the governing body
9 thereof of the municipality or the commission of the metropolitan service district may
10 allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is
11 deemed owned and operated by a municipality or metropolitan service district if the
12 vehicle is either being rented or leased, or is being purchased under a contract
13 whereby the municipality or metropolitan service district will acquire title.

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

17 (5) If the allowance of claim is by or the judgment is against any municipality
18 or metropolitan service district lying in more than one town, city, village or county,
19 the governing body of the debtor municipality or the commission of the debtor
20 metropolitan service district shall prorate the amount of the claim allowed or the
21 judgment and so certify to the proper officials for tax levy, so that the taxable property
22 of the debtor municipality or the debtor metropolitan service district will equitably
23 bear the amount of the claim or judgment.

24 **SECTION 131.** 348.18 of the statutes is amended to read:

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1 **348.18 Weight limitations apply to publicly-owned vehicles;**
2 **exceptions.** Sections 348.15 to 348.17 and the penalties for violations thereof also
3 apply to vehicles owned by the state, a county ~~or~~, a municipality, or a metropolitan
4 service district, except when such vehicles are being used for the removal, treatment
5 or sanding of snow or ice or when such vehicles are authorized emergency vehicles.

6 **SECTION 132.** Laws of 1975, chapter 105, section 1 (1) and (2) is amended to
7 read:

8 [Laws of 1975, chapter 105] Section 1 (1) The legislature finds that the existing
9 system of allocating aggregate property tax revenues among tax levying
10 municipalities has resulted in significant inequities and disincentives. The cost of
11 public works or improvements within a city ~~or~~, village, or certain towns has been
12 borne entirely by the city ~~or~~, village, or town, while the expansion of tax base which
13 is stimulated, directly or indirectly, by such improvements, benefits not only the city
14 ~~or~~, village, or town but also all municipalities which share such tax base. This
15 situation is inequitable. Moreover, when the cost to a city ~~or~~, village, or town of a
16 public improvement project exceeds the future benefit to the city ~~or~~, village, or town
17 resulting therefrom, the city ~~or~~, village, or town may decide not to undertake such
18 project. This situation has resulted in the postponement or cancellation of socially
19 desirable projects.

20 (2) The legislature further finds that accomplishment of the vital and beneficial
21 public purposes of sections 66.405 to 66.425, 66.43, 66.431, 66.435 and 66.52 of the
22 statutes, is being frustrated because of a lack of incentives and financial resources.
23 The purpose of this act is to create a viable procedure by which a city ~~or~~, village, or
24 certain towns, through its own initiative and efforts, may finance projects which will
25 tend to accomplish these laudable objectives.

