

# State of Wisconsin



**CORRECTED COPY**

1999 Assembly Bill 710

Date of enactment: **May 10, 2000**

Date of publication\*: **May 24, 2000**

## 1999 WISCONSIN ACT 150

**AN ACT to repeal** 30.13 (5), 60.51, 66.01 (14), 66.021 (2m) (title), 66.021 (13), 66.033 (title), 66.035, 66.04 (1m) (title), 66.0495 (1) (title), 66.0495 (1) (a) (title), 66.0495 (1) (b) (title), 66.0495 (1) (d) (title), 66.0495 (2) (title) and (a) (title), 66.0495 (2) (b) (title), 66.0495 (3) (title), 66.05 (1g) and (1m) (a), 66.05 (8) (d), 66.051 (1) (c), 66.06, 66.066 (2) (j), 66.067, 66.068 (1), 66.068 (5), 66.069 (1) (title), 66.071 (intro.), 66.074, 66.075, 66.081, 66.10, 66.111, 66.12 (1) (d), 66.123 (title), 66.13, 66.14 (title), 66.197, 66.29 (9) (a), 66.295, 66.30 (4), 66.30 (6) (a), 66.345, 66.37, 66.39, 66.395 (3) (q), 66.40 (3) (d), 66.40 (3) (r), 66.405 (3) (c), 66.41 (title), 66.421 (title), 66.424 (title), 66.425 (title), 66.43 (3) (b), 66.43 (16), 66.431 (2m) (f), 66.434 (title), 66.44, 66.47 (6), 66.51 (4), 66.54 (2), 66.54 (3) (title), 66.54 (8), 66.60 (16), 66.645, 66.695 (title), 66.697 (title), 66.698 (title), 66.699, 66.73, 66.80 (1), 66.80 (3), 66.92, 66.94 and 66.97 to 66.99; **to renumber** 66.01 (3a), 66.01 (12), 66.01 (15), 66.021 (1) (intro.) and (a), 66.021 (16), 66.034, 66.036, 66.037, 66.04 (title), 66.04 (1m) (a) and (b), 66.04 (3), 66.0485, 66.0495 (title), 66.0495 (1) (b), 66.05 (10), 66.051 (2) and (3), 66.071 (title), 66.071 (1) (title), 66.076 (5) (b), 66.083 (title), 66.085 (2), 66.091, 66.092, 66.117, 66.119 (1) (b) 7. to 9. and (c), (2) and (3) (title), 66.12 (1) (c), 66.12 (2) and (3) (title), (a) and (c), 66.122 (title), 66.146, 66.182, 66.184, 66.187, 66.189, 66.199, 66.225, 66.28 (title), 66.286, 66.29 (title) and (1) (title), 66.29 (9) (title), 66.296 (2m), 66.296 (6), 66.299 (2) to (5), 66.30 (title) and (1), 66.301, 66.302, 66.304, 66.305 (title), 66.31, 66.312, 66.33, 66.35, 66.375, 66.38, 66.40 (title), 66.403 (title), 66.405 (title), 66.406 (title), 66.408 (title), 66.416 (title), 66.417 (title), 66.43 (title), 66.43 (17), 66.431 (title), 66.431 (5r), 66.46 (2) (f) 1. L., 66.46 (4) (h) 2. to 4., (i) and (k), (4m) and (5) (title) and (a), 66.46 (5) (be) to (cm), 66.46 (6) (am) 2. c., 3. and 4. and (b) to (dm), 66.46 (6) (e) 1. b. and c. and 2., 66.46 (6c) and (6m), 66.46 (7) (am) and (ar), 66.462 (title) and (1), 66.462 (2) (title), 66.462 (2) (b) and (3) (title) and (a) to (c), 66.462 (4) to (10), 66.47 (title), 66.527 (title), 66.54 (6) (title), 66.54 (9) (title), 66.54 (12) (title), 66.55, 66.606, 66.609, 66.696 (title), 66.74, 66.75 (1m) (f) 3., 66.77, 66.905, 66.908, 66.911, 66.914, 66.918, 66.925, 66.93, 66.945 (8) (b), 66.948, chapter 200 (title), 200.01 to 200.05, 200.06 (title) and (1), 200.07 to 200.11, 200.13 and 200.15; **to renumber and amend** 66.01 (title) and (1) to (3), 66.01 (4) to (8), 66.01 (9) to (11), 66.01 (16), 66.012, 66.013, 66.014, 66.015, 66.016, 66.017, 66.018, 66.019, 66.02, 66.021 (title), 66.021 (1) (am) to (e), 66.021 (2), 66.021 (2m), 66.021 (3), 66.021 (4), 66.021 (5), 66.021 (6) (title), 66.021 (6), 66.021 (7) (title), (a), (b) and (d), 66.021 (8), 66.021 (9), 66.021 (10), 66.021 (11), 66.021 (12), 66.021 (15), 66.022, 66.023, 66.024, 66.025, 66.026, 66.027, 66.028, 66.029, 66.0295, 66.03, 66.031 (title), 66.031, 66.032, 66.033, 66.04 (1), 66.04 (2), (2m) and (2s), 66.04 (4), 66.041, 66.042, 66.044, 66.045, 66.046, 66.047, 66.048, 66.049, 66.0495 (1) (a), 66.0495 (1) (d), 66.0495 (2) (a), 66.0495 (2) (b), 66.0495 (3), 66.05 (title), 66.05 (1m) (b), 66.05 (1m) (c), 66.05 (1m) (d), 66.05 (2) (a), 66.05 (2) (b), 66.05 (2) (c), 66.05 (3), 66.05 (5), 66.05 (5m), 66.05 (6), 66.05 (8) (a) to (bm), 66.05 (9), 66.051 (title) and (1) (a) to (bm), 66.052, 66.053, 66.057, 66.058 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7., 66.058 (3) (c) 8., 66.058 (3) (d) to (h) and (3m) to (8), 66.0585, 66.059, 66.061, 66.064, 66.065 (title), 66.065 (1), (2), (3), (4) and (4a), 66.065 (5), (6) and (7), 66.066 (title), (1) to (1m) and (2)

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(intro.) and (a) to (i), 66.066 (2) (k) to (m), (4) and (5), 66.068 (title), 66.068 (2) to (4), 66.068 (6) and (7), 66.069 (title), 66.069 (1) (a) to (bn), 66.069 (1) (c) and (d), 66.069 (1) (e), 66.069 (2), 66.07, 66.071 (1) (a), 66.071 (1) (b), 66.071 (1) (c) to (j), 66.071 (2), 66.072, 66.073, 66.0735, 66.076 (title), 66.076 (1), 66.076 (1m), 66.076 (2), 66.076 (3), 66.076 (4), 66.076 (5) (a), 66.076 (6), 66.076 (7), 66.076 (8), 66.076 (9), 66.076 (10), 66.076 (11), 66.076 (12), 66.077, 66.078, 66.079, 66.08, 66.082, 66.083, 66.085 (title) and (1), 66.085 (3) and (4), 66.09 (title), (1), (2), (3) and (4), 66.11, 66.113, 66.114, 66.115, 66.119 (title) and (1) (title), (a) and (b) (intro.) and 1. to 6., 66.119 (3) (a) to (d), 66.119 (3) (e), (4) and (5), 66.12 (title) and (1) (title) and (a), 66.12 (1) (b), 66.12 (3) (b), 66.121, 66.122 (1) (a), 66.122 (1) (b), 66.122 (2), 66.123, 66.124, 66.125, 66.14, 66.144, 66.145, 66.18, 66.185, 66.186, 66.19, 66.192, 66.196, 66.20, 66.21, 66.22, 66.23, 66.24, 66.25, 66.26, 66.27, 66.28 (1) to (4), 66.285, 66.29 (1) (a), 66.29 (1) (b), 66.29 (1) (c) and (d) and (2) to (8), 66.29 (9) (b), 66.293, 66.296 (title), 66.296 (1), 66.296 (1m), 66.296 (2), 66.296 (3), (4) and (5), 66.297, 66.298, 66.299 (title) and (1), 66.30 (2), 66.30 (2g), 66.30 (2m), 66.30 (3) and (3m), 66.30 (5) (intro.), (a) and (b), 66.30 (6) (b) to (h), 66.303, 66.305 (1) and (2), 66.307, 66.315, 66.32, 66.325, 66.34, 66.36, 66.365, 66.395 (title), (1) to (2m) and (3) (title) and (a) to (p), 66.395 (3) (r) and (s) and (4) to (7), 66.40 (1) to (2m) and (3) (intro.) and (a) to (c), 66.40 (3) (e) to (q), 66.40 (3) (s) and (t) and (4) to (26), 66.401, 66.402, 66.4025 (title) and (1) (a), 66.4025 (1) (b) and (c), 66.4025 (2) and (3), 66.403 (intro.) and (1) to (7), 66.403 (8) and (9), 66.404, 66.405 (1), (2), (2m) and (3) (intro.) and (a), 66.405 (3) (d) to (s), 66.406 (1), (2) and (3) (intro.) and (a) to (g), 66.406 (3) (h), 66.406 (4) (intro.), (a) and (b), 66.406 (4) (c), 66.406 (5) to (8), 66.407, 66.408 (1), (2), (3) and (4), 66.41, 66.411, 66.412, 66.413, 66.414, 66.415, 66.416 (1) to (4), 66.417 (1) to (6), 66.418, 66.419 (title), 66.419, 66.42, 66.421, 66.422 (title), 66.422, 66.424, 66.425, 66.43 (1), (2), (2m) and (3) (intro.) and (a), 66.43 (3) (c) to (L), 66.43 (3) (m) and (n) and (4) to (15), 66.431 (1), (2) and (2m) (intro.) and (a) to (e), 66.431 (2m) (g) to (t) and (3) to (5m), 66.431 (6) to (17), 66.432, 66.4325, 66.433, 66.434, 66.435, 66.436, 66.437, 66.45, 66.46 (title), (1) and (2) (intro.), (a) to (e) and (f) 1. (intro.) and a. to k., 66.46 (2) (f) 2. and 3. and (g) to (m), (3) and (4) (intro.) and (a) to (gs), 66.46 (4) (h) 1., 66.46 (5) (b), 66.46 (5) (d) to (g) and (6) (title), (a) and (am) 1. and 2. a. and b., 66.46 (6) (e) 1. (intro.) and a., 66.46 (6) (e) 3., 66.46 (7) (intro.) and (a), 66.46 (7) (b) and (8) to (14), 66.462 (2), 66.462 (3) (d), 66.465, 66.47 (1) to (5), 66.47 (7) to (15), 66.48, 66.49, 66.50, 66.501, 66.504, 66.505 (title) and (1) to (4), 66.505 (6) to (11), 66.508, 66.51 (title), (1), (2) and (3), 66.52, 66.521 (title) and (1) to (6), 66.521 (6m), 66.521 (7) to (13), 66.526, 66.527 (1) to (3), 66.53, 66.54 (title), 66.54 (1), 66.54 (3), 66.54 (4) (title), 66.54 (4), 66.54 (5), 66.54 (6) (a) and (b), 66.54 (6) (c), 66.54 (6) (d), 66.54 (7), 66.54 (9) (a), 66.54 (9) (b) and (c), 66.54 (10) and (11), 66.54 (12), 66.54 (15) and (15m), 66.54 (16), 66.60 (title), 66.60 (1), (2), (3) and (4), 66.60 (5), 66.60 (6), 66.60 (6a), 66.60 (6m), 66.60 (7), 66.60 (8) to (12) and (15), 66.60 (17), 66.60 (18), 66.604, 66.605, 66.608, 66.610, 66.615, 66.616, 66.62, 66.625, 66.63, 66.635, 66.64, 66.65 (title) and (1), 66.65 (2), 66.694, 66.695, 66.696, 66.697 (1) and (2), 66.698 (1) and (2), 66.70, 66.75 (title), (1) and (1m) (a) to (e) and (f) 1. and 2., 66.75 (1m) (f) 4. and 5., (2) and (3), 66.80 (title), 66.80 (2), 66.805, 66.81, 66.82, 66.88, 66.882, 66.884, 66.886, 66.888, 66.89, 66.892, 66.894, 66.896, 66.898, 66.899, 66.90, 66.902, 66.904 (title), (1) and (2) (title), 66.904 (2) (a), 66.904 (2) (b) to (e) and (3) to (5), 66.906, 66.91, 66.912, 66.916, 66.935, 66.943, 66.944, 66.945 (title), (1) to (7) and (8) (title), 66.945 (8) (a), 66.945 (9) and (10), 66.945 (11) to (16), 66.949, 66.95, 66.955, 66.96 (title) and (1), 66.96 (2), 66.96 (3) to (5), 200.06 (2), 200.12 and 200.14; **to consolidate, renumber and amend** 66.30 (3n) and (3p); **to amend** 20.155 (1) (g), 29.05 (6), 30.16 (2), 30.772 (3) (f), 33.47 (5), 60.23 (20), 60.23 (27), 60.24 (3) (j), 61.73, 62.03 (1), subchapter II (title) of chapter 62 [precedes 62.50], 67.01 (9) (h), 67.05 (5) (b), 70.11 (18), 74.53 (1) (b), 85.20 (3) (b) 4., 87.01 (7), 103.49 (1) (d), (3) (a) and (b), (4r), (5) (a) and (b), (6m) (a) to (e) and (7) (a) and (d), 103.50 (1) (d), (7) (a) to (e) and (8), 117.132 (1m) (a), 119.04 (1), 182.025 (1), 182.031 (2), 182.70 (9) (a), 182.71 (7) (c), 195.60 (2), 196.02 (7), 196.195 (1), 196.195 (5), 196.202 (2), 196.203 (1), 196.203 (3) (a), 196.203 (4), 196.795 (5) (a), 196.795 (5) (b), 196.80 (1m) (d), 196.85 (1), 196.85 (2), 289.33 (3) (d), 632.103 (2) (a) 1., 755.045 (2), 823.21, 823.215, 893.33 (5), 893.76, 893.765, 946.15 and 946.82 (4); and **to create** 36.11 (19) (title), 62.63 (1), 62.69 (1), 62.69 (2) (b), subchapter I (title) of chapter 66 [precedes 66.0101], 66.0101 (1m), 66.0103, 66.0117 (1), 66.0119 (1) (c), 66.0123 (1), 66.0137 (title) and (1), 66.0139 (1), subchapter II (title) of chapter 66 [precedes 66.0201], 66.0217 (1) (b), 66.0217 (4) (a) 6., subchapter III (title) of chapter 66 [precedes 66.0301], 66.0303 (title) and (1), 66.0311 (title) and (1), 66.0313 (1), subchapter IV (title) of chapter 66 [precedes 66.0401], 66.0413 (1) (title), 66.0413 (1) (a) and (b), 66.0413 (1) (br) (title), 66.0413 (1) (br) 1., 66.0413 (1) (d), 66.0413 (1) (k), 66.0413 (1) (L) (title), 66.0413 (2) (title), 66.0413 (2) (a) 2. and 3., 66.0413 (3) (title), 66.0413 (4) (title), 66.0423 (1), 66.0425 (10), 66.0435 (10), subchapter V (title) of chapter 66 [precedes 66.0501], 66.0517, subchapter VI (title) of chapter 66 [precedes 66.0601], 66.0601 (1) (title), 66.0601 (1) (b) (title), 66.0601 (1) (c) (title), 66.0603 (title), 66.0627, subchapter VII (title) of chapter 66 [precedes 66.0701], 66.0707 (2), 66.0709 (title), 66.0709 (1), 66.0711 (1), 66.0713 (10) (title), 66.0715 (title), 66.0715 (1), 66.0719 (1), 66.0721 (title), 66.0727 (4), 66.0729 (6), subchapter VIII (title) of chapter 66 [precedes 66.0801], 66.0801, 66.0805 (1), 66.0807 (1), 66.0811 (title), 66.0813 (title), 66.0821 (1) (intro.), 66.0821 (2) (title), 66.0821 (3) (title), 66.0821 (3) (a), 66.0821 (4) (title), 66.0821 (5) (title), 66.0821 (6) (title), 66.0821 (7) (title), subchapter IX (title) of chapter 66 [precedes 66.0901],

66.0901 (1) (intro.), 66.0901 (9) (a), 66.0923 (5), 66.0927 (1) (am), subchapter X (title) of chapter 66 [precedes 66.1001], 66.1003 (1), 66.1019 (title), subchapter XI (title) of chapter 66 [precedes 66.1101], subchapter XII (title) of chapter 66 [precedes 66.1201], 66.1201 (9) (x), subchapter XIII (title) of chapter 66 [precedes 66.1301], 66.1331 (3) (Lm), 67.16, 120.25 (title), chapter 200 (title), subchapter I (title) of chapter 200 [precedes 200.01] and subchapter II (title) of chapter 200 [precedes 200.21] of the statutes; **relating to:** the reorganization and modernization of chapter 66 of the statutes.

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

PREFATORY NOTE: This bill is recommended by the joint legislative council’s special committee on general municipal law recodification. The special committee was directed to recodify chapter 66 of the statutes by the process of reorganization into logical subchapters, sections and subunits, repeal of unnecessary or archaic and obsolete language, relocation of those provisions more appropriately placed elsewhere in the statutes and modernization of language where appropriate. The special committee was directed to refrain from recommending substantive changes that would significantly affect relationships between governmental units or engender substantial controversy in the legislative process.

The basis of current ch. 66 was itself a recodification. [Chapter 396, laws of 1921, effective January 1, 1922.] The creation of ch. 66 was part of an ongoing effort by the revisor of statutes to revise and reorganize Wisconsin statutes relating to municipal law. That effort was the basis for the current organization, by chapter, of Wisconsin statutes relating to cities, villages, towns, counties and to local units of government generally. The original purpose of ch. 66 was to locate in one chapter those statutory provisions applicable to more than one general purpose unit of local government.

When first established, ch. 66 consisted of 11 individual statutory sections, comprising about 17 pages of Wisconsin statutes. When the special committee began the recodification process, ch. 66 consisted of 273 individual sections, comprising 160 pages of the statutes. The expansion of ch. 66 over time has resulted in a vast number of disparate statutory provisions, with little apparent thought given to the internal organization of the chapter. Consequently, the chapter is unwieldy and difficult to use.

The remainder of this note consists of a table of contents for reorganized ch. 66:

**CHAPTER 66  
GENERAL MUNICIPAL LAW**

Subchapter I	General Powers; Administration
Subchapter II	Incorporation; Municipal Boundaries
Subchapter III	Intergovernmental Cooperation
Subchapter IV	Regulation
Subchapter V	Officers and Employees
Subchapter VI	Finance; Revenues
Subchapter VII	Special Assessments
Subchapter VIII	Public Utilities
Subchapter IX	Public Works and Projects
Subchapter X	Planning, Housing and Transportation
Subchapter XI	Development
Subchapter XII	Housing Authorities
Subchapter XIII	Urban Redevelopment and Renewal

This bill:

1. Reorganizes ch. 66 by:
  - a. Internally reorganizing the chapter by creating 13 subchapters and relocating provisions within the chapter.
  - b. Reorganizing some individual sections within ch. 66 by combining them with other sections, dividing single sections into 2 or more sections and internally reorganizing single sections.
  - c. Relocating whole or partial provisions of ch. 66 outside of ch. 66 where appropriate (including the relocation of provisions dealing with metropolitan sewage districts into a new chapter, ch. 200, and moving whole sections of ch. 66 that pertain solely to 1st class cities to subch. II of ch. 62, relating to cities).
2. Makes nonsubstantive, editorial changes to modernize language and reflect modern drafting style, including, in a few instances, comprehensive editorial changes by entirely restating the current provision.
3. Repeals several entire sections and portions of sections that the special committee concluded are no longer necessary.
4. Makes substantive changes that the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, this bill makes no substantive changes in the statutory provisions treated by the bill. Substantive changes in the bill are identified in notes to the provisions substantively affected. If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in this bill be construed to have the same effect as the prior statutes.

For convenience, a table of contents listing all section numbers of reorganized ch. 66 and the newly created subchapters is included in this prefatory note. Also, a finding aid is included at the end of the bill which identifies the treatment by this bill of current statutory provisions within ch. 66.

***SUBCHAPTER I  
GENERAL POWERS; ADMINISTRATION***

66.0101	Home rule; manner of exercise.
66.0103	Code of ordinances.
66.0105	Jurisdiction of overlapping extraterritorial powers.
66.0107	Power of municipalities to prohibit criminal conduct.
66.0109	Penalties under county and municipal ordinances.
66.0111	Bond under municipal ordinances.
66.0114	Actions for violations of ordinances.
66.0113	Citations for certain ordinance violations.
66.0115	Outstanding unpaid forfeitures.
66.0117	Judgment against local governmental units.
66.0119	Special inspection warrants.
66.0121	Orders; action; proof of demand.
66.0123	Recreation authority.
66.0125	Community relations--social development commissions.
66.0127	Municipal hospital board.
66.0129	Hospital facilities lease from nonprofit corporation.
66.0131	Local government purchasing.
66.0133	Energy savings performance contracting.
66.0135	Interest on late payments.
66.0137	Provision of insurance.
66.0139	Disposal of abandoned property.
66.0141	Accident record systems.

***SUBCHAPTER II  
INCORPORATION; MUNICIPAL BOUNDARIES***

66.0201	Incorporation of villages and cities; purpose and definitions.
66.0203	Procedure for incorporation of villages and cities.
66.0205	Standards to be applied by the circuit court.
66.0207	Standards to be applied by the department.
66.0209	Review of incorporation--related orders and decisions.
66.0211	Incorporation referendum procedure.
66.0213	Powers of new village or city: elections; adjustment of taxes; reorganization as village.
66.0215	Incorporation of certain towns adjacent to 1st class cities.
66.0217	Annexation initiated by electors and property owners.
66.0219	Annexation by referendum initiated by city or village.
66.0221	Annexation of and creation of town islands.
66.0223	Annexation of territory owned by city or village.
66.0225	Municipal boundaries fixed by judgment.
66.0227	Detachment of territory.
66.0229	Consolidation.
66.0231	Notice of certain litigation affecting municipal status or boundaries.
66.0233	Town participation in actions to test alterations of town boundaries.
66.0235	Adjustment of assets and liabilities on division of territory.

***SUBCHAPTER III  
INTERGOVERNMENTAL COOPERATION***

66.0301	Intergovernmental cooperation.
66.0303	Municipal interstate cooperation.

- 66.0305 Municipal revenue sharing.
- 66.0307 Boundary change pursuant to approved cooperative change.
- 66.0309 Creation, organization, powers and duties of regional planning commissions.
- 66.0311 Intergovernmental cooperation in financing and undertaking housing projects.
- 66.0313 Law enforcement; mutual assistance.
- 66.0315 Municipal cooperation; federal rivers, harbors or water resources projects.

***SUBCHAPTER IV  
REGULATION***

- 66.0401 Regulation relating to solar and wind energy systems.
- 66.0403 Solar and wind access permits.
- 66.0405 Removal of rubbish.
- 66.0407 Noxious weeds.
- 66.0409 Local regulation of firearms.
- 66.0411 Sound producing devices; seizure impoundment; forfeiture.
- 66.0413 Razing buildings.
- 66.0415 Offensive industry.
- 66.0417 Local enforcement of certain food and health regulations.
- 66.0419 Regulation of cable television by municipalities.
- 66.0421 Access to cable service.
- 66.0423 Transient merchants.
- 66.0425 Privileges in streets.
- 66.0427 Open excavations in populous counties.
- 66.0429 Street barriers; neighborhood watch signs.
- 66.0431 Prohibiting operators from leaving keys in parked motor vehicles.
- 66.0433 Licenses for nonintoxicating and soda water beverages.
- 66.0435 Mobile home parks.

***SUBCHAPTER V  
OFFICERS AND EMPLOYES***

- 66.0501 Eligibility for office.
- 66.0503 Combination of municipal offices.
- 66.0505 Compensation of governing bodies.
- 66.0507 Automatic salary schedules.
- 66.0509 Civil service system; veteran's preference.
- 66.0511 Law enforcement agency policies on use of force and citizen complaint procedures.
- 66.0513 Police, pay when acting outside county or municipality.
- 66.0515 Receipts for fees.
- 66.0517 Weed commissioner.

***SUBCHAPTER VI  
FINANCE; REVENUES***

- 66.0601 Appropriations.
- 66.0603 Investments.
- 66.0605 Local government audits and reports.
- 66.0607 Withdrawal or disbursement from local treasury.
- 66.0609 Financial procedure; alternative system of proving claims.
- 66.0611 Political subdivisions prohibited from levying tax on incomes.
- 66.0613 Assessment on racing prohibited.
- 66.0615 Room tax; forfeitures.

66.0617	Impact fees.
66.0619	Public improvement bonds; issuance.
66.0621	Revenue obligations.
66.0623	Refunding village, town, sanitary and inland lake bonds.
66.0625	Joint issuance of mass transit bonding.
66.0627	Special charges for current services.
	<b><i>SUBCHAPTER VII</i></b>
	<b><i>SPECIAL ASSESSMENTS</i></b>
66.0701	Special assessments by local ordinance.
66.0703	Special assessments, generally.
66.0705	Property of public and private entities subject to special assessments.
66.0707	Assessment or special charge against property in adjacent city, village or town.
66.0709	Preliminary payment of improvements funded by special assessments.
66.0711	Discount on cash payments for public improvements.
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66.0715	Deferral of special assessments; payment of special assessments in installments.
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**SECTION 1.** 20.155 (1) (g) of the statutes, as affected by 1997 Wisconsin Act 229, is amended to read:

20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the regulation of utilities. Ninety percent of all moneys received by the commission under s. 196.85, 196.855 or ~~200.10~~ 201.10 (3), except moneys received from mobile home park operators under s. 196.85 (2g), shall be credited to this appropriation. Ninety percent of all receipts from the sale of miscellaneous printed reports and other copied material, the cost of which was originally paid under this paragraph, shall be credited to this appropriation.

**SECTION 2.** 29.05 (6) of the statutes is amended to read:

29.05 (6) **ACCESS TO STORAGE PLACES.** For purposes of enforcing this chapter, the department and its wardens shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises subject to ~~ss. 66.122 and 66.123~~ s. 66.0119; and the owner or occupant, or the agent, servant, or employe of the owner, shall deliver to any such officer any wild animal, or carcass or part

thereof, in his or her possession during the closed season therefor, whether taken within or without the state.

**SECTION 3.** 30.13 (5) of the statutes is repealed.

NOTE: Replaced by s. 66.0495, which is renumbered s. 30.13 (5). See SECTIONS 120 to 133 of this bill.

**SECTION 4.** 30.16 (2) of the statutes is amended to read:

30.16 (2) **REMOVAL OF OBSTRUCTIONS TO NAVIGATION; WHARVES AND PIERS; ALTERNATIVE.** As an alternative to the procedure specified under sub. (1), the governing body of a city, village or town may remove that portion of a wharf or pier which constitutes an unlawful obstruction to navigation as provided under s. ~~66.0495~~ 30.15 (5m).

**SECTION 5.** 30.772 (3) (f) of the statutes is amended to read:

30.772 (3) (f) In addition to, or as an alternative to, the penalties specified in par. (e), the governing body of a municipality may remove unlawful moorings as provided under and pursuant to the procedures of s. ~~66.0495~~ 30.15 (5m).

**SECTION 6.** 33.47 (5) of the statutes is amended to read:



33.47 (5) Any special assessment or special charge levied shall be in accordance with ~~s. 66.60~~ ss. 66.0627 and 66.0703 to the extent ~~it is~~ that those sections are applicable to and not in conflict with this subsection.

**SECTION 7.** 36.11 (19) (title) of the statutes is created to read:

36.11 (19) (title) FURNISHING OF SERVICES TO SCHOOL DISTRICTS.

**SECTION 8.** 60.23 (20) of the statutes is amended to read:

60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ss. 59.54 (21) and 95.50 (3), dispose of any dead animal within the town or contract for the removal and disposition with any private disposal facility. A town may enter into a contract with any other governmental unit under s. 66.30 66.0301 to provide for the removal and disposition. A town may recover its costs under this subsection by ~~levying a special assessment under s. 66.345 imposing a special charge under s. 66.0627.~~

NOTE: Reflects the repeal of s. 66.345 and the amendment of s. 66.0627, as renumbered. See SECTIONS 170 and 372 of this bill.

**SECTION 9.** 60.23 (27) of the statutes is amended to read:

60.23 (27) TOWN HOUSING AUTHORITIES, BLIGHTED AREAS. Engage in certain housing and redevelopment activities. The provisions of ss. ~~66.40 66.1201 to 66.425, 66.43, 66.431 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.4325 66.1335,~~ except the provisions of s. 66.40 66.1201 (10) and any other provisions that conflict with statutes relating to towns and town boards, ~~shall~~ apply to towns, and the powers and duties conferred and imposed by ss. ~~66.40 66.1201 to 66.425, 66.43, 66.431 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.4325 66.1335,~~ except the powers and duties conferred and imposed by s. 66.40 66.1201 (10) and any other powers that conflict with statutes relating to towns and town boards, upon mayors, common councils and specified city officials are ~~hereby~~ conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of ~~such~~ the specified city officials and common councils respectively. Any town housing authorities created under this subsection ~~shall be entitled to~~ may participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ss. ~~66.40 66.1201 to 66.404 66.1211.~~

**SECTION 10.** 60.24 (3) (j) of the statutes is amended to read:

60.24 (3) (j) Appoint, at his or her discretion, one or more commissioners of noxious weeds under ~~ss. 66.96 to 66.99 s. 66.0517.~~

NOTE: Amends the reference to the town board chairperson's duty to appoint one or more commissioners of noxious weeds to reflect that the appointment duty is made optional. See SECTION 154 of this bill.

**SECTION 11.** 60.51 of the statutes is repealed.

NOTE: Repealed as unnecessary. The section cross-references selected provisions of ch. 66 which on their own terms apply to towns.

**SECTION 12.** 61.73 of the statutes is amended to read:

**61.73 Village housing authorities.** The provisions of ~~ss. 66.395 to 66.425 66.1201 to 66.1329~~ apply to villages, and the powers and duties conferred and imposed by ~~ss. 66.395 to 66.425 66.1201 to 66.1329~~ upon mayors, councils and specified city officials are conferred upon presidents, village boards and village officials performing duties similar to the duties of the specified city officials respectively. ~~Any An~~ ordinance or resolution ~~herebefore passed before June 4, 1949,~~ by ~~any a~~ village board creating a housing authority in substantially the manner provided in ~~ss. 66.40 to 66.404 66.1201 to 66.1211~~ is valid, and ~~any~~ village housing authorities may participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ~~ss. 66.395 to 66.404 66.1201 to 66.1213.~~

**SECTION 13.** 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), 62.175 ~~and~~ 62.23 (7) (em) and (he) ~~and 62.237,~~ does not apply to 1st class cities under special charter.

NOTE: Amended to reflect the relocation of s. 66.38, relating to housing loan assistance by cities, into subch. I of ch. 62. Section 66.38 applies to any city with a population over 75,000, including 1st class cities under special charter.

**SECTION 14.** Subchapter II (title) of chapter 62 [precedes 62.50] of the statutes is amended to read:

**CHAPTER 62**  
**SUBCHAPTER II**  
**POLICE AND FIRE DEPARTMENTS**  
**IN CITIES OF THE FIRST**  
**CLASS CITIES**

**SECTION 15.** 62.63 (1) of the statutes is created to read:

62.63 (1) ESTABLISHMENT OF FUNDS. By a majority vote of the members-elect, the common council of a 1st class city may create, establish, maintain and administer annuity and benefit funds for city officers and employes, including officers and employes of boards, agencies, departments and divisions of the city government and of a housing authority established under s. 66.1201.

NOTE: Restates s. 66.80 (1) and (3) repealed by SECTIONS 570 and 572 of this bill.

**SECTION 16.** 62.69 (1) of the statutes is created to read:

62.69 (1) APPLICATION. This section applies to 1st class cities.

NOTE: Restates s. 66.071 (intro.), repealed by SECTION 196 of this bill.

**SECTION 17.** 62.69 (2) (b) of the statutes is created to read:

62.69 (2) (b) In this subsection, all acts authorized to be done by the commissioner of public works, except enforcement of regulations approved by the common council, shall be approved by the common council before the acts may take effect.

NOTE: Restates a portion of s. 66.071 (1) (b) that is repealed by SECTION 199 of this bill.

**SECTION 18.** 66.01 (title) and (1) to (3) of the statutes are renumbered 66.0101 (title) and (1) to (3), and 66.0101 (2) and (3), as renumbered, are amended to read:

66.0101 (2) (a) A “~~charter ordinance~~” is any ordinance which enacts, amends or repeals the whole or any part of the charter of a city or village, or makes the election mentioned in sub. (4). Such city or village may enact a charter ordinance. A charter ordinance shall be so designated, shall require as a charter ordinance, requires a two-thirds vote of the members-elect of the legislative body of such the city or village, and shall be is subject to referendum as hereinafter prescribed provided in this section.

(b) Every A charter ordinance which that amends or repeals the whole or any part of a city or village charter shall designate specifically the portion of the charter so that is amended or repealed, and every A charter ordinance which that makes the election mentioned in under sub. (4) shall designate specifically each enactment of the legislature or portion thereof, of the enactment that is made inapplicable to such the city or village by the election mentioned in sub. (4).

(3) Every enactment, amendment or repeal of the whole or any part of the charter of any city or village A charter ordinance shall be published as a class 1 notice, under ch. 985, and shall be recorded by the clerk in a permanent book kept for that purpose, with a statement of the manner of its adoption, ~~and a~~ A certified copy thereof of the charter ordinance shall be filed by said the clerk with the secretary of state. The secretary of state shall keep a separate index of all charter ordinances, arranged alphabetically by city and village and summarizing each ordinance, and annually shall issue such a list the index of charter ordinances filed during the 12 months prior to July 1.

NOTE: “Charter ordinance” is now defined in a separate subsection. See SECTION 27 of this bill.

**SECTION 19.** 66.01 (3a) of the statutes is renumbered 66.0101 (12).

**SECTION 20.** 66.01 (4) to (8) of the statutes are renumbered 66.0101 (4) to (8) and amended to read:

66.0101 (4) Any A city or village may elect ~~in the manner prescribed in under~~ this section that the whole or any part of any laws law relating to the local affairs and government of such the city or village other than such those enactments of the legislature of statewide concern as shall with uniformity affect every city or every village shall not apply to such the city or village, and ~~thereupon~~ such laws or parts thereof shall cease when the election

takes effect, the law ceases to be in effect in such the city or village.

(5) Any ~~city or village by charter ordinance may make the election mentioned in sub. (4) of this section, or enact, amend or repeal the whole or any part of its charter; but such A charter ordinance shall does~~ not take effect until 60 days after its passage and publication. If within ~~such 60 days~~ the 60-day period a petition conforming to the requirements of s. 8.40 and signed by a number of electors of the city or village equal to not less than 7% of the votes cast ~~therein in the city or village~~ for governor at the last general election ~~shall be is~~ filed in the office of the clerk of said the city or village demanding that such the ordinance be submitted to a vote of the electors, it shall may not take effect until it is submitted to a referendum and approved by a majority of the electors voting ~~thereon. Said in the referendum. The~~ petition and the proceedings for its submission shall be are governed by s. 9.20 (2) to (6).

(6) Any A charter ordinance may be initiated ~~in the manner provided in under~~ s. 9.20 (1) to (6), but alternative adoption ~~thereof of the charter ordinance~~ by the legislative body ~~shall be is~~ subject to referendum as ~~provided in under~~ sub. (5) ~~of this section.~~

(7) Any A charter ordinance may be submitted to a referendum by the legislative body, ~~in the manner prescribed in under~~ s. 9.20 (4) to (6), without initiative petition, and ~~shall become becomes~~ effective when approved by a majority of the electors voting ~~thereon in the referendum.~~

(8) ~~Every charter, charter amendment or A~~ charter ordinance enacted or approved by a vote of the electors ~~shall control and prevail controls~~ over any prior or subsequent act of the legislative body of the city or village. ~~Whenever~~ If the electors of any city or village by a majority vote have adopted or determined to continue to operate under either ch. 62 or 64, or have determined the method of selection of members of the governing board, the question shall not again be submitted to the electors, nor action taken ~~thereon on the question,~~ within a period of 2 years. Any election to change or amend the charter of any city or village, other than a special election as provided in s. 9.20 (4), shall be held at the time provided by statute for holding the spring election.

**SECTION 21.** 66.01 (9) to (11) of the statutes are renumbered 66.0101 (9) (a), (b) and (d) and amended to read:

66.0101 (9) (a) The legislative body of any a city or village, by resolution adopted by a two-thirds vote of its members-elect may, and upon petition complying with s. 9.20 shall, submit to the electors ~~in the manner prescribed in under~~ s. 9.20 (4) to (6) the question of holding a charter convention under one or more plans proposed in said the resolution or petition.

(b) The ballot shall be in substantially the following form:

Shall a charter convention be held?  
YES  NO

If a charter convention be is held what plan do you favor?

PLAN 1  PLAN 2

[Repeat for each plan proposed.]

Mark an [X] in the square to the RIGHT of the plan that you select.

(c) If a majority of the electors voting ~~thereon~~ vote for a charter convention, ~~such the~~ convention shall be held pursuant to the plan favored by a majority of the total votes cast for all plans. If no plan receives a majority, the 2 plans receiving the highest number of votes shall be again submitted to the electors and a convention shall ~~thereupon~~ be held pursuant to the plan favored by a majority of the votes cast.

(d) ~~Such A~~ charter convention shall ~~have power to~~ may adopt a charter or amendments to the existing charter. ~~Such The~~ charter or charter amendments adopted by ~~such the~~ convention shall be certified, as soon as ~~may be practicable~~, by the presiding officer and secretary ~~thereof of the convention~~ to the city or village clerk and shall ~~thereupon~~ be submitted to the electors ~~in the manner prescribed in as provided under~~ s. 9.20 (4) to (6), without the alternative ~~mentioned therein provided in s. 9.20 (4) to (6)~~, and shall take effect ~~only~~ when approved by a majority of the electors voting ~~thereon~~.

**SECTION 22.** 66.01 (12) of the statutes is renumbered 66.0101 (10).

**SECTION 23.** 66.01 (14) of the statutes is repealed.

NOTE: Repealed as obsolete. The subsection provides as follows:

“(14) All laws relating to public instruction, under article X, sections 1 to 5, of the constitution, remain and shall continue in force for the establishment, administration and government of the district schools as heretofore, until amended or repealed by the legislature. The term “district schools” as here used, in addition to common schools includes, among others, any and all public high schools, trade schools, technical colleges, auxiliary departments for instruction of pupils who are deaf or of impaired speech or blind, and truancy or parental schools.”

Municipalities no longer enact general laws relating to public instruction.

**SECTION 24.** 66.01 (15) of the statutes is renumbered 66.0101 (11).

**SECTION 25.** 66.01 (16) of the statutes is renumbered 61.188 and amended to read:

**61.188 Certain villages may become cities by charter ordinance.** Any village having a population of 1,000 or more may proceed under ~~this section s. 66.0101~~ to organize as a city of the appropriate class. The village may by charter or charter ordinance adopted under ~~this section s. 66.0101~~ elect not to be governed by ch. 62 or ~~this chapter 66~~ in whole or in part or may create ~~such that~~ system of government as ~~is deemed~~ considered by the vil-

lage to be most appropriate ~~for its situation~~. The charter or charter ordinance may include ~~provision for~~ the following, ~~without limitation because of enumeration:~~ method of election of members of the council by districts, at-large or by a combination of methods, procedure for election of the first common council, creation and selection of all administrative officers, departments, boards and commissions, powers and duties of all officers, boards and commissions and terms of office. The charter or charter ordinance ~~shall may~~ not alter those provisions of ch. 62 dealing with police and fire departments or chs. 115 to 121 dealing with education. Any village incorporated after August 12, 1959, may not become a city under ~~this subsection section~~ unless it meets the standards for incorporation in ss. ~~66.015 and 66.016~~ 66.0205 and 66.0207.

**SECTION 26.** Subchapter I (title) of chapter 66 [precedes 66.0101] of the statutes is created to read:

**CHAPTER 66**

**SUBCHAPTER I**

**GENERAL POWERS; ADMINISTRATION**

**SECTION 27.** 66.0101 (1m) of the statutes is created to read:

66.0101 (1m) In this section, “charter ordinance” means an ordinance that enacts, amends or repeals the charter, or any part of the charter, of a city or village or that makes the election under sub. (4).

NOTE: Provides a general definition of “charter ordinance” for the statutory provision relating to home rule and charter ordinances. See the treatment of current s. 66.01 by SECTIONS 18 to 25 of this bill.

**SECTION 28.** 66.0103 of the statutes is created to read:

**66.0103 Code of ordinances. (1)** The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.

**(2)** Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of ss. 59.14, 60.80, 61.50 (1) and 62.11 (4) (a).

NOTE: Restates current s. 66.035.

**SECTION 29.** 66.0117 (1) of the statutes is created to read:

66.0117 (1) In this section:

(a) “Local governmental unit” means a city, village, town, county, school district, technical college district, town sanitary district or public inland lake protection and rehabilitation district.

(b) “Statement” means all of the following:

1. A certified transcript of a judgment.

2. A judgment creditor's affidavit of the amount due on a judgment, of payments made on the judgment and that the judgment has not been appealed.

NOTE: Creates a definition for s. 66.0117, relating to judgments against local governmental units. The definition differs from the current language of s. 66.09 by removing a community center from the list of local governmental bodies to which the law applies. It appears that a community center is not treated as a local governmental unit anywhere else in the statutes. The term "community centre" first appeared in this section when separate statutes were consolidated and revised in chapter 396, laws of 1921.

**SECTION 30.** 66.0119 (1) (c) of the statutes is created to read:

66.0119 (1) (c) "Public building" has the meaning given in s. 101.01 (12).

**SECTION 31.** 66.012 of the statutes is renumbered 66.0215 and amended to read:

**66.0215 Towns may become Incorporation of certain towns adjacent to 1st class cities.** (1) PETITION. ~~Whenever~~ If the resident population of ~~any a~~ town exceeds 5,000 as shown by the last federal census or by a census ~~herein provided for and~~ under sub. (2), if the town is adjacent to a ~~city of the first~~ 1st class city and contains an equalized valuation in excess of \$20,000,000 and ~~if a petition has been presented and signed by 100 or more persons, each an elector and taxpayer of said the town, and, in addition thereto, said petition contains~~ containing the signatures of at least ~~one-half~~ 50% of the owners of real estate in ~~said the town which petition requests and requesting~~ submission of the question to the electors of the town ~~and,~~ is filed with the clerk of the town, the procedure for becoming a ~~fourth~~ 4th class city is initiated.

(2) REFERENDUM. At the next regular meeting of the town board, ~~said town following the filing of the petition under sub. (1), the~~ board by resolution shall provide for a referendum by the electors of ~~said the~~ town. The resolution shall ~~observe~~ conform to the requirements of s. 5.15 (1) and (2) and shall determine the numbers and boundaries of each ward of the proposed city; ~~and~~ the time of voting, which ~~shall may~~ not be earlier than 6 weeks after the adoption of ~~said the~~ resolution ~~and said.~~ The resolution may direct that a census be taken of the resident population of ~~such the~~ territory as ~~it may be on some a~~ day not more than 10 weeks previous to the date of the election, exhibiting the name of every head of a family and the name of every person ~~who is~~ a resident in good faith of ~~such the~~ territory on ~~such that~~ day, and the lot or quarter section of land on which that person resides, which shall be verified by the affixed affidavit of the person taking the ~~same affixed thereto~~ census.

(3) NOTICE OF REFERENDUM. Notice of the referendum shall be given by publication of the resolution in a newspaper published in ~~such the~~ town, if there ~~be is~~ one, otherwise in a newspaper designated in the resolution, once a week for 4 successive weeks, the first publication to be not more than 4 weeks before the referendum.

(4) VOTING PROCEDURE. The referendum shall be conducted in the same manner as elections for supervisors of the town board. The question appearing on the ballot shall be "Shall the town of .... become a 4th class city?". Below the question shall appear 2 squares. To the left of one square shall appear the words "For a city" and to the left of the other square shall appear the words "Against a city". The inspectors shall make a return to the clerk of ~~such the~~ town.

(5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census, if any, and 4 copies of a description of the legal boundaries of the town and 4 copies of a plat thereof, ~~whereupon the~~ of the town. The secretary of state shall then issue a certificate of incorporation, and record the ~~same~~ certificate in a book kept for that purpose. Two copies of the description and plat shall be forwarded by the secretary of state to the department of transportation and one copy to the department of revenue.

(6) CITY POWERS. ~~Every A~~ city ~~thus incorporated shall thenceforth be~~ under this section is a body corporate and politic, with the powers and privileges of a municipal corporation at common law and conferred by ch. 62.

(7) EXISTING ORDINANCES. (a) Ordinances in force in the territory or any part thereof, ~~so far as of the territory, to the extent~~ not inconsistent with ch. 62, shall continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory shall ~~continue~~ continues in force until altered under s. 59.692 (7) (ad).

(8) INTERIM OFFICERS. All officers of the town embracing the territory ~~thus incorporated as a city shall~~ continue in their powers and duties ~~as theretofore~~ until the first meeting of the common council at which a quorum is present. Until a city clerk ~~shall have been is~~ chosen and qualified all oaths of office and other papers shall be filed with the town clerk, with whom the petition was filed, who shall deliver them with the petition to the city clerk when the city clerk ~~shall have is~~ qualified.

(9) FIRST CITY ELECTION. Within 10 days after incorporation of the city, the town board ~~with and the town clerk of which~~ who received the petition ~~was filed~~ shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in the city. Failure to give ~~such~~ notice does not invalidate the election. The election shall be conducted as is prescribed by chs. 5 to 12, except that no registration of voters ~~shall may~~ be required. The inspectors shall make returns to the board which shall, within one week

after the election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April the officers so elected shall and their appointees commence and hold their offices as for a regular term, ~~as shall also their appointees~~. Otherwise they shall commence within 10 days and hold until the regular city election and the qualification of their successors, and the term of their appointees shall ~~expire~~ expire as soon as successors qualify.

**SECTION 32.** 66.0123 (1) of the statutes is created to read:

66.0123 (1) In this section, "governmental unit" means a town board or school board.

**SECTION 33.** 66.013 of the statutes is renumbered 66.0201, and 66.0201 (1) and (2) (intro.), as renumbered, are amended to read:

66.0201 (1) **PURPOSE.** It is ~~declared to be~~ the policy of this state that the development of territory from town to incorporated status proceed in an orderly and uniform manner and that toward this end each proposed incorporation of territory as a village or city be reviewed as provided in ss. ~~66.013 to 66.019~~ 66.0201 to 66.0213 to assure compliance with certain minimum standards which take into account the needs of both urban and rural areas.

(2) **DEFINITIONS.** (intro.) ~~As used in In~~ ss. ~~66.013 66.0201 to 66.019~~ 66.0213, unless the context requires otherwise:

**SECTION 34.** 66.0137 (title) and (1) of the statutes are created to read:

**66.0137** (title) **Provision of insurance.** (1) **DEFINITION.** In this section, "local governmental unit" means a city, village, town, county, school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district and, without limitation because of enumeration, any other political subdivision of the state should be s. 345.05 (1) (c).

**SECTION 35.** 66.0139 (1) of the statutes is created to read:

66.0139 (1) In this section, "political subdivision" means a city, village, town or county.

**SECTION 36.** 66.014 of the statutes is renumbered 66.0203, and 66.0203 (1), (2) (a) to (e), (3), (4) (a), (7) (a), (8) (b), (9) (a), (d) to (f) and (h) and (10), as renumbered, are amended to read:

66.0203 (1) **NOTICE OF INTENTION.** At least 10 days and not more than 20 days before the circulation of an incorporation petition, a notice setting forth that the petition is to be circulated and including an accurate description of the territory involved shall be published within the county in which ~~said~~ the territory is located as a class 1 notice, under ch. 985.

(2) (a) The petition for incorporation of a village or city shall be in writing signed by 50 or more persons who are both electors and freeholders in the territory to be

incorporated if the population of the proposed village or city includes 300 or more persons; otherwise by 25 or more ~~such electors and freeholders~~ persons who are both electors and freeholders in the territory to be incorporated.

(b) The petition shall be addressed to and filed with the circuit court of a county in which all or a major part of the territory to be incorporated is located; ~~and the~~. The incorporation petition shall ~~be~~ is void unless filed within 6 months of the date of publication of the notice of intention to circulate.

(c) The petition shall designate a representative of the petitioners, and an alternate, who shall be an elector or freeholder in the territory, and state that person's address; describe the territory to be incorporated with sufficient accuracy to determine its location and have attached ~~thereto~~ to the petition a scale map reasonably showing the boundaries ~~thereof~~ of the territory; specify the current resident population of the territory by number in accordance with the definition given in s. ~~66.013~~ 66.0201 (2) (b); set forth facts substantially establishing the required standards for incorporation ~~required herein~~; and request the circuit court to order a referendum and to certify the incorporation of the village or city when it is found that all requirements have been met.

(e) No person who has signed a petition shall ~~be permitted to~~ may withdraw his or her name ~~therefrom~~ from the petition. No additional signatures shall may be added after a petition is filed.

(3) **HEARING; COSTS.** (a) Upon the filing of the petition the circuit court shall by order fix a time and place for a hearing giving preference to ~~such~~ the hearing over other matters on the court calendar.

(b) The court may ~~in its discretion~~ by order allow costs and disbursements as provided for actions in circuit court in any proceeding under this subsection.

(c) The court may ~~in its discretion~~, upon notice to all parties who have appeared in the hearing and after a hearing ~~thereon~~ on the issue of bond, order the petitioners or any of the opponents to post bond in ~~such~~ an amount as ~~that it deems~~ considers sufficient to cover ~~such~~ disbursements.

(4) (a) Notice of the filing of the petition and of the date of the hearing ~~thereon~~ on the petition before the circuit court shall be published in the territory to be incorporated, as a class 2 notice, under ch. 985, and given by certified or registered mail to the clerk of each town in which the territory is located and to the clerk of each metropolitan municipality of the metropolitan community in which the territory is located. The mailing shall be not less than 10 days ~~prior to~~ before the time set for the hearing.

(7) (a) No action to contest the validity of an incorporation on any grounds ~~whatsoever~~, whether procedural or jurisdictional shall may be commenced after 60 days from the date of issuance of the charter of incorporation by the secretary of state.

(8) (b) On the basis of the hearing the circuit court shall find if the standards under s. ~~66.015~~ 66.0205 are met. If the court finds that the standards are not met, the court shall dismiss the petition. If the court finds that the standards are met the court shall refer the petition to the department and ~~thereupon~~ the department shall determine whether ~~or not~~ the standards under s. ~~66.016~~ 66.0207 are met.

(9) (a) Upon receipt of the petition from the circuit court the department shall make ~~such~~ any necessary investigation ~~as may be necessary~~ to apply the standards under s. ~~66.016~~ 66.0207.

(d) Unless the court sets a different time limit, the department shall prepare its findings and determination, citing the supporting evidence ~~in support thereof~~, within 90 days after receipt of the reference ~~referral~~ from the court. The findings and determination shall be forwarded by the department to the circuit court. Copies of the findings and determination shall be sent by certified or registered mail to the designated representative of the petitioners, and to all town and municipal clerks entitled to receive mailed notice of the petition under sub. (4).

(e) The determination of the department made in accordance with the standards under ss. ~~66.015, 66.016~~ 66.0205, 66.0207 and ~~66.021 (1)~~ 66.0217 (6) (c) shall be either one of the following:

1. The petition as submitted ~~shall be~~ is dismissed;
2. The petition as submitted ~~shall be~~ is granted ~~and an incorporation referendum held~~;
3. The petition as submitted ~~shall be~~ is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the department's findings and determination.

(f) If the department determines that the petition shall be dismissed under par. (e) 1., the circuit court shall issue an order dismissing the petition. If the department grants the petition, the circuit court shall order an incorporation referendum as provided in s. ~~66.018~~ 66.0211.

(h) Except for an incorporation petition which describes the territory recommended by the department under s. ~~66.014~~ 66.0203 (9) (e) 3., no petition for the incorporation of the same or substantially the same territory may be entertained for one year following the date of ~~the denial~~ dismissal under par. (f) of the petition or the date of any election at which incorporation was rejected by the electors.

(10) EXISTING ORDINANCES. A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory ~~shall continue~~ continues in force until altered under s. 59.692 (7) (ad).

**SECTION 37.** 66.015 of the statutes is renumbered 66.0205, and 66.0205 (intro.) and (5), as renumbered, are amended to read:

**66.0205 Standards to be applied by the circuit court.** (intro.) Before referring the incorporation petition as provided in s. ~~66.014~~ 66.0203 (2) to the depart-

ment, the court shall determine whether the petition meets the formal and signature requirements and shall further find that the following minimum requirements are met:

(5) STANDARDS WHEN NEAR ~~FIRST, SECOND 1ST, 2ND OR THIRD 3RD~~ CLASS CITY. ~~Where~~ If the proposed boundary of a metropolitan village or city is within 10 miles of the boundary of a 1st class city ~~of the first class~~ or 5 miles of a 2nd or 3rd class city ~~of the second or third class~~, the minimum area requirements ~~shall be~~ are 4 and 6 square miles for villages and cities, respectively.

**SECTION 38.** 66.016 of the statutes is renumbered 66.0207, and 66.0207 (1) (a) and (b) and (2) (intro.) and (b), as renumbered, are amended to read:

66.0207 (1) (a) *Characteristics of territory.* The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all of ~~such~~ features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

(b) *Territory beyond the core.* The territory beyond the most densely populated one-half square mile specified in s. ~~66.015~~ 66.0205 (1) or the most densely populated square mile specified in s. ~~66.015~~ 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. ~~66.021~~ 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. ~~66.015~~ 66.0205 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years. The department may waive these requirements to the extent that water, terrain or geography prevents ~~such~~ the development.

(2) (intro.) In addition to complying with each of the applicable standards set forth in sub. (1) and s. ~~66.015,~~ any proposed incorporation 66.0205 in order to be approved for referendum, a proposed incorporation must be in the public interest as determined by the department upon consideration of the following:

(b) *Level of services.* The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. ~~66.014~~ 66.0203 (6).

**SECTION 39.** 66.017 of the statutes is renumbered 66.0209, and 66.0209 (title), (1), (2) and (4), as renumbered, are amended to read:

**66.0209** (title) **Review of the action incorporation-related orders and decisions.** (1) The order of the circuit court made under s. ~~66.014~~ 66.0203 (8) or (9) (f) may be appealed to the court of appeals.

(2) The decision of the department made under s. ~~66.014~~ 66.0203 (9) shall be is subject to judicial review under ch. 227.

(4) ~~Where an~~ An incorporation referendum has been ordered by the circuit court under s. ~~66.014~~ 66.0203 (9) (f), ~~the referendum shall~~ may not be stayed pending the outcome of further litigation, unless the court of appeals or the supreme court, upon appeal or upon the filing of an original action in supreme court, concludes that a strong probability exists that the order of the circuit court or the decision of the department will be set aside.

**SECTION 40.** 66.018 of the statutes is renumbered 66.0211, and 66.0211 (title), (2), (3) and (5), as renumbered, are amended to read:

**66.0211** (title) **Referendum Incorporation referendum procedure.**

(2) NOTICE OF REFERENDUM. Notice of the referendum shall be given by publication of the order of the circuit court in a newspaper having general circulation in the territory. ~~Such publication~~ Publication shall be once a week for 4 successive weeks, ~~the~~ The first publication ~~to~~ may not be ~~not~~ more than 4 weeks before the referendum.

(3) RETURN. An incorporation referendum shall be conducted in the same manner as an annexation referendum under s. ~~66.021~~ (5) ~~insofar as~~ 66.0217 (7) to the extent applicable except that the ballot shall contain the words "For a city [village]" and "Against a city [village]". The inspectors shall make a return to the circuit court.

(5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an incorporation referendum are cast in favor of a village or city, the clerk of the circuit court shall certify the fact to the secretary of state and supply the secretary of state with a copy of a description of the legal boundaries of the village or city and the associated population and a copy of a plat ~~thereof~~ of the village or city. Within 10 days of receipt of the description and plat, the secretary of state shall forward 2 copies to the department of transportation, ~~and~~ one copy each to the department of administration, ~~one copy to~~ the department of revenue and ~~one copy to~~ the department of commerce. The secretary of state shall issue a certificate of incorporation and record the ~~same~~ certificate.

**SECTION 41.** 66.019 of the statutes is renumbered 66.0213 and amended to read:

**66.0213 Powers of new village or city: elections; adjustment of taxes; reorganization as village.** (1) VILLAGE OR CITY POWERS. ~~Every~~ A village or city incorporated under ~~this section shall be~~ ss. 66.0201 to 66.0213 is a body corporate and politic, with powers and privi-

leges of a municipal corporation at common law and conferred by these statutes.

(2) EXISTING ORDINANCES. (a) Ordinances in force in the territory incorporated or any part thereof, ~~insofar as of the territory, to the extent~~ not inconsistent with chs. 61 and 62, shall continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory shall ~~continue~~ continues in force until altered under s. 59.692 (7) (ad).

(3) INTERIM OFFICERS. All officers of the village or town embracing the territory ~~thus~~ that is incorporated as a village or city shall continue in their powers and duties until the first meeting of the board of trustees or common council at which a quorum is present. Until a village or city clerk is chosen and qualified all oaths of office and other papers shall be filed with the circuit court, with ~~whom~~ which the petition was filed, ~~who~~ The court shall deliver ~~them~~ the oaths and other papers with the petition to the village or city clerk when that clerk qualifies.

(4) FIRST VILLAGE OR CITY ELECTION. (a) Within 10 days after incorporation of the village or city, the clerk of the circuit court with whom the petition was filed shall fix a time for the first election, and where appropriate designate the polling place or places, and name 3 inspectors of election for each place. The time for the election shall be fixed no less than 40 nor more than 50 days after the date of the certificate of incorporation issued by the secretary of state, irrespective of any other provision in the statutes. Nomination papers shall conform to ch. 8 ~~insofar as to the extent~~ applicable. ~~Such~~ Nomination papers shall be signed by not less than 5% nor more than 10% of the total votes cast at the referendum election, and be filed no later than 15 days before the time fixed for the election. Ten days' previous notice of the election shall be given by the clerk of the circuit court by publication in the newspapers selected under s. ~~66.018~~ 66.0211 (2) and by posting notices in 3 public places in ~~such~~ the village or city, but failure to give ~~such~~ notice shall ~~does~~ not invalidate the election.

(b) The election shall be conducted as prescribed by ch. 6, except that no registration of voters shall may be required. The inspectors shall make returns to the clerk of the circuit court who shall, within one week after ~~such~~ the election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April the officers ~~so~~ elected and their appointees shall commence and hold their offices as for a regular term. Otherwise they shall commence within 10 days and hold their offices until the regular village or city election and the qualification of their successors and the terms of their appointees shall expire as soon as successors qualify.

(5) TAXES LEVIED BEFORE INCORPORATION; HOW COLLECTED AND DIVIDED. ~~Whenever~~ If a village or city is incorporated ~~from territory within any town or towns,~~ after the assessment of taxes in any year and before the collection of ~~such~~ the taxes, the tax so assessed shall be collected by the town treasurer of the town or the town treasurers of the different towns of which ~~such~~ the village or city formerly constituted a part, and all moneys collected from the tax levied for town purposes shall be divided between the village or city and the town or the towns, as provided by s. ~~66.03~~ 66.0235 (13) (a) 1., for the division of property owned jointly by towns and villages.

(6) REORGANIZATION ~~OF CITY~~ AS VILLAGE. If the population of ~~the~~ any city falls below 1,000 as determined by the United States census, the council may upon filing of a petition conforming to the requirements of s. 8.40 containing the signatures of at least 15% of the electors submit at any general or city election the question whether the city shall reorganize as a village. If three-fifths of the votes cast on the question are for reorganization the mayor and council shall record the return in the office of the register of deeds ~~and~~, file a certified copy with the clerk of the circuit court, and ~~shall~~ immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of ~~such~~ the officers, the board of trustees shall declare the city reorganized as a village, and the reorganization ~~shall be effected~~ is effective. The clerk shall certify a copy of the declaration to the secretary of state who shall file the declaration and endorse a memorandum ~~thereof~~ of the declaration on the record of the certificate of incorporation of the city. Rights and liabilities of the city ~~shall~~ continue in favor of or against the village. Ordinances, so far as within the power of the village, ~~shall~~ remain in force until changed.

NOTE: Expands the scope of sub. (6) to include any city, not just a city incorporated under ss. 66.013 to 66.019 (renumbered ss. 66.0201 to 66.0213), by changing the reference to "the" city to "any" city.

**SECTION 42.** 66.02 of the statutes is renumbered 66.0229 and amended to read:

**66.0229 Consolidation.** Subject to s. ~~66.023~~ 66.0307 (7), ~~any~~ a town, village or city may be consolidated with a contiguous town, village or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation", and "against consolidation", and if a majority of the votes cast ~~thereon~~ in each municipality are for consolidation, the ordinances shall ~~then be in~~ take effect and have the force of a contract. The ordinance and the result of the referendum shall be certified as provided in s. ~~66.018~~ 66.0211 (5); if a town the certification shall be preserved as provided in ss. ~~60.03 and 66.018~~ 66.0211 (5) ~~and 66.0235~~, respectively. Consolidation ~~shall~~ does

not affect the preexisting rights or liabilities of any municipality and actions ~~thereon~~ on those rights or liabilities may be commenced or completed as ~~though if there were~~ no consolidation had been effected. ~~Any~~ A consolidation ordinance proposing the consolidation of a town and another municipality shall, within 10 days after its adoption and prior to its submission to the voters for ratification at a referendum, be submitted to the circuit court and the department of administration for a determination whether ~~such~~ the proposed consolidation is in the public interest. The circuit court shall determine whether the proposed ordinance meets the formal requirements of this section and shall then refer the matter to the department of administration, which shall find as prescribed in s. ~~66.014~~ 66.0203 whether the proposed consolidation is in the public interest in accordance with the standards in s. ~~66.016~~ 66.0207. The department's findings ~~shall~~ have the same status as incorporation findings under ss. ~~66.014~~ 66.0203 to ~~66.019~~ 66.0213.

**SECTION 43.** Subchapter II (title) of chapter 66 [precedes 66.0201] of the statutes is created to read:

#### CHAPTER 66

##### SUBCHAPTER II

##### INCORPORATION;

##### MUNICIPAL BOUNDARIES

**SECTION 44.** 66.021 (title) of the statutes is renumbered 66.0217 (title) and amended to read:

**66.0217 (title) Annexation of territory initiated by electors and property owners.**

**SECTION 45.** 66.021 (1) (intro.) and (a) of the statutes are renumbered 66.0217 (1) (intro.) and (a).

**SECTION 46.** 66.021 (1) (am) to (e) of the statutes are renumbered 66.0217 (1) (c) to (g), and 66.0217 (1) (d), (e) and (f), as renumbered, are amended to read:

66.0217 (1) (d) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant ~~shall be considered such~~ is an owner to the extent of his or her interest.

(e) "Petition" includes the original petition and any counterpart ~~thereof~~ of the original petition.

(f) "Real property" means land and the improvements ~~thereon~~ to the land.

**SECTION 47.** 66.021 (2) of the statutes is renumbered 66.0217 (3), and 66.0217 (3) (intro.) and (a) (title), as renumbered, are amended to read:

66.0217 (3) ~~METHODS~~ OTHER METHODS OF ANNEXATION. (intro.) Subject to s. ~~66.023~~ 66.0307 (7), territory contiguous to ~~any~~ a city or village may be annexed ~~thereto~~ to the city or village in the following ways:

(a) (title) *Direct annexation by one-half approval.*



**SECTION 48.** 66.021 (2m) (title) of the statutes is repealed.

**SECTION 49.** 66.021 (2m) of the statutes is renumbered 66.0217 (10) (b) and amended to read:

66.0217 (10) (b) ~~Whenever~~ For purposes of this section, if a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

**SECTION 50.** 66.021 (3) of the statutes is renumbered 66.0217 (4), and 66.0217 (4) (title), (a) (intro.) and (b), as renumbered, are amended to read:

66.0217 (4) (title) NOTICE OF PROPOSED ANNEXATION. (a) (intro.) ~~The An~~ An annexation under sub. (3) shall be initiated by publishing in the territory proposed for annexation a class 1 notice, under ch. 985, of intention to circulate an annexation petition. The notice shall contain:

(b) ~~The person who causes has~~ the notice to be published shall serve a copy of the notice, within 5 days after its publication, upon the clerk of each municipality affected, upon the clerk of each school district affected and upon each owner of land in a town if that land will be in a city or village after the annexation. Such service Service may be either by personal service or by registered certified mail with return receipt requested. If required under sub. (6) (a), a copy of the notice shall be mailed to the department as provided in that paragraph.

NOTE: Revises the required service of notice of intention to circulate an annexation petition to include the method of certified mail, rather than registered mail. Certified mail is less expensive than registered mail and there appears to be no policy reason to require registered mail.

**SECTION 51.** 66.021 (4) of the statutes is renumbered 66.0217 (5) and amended to read:

66.0217 (5) PETITION ANNEXATION PETITION. (a) ~~The An~~ An annexation petition under this section shall state the purpose of the petition, contain a legal description of the territory proposed to be annexed and have attached thereto a scale map. The petition shall also specify the population, as defined in s. 66.013 (2) (b), of the territory. In this paragraph, "population" means the population of the territory as shown by the last federal census, by any subsequent population estimate certified as acceptable by the department or by an actual count certified as acceptable by the department.

NOTE: In addition to the current methods, authorizes the population of the territory to be determined by an actual count, certified as acceptable by the department.

(b) ~~No person who has signed a petition shall be permitted to may~~ withdraw his or her name therefrom from the petition. No additional signatures shall may be added after a petition is filed.

(c) ~~The circulation of the petition shall commence not less than 10 days nor more than 20 days after the date of publication of the notice of intention to circulate. The annexation petition shall be is~~ void unless filed within 6 months of the date of publication of the notice.

**SECTION 52.** 66.021 (5) of the statutes is renumbered 66.0217 (7) and amended to read:

66.0217 (7) REFERENDUM. (a) Notice. 1. ~~Within 60 days after the filing of the petition under sub. (3), the common council or village board may accept or reject the petition and if rejected no further action shall may~~ be taken thereon on the petition. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition shall obligate obligates the city or village to pay the cost of any referendum favorable to annexation.

2. ~~If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof of the petition~~ by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request therefor with the clerk. Such The notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.

3. ~~If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless, within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk signed by at least 20% of the electors residing in the area proposed to be annexed. If such a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days of the receipt of the petition and shall mail a copy of such the notice to the clerk of the city or village to which the annexation is proposed. Any The referendum shall be held at some a convenient place within the town to be specified in the notice.~~

(b) Clerk to act. ~~If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area proposed to be annexed and shall indicate in the notice required under par. (a) such that~~ determination. The clerk of the town so designated shall perform the duties required hereunder under this subsection and the election shall be conducted in such the town as are other elections conducted therein.

(c) Publication of notice. ~~The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next pre-~~

ceding the referendum election and one week prior to ~~such~~ that publication.

(d) *How conducted.* The referendum shall be conducted by the town election officials but the town board may reduce the number of ~~such~~ election officials for that election. The ballots shall contain the words "For annexation" and "Against annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other town elections in accordance with chs. 6 and 7 ~~insofar as~~ to the extent applicable.

(e) *Canvass; statement to be filed.* The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach ~~thereto~~ their affidavit to the statement and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.

(f) *Costs.* If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in ~~such~~ that territory, voting in the referendum.

(g) *Effect.* If the result of the referendum is against annexation, all previous proceedings ~~shall be~~ are nullified. If the result of the referendum is for annexation, failure of any town official to perform literally any duty required by this section ~~shall~~ does not invalidate the annexation.

**SECTION 53.** 66.021 (6) (title) of the statutes is renumbered 66.0217 (10) (title) and amended to read:

66.0217 (10) (title) QUALIFICATIONS OF ELECTORS AND OWNERS; ELECTOR DETERMINATION.

**SECTION 54.** 66.021 (6) of the statutes is renumbered 66.0217 (10) (a) and amended to read:

66.0217 (10) (a) Qualifications Under this section, qualifications as to electors and owners shall be determined as of the date of filing ~~any~~ a petition, except that all qualified electors residing in the territory proposed for annexation on the day of ~~the conduct~~ of a referendum election ~~shall be entitled to~~ may vote ~~therein in the election.~~ Residence and ownership ~~must~~ shall be bona fide and not acquired for the purpose of defeating or invalidating the annexation proceedings.

**SECTION 55.** 66.021 (7) (title), (a), (b) and (d) of the statutes are renumbered 66.0217 (8) (title), (a), (b) and (c), and 66.0217 (8) (a) and (c), as renumbered, are amended to read:

66.0217 (8) (a) An ordinance for the annexation of the territory described in the annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition

for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. ~~(4)~~ (6) the governing body shall first review the reasons given by the department of ~~administration~~ that the proposed annexation is against the public interest. Subject to s. 59.692 (7), ~~such~~ an ordinance under this subsection may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing ~~such a~~ temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make ~~such a~~ temporary classification ~~shall is~~ not be effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

(c) The annexation ~~shall be~~ is effective upon enactment of the annexation ordinance. The board of school directors in ~~any city of the first a 1st class~~ shall city is not be required to administer the schools in any territory annexed to ~~any~~ such the city until July 1 following ~~such~~ the annexation.

**SECTION 56.** 66.021 (8) of the statutes is renumbered 66.0217 (9) and amended to read:

66.0217 (9) FILING REQUIREMENTS; SURVEYS. (a) The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall ~~also~~ record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. Failure to file, record or send ~~shall~~ does not invalidate the annexation and the duty to file, record or send ~~shall be~~ is a continuing one. The ordinance that is filed, recorded or sent shall describe the annexed territory and the associated population. The information filed with the secretary of state shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under ch. 79. The clerk shall certify annually to the secretary of state and record with the register of deeds a legal description of the total boundaries of the municipality as those boundaries existed on December 1, unless there has been no change in the 12 months preceding.

(b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary of state shall forward 2 copies of the ordinance, certificate and plat to the department of transportation, one copy to the department of administration, one copy to the department of revenue, one copy to the department of public instruction, one copy to the department of commerce, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.

(c) Any city or village may direct a survey of its present boundaries to be made, and when properly attested the survey and plat may be filed in the office of the register of deeds in the county in which the city or village is located, ~~whereupon.~~ Upon filing, the survey and plat shall be are prima facie evidence of the facts ~~therein~~ set forth in the survey and plat.

**SECTION 57.** 66.021 (9) of the statutes is renumbered 66.0217 (12) and amended to read:

66.0217 (12) **VALIDITY OF PLATS.** ~~Where any~~ If an annexation is declared invalid but ~~prior to such~~ before the declaration and subsequent to ~~such~~ the annexation a plat ~~has been~~ is submitted and ~~has been~~ is approved as required in s. 236.10 (1) (a), ~~such~~ the plat shall be deemed is validly approved despite the invalidity of the annexation.

**SECTION 58.** 66.021 (10) of the statutes is renumbered 66.0217 (11), and 66.0217 (11) (title) and (a), as renumbered, are amended to read:

66.0217 (11) (title) **ACTION TO CONTEST ANNEXATION.** (a) An action on any grounds ~~whatsoever,~~ whether ~~denominated~~ procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by s. 893.73 (2). During the action, the application of, and jurisdiction over, any county zoning in the area annexed is as provided under s. 59.69 (7).

NOTE: A cross-reference to s. 59.69 (7) is added for convenience.

**SECTION 59.** 66.021 (11) of the statutes is renumbered 66.0217 (6), and 66.0217 (6) (title), (a) and (c) (intro.), as renumbered, are amended to read:

66.0217 (6) (title) **REVIEW DEPARTMENT REVIEW OF ANNEXATIONS.** (a) *Annexations within populous counties.* No annexation proceeding within a county having a population of 50,000 or more ~~shall be~~ is valid unless the person ~~causing publishing~~ a notice of annexation ~~to be published~~ under sub. (3) ~~shall within 5 days of the publication mail~~ (4) mails a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the department of administration within 5 days of the publication. The department may within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. ~~No later than 10 days after mailing the notice, the department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed and that advises the clerks~~ of the reasons the annexation is against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

NOTE: 1. Eliminates, as redundant, reference to mailing a copy of the legal description and scale map since the

description and map are a required content of the notice under renumbered sub. (4) (a) [former sub. (3) (a)].

2. Eliminates, as unnecessary, the additional 10 days currently allowed the department of administration to give its reason for determining that a proposed annexation is against the public interest after it gives notice of that determination.

(c) *Definition of public interest.* (intro.) For purposes of this subsection "public interest" is determined by the department of ~~administration~~ after consideration of the following:

**SECTION 60.** 66.021 (12) of the statutes is renumbered 66.0217 (2) and amended to read:

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

**SECTION 61.** 66.021 (13) of the statutes is repealed.

NOTE: Repeals as unnecessary a provision providing that the procedure for annexation by unanimous approval under current s. 66.021 (12) does not eliminate the required review by the department of administration of annexations in counties over 50,000 population. The subsection on annexations by unanimous approval [sub. (12)] expressly states that annexations under that provision are subject to department of administration review.

**SECTION 62.** 66.021 (15) of the statutes is renumbered 66.0221 and amended to read:

**66.0221 Annexation of and creation of town islands.** Upon its own motion, a city or village by a two-thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which is completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 6 certified copies of the ordinance in the office of the sec-

retary of state, together with 6 copies of a scale map. The secretary of state shall forward 2 copies of the ordinance and scale map to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of administration. This ~~subsection~~ section does not apply if the town island was created only by the annexation of a railroad right-of-way or drainage ditch. This ~~subsection~~ section does not apply to land owned by a town government which has existing town government buildings located ~~thereon~~ on the land. No town island may be annexed under this ~~subsection~~ section if the island consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies to annexations under this section. After December 2, 1973, no city or village may, by annexation, create a town area which is completely surrounded by the city or village.

**SECTION 63.** 66.021 (16) of the statutes is renumbered 66.0217 (13).

**SECTION 64.** 66.0217 (1) (b) of the statutes is created to read:

66.0217 (1) (b) "Department" means the department of administration.

**SECTION 65.** 66.0217 (4) (a) 6. of the statutes is created to read:

66.0217 (4) (a) 6. A statement that a copy of the scale map may be inspected at the office of the town clerk for the territory proposed to be annexed and the office of the city or village clerk for the city or village to which the territory is proposed to be annexed.

NOTE: Requires that the notice of intent to circulate an annexation petition indicate that a copy of the scale map may be inspected in the town clerk's or city or village clerk's office.

**SECTION 66.** 66.022 of the statutes is renumbered 66.0227 and amended to read:

**66.0227 Detachment of territory.** Subject to s. ~~66.023~~ 66.0307 (7), territory may be detached from ~~any~~ a city or village and ~~be attached to any~~ a city, village or town, to which it is contiguous, ~~in the following manner~~ as follows:

(1) A petition signed by a majority of the owners of three-fourths of the taxable land in area within ~~such~~ the territory ~~to be detached~~ or, if there is no taxable land ~~therein in the territory~~, by all owners of ~~such~~ the land ~~in the territory~~, shall be filed with the clerk of the city or village from which detachment is sought, within 120 days after the date of publication of a class 1 notice, under ch. 985, of intention to circulate a petition of detachment.

(2) An ordinance detaching ~~such~~ the territory may be enacted within 60 days after the filing of ~~such~~ the petition, by ~~a~~ a vote of three-fourths of all the members of the governing body of the detaching city or village and its terms accepted within 60 days after ~~such~~ the enactment, by an ordinance enacted by a vote of three-fourths of all the members of the governing body of the city, village or

town to which ~~such~~ the territory shall be annexed ~~is to be attached~~. The failure of ~~any~~ a governing body to adopt the ordinance ~~as provided herein shall be deemed under this subsection~~ is a rejection of the petition and all proceedings ~~thereunder shall be~~ are void.

(3) The governing body of ~~any~~ a city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors thereof equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum ~~thereon~~, is presented to it within 30 days after the passage of either of the ordinances ~~herein provided for under sub. (2)~~ shall, ~~cause the question to be submitted~~ submit the question to the electors of the city, village or town whose electors petitioned ~~therefor for detachment~~, at a referendum election called for ~~such~~ that purpose within 30 days after the filing of ~~such~~ the petition, or after the enactment of either ordinance. ~~Whenever~~ If a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who ~~shall be~~ are resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment". The inspectors shall certify the results of the election by their attached affidavits ~~annexed thereto~~ and file a copy with the clerk of each town, village or city involved, and none of the ordinances ~~so provided for shall~~ may take effect nor be in force unless a majority of the electors ~~shall~~ approve the same question. The referendum election shall be conducted in accordance with chs. 6 and 7 ~~insofar as~~ to the extent applicable.

(4) ~~Whenever any~~ If an area which has been subject to a city or village zoning ordinance is detached from one municipality and attached to another ~~in accordance with~~ under this section, the regulations imposed by ~~such~~ the zoning ordinance shall continue in effect and shall be enforced by the attaching city, village or town until changed by official action of the governing body of ~~such~~ the municipality, except that if the detachment or attachment is contested in the courts, the zoning ordinance of the detaching municipality ~~shall prevail~~ prevails, and ~~such~~ the detaching city or village shall ~~have~~ has jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(5) The ordinance, certificate and plat shall be filed and recorded in the same manner as ~~for~~ annexations under s. ~~66.021~~ (8) ~~66.0217~~ (9) (a). The requirements for the secretary of state ~~shall be~~ are the same as in s. ~~66.021~~ (8) ~~66.0217~~ (9) (b).

(6) Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any detachment action that affects a tract of land that is the subject of an

ordinance enacted or resolution adopted by any a city during the period from January 1, 1990, to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on June 30 of the year commencing after that census, is effective on July 1 of the year commencing after that census or at such a later date as may be specified in the detachment ordinance. This subsection first applies to detachments effective after March 31, 1991.

**SECTION 67.** 66.023 of the statutes is renumbered 66.0307, and 66.0307 (4) (c) and (10), as renumbered, are amended to read:

66.0307 (4) (c) *Comment on plan.* Any person may comment on the plan during the hearing and may submit written comments before, at or within 20 days following the hearing. All comments shall be considered by each participating municipality. Any A county zoning agency under s. 59.69 (2) or regional planning commission whose jurisdiction includes any participating municipality shall comment in writing on the plan's effect on the master plan adopted by the regional planning commission under s. 66.945 66.0309 (9), or development plan adopted by the county board or county planning agency under s. 59.69 (3), and on the delivery of municipal services, and may comment on any other aspect of the plan. Any A county in the regional planning commission's jurisdiction may submit comments on the effect of the cooperative plan on the master plan adopted under s. 66.945 66.0309 (9) and on the delivery of county services or on any other matter related to the plan.

(10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS. A boundary change under a cooperative plan shall be accomplished by the enactment of an ordinance by the governing body designated to do so in the plan. The filing and recording requirements under s. 66.021 (8) 66.0217 (9) (a), as they apply to cities and villages under s. 66.021 (8) 66.0217 (9) (a), apply to municipalities under this subsection. The requirements for the secretary of state shall be are the same as those required in s. 66.021 (8) 66.0217 (9) (a).

**SECTION 68.** 66.024 of the statutes is renumbered 66.0219, and 66.0219 (intro.), (1) to (3), (4) (a) and (b) and (5) to (9), as renumbered, are amended to read:

**66.0219 Annexation by referendum; court order initiated by city or village.** (intro.) As a complete alternative to any other annexation procedure, and subject to s. 66.023 66.0307 (7), unincorporated territory which contains electors and is contiguous to a city or village may be annexed thereto in the manner hereafter provided to the city or village under this section. The definitions in s. 66.021 66.0217 (1) shall apply to this section.

(1) PROCEDURE FOR ANNEXATION. (a) The governing body of the city or village to which it is proposed to annex

territory shall, by resolution adopted by two-thirds of the members-elect, declare its intention to apply to the circuit court for an order for an annexation referendum, and shall publish the resolution in a newspaper having general circulation in the area proposed to be annexed, as a class 1 notice, under ch. 985, and shall cause to be made, The governing body shall prepare a scale map of such the territory to be annexed, showing it in relation to the annexing city or village. The resolution shall contain a description of the territory to be affected, sufficiently accurate to determine its location, the name of the municipalities directly affected and the name and post-office address of the municipal official causing responsible for the publication of the resolution to be published. ~~The person who causes the resolution to be published shall serve a.~~ A copy of the resolution together with the scale map shall be served upon the clerk of the town or towns from which the territory is to be detached within 5 days of the date of publication of the resolution. Such service ~~Service~~ may be either by personal service or by registered mail and if by registered mail an affidavit must shall be on file with the annexing body indicating the date said on which the resolution was mailed. The annexation shall be deemed is considered commenced upon publication of the resolution.

(b) Application to the circuit court shall be by petition subscribed by the officers designated by the governing body, and shall have attached as a part thereof: the scale map, a certified copy of the resolution of the governing body and an affidavit of the publication and filing required under par. (a). ~~Such~~ The petition shall be filed in the circuit court not less than 30 days but no more than 45 days after the publication of the notice of intention.

(2) PROTEST TO COURT BY ELECTORS; HEARING. (a) If, prior to the date set for hearing upon ~~such an~~ an application filed under sub. (1) (b), there is filed with the court a petition signed by a number of qualified electors residing in the territory equal to at least a majority of the votes cast for governor in the territory at the last gubernatorial election or the owners of more than one-half of the real property in assessed value in ~~such the~~ the territory, protesting against the annexation of ~~such the~~ the territory, the court shall deny the application for an annexation referendum. ~~Whenever~~ If a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

(b) If a petition protesting the annexation is found insufficient the court shall proceed to hear all parties interested for or against the application. The court may ~~in its discretion~~ adjourn such the hearing from time to time, direct a survey to be made and refer any question for examination and report ~~thereon.~~ thereon. ~~Any, A~~ A town whose territory is involved in the proposed annexation shall, upon application, be a party and is entitled to be heard on any relevant matter ~~pertaining thereto.~~

(3) DISMISSAL. If for any reason the proceedings are dismissed, the court may, ~~in its discretion,~~ order entry of judgment against the city or village for ~~such~~ disbursements or any part thereof ~~as have been~~ of disbursements incurred by the parties opposing the annexation.

(4) (a) If the court, after ~~such~~ the hearing, is satisfied ~~as to the correctness of that~~ the description of the territory or any survey is accurate and that the provisions of this section have been complied with, it shall make an order so declaring and shall direct a referendum election within the territory ~~which shall be~~ described in the order, on the question, of whether such the area should be annexed. ~~Such The~~ order shall direct 3 electors named ~~therein~~ in the order residing in the town in which the territory proposed to be annexed lies, to perform the duties of inspectors of election.

(b) The referendum election shall be held within 30 days after the entry of the order, in the territory proposed for annexation, by the electors of ~~such~~ that territory as provided in s. ~~66.021(5)~~ 66.0217(7), so far as applicable. The ballots shall contain the words "For Annexation" and "Against Annexation". The certification of the election inspectors shall be filed with the clerk of the court, and the clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

(5) DETERMINATION BY VOTE. (a) If a majority of the votes cast at ~~such~~ the referendum election is against annexation, no other proceeding under this section affecting the same territory or part thereof, ~~shall of the same territory may~~ be commenced by the same municipality, until 6 months after the date of the referendum election.

(b) If a majority of the votes cast at ~~such~~ the referendum election is for annexation, the territory shall be annexed to the petitioning city or village upon compliance with s. ~~66.021(8)~~ 66.0217(9).

(6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim zoning ordinance to become effective only upon approval of the annexation at the referendum election may be enacted by the governing body of the city or village. Subject to s. 59.692 (7), the ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance shall be referred to and recommended by the plan commission prior to introduction. Authority to make ~~such~~ a temporary classification ~~shall is~~ not be effective when the county zoning ordinance prevails during litigation as provided in s. 59.69 (7).

(7) APPEAL. Any appeal An appeal from the order of the circuit court ~~shall be~~ is limited to contested issues determined by ~~such~~ the circuit court. ~~Such An~~ appeal shall not stay the conduct of the referendum election ~~provided herein~~, if one is ordered, but the statement of the election results and the copies of the certificate and plat

shall may not be filed with the secretary of state until the appeal has been determined.

(8) LAW APPLICABLE. Section ~~66.021(10)~~ shall apply 66.0217(11) applies to annexations under this section.

(9) TERRITORY EXCEPTED. This section ~~shall does~~ not apply to any territory located in an area for which a certificate of incorporation was issued ~~prior to before~~ February 24, 1959, by the secretary of state, even if the incorporation of the territory is later held to be invalid by a court.

SECTION 69. 66.025 of the statutes is renumbered 66.0223 and amended to read:

**66.0223 Annexation of owned territory owned by a city or village.** In addition to other methods provided by law and subject to ss. 59.692 (7) and ~~66.023~~ 66.0307 (7), territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the city or village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached, and ~~shall operate to attach~~ attaches the territory to the village or city upon the filing of ~~6 7~~ certified copies ~~thereof of the ordinance~~ in the office of the secretary of state, together with ~~6 7~~ copies of a plat showing the boundaries of the territory attached. Two copies of the ordinance and plat shall be forwarded by the secretary of state to the department of transportation, one copy to the department of administration, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of public instruction. Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county in which the annexed territory is located. Section ~~66.0217(11)~~ applies to annexations under this section.

NOTE: 1. Requires that a copy of the annexation ordinance and the plat showing the boundaries of the attached territory be mailed or delivered to the department of administration and to the county clerk.

2. Provides, for consistency, that the 90-day statute of limitations that applies to challenges to annexations generally (see current ss. 66.021 (10), 66.024 (7) and 893.73 (2) (b)) applies to annexations of owned territory. The 90-day statute of limitations has been held not to apply to this section. [Kaiser v. City of Madison, 99 Wis. 2d 341, 299 NW2d 257 (Ct. App. 1980).]

SECTION 70. 66.026 of the statutes is renumbered 66.0231 and amended to read:

**66.0231 Notice of certain litigation affecting municipal status or boundaries.** Whenever any proceedings If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, ~~66.012, 66.013 to 66.019, 66.021, 66.022, 66.023, 66.025~~ 66.0201 to 66.0213, 66.0215, 66.0217, 66.0221, 66.0223, 66.0227 or 66.0307 or other sections relating to an incorporation, annexation, consolidation,

dissolution or detachment of territory of a city or village are is contested by instigation of legal proceedings, the clerk of the city or village involved in the proceedings shall file with the secretary of state 4 copies of a notice of the commencement of the action. The clerk shall also file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments that are required under this section may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the department of transportation 2 copies and to the department of revenue and the department of administration one copy each of any notice of action or judgment filed with the secretary of state under this section.

**SECTION 71.** 66.027 of the statutes is renumbered 66.0225 and amended to read:

**66.0225 Municipal boundaries, fixed by judgment.** Any 2 municipalities whose boundaries are immediately adjacent at any point and who are parties to any an action, proceeding or appeal in court for the purpose of testing the validity or invalidity of any an annexation, incorporation, consolidation or detachment, may enter into a written stipulation, compromising and settling any such the litigation and determining the common boundary line between the municipalities. The court having jurisdiction of the litigation, whether it is a the circuit court, the court of appeals or the supreme court, may enter a final judgment incorporating the provisions of the stipulation and fixing the common boundary line between the municipalities involved. Any A stipulation changing boundaries of municipalities shall be approved by the governing bodies of the detaching and annexing municipalities and s. ~~66.021(8) and (10)~~ 66.0217 (9) and (11) shall apply. Any A change of civil municipal boundaries under this section is subject to a referendum of the electors residing within the territory annexed or detached, if within 30 days after the publication of general circulation in the area proposed to be annexed or detached, a petition for a referendum conforming to the requirements of s. 8.40 signed by at least 20% of the electors of the area to be annexed or detached, is filed with the clerk of the municipality from which the area is proposed to be detached. The referendum shall be conducted as are annexation referenda. If the referendum election is opposed to detachment from the municipality, all proceedings under this section are void. For the purposes of In this section, “municipalities” includes means cities, villages and towns.

**SECTION 72.** 66.028 of the statutes is renumbered 66.0305, and 66.0305 (4) (b), as renumbered, is amended to read:

66.0305 (4) (b) An agreement entered into under sub. (2) may address any other appropriate matters, including any agreements with respect to services or agreements

with respect to municipal boundaries under s. ~~66.023 or 66.027~~ 66.0225 or 66.0307.

**SECTION 73.** 66.029 of the statutes is renumbered 66.0233 and amended to read:

**66.0233 Town boundaries, participation in actions to test alterations of town boundaries.** In pro-ceedings whereby a proceeding in which territory is may be attached to or detached from any a town, the town is an interested party, and the town board may institute, maintain or defend an action brought to test the validity of such the proceedings, and may intervene or be impleaded in any such the action.

**SECTION 74.** 66.0295 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1001, and 66.1001 (1) (a) 3., (2) (g) and (3) (a) to (f) and (o), as renumbered, are amended to read:

66.1001 (1) (a) 3. For a regional planning commission, a master plan that is adopted or amended under s. ~~66.945 66.0309~~ (8), (9) or (10).

(2) (g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. ~~66.023, 66.30 or 66.945 66.0301, 66.0307 or 66.0309~~. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(3) (a) Municipal incorporation procedures under s. ~~66.012, 66.013 or 66.014 66.0201, 66.0203 or 66.0215~~.

(b) Annexation procedures under s. ~~66.021, 66.024 or 66.025 66.0217, 66.0219 or 66.0223~~.

(c) Cooperative boundary agreements entered into under s. ~~66.023 66.0307~~.

(d) Consolidation of territory under s. ~~66.02 66.0229~~.

(e) Detachment of territory under s. ~~66.022 66.0227~~.

(f) Municipal boundary agreements fixed by judgment under s. ~~66.027 66.0225~~.

(o) Impact fee ordinances that are enacted or amended under s. ~~66.55 66.0617~~.

**SECTION 75.** 66.03 of the statutes is renumbered 66.0235, and 66.0235 (1), (2), (2c) (a) 2., (2m) to (10), (11) (a) 4. and (b) and (13) (a) 1. and (aa) to (c), as renumbered, are amended to read:

66.0235 (1) **DEFINITION.** In this section, “municipality local governmental unit” includes means town sanitary districts, school districts, technical college districts, towns, villages and cities.

(2) BASIS. (a) Except as otherwise provided in this section or in s. 60.79 (2) (c) when territory is transferred, in any manner provided by law, from one ~~municipality local governmental unit~~ to another, there shall be assigned to ~~such other municipality the latter local governmental unit~~ such proportion of the assets and liabilities of the first ~~municipality local governmental unit~~ as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire ~~municipality local governmental unit~~ from which ~~said the~~ territory is taken according to the last assessment roll of ~~such municipality the local governmental unit~~. The clerk of ~~any municipality a local governmental unit~~ to which territory is transferred as aforesaid, within 30 days of the effective date of ~~such the~~ transfer, shall certify to the clerk of the ~~municipality local governmental unit~~ from which ~~such~~ territory was transferred and to the clerk of the school district in which ~~such the~~ territory is located a metes and bounds description of the land area involved ~~and upon~~. Upon receipt of ~~such the~~ description the clerk of the ~~municipality local governmental unit~~ from which ~~such the~~ territory was transferred shall certify to the department of revenue and to the clerk of the school district in which ~~such the~~ territory is located the latest assessed value of the real and personal property located within the transferred territory, and shall make ~~such any~~ further reports as ~~may be~~ needed by the department of revenue in the performance of duties required by law.

(b) When the transfer of territory from one ~~municipality local governmental unit~~ to another results from the incorporation of a new city or village, the proportion of the assets and liabilities assigned to ~~such the new~~ city or village shall be based on the average assessed valuation for the preceding 5 years of the property transferred in proportion to the average assessed valuation for the preceding 5 years of all the taxable property of the entire ~~municipality local governmental unit~~ from which ~~said the~~ territory is taken, according to the assessment rolls of ~~such municipality the local governmental unit~~ for ~~said those~~ years. ~~In any such case the~~ The certification by the clerk of the ~~municipality local governmental unit~~ from which territory was transferred ~~because of the incorporation~~ shall include the assessed value of the real and personal property within the territory transferred for each of the last 5 years. The preceding 5 years shall include the assessment rolls for the 5 calendar years prior to the incorporation.

(2c) (a) 2. The clerk of any school district to which territory is transferred, within 30 days of the effective date of the transfer, shall certify to the clerk of the ~~municipality local governmental unit~~ from which the territory was transferred a metes and bounds description of the land area involved. Upon receipt of the description the clerk of the ~~municipality local governmental unit~~ from which the territory was transferred shall certify to the

department of revenue the latest assessed value of the real and personal property located within the transferred territory, file one copy of the certification with the school district clerk and one copy with the department of public instruction and make ~~such any~~ further reports as are needed by the department of revenue in the performance of duties required by law.

(2m) ATTACHMENT AND DETACHMENT WITHIN 5 YEARS. ~~Whenever If~~ territory is attached to or consolidated with a school district, and the territory or any part ~~thereof of~~ the territory is detached ~~therefrom from the district~~ within 5 years after the attachment or consolidation, the school district to which it is transferred ~~shall be is~~ entitled, in the apportionment of assets and liabilities, only to the assets or liabilities or proportionate part ~~thereof~~ apportioned to the school district as the result of the original attachment or consolidation.

(3) REAL ESTATE. (a) The title to real estate ~~shall may~~ not be transferred ~~under this section~~ except by agreement, but the value ~~thereof of real estate~~ shall be included in determining the assets of the ~~municipality local governmental unit~~ owning the ~~same real estate~~ and in making the adjustment of assets and liabilities.

(b) The right to possession and control of school buildings and sites ~~shall pass passes~~ to the school district in which they are situated immediately upon the attachment or detachment of any school district territory becoming effective, except that in 1st class city school districts the right to possession and control of school buildings and sites ~~shall pass passes~~ on July 1 following the adoption of the ordinance authorized by s. ~~66.021 (7) 66.0217 (8)~~. The asset value of school buildings and sites shall be the value of the use ~~thereof of the buildings and sites~~, which shall be determined at the time of adjustment of assets and liabilities.

(c) When as a result of ~~any an~~ annexation ~~whereby~~ a school district is left without a school building, any moneys are received by ~~such the~~ school district as a result of the division of assets and liabilities required by ~~s. 66.03 this section~~, which are derived from values that were capital assets, ~~such the~~ moneys and interest ~~thereon on the~~ moneys shall be held in trust by ~~such the~~ school district and dispensed only for procuring new capital assets or remitted to an operating district as the remainder of the suspended district becomes a part of ~~such the~~ operating district, and ~~shall in no case may not~~ be used to meet current operating expenditures. ~~This shall include any funds in the hands of any district officers on July 1, 1953, resulting from such action previously taken under s. 66.03.~~ The boards involved shall, as part of their duties in division of assets and liabilities in school districts, make a written report of the allocation of assets and liabilities to the state superintendent of public instruction and any local superintendent of schools whose territory is involved in the division of assets.



(4) PUBLIC UTILITIES. Any ~~A~~ public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection therewith shall belong with the plant, belongs to the municipality local governmental unit in which the major portion of the patrons of such the utility reside. The value of such the utility, unless fixed by agreement of all parties interested shall be determined and fixed by the public service commission upon notice to the municipalities local governmental units interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each municipality local governmental unit interested and ~~said that~~ amount shall be used by the apportionment board ~~or boards~~ in adjusting assets and liabilities.

(5) APPORTIONMENT BOARD. The boards or councils of the municipalities local governmental units, or committees, ~~thereof~~ selected for that purpose, acting together, shall constitute an apportionment board. When any municipality a local governmental unit is dissolved by reason of ~~because~~ all of its territory being so is transferred the board or council ~~thereof~~ of the local governmental unit existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of ~~such municipality the~~ local governmental unit until there has been an apportionment of assets by agreement of the interested municipalities local governmental units or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities local governmental units, or an order of the circuit court becomes final, a copy of such the apportionment agreement, or of such the order, certified to by the clerks of the interested municipalities local governmental units, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the state superintendent of public instruction, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality local governmental unit, or with any other entity from which payment would have become due if such the dissolved ~~municipality from which such territory was transferred~~ local governmental unit had continued in existence. Subject to ss. 79.006 and 86.303 (4), ~~thereafter~~ payments from the shared revenue account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77 and all payments due from a department or agency of the state, from a county, from a municipality local governmental unit, or from any other entity from which payments would have become due if such the dissolved ~~municipality from which such terri-~~

~~tory was transferred~~ local governmental unit had continued in existence, shall be paid to the interested ~~municipality~~ local governmental unit as provided by ~~such the~~ the agreement for apportionment of assets or by any order of apportionment by the circuit court and ~~such the~~ the payments shall have the same force and effect as if made to the dissolved ~~municipality from which such territory was transferred~~ local governmental unit.

(6) MEETING. The board or council of the ~~municipality~~ local governmental unit to which the territory is transferred shall fix a time and place for meeting and ~~cause~~ give a written notice ~~thereof of the meeting to be given~~ the clerk of the municipality local governmental unit from which the territory is taken at least 5 days prior to the date of the meeting. The apportionment may be made only by a majority of the members from each municipality local governmental unit who attend, and in case of committees, the action ~~must~~ shall be affirmed by the board or council represented by the committee.

(7) ADJUSTMENT, HOW MADE. (a) The apportionment board shall determine, except for public utilities, ~~such~~ assets and liabilities from the best information obtainable and shall assign to the municipality local governmental unit to which the territory is transferred its proper proportion ~~thereof of assets and liabilities~~ by assigning the excess of liabilities over assets, or by assigning any particular asset or liability to either municipality local governmental unit, or in ~~such other~~ another manner as ~~will best meet that meets~~ the requirements of the particular case.

(b) If a proportionate share of any indebtedness existing by reason of municipal bonds or other obligations outstanding is assigned to any municipality a local governmental unit, that municipality local governmental unit shall ~~cause to be levied and collected~~ levy and collect upon all its taxable property, in one sum or in annual instalments, the amount necessary to pay the principal and interest ~~thereon~~ when due, and shall pay the amount ~~so~~ collected to the treasurer of the municipality local governmental unit which issued the bonds or incurred the obligations. The treasurer shall apply the moneys ~~so~~ received strictly to the payment of such the principal and interest.

(c) If the asset apportioned consists of an aid or tax to be distributed in the future according to population, the apportionment board shall certify to the officer, agency or department responsible for making the distribution each municipality's local governmental unit's proportionate share of such the asset as determined in accordance with sub. (2). The officer, agency or department shall ~~thereafter~~ distribute such the aid or tax directly to the several municipalities local governmental units according to such the certification until the next federal census.

(8) APPEAL TO COURT. ~~In case~~ If the apportionment board is unable to agree, the circuit court of the county in

which either ~~municipality local governmental unit~~ is situated, may, upon the petition of either ~~municipality local governmental unit~~, make the adjustment of assets and liabilities pursuant to ~~under~~ this section, including review of any alternative method provided for in sub. (2c) (b) and the correctness of the findings ~~thereunder~~ made under sub. (2c) (b).

(9) TRANSCRIPT OF RECORDS. ~~When~~ If territory shall be ~~is~~ detached from a ~~municipality by creation of a new municipality or otherwise local governmental unit~~, the proper officer of the ~~municipality local governmental unit~~ from which the territory was detached shall furnish, upon demand by the proper officer of the ~~municipality local governmental unit~~ created from the detached territory or to which it is annexed, an authenticated transcript of all public records in that officer's office pertaining to the detached territory. The ~~municipality local governmental unit~~ receiving the transcript shall pay ~~therefor~~ for the transcript.

(10) STATE TRUST FUND LOANS. When territory transferred in any manner provided by law from one ~~municipality local governmental unit~~ to another is liable for state trust fund loans secured under subch. II of ch. 24, the clerk of the ~~municipality local governmental unit~~ to which territory is transferred shall within 30 days of the effective date of ~~such the~~ transfer certify a metes and bounds description of the transferred area to the clerk of the ~~municipality local governmental unit~~ from which the land was transferred. ~~Thereupon, the~~ The clerk of the ~~municipality local governmental unit~~ from which ~~such~~ territory was transferred shall ~~then~~ certify to the board of commissioners of public lands: ~~(a) the effective date of such the~~ transfer of territory; ~~(b), the last preceding assessed valuation of the territory liable for state trust fund loans prior to before~~ transfer of a part of ~~such the~~ territory; ~~(c) and~~ the assessed valuation of the territory so transferred. ~~Thereafter, the~~ The board shall in making its annual certifications of the amounts due on account of state trust fund loans distribute annual charges for interest and principal on ~~any such~~ outstanding loans covered by this subsection in the proportion that the assessed valuation of the territory so transferred ~~shall bear~~ bears to the assessed valuation of the area liable for state trust fund loans as constituted immediately before the transfer of territory, ~~provided, however, that any~~. A transfer of territory effective subsequent to January 1 of any year shall may not be considered until the succeeding year.

(11) (a) 4. The name of the school district to which the transfer was made immediately after the effective date of ~~such the~~ transfer.

(b) ~~Thereafter, in~~ In making ~~their the~~ annual certifications of the amounts due on account of state trust fund loans the board of commissioners of public lands shall use the new name of the school district, ~~provided that any~~. A transfer of territory effective subsequent to January 1

of any year shall may not be considered by it until the succeeding year.

(13) (a) 1. Subject to subd. 2., if any territory is annexed, detached or incorporated in any year, general property taxes levied against the territory shall be collected by the treasurer of the ~~municipality local governmental unit~~ in which the territory was located on January 1 of such year, and all moneys collected from the tax levied for local municipal purposes shall be allocated to each of the ~~municipalities local governmental units~~ on the basis of the portion of the calendar year the territory was located in each of the ~~municipalities local governmental units~~, and paid accordingly.

(aa) *Apportionment when town is nonexistent.* If the town in which territory was located on January 1 is nonexistent when the city or village determines its budget, any taxes certified to the town or required by law to be levied against ~~such the~~ territory shall be included in the budget of the city or village and levied against ~~such the~~ territory, together with the city or village tax for local municipal purposes.

(b) *Special taxes and assessments.* ~~Whenever~~ If territory is transferred from one ~~municipality local governmental unit~~ to another by annexation, detachment, consolidation or incorporation, or returns to its former status by reason of court determination, any special tax or assessment outstanding against any property in the territory shall be collected by the treasurer of the ~~municipality where in local governmental unit in which~~ the property is located, according to the terms of the ordinance or resolution levying ~~such the~~ tax or assessment. ~~Such The~~ special tax or assessment, when collected, shall be paid to the treasurer of the ~~municipality local governmental unit~~ which levied the special tax or assessment, or if the ~~municipality local governmental unit~~ is nonexistent, the collecting treasurer shall apply the collected funds to any obligation for which purpose the tax or assessment was levied and which remains outstanding; ~~provided that if~~. If no ~~such~~ obligation is outstanding, the collected funds shall be paid into the school fund of the school district in which the territory is located.

(bb) *Apportionment when court returns territory to former status.* ~~Whenever~~ If territory which has been annexed, consolidated, detached or incorporated returns to its former status by reason of a final court determination, there shall be an apportionment of general property taxes and current aids and shared revenues ~~to adjust such assets between the municipalities local governmental units~~, and no other apportionment of assets and liabilities. The basis of the apportionment shall be determined by the apportionment board subject to appeal to the circuit court, ~~but the~~. The apportionment shall ~~insofar as to the extent~~ practicable equitably adjust ~~such assets the taxes, aids and revenues~~ between the ~~municipalities local governmental units~~ involved on the basis of the portion of the

calendar year the territory was located in the respective municipalities local governmental units.

(c) *Certification by clerk.* The clerk of the ~~municipality~~ local governmental unit which assessed ~~such~~ the special and general tax and special assessment shall certify to the clerk of the ~~municipality~~ local governmental unit to which the territory was attached or returned, a list of all the property located ~~therein in the attached or returned territory~~ to which is charged any uncollected taxes and assessments. The certification shall be made within 30 days after the effective date of the transfer of the property, but failure to so certify ~~shall~~ does not affect the validity of the claim.

**SECTION 76.** Subchapter III (title) of chapter 66 [precedes 66.0301] of the statutes is created to read:

**CHAPTER 66**

**SUBCHAPTER III**

**INTERGOVERNMENTAL COOPERATION**

**SECTION 77.** 66.0303 (title) and (1) of the statutes are created to read:

**66.0303** (title) **Municipal interstate cooperation.**

(1) In this section, "municipality" has the meaning given in s. 66.0301 (1) (a).

**SECTION 78.** 66.031 (title) of the statutes is renumbered 66.0401 (title) and amended to read:

**66.0401** (title) **Regulation of relating to solar and wind energy systems.**

NOTE: Amends the title to reflect the consolidation of current ss. 66.031 and 66.033.

**SECTION 79.** 66.031 of the statutes is renumbered 66.0401 (1), and 66.0401 (1) (intro.), as renumbered, is amended to read:

66.0401 (1) AUTHORITY TO RESTRICT SYSTEMS LIMITED. (intro.) No county, city, town or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. ~~66.032~~ 66.0415 (1) (m), unless the restriction satisfies one of the following conditions:

**SECTION 80.** 66.0311 (title) and (1) of the statutes are created to read:

**66.0311** (title) **Intergovernmental cooperation in financing and undertaking housing projects.** (1) In this section, "municipality" has the meaning given in s. 66.0301 (1) (a).

**SECTION 81.** 66.0313 (1) of the statutes is created to read:

66.0313 (1) In this section, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

NOTE: Creates a definition of the term "law enforcement agency" for use in renumbered s. 66.0313 (2) as shown in SECTION 363 of this bill.

**SECTION 82.** 66.032 of the statutes is renumbered 66.0403, and 66.0403 (1) (h), as renumbered, is amended to read:

66.0403 (1) (h) "Owner" means at least one owner, as defined under s. ~~66.021 (1) (b)~~ 66.0217 (1) (c), of a

property or the personal representative of at least one owner.

**SECTION 83.** 66.033 (title) of the statutes is repealed.

**SECTION 84.** 66.033 of the statutes is renumbered 66.0401 (2) and amended to read:

66.0401 (2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. ~~Any A~~ county, city, village or town may provide by ordinance for the trimming of vegetation which blocks solar energy, as defined in s. ~~66.032~~ 66.0415 (1) (k), from a collector surface, as defined under s. 700.41 (2) (b), or which ~~block~~ blocks wind from a wind energy system, as defined in s. ~~66.032~~ 66.0415 (1) (m). The ordinance may include, but is not limited to, a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

**SECTION 85.** 66.034 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1027.

**SECTION 86.** 66.035 of the statutes is repealed.

NOTE: The substance of the repealed section is restated in new s. 66.0103. See SECTION 28 of this bill.

**SECTION 87.** 66.036 of the statutes is renumbered 145.195.

**SECTION 88.** 66.037 of the statutes is renumbered 66.1111.

**SECTION 89.** 66.04 (title) of the statutes is renumbered 66.0601 (title).

**SECTION 90.** 66.04 (1) of the statutes is renumbered 66.0601 (1) (a) and amended to read:

66.0601 (1) (a) *Bonus to state institution.* No appropriation or bonus ~~of any kind~~, except for a donation, may be made by ~~any a~~ town, village, or city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

**SECTION 91.** 66.04 (1m) (title) of the statutes is repealed.

**SECTION 92.** 66.04 (1m) (a) and (b) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0601 (1) (b) and (c).

**SECTION 93.** 66.04 (2), (2m) and (2s) of the statutes are renumbered 66.0603 (1), (2) and (3), and 66.0603 (1) (a) (intro.) and (b) to (d) and (2) (intro.), as renumbered, are amended to read:

66.0603 (1) (a) (intro.) ~~Any A~~ county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. 34.01 (1) may invest any of its funds not immediately needed in any of the following:

(b) ~~Any A~~ town, city or village may invest surplus funds in any bonds or securities issued under the authority of the municipality, whether the bonds or securities create a general municipality liability or a liability of the property owners of the municipality for special improve-

ments, and may sell or hypothecate the bonds or securities. Funds of ~~any an~~ employer, as defined by s. 40.02 (28), in a deferred compensation plan may also be invested and reinvested in the same manner authorized for investments under s. 881.01 (1).

(c) ~~Any A~~ local government, as defined under s. 25.50 (1) (d), may invest surplus funds in the local government pooled-investment fund. Cemetery care funds, including gifts where the principal is to be kept intact, may also be invested under ch. 881.

(d) ~~Any A~~ county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. 34.01 (1) may engage in financial transactions in which a public depository, as defined in s. 34.01 (5), agrees to repay funds advanced to it by the local government plus interest, if the agreement is secured by bonds or securities issued or guaranteed as to principal and interest by the federal government.

(2) DELEGATION OF INVESTMENT AUTHORITY. (intro.) ~~Any A~~ county, city, village, town, school district, drainage district, technical college district or other governing board, as defined in s. 34.01 (1), may delegate the investment authority over any of its funds not immediately needed to a state or national bank, or trust company, which is authorized to transact business in this state if all of the following conditions are met:

**SECTION 94.** 66.04 (3) of the statutes is renumbered 66.0601 (2).

**SECTION 95.** 66.04 (4) of the statutes is renumbered 66.0603 (4) and amended to read:

66.0603 (4) INVESTED FUND PROCEEDS IN POPULOUS CITIES. USE. ~~In any city of the first a 1st class city,~~ all interest derived from invested funds held by the city treasurer in a custodial capacity on behalf of any political entity, except for pension funds, ~~shall be deemed is~~ general revenues ~~revenue~~ of ~~such the~~ city and shall revert to the city's general fund, ~~conditioned~~ upon the approval by ~~such the~~ political entity evidenced by a resolution adopted for that purpose.

**SECTION 96.** Subchapter IV (title) of chapter 66 [precedes 66.0401] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER IV**  
**REGULATION**

**SECTION 97.** 66.041 of the statutes is renumbered 66.0605 and amended to read:

**66.0605 Local government audits and reports.** Notwithstanding any other statute, the governing body of ~~any a~~ county, city, village or town may require or authorize a financial audit of ~~any a~~ municipal or county officer, department, board, commission, function or activity financed in whole or part from municipal or county funds, or if any portion of the funds ~~thereof~~ are the funds of ~~such the~~ county, city, village or town. The governing body may ~~likewise~~ require submission of periodic finan-

cial reports by ~~any such the~~ officer, department, board, commission, function or activity.

**SECTION 98.** 66.0413 (1) (title) of the statutes is created to read:

66.0413 (1) (title) AUTHORITY AND PROCEDURE.

**SECTION 99.** 66.0413 (1) (a) and (b) of the statutes are created to read:

66.0413 (1) (a) *Definitions.* In this subsection:

1. "Building" includes any building or structure or any portion of a building or structure.
2. "Raze a building" means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

(b) *Raze order.* The governing body, building inspector or other designated officer of a municipality may:

1. If a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option.
2. If there has been a cessation of normal construction of a building for a period of more than 2 years, order the owner of the building to raze the building.

NOTE: Paragraphs (a) and (b) restate s. 66.05 (1g) and a portion of sub. (1m) (a). See SECTION 135 of the bill.

**SECTION 100.** 66.0413 (1) (br) (title) of the statutes is created to read:

66.0413 (1) (br) (title) *Notice of unfitness for occupancy or use; penalty.*

**SECTION 101.** 66.0413 (1) (br) 1. of the statutes is created to read:

66.0413 (1) (br) 1. If a building subject to an order under par. (b) is unsanitary and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the building inspector or other designated officer shall post a placard on the premises containing the following notice: "This Building May Not Be Used For Human Habitation, Occupancy or Use." The building inspector or other designated officer shall prohibit use of the building for human habitation, occupancy or use until necessary repairs have been made.

NOTE: Restates the last 2 sentences of current s. 66.05 (2) (a), deleted by SECTION 139.

**SECTION 102.** 66.0413 (1) (d) of the statutes is created to read:

66.0413 (1) (d) *Service of order.* An order under par. (b) shall be served on the owner of record of the building that is subject to the order or on the owner's agent if the agent is in charge of the building in the same manner as a summons is served in circuit court. An order under par. (b) shall be served on the holder of an encumbrance of record by 1st class mail at the holder's last-known address and by publication as a class 1 notice under ch.

985. If the owner and the owner's agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under ch. 985 before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or owner's agent or, if the owner and agent cannot be found, from the date that the order was posted on the building.

NOTE: Restates a portion of s. 66.05 (1m) (a).

**SECTION 103.** 66.0413 (1) (k) of the statutes is created to read:

66.0413 (1) (k) *Public nuisance procedure.* A building which is determined under par. (b) 1. to be old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair may be proceeded against as a public nuisance under ch. 823.

NOTE: Restates for convenience, in renumbered s. 66.0413, current s. 823.21.

**SECTION 104.** 66.0413 (1) (L) (title) of the statutes is created to read:

66.0413 (1) (L) (title) *Effect of subsection.*

**SECTION 105.** 66.0413 (2) (title) of the statutes is created to read:

66.0413 (2) (title) RAZING BUILDING THAT IS A PUBLIC NUISANCE; IN REM PROCEDURE.

**SECTION 106.** 66.0413 (2) (a) 2. and 3. of the statutes are created to read:

66.0413 (2) (a) 2. "Public nuisance" means a building that, as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures, or facilities or appurtenances of the building are damaged, destroyed or removed so that the building offends the aesthetic character of the immediate neighborhood and produces blight or deterioration.

3. "Raze a building" means to demolish and remove the building and to restore the site to a dust-free and erosion-free condition.

NOTE: Restates s. 66.05 (8) (d), repealed by SECTION 147 of this bill.

**SECTION 107.** 66.0413 (3) (title) of the statutes is created to read:

66.0413 (3) (title) RAZING HISTORIC BUILDINGS.

**SECTION 108.** 66.0413 (4) (title) of the statutes is created to read:

66.0413 (4) (title) FIRST CLASS CITIES; OTHER PROVISIONS.

**SECTION 109.** 66.042 of the statutes is renumbered 66.0607 and amended to read:

**66.0607 Withdrawal or disbursement from local treasury.** (1) Except as otherwise provided in subs. (2) to (5), in every a county, city, village, town and or school district, all disbursements from the treasury shall be made by the treasurer thereof upon the written order of the county, city, village, town or school clerk after proper

vouchers have been filed in the office of the clerk; and in all cases where, if the statutes provide for payment by the treasurer without an order of the clerk, it shall hereafter be the duty of the clerk to shall draw and deliver to the treasurer an order therefor for the payment before or at the time when such that the payment is required to be made by the treasurer. The provisions of this This section shall apply applies to all special and general provisions of the statutes relative to the disbursement of money from the county, city, village, town or school district treasury except s. 67.10 (2).

(2) Notwithstanding other law, a county having a population of 500,000 or more may, by ordinance, adopt any other method of allowing vouchers, disbursing funds, reconciling outstanding county orders, reconciling depository accounts, examining county orders, and accounting therefor consistent with accepted accounting and auditing practices, provided that if the ordinance shall prior to its adoption be is submitted to the department of revenue, which shall submit its recommendations on the proposed ordinance to the county board of supervisors.

(3) Except as provided in subs. (2), (3m) and (5), disbursements of the county, city, village, town or school district funds from demand deposits shall be by draft or order check and withdrawals from savings or time deposits shall be by written transfer order. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the public depository in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No draft or order check issued under this subsection may be released to the payee, nor is the draft or order check valid, unless signed by the clerk and treasurer. No transfer order is valid unless signed by the clerk and the treasurer. Unless otherwise directed by ordinance or resolution adopted by the governing body, a certified copy of which shall be filed with each public depository concerned, the chairperson of the county board, mayor, village president, town chairperson or school district president, as the case may be, shall countersign all drafts or order checks and all transfer orders. The governing body may also, by ordinance or resolution, authorize additional signatures. In lieu of the personal signatures of the clerk and treasurer and such any other required signature as may be required, the facsimile signature adopted by the person and approved by the governing body concerned may be affixed to the draft, order check or transfer order. The use of a facsimile signature does not relieve any an official from any liability to which the official is otherwise subject, including the unauthorized use of the facsimile signature. Any a public depository shall be is fully warranted and protected in making payment on any draft or order check or transferring pursuant to a transfer order bearing a facsimile signature affixed as provided by this

subsection notwithstanding that the facsimile signature may have been placed thereon affixed without the authority of the designated persons.

(3m) Any A county, city, village, town or school district may process periodic payments through the use of money transfer techniques, including direct deposit, electronic funds transfer and automated clearinghouse methods. The county, municipal or school district treasurer shall keep a record of the date, payee and amount of each disbursement made by a money transfer technique.

(4) Except as provided in sub. (3m), if ~~any~~ a board, commission or committee of ~~any~~ a county, city, village, town or school district is vested by statute with exclusive control and management of a fund, including the audit and approval of payments ~~therefrom~~ from the fund, independently of the governing body, ~~such~~ payments under this section shall be made by drafts or order checks issued by the county, city, village, town or school clerk upon the filing with ~~him or her~~ the clerk of certified bills, vouchers or schedules signed by the proper officers of ~~such~~ the board, commission or committee, giving the name of the claimant or payee, and the amount and nature of each payment.

(5) In ~~cities of the~~ a 1st class city, municipal disbursements of public moneys shall be by draft, order, check, order check or as provided under sub. (3m). Checks or drafts shall be signed by the treasurer and countersigned by the comptroller. Orders shall be signed by the mayor and clerk and countersigned by the comptroller, as provided in the charter of ~~such~~ the city. Disbursements of school moneys shall be as provided by s. 119.50.

(6) Withdrawal or disbursement of moneys deposited in a public depository as defined in s. 34.01 (5) by a treasurer as defined in s. 34.01 (7), other than the elected, appointed or acting official treasurer of a county, city, village, town or school district, shall be by endorsement, written order, draft, share draft, check or other draft signed by the person or persons designated by written authorization of the governing board as defined in s. 34.01 (1). The authorization shall conform to any statute covering the disbursement of the funds. Any A public depository ~~shall be~~ is fully warranted and protected in making payment in accordance with the latest authorization filed with it.

(7) No order may be issued by ~~the~~ a county, city, village, town, special purpose district, school district, cooperative education service agency or technical college district clerk in excess of funds available or appropriated for the purposes for which the order is drawn, unless authorized by a resolution adopted by the affirmative vote of two-thirds of the entire membership of the governing body.

**SECTION 110.** 66.0423 (1) of the statutes is created to read:

66.0423 (1) In this section:

(a) "Sale of merchandise" includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) "Transient merchant" means a person who engages in the sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of that place.

NOTE: Incorporates a definition from s. 130.065 (1m), 1987 stats., into the current statute regarding the regulation of transient merchants. See SECTION 251 of this bill.

**SECTION 111.** 66.0425 (10) of the statutes is created to read:

66.0425 (10) A privilege may be granted only as provided in this section.

**SECTION 112.** 66.0435 (10) of the statutes is created to read:

66.0435 (10) The powers conferred on licensing authorities by this section are in addition to all other grants of authority and are limited only by the express language of this section.

NOTE: Restates a provision of s. 66.058 (2) (b) that is deleted by SECTION 158.

**SECTION 113.** 66.044 of the statutes is renumbered 66.0609, and 66.0609 (1) to (4), as renumbered, are amended to read:

66.0609 (1) The governing body of any a village or of any a city of the 2nd, 3rd or 4th class may by ordinance enact an alternative system of approving financial claims against the municipal treasury other than claims subject to s. 893.80. The ordinance shall provide that payments may be made from the city or village treasury after the comptroller or clerk of the city or village audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:

(a) That funds are available ~~therefor~~ for the claim pursuant to the budget approved by the governing body.

(b) That the item or service covered by ~~such~~ the claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with ~~such~~ the authorization described in par. (b).

(d) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of ~~such proof and evidence~~ to support the foregoing claim as in ~~that officer's discretion may be deemed~~ the officer considers necessary.

(2) ~~Such~~ The ordinance under sub. (1) shall require that the clerk or comptroller ~~shall~~ file with the governing body not less than monthly a list of the claims approved,

showing the date paid, name of claimant, purpose and amount.

(3) The ordinance ~~under sub. (1) shall provide~~ require that the governing body of the city or village ~~shall authorize~~ obtain an annual detailed audit of its financial transactions and accounts by a public accountant licensed under ch. 442 and designated by the governing body.

(4) ~~Such~~ The system shall be ~~under sub. (1) is~~ operative only if the comptroller or clerk is covered by a fidelity bond of not less than \$5,000 in villages and cities ~~of the fourth 4th class cities~~, of not less than \$10,000 in cities ~~of the third 3rd class cities~~, and of not less than \$20,000 in cities ~~of the second 2nd class cities~~.

**SECTION 114.** 66.045 of the statutes is renumbered 66.0425 and amended to read:

**66.0425 Privileges in streets.** (1) Privilege for ~~In this section, "privilege" means the authority to place an obstruction or excavation beyond the a lot line, or within a highway in any a town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this section.~~

(2) ~~Application therefor shall be made~~ A person may apply to the a town or village board or the common council, and the of a city for a privilege. A privilege shall may be granted only on condition that by its acceptance if the applicant shall become primarily liable assumes primary liability for damages to person or property by reason of the granting of the privilege, ~~be is~~ is obligated to remove the same an obstruction or excavation upon 10 days' notice by the state or the municipality and ~~waive~~ waives the right to contest in any manner the validity of this section or the amount of compensation charged ~~and that the. The grantor of the privilege may require the applicant to file such a bond as the board or council require, not exceeding that does not exceed \$10,000 running; that runs~~ to the town, village, or city; and ~~such third to 3rd parties as that may be injured, to secure; and that secures~~ the performance of these the conditions. ~~But if specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may make such impose any conditions as they deem on the privilege that it considers~~ advisable.

(3) Compensation for the special a privilege shall be paid into the general fund and shall be fixed, ~~in towns by the chairperson, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor~~ by the governing body of a city, village or town or by the designee of the governing body.

NOTE: Amends sub. (3) regarding compensation for the municipal award of a privilege. Current law states that compensation is determined by specified municipal officers. Section 66.0425 (3) now provides that compensation will be determined by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of ~~such special a~~ privilege shall be is ~~not~~ entitled to ~~no~~ damages for removal of the an obstruction or excavation, and if the holder ~~shall does~~ does not remove the same obstruction or excavation upon due notice, it shall be removed at the holder's expense.

(5) Third parties whose rights are interfered with by the granting of ~~such a~~ privilege shall have a right of action against the holder of the special privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telecommunications service, gas, light, heat or power, but ~~such the~~ carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavation excavations in a highway and ~~shall be are~~ are liable for all injuries to person or property ~~thereby caused by the obstructions or excavations.~~

(7) This section does not apply to ~~such an~~ obstruction or excavation that is in place for not longer less than 3 months 90 days, and for which a permit has been granted by the proper official.

(8) ~~Obstruction~~ This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality is included in this section.

(9) ~~Anyone causing any obstruction or excavation to~~ Any person who violates this section may be made contrary to subs. (1) to (8) shall be liable to a fine of fined not less than \$25 ~~and not nor~~ more than \$500, or to imprisonment in the county jail imprisoned for not less than 10 days nor more than 6 months; ~~or to both such fine and imprisonment.~~

**SECTION 115.** 66.046 of the statutes is renumbered 66.0429, and 66.0429 (1) and (3) (a), as renumbered, are amended to read:

66.0429 (1) The governing body of a city, village or town may set aside streets or roads that are not a part of any federal, state or county trunk highway system for the safety of children in coasting or other play activities, and may obstruct or barricade ~~such the~~ streets or roads to safeguard the children from accidents. The governing body of the city, village or town shall may erect and maintain ~~thereon on the streets or roads~~ barriers or barricades, lights, or warning signs therefor and shall is not be liable for any damage caused ~~thereby by the erection or maintenance.~~

(3) (a) The governing body of a city may monitor or limit access to streets that are not part of any federal, state or county trunk highway system or connecting highway, as described in s. 84.02 (11), for the purposes of security or public safety. The governing body of a city may autho-

rise gates or security stations, or both, to be erected and maintained to monitor traffic or limit access on ~~such these~~ streets. The restriction of access to streets that is authorized under this subsection ~~may does~~ not affect a city's eligibility for state transportation aids.

**SECTION 116.** 66.047 of the statutes is renumbered 66.0831 and amended to read:

**66.0831 Interference with public service structure.** ~~No A contractor having with a contract for any work upon, over, along or under any a public street or highway shall may not interfere with, destroy or disturb the structures of any a public utility as defined under s. 196.01 (5), and, including a telecommunications carrier as defined in s. 196.01 (8m), encountered in the performance of such the work so as to interrupt, impair or affect in a manner that interrupts, impairs or affects the public service for which such the structures may be used, without first procuring obtaining written authority from the commissioner of public works, or other properly constituted appropriate authority. It shall, however, be the duty of every A public utility, whenever a if given reasonable notice by the contractor of the need for temporary protection of, or a temporary change in, its the utility's structures, located upon, over, along or under the surface of any public street or highway is deemed determined by the commissioner of public works, or other such duly constituted appropriate authority, to be reasonably necessary to enable the accomplishment of such work, to so shall temporarily protect or change its said structures; provided, that such contractor shall give reasonable notice of such required temporary protection or temporary change to the public utility, and located upon, over, along or under the surface of a public street or highway. The contractor shall pay or assure to the public utility the reasonable cost thereof, except when of the temporary structure or change, unless the public utility is properly otherwise liable therefor under the law, but in all cases where such, If work is done by or for the state or by or for any county, city, village, town sanitary district, metropolitan sewerage district created under ss. 66.20 to 66.26 200.01 to 200.15 or 66.88 to 66.918 200.21 to 200.65 or town, the cost of such the temporary protection or temporary change shall be borne by the public utility.~~

**SECTION 117.** 66.048 of the statutes is renumbered 66.0915, and 66.0915 (1), (2), (3) (title), (a), (c) and (d) and (4), as renumbered, are amended to read:

66.0915 (1) ~~VIADUCTS, PRIVATE PRIVATE VIADUCTS IN CITIES, VILLAGES AND TOWNS.~~ The privilege of erecting a viaduct above a public street, road or alley, for the purpose of connecting buildings on each side thereof, may be granted by the city council, village board or town board upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be connected, and the owners of more than one-half of the frontage of the lots and lands abutting upon that portion of the remainder thereof which that

lies within 2,650 feet from the ends of the portion proposed to be so connected. ~~Whenever any of the lots or lands aforesaid If a lot or land~~ is owned by the state, or by a county, city, village or town, or by a minor or incompetent person, or the title thereof ~~to the lot or land~~ is held in trust, ~~as to all lots and lands so owned or held, said the~~ petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of ~~any a~~ private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and describing the location of the proposed viaduct, shall be given by the city council, village board or town board by publication of a class 3 notice, under ch. 985.

(2) ~~VIADUCTS, REMOVAL REMOVAL OF PRIVATE VIADUCTS.~~ A viaduct in ~~any a~~ city, village or town may be discontinued by the city council, village board or town board, upon written petition of the owners of more than one-half of the frontage of the lots and lands abutting on the street or road approaching on each end of ~~such the~~ viaduct, which lies within 2,650 feet from the ends of ~~such the~~ viaduct. ~~Whenever any of the lots or lands aforesaid If a lot or land~~ is owned by the state, or by a county, city, village or town, or by a minor or incompetent person, or the title thereof ~~to the lot or land~~ is held in trust, ~~as to all lots and lands so owned or held, said the~~ petition may be signed by the governor, the chairperson of the county board, the mayor of the city, the president of the board of trustees of the village, the chairperson of the town board, the guardian of the minor or incompetent person, or the trustee, respectively, and the signature of ~~any a~~ private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and stating what viaduct is proposed to be discontinued, shall be given by the city council, village board or town board by publication of a class 1 notice, under ch. 985, not less than one year before the day fixed for the hearing and a class 3 notice, under ch. 985, within the 30 days before the date of the hearing.

(3) (title) ~~LEASE OF SPACE OVER PUBLIC PLACES BY CITIES, VILLAGES AND TOWNS.~~ (a) ~~Any A~~ city, village or town may lease space over any street, road, alley or other public place in the city, village or town which is more than 12 feet above the level of the street, road, alley or other public place for any term not exceeding 99 years to the person who owns the fee in the property on both sides of the portion of the street, road, alley or other public place to be so leased, ~~whenever if~~ the governing body of the city, village or town ~~is of the opinion determines~~ that ~~such the~~ place is not needed for street, road, alley or other public



purpose, and that the public interest will be served by such leasing.

(c) The lease shall be signed on behalf of the city, village or town by the mayor, village president or town board chairperson and shall be attested by the city, village or town clerk under the corporate seal. The lease shall also be executed by the lessee in ~~such a manner as necessary to bind~~ that binds the lessee. After being duly executed and acknowledged the lease shall be recorded in the office of the register of deeds of the county in which is ~~located~~ the leased premises are located.

(d) ~~If, in the judgment of such governing body, determines that~~ the public interest requires that any building erected in the leased space be removed so that a street, road, alley or public place may be restored to its original condition, the lessor city, village or town may condemn the lessee's interest in the leased space by proceeding under ch. 32. After payment of ~~such any damages as may be fixed~~ in the condemnation proceedings, the city, village or town may remove all buildings or other structures from the leased space and restore the buildings adjoining the leased space to their original condition.

**(4) SALE OR LEASE OF SPACE OVER OR BELOW PUBLIC PLACE.** (a) ~~Any A~~ city, village or town may sell or lease the space ~~over or below ground level of~~ any street, road, alley or public place or municipally owned real estate ~~or below ground level thereof~~ to any person, if the governing body determines by resolution and states the reasons that ~~such the~~ action is in the best public interest ~~and states the reasons therefor~~ and the prospective purchaser or lessee has provided for the removal and relocation expense for any facilities devoted to a public use where ~~such~~ relocation is necessary for the purposes of the purchaser or lessee. Leases shall be granted by ordinance and shall not exceed 99 years in length. No lease ~~shall may~~ be granted ~~nor or~~ use authorized ~~hereunder~~ which substantially interferes with the public purpose for which the surface of the land is used.

(b) ~~Leases A lease~~ shall specify purposes for which the leased space is to be used. If the purpose is to erect in the space a building or a structure attached to the lot, the lease shall contain a reasonably accurate description of the building to be erected and of the manner in which it ~~shall be imposed~~ will impose upon or around the lot. The lease shall also provide for use by the lessee of ~~such those~~ areas of the real estate as that are essential for ingress and egress to the leased space, for the support of the building or other structures to be erected and for the connection of essential public or private utilities to the building or structure.

(c) Any building erected in the space leased shall be operated, as far as practicable, separately from the municipal use. ~~Such The~~ structure shall conform to all state and municipal regulations.

(d) ~~Any leases A lease~~ under this subsection ~~shall be~~ is subject to sub. (3) (c) and (d).

**SECTION 118.** 66.0485 of the statutes is renumbered 66.0141.

**SECTION 119.** 66.049 of the statutes is renumbered 66.0405 and amended to read:

**66.0405 Removal of rubbish.** Cities, villages and towns may ~~cause the removal of remove~~ ashes, garbage, and rubbish from such classes of places ~~therein in the city, village or town~~ as the board or council ~~shall direct~~ directs. The removal may be from all ~~such of the~~ places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain ~~of them~~ districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be ~~provided for~~ funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

NOTE: Amended to expressly authorize contracting with one or more service providers for removal of ash, garbage or rubbish. Express authority is extended in order to mitigate possible antitrust issues if the city, village or town determines that the service can best be provided by one service provider.

**SECTION 120.** 66.0495 (title) of the statutes is renumbered 30.13 (5m) (title).

**SECTION 121.** 66.0495 (1) (title) of the statutes is repealed.

**SECTION 122.** 66.0495 (1) (a) (title) of the statutes is repealed.

**SECTION 123.** 66.0495 (1) (a) of the statutes is renumbered 30.13 (5m) (a) 1. and amended to read:

30.13 (5m) (a) 1. The governing body of a city, village or town or a designated officer may order the owner of a wharf or pier which constitutes an unlawful obstruction of navigable waters under s. ~~30.13 sub.~~ (4) to remove that portion of the wharf or pier which constitutes an unlawful obstruction.

**SECTION 124.** 66.0495 (1) (b) (title) of the statutes is repealed.

**SECTION 125.** 66.0495 (1) (b) of the statutes is renumbered 30.13 (5m) (a) 2.

**SECTION 126.** 66.0495 (1) (d) (title) of the statutes is repealed.

**SECTION 127.** 66.0495 (1) (d) of the statutes is renumbered 30.13 (5m) (a) 3. and amended to read:

30.13 (5m) (a) 3. An order under this ~~subsection~~ paragraph shall be served upon the owner or person responsible in the manner provided for the service of a summons in circuit court. If the owner or person responsible cannot be found, the order may be served by posting it on the wharf or pier and by publishing it as a class 3 notice under ch. 985. The order shall specify the action to be taken and the time within which it shall be complied with. At least 50 days must be allowed for compliance.

**SECTION 128.** 66.0495 (2) (title) and (a) (title) of the statutes are repealed.

**SECTION 129.** 66.0495 (2) (a) of the statutes is renumbered 30.13 (5m) (b) 1. and amended to read:

30.13 (5m) (b) 1. If the owner or person responsible fails to comply with an order issued under sub. (4) par. (a), the governing body of a city, village or town or a designated officer may cause the wharf or pier to be removed through any available public agency or by a contract or arrangement by a private person. The cost of the removal may be charged against the real estate on which or adjacent to which the wharf or pier is located, constitutes a lien against that real estate and may be assessed and collected as a special tax. The governing body of the city, village or town or the designated officer may sell any salvage or valuable material resulting from the removal at the highest price obtainable. The governing body of the city, village or town or the designated officer shall remit the net proceeds of any sale, after deducting the expense of the removal, to the circuit court for use of the person entitled to the proceeds subject to the order of the court. The governing body of the city, village or town or the designated officer shall submit a report on any sale to the circuit court which shall include items of expense and the amount deducted. If there are no net proceeds, the report shall state that fact.

**SECTION 130.** 66.0495 (2) (b) (title) of the statutes is repealed.

**SECTION 131.** 66.0495 (2) (b) of the statutes is renumbered 30.13 (5m) (b) 2. and amended to read:

30.13 (5m) (b) 2. If the owner or person responsible fails to comply with an order issued under sub. (4) par. (a), the governing body of a city, village or town or a designated officer may commence an action in circuit court for a court order requiring the person to comply with the order issued under sub. (4) par. (a). The court shall give the hearing on this action precedence over other matters on the court's calendar. ~~Costs may be assessed in the discretion of the court and may assess costs.~~

**SECTION 132.** 66.0495 (3) (title) of the statutes is repealed.

**SECTION 133.** 66.0495 (3) of the statutes is renumbered 30.13 (5m) (c) and amended to read:

30.13 (5m) (c) A person affected by an order issued under sub. (4) par. (a) may apply to circuit court within 30 days after service of the order for a restraining order prohibiting the governing body of the city, village or town or the designated officer from removing the wharf or pier. The court shall conduct a hearing on the action within 20 days after application. The court shall give this hearing precedence over other matters on the court's calendar. The court shall determine whether the order issued under sub. (4) par. (a) is reasonable. If the court finds that the order issued under sub. (4) par. (a) is unreasonable, it shall issue a restraining order or modify it as the circumstances require and the governing body of the city, village

or town or the designated officer may not issue another order under sub. (4) par. (a) with respect to the wharf or pier unless its condition is substantially changed. ~~Costs may be assessed in the discretion of the~~ The court may assess costs. The remedy provided under this subsection paragraph is exclusive and no person affected by an order issued under sub. (4) par. (a) may recover damages for the removal of a wharf or pier under this section.

**SECTION 134.** 66.05 (title) of the statutes is renumbered 66.0413 (title) and amended to read:

**66.0413 (title) Razing buildings; excavations.**

**SECTION 135.** 66.05 (1g) and (1m) (a) of the statutes are repealed.

NOTE: The repealed provisions are restated as s. 66.0413 (1) (a), (b) and (d) and the first sentence of par. (f). See SECTIONS 98 to 102 of the bill.

**SECTION 136.** 66.05 (1m) (b) of the statutes is renumbered 66.0413 (1) (c) and amended to read:

66.0413 (1) (c) Reasonableness of repair; presumption. Except as provided in sub. (9) (3), if a municipal governing body, building inspector of buildings or designated officer determines that the cost of such repairs of a building described in par. (b) 1. would exceed 50 percent 50% of the assessed value of such the building divided by the ratio of the assessed value to the recommended value as last published by the department of revenue for the municipality within which such the building is located, such the repairs shall be are presumed unreasonable and it shall be presumed for the purposes of this section that such building is a public nuisance for purposes of par. (b) 1.

**SECTION 137.** 66.05 (1m) (c) of the statutes is renumbered 66.0413 (1) (L) 1. and amended to read:

66.0413 (1) (L) 1. Acts of municipal authorities under this section shall subsection do not increase the liability of an insurer.

**SECTION 138.** 66.05 (1m) (d) of the statutes is renumbered 66.0413 (1) (e) and amended to read:

66.0413 (1) (e) Effect of recording order. If a raze order issued under par. (a) (b) is recorded with the register of deeds in the county in which the building is located, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the building or the real estate as a result of a conveyance from the owner of record unless the conveyance was recorded before the recording of the raze order.

**SECTION 139.** 66.05 (2) (a) of the statutes is renumbered 66.0413 (1) (f) and amended to read:

66.0413 (1) (f) Failure to comply with order; razing building. An order under par. (b) shall specify the time within which the owner of the building is required to comply with the order and shall specify repairs, if any. If the owner fails or refuses to comply within the time prescribed, the building inspector of buildings or other designated officer may cause such building or part thereof to be razed and removed and may restore the site

to a dust-free and erosion-free condition either proceed to raze the building through any available public agency or by contract or arrangement with private persons, or closed to secure the building and, if necessary, the property on which the building is located if unfit for human habitation, occupancy or use. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition or closing securing the building may be charged in full or in part against the real estate upon which such the building is located, and if that cost is so charged it is a lien upon such the real estate and may be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement may be assessed and collected as a special tax.

NOTE: 1. The first sentence is from s. 66.05 (1m) (a), repealed by SECTION 135.

2. Clarifies that an option upon failure to comply with an order is to secure the building and, if necessary, the property on which the building is located. The new language more accurately reflects current practice.

(j) *Sale of salvage.* ~~When any building has been ordered razed and removed and~~ If an order to raze a building has been issued to restore the site to a dust-free and erosion-free condition, the governing body or other designated officer under said the contract or arrangement aforesaid to raze the building may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such the sale, after deducting the expenses of such razing, removal and restoration of the site to a dust-free and erosion-free condition the building, shall be promptly remitted to the circuit court with a report of such the sale or transaction, including the items of expense and the amounts deducted, for the use of the any person who may be entitled thereto to the net proceeds, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state. If the building or part thereof is insanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse the building inspector shall post a placard on the premises containing the following words: "This Building Cannot Be Used for Human Habitation, Occupancy or Use". And it is the duty of the building inspector or other designated officer to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made.

NOTE: The last 2 sentences are restated as s. 66.0413

(1) (br) 1. See SECTION 101.

**SECTION 140.** 66.05 (2) (b) of the statutes is renumbered 66.0413 (1) (g) and amended to read:

66.0413 (1) (g) *Court order to comply.* Any A municipality, building inspector of buildings or designated officer may, in his, her or its official capacity, commence and prosecute an action in circuit court for an order of the court requiring the owner to comply with an order to raze or remove any a building or part thereof issued under this

section subsection if the owner fails or refuses to do so within the time prescribed in the order, or for an order of the court requiring any person occupying a building whose occupancy has been prohibited under this section subsection to vacate the premises, or any combination of the court orders. Hearing A hearing on such actions under this paragraph shall be given preference. Costs shall be Court costs are in the discretion of the court.

NOTE: Clarifies that the costs referred to are court costs, not the cost of razing or securing a building.

**SECTION 141.** 66.05 (2) (c) of the statutes is renumbered 66.0413 (1) (br) 2. and amended to read:

66.0413 (1) (br) 2. Any person who rents, leases or occupies a building which has been condemned for human habitation, occupancy or use under subd. 1, shall be fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days for each week of such the violation, or both.

**SECTION 142.** 66.05 (3) of the statutes is renumbered 66.0413 (1) (h) and amended to read:

66.0413 (1) (h) *Restraining order.* Anyone A person affected by any such an order shall issued under par. (b) may within the time provided by s. 893.76 apply to the circuit court for an order restraining the building inspector of buildings or other designated officer from razing and removing the building or part thereof and restoring the site to a dust-free and erosion-free condition or forever be barred. The hearing shall be held within 20 days and shall be given preference. The court shall determine whether the raze order of the inspector of buildings is reasonable, and if. If the order is found reasonable the court shall dissolve the restraining order, and if. If the order is found not reasonable the court shall continue the restraining order or modify it as the circumstances require. Costs shall be are in the discretion of the court. If the court finds that the order of the inspector of buildings is unreasonable, the building inspector of buildings or other designated officer shall issue no other order under this section subsection in regard to the same building or part thereof until its condition is substantially changed. The remedies provided in this subsection paragraph are exclusive remedies and anyone affected by such an order of the inspector shall issued under par. (b) is not be entitled to recover any damages for the razing and removal of any such of the building and the restoration of the site to a dust-free and erosion-free condition.

**SECTION 143.** 66.05 (5) of the statutes is renumbered 66.0413 (1) (i) and amended to read:

66.0413 (1) (i) *Removal of personal property.* If any a building ordered razed and removed and the site ordered restored to a dust-free and erosion-free condition or made safe and sanitary by repairs subject to an order under par. (b) contains personal property or fixtures which will unreasonably interfere with the razing or repair of such the building and restoration of such site or

if the razing and removal of the building and the restoration of the site to a dust-free and erosion-free condition makes necessary the removal, sale or destruction of such the personal property or fixtures, the building inspector of buildings or other designated officer may order in writing the removal of such the personal property or fixtures by a date certain date. Such The order shall be served as provided in ~~sub. (1m) par. (d)~~. If the personal property or fixtures ~~or both~~ are not removed by the time specified the inspector may store the same, ~~or may~~, sell it, or, if it has no appreciable value ~~he or she may~~, destroy the same. ~~In case personal property or fixture.~~ If the property is stored the amount paid for storage shall be is a lien against such the property and against the real estate and, to the extent that the amount is not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement, shall be assessed and collected as a special tax against the real estate if the real estate is owned by the owner of the personal property and fixtures. If the property is stored the owner thereof of the property, if known, shall be notified of the place of its storage and if ~~it be~~ the property is not claimed by the owner it may be sold at the expiration of 6 months after it has been stored. ~~In case of sale the~~ The handling of the sale and the distribution of the net proceeds after deducting the cost of storage and any other costs shall be ~~handled~~ as specified in ~~sub. (2) par. (j)~~ and a report made to the circuit court as ~~therein specified.~~ Anyone in par. (j). A person affected by any order made under this subsection paragraph may appeal as provided in ~~sub. (3) par. (h)~~.

**SECTION 144.** 66.05 (5m) of the statutes is renumbered 66.0413 (1) (L) 2. and amended to read:

66.0413 (1) (L) 2. This section shall does not limit powers otherwise granted to municipalities by other laws of this state.

**SECTION 145.** 66.05 (6) of the statutes is renumbered 66.0427 and amended to read:

**66.0427 Open excavations in populous counties.** In any a town, city or village in any a county having with a population of 500,000 or more no excavation for building purposes, whether or not completed, shall may be left open for more than 6 months without proceeding with the erection of a building ~~thereon.~~ In the event any such on the excavation. If an excavation remains open for more than 6 months, the building inspector of buildings or other designated officer ~~in such of the~~ town, village or city shall order that the erection of a building on the excavation begin forthwith or ~~in the alternative~~ that the excavation be filled to grade. The order shall be served upon the owner of the land or the owner's agent and upon the holder of any encumbrance of record as provided in ~~sub. (1m) s. 66.0413 (1) (d)~~. If the owner of the land fails to comply with the order within 15 days after service thereof of the order upon the owner, the building inspector of buildings or other designated officer shall cause fill the excavation ~~to be filled~~ to grade and the cost shall be

charged against the real estate as provided in ~~sub. (2). Subsection (3) shall also apply s. 66.0413 (1) (f).~~ Section 66.0413 (1) (h) applies to orders issued under this ~~subsection section.~~ This shall ~~not be construed to section does not~~ impair the authority of any a city or village to enact ordinances in this field.

**SECTION 146.** 66.05 (8) (a) to (bm) of the statutes are renumbered 66.0413 (2) (a) to (e) and amended to read:

66.0413 (2) (a) Definitions. In this subsection "building";

1. "Building" means a building, dwelling or structure.

(b) Notification of nuisance. ~~Whenever an~~ If the owner of any a building in any a city, village or town permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building are either deteriorated, damaged, destroyed or removed so that such building offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition building to become a public nuisance, the building inspector or other designated officer of such the city, village or town shall issue a written notice ~~respecting of the existence of such defect; such that makes the building a public nuisance.~~ The written notice shall be served on the owner of such the building as set forth in provided under sub. (1m) (a) (1) (d) and shall direct the owner of such building to promptly remedy the defect within 30 days following the service of such notice.

(c) Failure to remedy; court order to remedy or raze.

1. If an owner fails to remedy or improve the defect in accordance with the written notice ~~furnished by the~~ building inspector or other designated officer under par. ~~(am) (b)~~ within the 30-day period specified in the written notice, the building inspector or other designated officer shall apply to the circuit court of the county in which the building is located for an order determining that the building constitutes a public nuisance. As a part of the application for such the order from the circuit court the building inspector or other designated officer shall file a verified petition which recites the giving of such written notice, the defect ~~or defects~~ in such the building, the owner's failure to comply with the notice and such other pertinent facts ~~as may be related thereto~~. A copy of the petition shall be served upon the owner of record or the owner's agent if an agent is in charge of the building and upon the holder of any encumbrance of record under sub. ~~(1m) (a) and the (1) (d).~~ The owner shall have reply to the petition within 45 days following service upon the owner ~~in which to reply to such petition~~. Upon application by the building inspector or other designated officer the circuit court shall set promptly the petition for hearing. Testimony shall be taken by the circuit court with respect to the allegations of the petition and denials contained in the

verified answer. If the circuit court after hearing the evidence with respect to on the petition and the answer determines that the building constitutes a public nuisance, the court shall issue promptly an order directing the owner of the building to remedy the defect and to make such repairs and alterations as may be required. The court shall set a reasonable period of time in which the defect shall be remedied and the repairs or alterations completed. A copy of the order shall be served upon the owner as provided in sub. ~~(1m)-(a)~~ (1) (d). The order of the circuit court shall state in the alternative that if the order of the court is not complied with within the time fixed by the court, the court will appoint a receiver or authorize the building inspector or other designated officer to proceed to raze and remove the building and restore the site to a dust-free and erosion-free condition under par. ~~(bg) (d)~~.

2. In an action under this subsection, the circuit court before which the action is commenced shall exercise jurisdiction in rem or quasi rem over the property which is the subject of the action. The owner of record of the property, if known, and all other persons of record holding or claiming any interest in the property shall be made parties defendant and service of process may be ~~had~~ made upon them.

3. It ~~shall~~ is not be a defense to an action under this subsection that the owner of record of the property is a different person, partnership or corporate entity than the owner of record of the property on or after the date the action was commenced ~~or thereafter~~ if a lis pendens was filed before the change of ownership.

(d) Failure to comply with court order. If the order of the circuit court under par. ~~(b) (c)~~ is not complied with within the time fixed by the court under par. ~~(b) (c)~~, the court shall authorize the building inspector or other designated officer to raze and remove the building and restore the site to a dust-free and erosion-free condition or shall appoint a disinterested person to act as receiver of the property to do either of the following within a reasonable period of time set by the court:

1. Remedy the defect and make any repairs and alterations necessary to meet the standards required by the building code or any health order. A receiver appointed under this subdivision, with the approval of the circuit court, may borrow money against and mortgage the property held in receivership as security in any amount necessary to remedy the defect and make the repairs and alterations. For the expenses incurred to remedy the defect and make the repairs and alterations necessary under this subdivision, the receiver ~~shall have~~ has a lien upon the property. At the request of and with the approval of the owner, the receiver may sell the property at a price equal to at least the ~~appraisal~~ appraised value of the property plus the cost of any repairs made under this subdivision. The selling owner ~~shall be~~ is liable for such those costs.

2. Secure and sell the building to a buyer who demonstrates to the circuit court an ability and intent to rehabilitate the building and to ~~cause~~ have the building to be reoccupied in a legal manner.

(e) Receiver; order to raze. 1. Any A receiver appointed under par. ~~(bg) (d)~~ shall collect all rents and profits accruing from the property held in receivership and pay all costs of management, including all general and special real estate taxes or assessments and interest payments on first mortgages on the property. A receiver under par. ~~(bg) (d)~~ shall apply moneys received from sale of property held in receivership to pay all debts due on the property in the order set by law and shall pay any balance to the selling owner if the circuit court approves.

2. The circuit court shall set the fees and bond of a receiver appointed under par. ~~(bg) (d)~~ and may discharge the receiver as the court ~~deems~~ considers appropriate.

3. Nothing in this subsection relieves the owner of any property for which a receiver has been appointed under par. ~~(bg) (d)~~ from any civil or criminal responsibility or liability except that the receiver ~~shall have~~ has civil and criminal responsibility and liability for all matters and acts directly under the receiver's authority or performed at his or her discretion.

4. If a defect is not remedied and repairs and alterations are not made within the time limit set by the circuit court under par. ~~(bg) (d)~~, the court shall order that the building inspector or other designated officer proceed to raze and remove the building and restore the site to a dust-free and erosion-free condition.

5. All costs and disbursements with respect to razing, removing and restoration of the site raze a building under this subsection shall be as provided for under sub. ~~(2)-(a) (1) (f)~~.

**SECTION 147.** 66.05 (8) (d) of the statutes is repealed.

NOTE: Restated as a definition under s. 66.0413 (2) (a)

2. See SECTION 106 of this bill.

**SECTION 148.** 66.05 (9) of the statutes is renumbered 66.0413 (3), and 66.0413 (3) (d), as renumbered, is amended to read:

66.0413 (3) (d) If a municipal governing body, inspector of buildings or designated officer determines that the cost of repairs to a historic building would be less than 85% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the department of revenue for the municipality within which the historic building is located, ~~such~~ the repairs ~~shall be~~ are presumed reasonable.

**SECTION 149.** 66.05 (10) of the statutes is renumbered 66.0413 (4).

**SECTION 150.** Subchapter V (title) of chapter 66 [precedes 66.0501] of the statutes is created to read:

## CHAPTER 66

SUBCHAPTER V  
OFFICERS AND EMPLOYEES

**SECTION 151.** 66.051 (title) and (1) (a) to (bm) of the statutes are renumbered 66.0107 (title) and (1) (a) to (bm), and 66.0107 (1) (b) and (bm), as renumbered, are amended to read:

66.0107 (1) (b) ~~Cause the seizure of~~ Seize anything devised solely for gambling or found in actual use for gambling and ~~cause the destruction of any such thing~~ destroy the device after a judicial determination that it was used solely for gambling or found in actual use for gambling; ~~and~~

(bm) Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this paragraph; ~~and.~~

**SECTION 152.** 66.051 (1) (c) of the statutes is repealed.

NOTE: Section 66.051 (1) (c) is repealed as unnecessary given the general provision of s. 66.051 (2), renumbered s. 66.0107 (2), that nothing in the section may be construed to preclude cities, villages and towns from prohibiting conduct which is the same or similar to that prohibited by chs. 941 to 948. Under repealed par. (c), towns, villages and cities may: "Prohibit conduct which is the same as or similar to that prohibited by s. 947.01, 947.012 or 947.0125."

**SECTION 153.** 66.051 (2) and (3) of the statutes are renumbered 66.0107 (2) and (3).

**SECTION 154.** 66.0517 of the statutes is created to read:

**66.0517 Weed commissioner. (1) DEFINITION.** In this section, "noxious weeds" has the meaning given in s. 66.0407 (1) (b).

(2) APPOINTMENT. (a) *Town, village and city weed commissioner.* The chairperson of each town, the president of each village and the mayor of each city may appoint one or more commissioners of noxious weeds on or before May 15 in each year. A weed commissioner shall take the official oath and the oath shall be filed in the office of the town, village or city clerk. A weed commissioner shall hold office for one year and until a successor has qualified or the town chairperson, village president or mayor determines not to appoint a weed commissioner. If more than one commissioner is appointed, the town, village or city shall be divided into districts by the officer making the appointment and each commissioner shall be assigned to a different district. The town chairperson, village president or mayor may appoint a resident of any district to serve as weed commissioner in any other district of the same town, village or city.

(b) *County weed commissioner.* A county may by resolution adopted by its county board provide for the appointment of a county weed commissioner and determine the duties, term and compensation for the county weed commissioner. When a weed commissioner has been appointed under this paragraph and has qualified, the commissioner has the powers and duties of a weed commissioner described in this section. Each town chairperson, village president or mayor may appoint one or more deputy weed commissioners, who shall work in cooperation with the county weed commissioner in the district assigned by the appointing officer.

(3) POWERS, DUTIES AND COMPENSATION. (a) *Destruction of noxious weeds.* A weed commissioner shall investigate the existence of noxious weeds in his or her district. If a person in a district neglects to destroy noxious weeds as required under s. 66.0407 (3), the weed commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner. A weed commissioner may enter upon any lands that are not exempt under s. 66.0407 (5) and cut or otherwise destroy noxious weeds without being liable to an action for trespass or any other action for damages resulting from the entry and destruction, if reasonable care is exercised.

(b) *Compensation of weed commissioner.* 1. Except as provided in sub. (2) (b), a weed commissioner shall receive compensation for the destruction of noxious weeds as determined by the town board, village board or city council upon presenting to the proper treasurer the account for noxious weed destruction, verified by oath and approved by the appointing officer. The account shall specify by separate items the amount chargeable to each piece of land, describing the land, and shall, after being paid by the treasurer, be filed with the town, village or city clerk. The clerk shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. 74, except in case of lands which are exempt from taxation, railroad lands or other lands for which taxes are not collected under ch. 74. A delinquent tax may be collected as is a delinquent real property tax under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case of railroad lands or other lands for which taxes are not collected under ch. 74, the amount chargeable against these lands shall be certified by the town, village or city clerk to the state treasurer who shall add the amount designated to the sum due from the company owning, occupying or controlling the lands specified. The state treasurer shall collect the amount chargeable as prescribed in subch. I of ch. 76 and return the amount collected to the town, city or village from which the certification was received.

2. For the performance of duties other than the destruction of noxious weeds, a weed commissioner shall

receive compensation to be determined by the town board, village board or city council.

NOTE: Creates s. 66.0517 of the statutes in order to combine the provisions regarding weed commissioners contained in ss. 66.97 to 66.99. The latter statutes are repealed in SECTION 620 of this bill. The new provision specifies that the appointment of a town, village or city weed commissioner is optional. The provision also differs from s. 66.97 by treating a 1st class city in the same manner as any other city. Otherwise, ss. 66.97 to 66.99 are restated.

**SECTION 155.** 66.052 of the statutes is renumbered 66.0415 and amended to read:

**66.0415 Offensive industry.** (1) ~~Any~~ The common council ~~of a city~~ or village board may direct the location, management and construction of, and license, regulate or prohibit, any industry, thing or place where any nauseous, offensive or unwholesome business is carried on, that is within the city or village or within 4 miles of the boundaries of the city or village, except that the Milwaukee, Menominee and Kinnickinnic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with ~~said these~~ rivers, together with the lands adjacent to ~~said these~~ rivers and canals or within 100 yards of them, are ~~deemed to be~~ within the jurisdiction of the city of Milwaukee. ~~Any~~ A town board shall ~~have~~ has the same powers as are provided in this section for cities and villages, as to the area within the town that is not licensed, regulated or prohibited by ~~any~~ a city or village under this section. ~~Any~~ A business that is conducted in violation of ~~any~~ a city, village or town ordinance that is authorized ~~to be enacted~~ under this section is a public nuisance. An action for the abatement or removal of the business or ~~to obtain~~ an injunction to prevent operation of the business may be brought and maintained by the common council or village or town board in the name of this state on the relation of ~~such the~~ city, village or town as provided in ss. 823.01, 823.02 and 823.07, or as provided in s. 254.58. Section 97.42 ~~may~~ does not limit the powers granted by this section. Section 95.72 ~~may~~ does not limit the powers granted by this section to cities or villages but powers granted to towns by this section are limited by s. 95.72 and by any orders and rules promulgated under s. 95.72.

(2) ~~Any~~ To prevent nuisance, a city or village may, subject to the approval of the ~~appropriate~~ town board of ~~such town,~~ by ordinance enact reasonable regulations governing areas where refuse, rubbish, ashes or garbage shall be are dumped or accumulated in ~~any~~ a town within one mile of the corporate limits of ~~such the~~ city or village, ~~so as to prevent nuisance.~~

**SECTION 156.** 66.053 of the statutes is renumbered 66.0433, and 66.0433 (1) (a), (am) and (c) and (2), as renumbered, are amended to read:

66.0433 (1) (a) ~~Each~~ A town board, village board ~~and~~ or common council shall ~~may~~ grant licenses to ~~such persons as they deem it considers~~ proper for the sale of beverages containing less than ~~one-half of one per centum~~

0.5% of alcohol by volume to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of ~~such these~~ beverages, ~~for which,~~ The fee for a license fee of shall be not less than \$5 nor more than \$50, to be fixed by the board or council, ~~shall be paid,~~ except that where ~~such these~~ beverages are sold, ~~not to be consumed on for consumption off~~ the premises, the license fee shall be \$5. ~~Such~~ The license shall be issued by the town, village or city clerk, shall designate the specific premises for which granted and shall expire the ~~thirtieth day of next~~ June thereafter 30 after issuance. The full license fee shall be charged for the whole or a fraction of the year. No ~~such~~ beverages ~~shall described in this paragraph may~~ be manufactured, sold at wholesale or retail or sold for consumption on the premises, or kept for sale at wholesale or retail, or for consumption on the premises where sold, without ~~such a~~ license issued under this paragraph.

(am) ~~In case of removal of the~~ If a place of business moves from the premises designated in the license to another location in the town, village or city within the license period, the licensee shall give notice of ~~such the~~ change of location, and the license shall be amended accordingly without payment of an additional fee. ~~No such~~ A license, ~~however,~~ shall be is not transferable from one person to another.

(c) ~~Each~~ A town board, village board ~~and~~ or common council shall ~~have authority may~~ by resolution or ordinance ~~to adopt such regulations as it may deem~~ reasonable and necessary regulations regarding the location of licensed premises, the conduct ~~thereof of the licensed premises,~~ the sale of beverages containing less than ~~one-half of one per centum~~ 0.5% of alcohol by volume and the revocation of any license ~~or permit.~~

(2) SODA WATER BEVERAGES. ~~Each~~ A town board, village board ~~and~~ or common council of any city may grant licenses to ~~such persons as they deem it considers~~ proper for the sale of soda water beverages, as defined in s. 97.34, to be consumed on or off the premises where sold. ~~Such~~ A license fee shall be fixed by ~~such the~~ governing body of ~~such the~~ city, village or town but shall not exceed \$5. The license shall be issued by the town, city or village clerk, shall designate the specific premises for which granted and shall expire on the ~~thirtieth day of next~~ June thereafter. ~~Each such~~ 30 after issuance. The governing body shall ~~have authority may~~ by resolution or ordinance ~~to adopt such regulations as it may deem~~ reasonable and necessary regulations regarding the location of licensed premises, the conduct ~~thereof of the licensed premises~~ and the revocation of any ~~such~~ license.

**SECTION 157.** 66.057 of the statutes is renumbered 157.129, and 157.129 (title), as renumbered, is amended to read:

**157.129 (title) Minimum acreage of cemeteries; local ordinance.**

**SECTION 158.** 66.058 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7. of the statutes are renumbered 66.0435 (title), (1), (2) and (3) (title), (a), (b) and (c) 1. to 7., and 66.0435 (1) (intro.) and (e), (2) and (3) (a), (c) 1. (intro.), 2. and 4. to 7., as renumbered, are amended to read:

66.0435 (1) DEFINITIONS. (intro.) For the purposes of In this section:

(e) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such the accommodation.

(2) LICENSE AND REVOCATION OR SUSPENSION THEREOF GRANTING, REVOKING OR SUSPENDING LICENSE. (a) It shall be is unlawful for any person to maintain or operate a mobile home park within the limits of any a city, town or village, any mobile home park unless such the person shall first obtain has received a license from the city, town or village a license therefor. All such parks in existence on August 9, 1953 shall within 90 days thereafter, obtain such license, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the city, town or village or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

(b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using or occupying trailers, mobile homes, trailer camps or mobile home parks for living, dwelling or sleeping purposes, each a city council, village board and town board may establish do any of the following:

1. Establish and enforce by ordinance reasonable standards and regulations for every trailer and trailer camp and every mobile home and mobile home park; require.

2. Require an annual license fee to operate the same a trailer and trailer camp or mobile home and mobile home park and levy and collect special assessments to defray the cost of municipal and educational services furnished to such the trailer and trailer camp, or mobile home and mobile home park. They may limit

3. Limit the number of units, trailers or mobile homes that may be parked or kept in any one camp or park, and limit.

4. Limit the number of licenses for trailer camps or parks in any common school district, if the mobile housing development would cause the school costs to increase above the state average or if an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal in the particular area. The power conferred on cities, villages and towns by this

section is in addition to all other grants and shall be deemed limited only by the express language of this section.

(c) In any a town in which the town board enacts an ordinance regulating trailers under the provisions of this section and has also enacted and approved a county zoning ordinance under the provisions of s. 59.69, the provisions of the ordinance which is most restrictive shall apply with respect to the establishment and operation of any a trailer camp in said the town.

(d) Any A license granted under the provisions of this section shall be is subject to revocation or suspension for cause by the common council, village board or town board licensing authority that issued the license upon complaint filed with the clerk of the city, village or town licensing authority, if the complaint is signed by any a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building inspector, after a public hearing upon the complaint, provided that the. The holder of the license shall be given 10 days' written notice in writing of the hearing, and the holder of the license shall be is entitled to appear and be heard as to why the license shall should not be revoked. Any A holder of a license that is revoked or suspended by the governing body of any city, village or town licensing authority may within 20 days of the date of the revocation or suspension appeal therefrom the decision to the circuit court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the city, village or town clerk of the licensing authority, together with a bond executed to the city, village or town licensing authority, in the sum of \$500 with 2 sureties or a bonding company approved by the said clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

(3) (a) The licensing authority shall exact collect from the licensee an annual license fee of not less than \$25 and not nor more than \$100 for each 50 spaces or fraction thereof of 50 spaces within each mobile home park within its limits, except that where. If the park lies in more than one municipality the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the municipality bears to the entire number of spaces in the park determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the park in a municipality and the denominator of which is the entire number of spaces in the park.

(c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each local taxing licensing authority shall collect from each mobile home occupying space or lots in a park in the city, town or village licensing authority, except from mobile homes that constitute improvements to real property under s. 70.043 (1) and from recreational mobile homes and camping trailers as defined in s. 70.111 (19), a monthly parking permit fee computed as follows:



2. The monthly parking permit fee ~~shall be is~~ applicable to mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee ~~shall begin begins~~ on the first day of the next succeeding month and ~~shall remain on the mobile home only continues~~ for ~~such the~~ months as ~~in which~~ the mobile home remains in the tax district.

4. The valuation established ~~shall be is~~ subject to review as are other values established under ch. 70. If the board of review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments.

5. The monthly parking permit fee shall be paid by the mobile home owner to the local taxing authority on or before the 10th of the month following the month for which ~~such the~~ parking permit fee is due.

6. The licensee of a park ~~shall be is~~ liable for the monthly parking permit fee for any mobile home occupying space ~~therein in the park~~ as well as the owner and occupant ~~thereof of the mobile home occupying space~~. A municipality, by ordinance, may require the mobile home park operator to collect the monthly parking permit fee from the mobile home owner.

7. No monthly parking permit fee shall ~~may~~ be imposed for any space occupied by a mobile home accompanied by an automobile for an accumulating period not to exceed 60 days in any 12 months if the occupants of the mobile home are tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the licensing authority from qualified tourists or vacationists in lieu of monthly mobile home parking permit fees.

**SECTION 159.** 66.058 (3) (c) 8. of the statutes, as affected by 1999 Wisconsin Act 5, is renumbered 66.0435 (3) (c) 8. and amended to read:

66.0435 (3) (c) 8. The credit under s. 79.10 (9) (bm), as it applies to the principal dwelling on a parcel of taxable property ~~shall apply, applies~~ to the estimated fair market value of a mobile home that is the principal dwelling of the owner. The owner of the mobile home shall file a claim for the credit with the treasurer of the municipality in which the property is located. To obtain the credit under s. 79.10 (9) (bm), the owner shall attest on the claim that the mobile home is the owner's principal dwelling. The treasurer shall reduce the owner's parking permit fee

by the amount of any allowable credit. The treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under s. 79.10 (1m).

**SECTION 160.** 66.058 (3) (d) to (h) and (3m) to (8) of the statutes are renumbered 66.0435 (3) (d) to (h) and (3m) to (8), and 66.0435 (3) (d) to (h) and (5) to (8), as renumbered, are amended to read:

66.0435 (3) (d) This section ~~shall does~~ not apply ~~where to~~ a mobile home park ~~that~~ is owned and operated by any county under the provisions of s. 59.52 (16) (b).

(e) If a mobile home is permitted by local ordinance to be located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands, and the owner of ~~such the~~ land shall be ~~required to~~ comply with the reporting requirements of par. (c). The owner of the land may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(f) ~~Nothing contained in this subsection shall prohibit prohibits~~ the regulation ~~thereof~~ by local ordinance of a mobile home park.

(g) Failure to timely pay the tax ~~hereunder prescribed in this subsection~~ shall be treated ~~in all respects like as~~ a default in payment of personal property tax and ~~shall be is~~ subject to all procedures and penalties applicable ~~thereto~~ under chs. 70 and 74.

(h) Each local governing body ~~is empowered to may~~ enact an ordinance providing a forfeiture of up to \$25 for the failure to comply with the reporting requirements of par. (c) or (e). Each failure to report ~~shall be regarded as is~~ a separate offense.

(5) PLANS AND SPECIFICATIONS TO BE FILED. ~~Accompanying, and to be filed with an original application for a mobile home park, shall be plans Plans~~ and specifications ~~which shall be in compliance with all applicable city, town or village ordinances of the licensing authority and provisions of the department of health and family services shall be filed with an original application for a mobile home park~~. The clerk, after approval of the application by the ~~governing body licensing authority~~ and upon completion of the work according to the plans, shall issue the license. A mobile housing development harboring only nondependent mobile homes as defined in sub. (1) (f) ~~shall is~~ not be required to provide a service building.

(6) RENEWAL OF LICENSE. Upon application by any licensee ~~and, after approval by the governing body of the city, town or village licensing authority~~ and upon payment of the annual license fee, the clerk of the ~~city, town or village licensing authority~~ shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing,

signed by the applicant on forms furnished by the city, town or village licensing authority.

(7) TRANSFER OF LICENSE; FEE. Upon application for a transfer of license the clerk of the city, town or village licensing authority, after approval of the application by the governing body licensing authority, shall issue a transfer upon payment of the required \$10 fee.

(8) DISTRIBUTION OF FEES. The municipality licensing authority may retain 10% of the monthly parking permit fees collected in each month, without reduction for any amounts deducted under sub. (3m), to cover the cost of administration. The municipality licensing authority shall pay to the school district in which the park is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality licensing authority. If the park is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

**SECTION 161.** 66.0585 of the statutes is renumbered 66.0435 (9) and amended to read:

66.0435 (9) MUNICIPALITIES; PARKING FEES ON MOBILE HOMES. Any municipality A licensing authority may assess parking fees at the rates under s. 66.058 this section on mobile homes, as defined in s. 70.111 (19) except mobile homes which are located in campgrounds licensed under s. 254.47 and mobile homes which are located on land where the principal residence of the owner of the mobile home is located, regardless of whether or not the mobile home is occupied during all or part of any calendar year.

**SECTION 162.** 66.059 of the statutes is renumbered 66.0619, and 66.0619 (1) (intro.), (b) and (c), (2), (2m) (a) and (d), (4) (a) and (c) and (5) to (7), as renumbered, are amended to read:

66.0619 (1) (intro.) Any county, town, sanitary district, public inland lake protection and rehabilitation district, city or village A municipality, in addition to any other authority to borrow money and issue its municipal obligations, may also borrow money and issue its public improvement bonds to finance the cost of construction or acquisition, including site acquisition, of any revenue-producing public improvement of such the municipality. In this section, unless the context or subject matter otherwise requires:

(b) "Deficiency" means the amount by which debt service required to be paid in any a calendar year exceeds the amount of revenues estimated to be derived from the ownership and operation of the public improvement for such the calendar year, after first subtracting from the estimated revenues the estimated cost of paying the expenses of operating and maintaining the public improvement for such the calendar year.

(c) "Municipality" means a county, sanitary district, public inland lake protection and rehabilitation district, town, city or village.

(2) The governing body of the municipality proposing to issue public improvement bonds shall adopt a resolution authorizing their issuance. The resolution shall set forth the amount of bonds authorized, or a sum not to exceed a stated amount, and the purpose for which the bonds are to be issued. The resolution shall prescribe the terms, form and contents of the bonds and ~~such~~ other matters as that the governing body ~~deems~~ considers necessary or advisable. The bonds may be in any denomination of not less than \$1,000, shall bear interest payable annually or semiannually, shall be payable not later than 20 years from the date of the bonds, at ~~such~~ times and places as that the governing body determines, and may be subject to redemption prior to maturity on ~~such~~ terms and conditions as that the governing body determines. The bonds may be issued either payable to bearer with interest coupons attached ~~thereto~~ to the bonds or may be registered under s. 67.09. The bonds may be sold at public competitive sale or by private negotiation at ~~the discretion of the governing body~~. Sections 67.08 and 67.10 apply to public improvement bonds, except insofar as they are in conflict ~~herewith~~ with this section, in which case this section controls.

(2m) (a) A resolution, adopted under sub. (2) by the governing body of a municipality, need not be submitted to the electors of the municipality for approval, unless within 30 days after the resolution is adopted there is filed with the clerk of the municipality a petition, conforming to the requirements of s. 8.40 and requesting a referendum ~~thereon~~ on the resolution, signed by electors numbering at least 10% of the votes cast in the municipality for governor at the last general election. Any A resolution, adopted under sub. (2) at ~~the discretion of the municipal governing body~~, may be submitted by the governing body of the municipality to the electors without waiting for the filing of a petition.

(d) The election referendum shall be held and conducted and the votes cast ~~thereat~~ shall be canvassed as at regular municipal elections and the results certified to the municipal clerk. A majority of all votes cast in the municipality ~~shall decide~~ decides the question.

(4) (a) Gross revenues derived from the ownership and operation of the public improvement shall be first pledged to debt service on issued public improvement bonds. When in excess of ~~such obligation~~ debt service, the revenues ~~shall be~~ are subject to all of the following requirements set by resolution or ordinance of the governing body fixing:

1. The proportion of revenues of the public improvement necessary for the reasonable and proper operation and maintenance ~~thereof; and of the public improvement~~.

2. The proportion of revenues necessary for the payment of debt service on the public improvement bonds.

Such ~~The~~ revenues shall be paid into a special fund in the treasury of the municipality known as the "Public Improvement Bond Account".

(c) All funds on deposit in a public improvement bond account, which are not immediately required for the purposes specified in this section, shall be invested in accordance with s. ~~66.04~~ 66.0605.

(5) Annually, on or before August 1 the officer or department of the municipality responsible for the operation of the public improvement shall file with the governing body, or its designated representative, a detailed statement setting forth the amount of the debt service on the public improvement bonds issued for the public improvement for the succeeding calendar year and an estimate for ~~such~~ that year of the total revenues to be derived from the ownership and operation of the public improvement and the total cost of operating and maintaining the public improvement.

(6) (a) If it is determined that there will be a deficiency for the ensuing calendar year, the municipality shall make up the deficiency, but the obligation to do so ~~shall be is~~ limited to a sum which ~~shall~~ does not cause the municipality to exceed its municipal debt limits. The deficiency may be made up by the municipality from any ~~revenues~~ revenues available ~~therefor~~ therefor, including a tax levy. The amount contributed by the municipality shall be deposited in the public improvement bond account and applied to the payment of debt service. Taxes levied under this paragraph ~~shall are~~ not be subject to statutory limitations of rate or amount.

(b) The amount of any deficiency determined under par. (a) for the ensuing calendar year shall be related to the total debt service for ~~such~~ that year. ~~Such The~~ ratio ~~shall determine~~ determines the outstanding indebtedness of the issue to be reflected as part of the municipality's indebtedness for the year.

(7) ~~Whenever~~ If revenue bonds have been issued by a municipality pursuant to law and an ordinance authorizing their issuance without limitation as to amount has been enacted by the governing body of the municipality, public improvement bonds may be issued under the ordinance with the same effect as though they were revenue bonds. ~~Such The~~ bonds ~~shall be are~~ public improvement bonds and this section ~~shall apply thereto~~ applies to the bonds, except that nothing contained in this subsection shall ~~in any way~~ impair the contract between the municipality and the holders of any outstanding revenue bonds. ~~Whatever liens have been~~ Liens created in favor of any outstanding revenue bonds issued under the ordinance ~~shall apply to public improvement bonds so issued~~ under this subsection. The public improvement bonds ~~shall be~~ are payable on a parity with the revenue bonds issued under the ordinance if the public improvement bonds are issued in compliance with the requirements of the ordinance for the issuance of parity bonds under the ordinance.

**SECTION 163.** 66.06 of the statutes is repealed.

NOTE: Replaced by s. 66.0725, created by SECTION 235.

**SECTION 164.** Subchapter VI (title) of chapter 66 [precedes 66.0601] of the statutes is created to read:

#### CHAPTER 66

##### SUBCHAPTER VI

##### FINANCE; REVENUES

**SECTION 165.** 66.0601 (1) (title) of the statutes is created to read:

66.0601 (1) (title) PROHIBITED APPROPRIATIONS.

**SECTION 166.** 66.0601 (1) (b) (title) of the statutes is created to read:

66.0601 (1) (b) (title) *Payments for abortions restricted.*

**SECTION 167.** 66.0601 (1) (c) (title) of the statutes is created to read:

66.0601 (1) (c) (title) *Payments for abortion-related activity restricted.*

**SECTION 168.** 66.0603 (title) of the statutes is created to read:

**66.0603** (title) **Investments.**

**SECTION 169.** 66.061 of the statutes is renumbered 66.0815, and 66.0815 (title), (1) (a), (c) and (d) and (2), as renumbered, are amended to read:

**66.0815** (title) **Franchises; Public utility franchises and service contracts.** (1) (a) ~~Any A~~ city, village or town may grant to any person ~~or corporation~~ the right to construct and operate ~~therein a water system or to furnish light, heat or power~~ a public utility in the city, village or town, subject to reasonable rules and regulations prescribed by ordinance.

NOTE: Expands the franchise authority under sub. (1) to include any public utility.

(c) ~~No such ordinance shall be operative~~ An ordinance under sub. (1) may not take effect until 60 days after passage and publication unless sooner approved by a referendum. ~~Within that time~~ the 60-day period electors equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal election, may ~~demand~~ petition for a referendum. The ~~demand~~ petition shall be in writing and filed with the clerk. Each signer shall state his or her ~~occupation and~~ residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within 90 days of the filing of the ~~demand, and the petition.~~ The ordinance shall may not be effective take effect unless approved by a majority of the votes cast ~~thereon~~. This paragraph ~~shall does~~ not apply to extensions by a utility previously franchised by the village ~~or~~, city or town.

(d) ~~Whenever any~~ If a city or village at the time of its incorporation included within its corporate limits territory in which a public utility, ~~prior to such~~ before the incorporation, had been lawfully engaged in rendering public utility service, ~~such the~~ public utility ~~shall be~~

deemed to possess possesses a franchise to operate in ~~such the~~ city or village to the same extent as ~~though such~~ if ~~the~~ franchise had been formally granted by ordinance ~~duly~~ adopted by the governing body of ~~such the~~ city or village. This paragraph ~~shall does~~ not apply to any public utility organized under this chapter.

(2) SERVICE CONTRACTS. (a) ~~Cities, villages and towns~~ A city, village or town may contract for furnishing light, heat, water, ~~or~~ motor bus or other systems of public transportation to the municipality or ~~to the its~~ inhabitants ~~thereof~~ for a period of not more than 30 years or for an indeterminate period if the prices are subject to adjustment at intervals of not greater than 5 years. The public service commission ~~shall have has~~ jurisdiction ~~relative to~~ over the rates and service to any city, village or town where light, heat or water is furnished to ~~such the~~ city, village or town under any contract or arrangement, to the same extent that the public service commission has jurisdiction where that service is furnished directly to the public.

(b) When a city, village or town has contracted for water, lighting service, ~~or~~ motor bus or other systems of public transportation to the municipality the cost may be raised by tax levy. In making payment to the owner of the utility a sum equal to the amount due the city, village or town from ~~such the~~ owner for taxes or special assessments may be deducted.

(c) This subsection ~~shall apply~~ applies to every city, village and town regardless of any charter limitations on the tax levy for water or light.

(d) ~~When any~~ If a privately owned motor bus or public transportation system in a city, village or town fails to provide service for a period in excess of 30 days, and the owner or stockholders of the privately owned motor bus or public transportation system have announced an intention to abandon service, the governing body of the affected municipality may without referendum furnish or contract for the furnishing of other motor bus or public transportation service to the municipality and its inhabitants and to the users of the defaulting prior service for a period of not more than one year. This ~~section shall paragraph does~~ not authorize a municipality to hire, directly or indirectly, any strikebreaker or other person for the purpose of replacing employes of ~~said the~~ motor bus or public transportation system engaged in a strike.

**SECTION 170.** 66.0627 of the statutes is created to read:

**66.0627 Special charges for current services.** (1) In this section, "service" includes snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under s. 60.23 (20), soil conservation work under s. 92.115, and snow removal under s. 86.105.

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

(3) (a) Except as provided in par. (b), the governing body of the city, village or town may determine the manner of providing notice of a special charge.

(b) Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, a public hearing shall be held by the governing body on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. Notice of the hearing shall be by class 1 notice under ch. 985, published at least 20 days before the hearing. A copy of the notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice under this paragraph shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.

(4) A special charge is not payable in instalments. If a special charge is not paid within the time determined by the governing body, the special charge is delinquent. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74.

(5) Except with respect to storm water management, including construction of storm water management facilities, no special charge may be imposed under this section to collect arrearages owed a municipal public utility.

(6) If a special charge imposed under this section is held invalid because this section is found unconstitutional, the governing body may reassess the special charge under any applicable law.

NOTE: Restates s. 66.60 (16), relating to special charges, and renumbers the provision to make it a separate section within ch. 66.

In addition:

1. Expands the examples in the definition of "service" to expressly include removal and disposition of dead animals under s. 60.23 (20), conservation work under s. 92.115 [as renumbered by this bill] and snow removal under s. 86.105. Previously, these services were authorized to be funded by special assessment under s. 66.345, repealed by this bill. See SECTION 372 of this bill.

2. Expands the examples in the definition of "service" to expressly include "recycling" to reflect prevailing interpretation and current practice.

**SECTION 171.** 66.064 of the statutes is renumbered 66.0807 and amended to read:

**66.0807 Joint operation of public utility or public transportation system.** Any

(2) A city, village or town served by any a privately owned public utility, motor bus or other systems of public transportation rendering local service may contract with the owner thereof of the utility or system for the leasing, public operation, joint operation, extension and improvement of the utility or system by the municipality; or, with funds loaned by the municipality, may contract for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said the public utility or system which is operated within such the municipality and any territory immediately adjacent and tributary thereto to the municipality; or may contract for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such the utility or system property. The provisions of s. 66.07 ~~66.0817~~ relating to preliminary agreement, and approval by the department of transportation or public service commission, and ratification by the electors, shall be applicable apply to the contracts authorized by this section. The department of transportation or public service commission shall, when any such a contract under this section is approved by it and consummated, cooperate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such the contract to be made by it.

NOTE: In order to facilitate public-private cooperation, deletes the referendum requirement for preliminary contracts.

See, also, SECTION 237.

**SECTION 172.** 66.065 (title) of the statutes is renumbered 66.0803 (title) and amended to read:

**66.0803 (title) Acquisition of public utility or bus transportation system.**

**SECTION 173.** 66.065 (1), (2), (3), (4) and (4a) of the statutes are renumbered 66.0803 (1) (a), (b), (c), (d) and (e), and 66.0803 (1) (a) and (c) to (e), as renumbered, are amended to read:

66.0803 (1) (a) Any A town, village or city may construct, acquire or lease any plant and equipment located within or without in or outside the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality; or to its inhabitants; may acquire a controlling portion of the stock of any corporation owning private waterworks or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including the cases where the municipality shall in the franchise have has reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated, shall does not affect the power to acquire the same hereunder public utility under this subsection. Two or more public utilities owned by the same person or corporation, or 2 or more public utilities subject to the same lien or charge, may be

acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced, and the. The board or council may at any time agree with the owner or owners of any public utility or utilities as to on the agreed value thereof, of the utility or utilities and to may contract to purchase or acquire the same hereunder at such that value, upon such those terms and conditions as may be mutually agreed upon between said the board or council and said the owner or owners.

(c) The notice of the referendum shall include a general statement of the plant and equipment or part thereof it is proposed to acquire or construct be constructed, acquired or leased and of the manner of payment.

(d) Referendum elections Referenda under this section shall may not be held oftener than once a year, except that a referendum so held for the acquisition, lease or construction of any of the types of property enumerated in sub. (1) shall par. (a) does not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.

(e) The provisions of subs. (2), (3) and (4) shall pars. (b) to (d) do not apply to the acquisition of any plant, equipment or public utility for furnishing water service when such the plant, equipment or utility is acquired by the municipality by dedication or without monetary or financial consideration. After a public utility is constructed, acquired or leased under this subsection, pars. (b) to (d) do not apply to any subsequent construction, acquisition or lease in connection with that public utility.

NOTE: The 2nd sentence of par. (e) clarifies that once a successful referendum is held on a public utility acquisition, construction or lease, no additional referenda are required for any subsequent construction, acquisition or lease in connection with that public utility.

**SECTION 174.** 66.065 (5), (6) and (7) of the statutes are renumbered 66.0803 (2) (a) to (c) and amended to read:

66.0803 (2) (a) Any A city, village or town may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail or other local transportation system exists in such the municipality. Any A city, village or town in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners thereof of the system, or pursuant to law, or upon securing a certificate from the department of transportation under s. 194.23.

(b) Any A street motor bus transportation company operating pursuant to ch. 194 shall, by acceptance of authority under that chapter, be deemed to have consented to a purchase of its property actually used and useful for the convenience of the public by the municipality

in which the major part of ~~such~~ the property is situated or operated.

(c) ~~Any~~ A city, village or town providing or acquiring a motor bus transportation system under the provisions of this section may finance ~~such~~ the construction or purchase in any manner now authorized in respect of for the construction or purchase of a public utility.

**SECTION 175.** 66.066 (title), (1) to (1m) and (2) (intro.) and (a) to (i) of the statutes are renumbered 66.0621 (title), (1) to (3) and (4) (intro.) and (a) to (i), and 66.0621 (1) (a) and (b), (2), (3) and (4) (intro.) and (a) to (i), as renumbered, are amended to read:

66.0621 (1) (a) "Municipality" means ~~any~~ a city, village, town, county, commission created by contract under s. ~~66.30~~ 66.0301, public inland lake protection and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district created under ss. ~~66.20 to 66.26 or 66.88 to 66.948~~ 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local professional baseball park district created under subch. III of ch. 229 or a municipal water district or power district under ch. 198 and any other public or quasi-public corporation, officer, board or other public body empowered to borrow money and issue obligations to repay the ~~same~~ money and obligations out of revenues. "Municipality" does not include the state or a local exposition district created under subch. II of ch. 229.

(b) ~~For purposes of financing under this section,~~ "Public utility" means any revenue producing facility or enterprise owned by a municipality and operated for a public purpose as defined in s. 67.04 (1) (b) ~~or undertaken by a municipality under s. 66.067 including garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls, town halls, courthouses, jails, schools, cooperative educational service agencies, hospitals, homes for the aged or indigent, child care centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal operations, sewerage systems, local professional baseball park facilities and any other necessary public works projects undertaken by a municipality.~~

(2) ~~Nothing in this~~ This section shall be construed to ~~does not~~ limit the authority of ~~any~~ a municipality to acquire, own, operate and finance in the manner provided in this section a source of water and necessary transmission facilities, including all real and personal property, beyond its corporate limits. A source of water 50 miles beyond a municipality's corporate limits shall be within the municipality's authority.

(3) ~~Any~~ A municipality may, by action of its governing body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, motor bus or other systems of public transportation from

the general fund, or from the proceeds of municipal obligations, including revenue bonds. ~~Any~~ An obligation created pursuant to subs. (2) to (4) shall under sub. (4) or (5) ~~is not be considered~~ an indebtedness of ~~such~~ the municipality, and shall not be included in arriving at the constitutional debt limitation.

(4) (intro.) ~~Where~~ If payment of obligations is provided by revenue bonds, the following is the procedure for payment ~~shall be in the manner following:~~

(a) 1. The governing body of the municipality, by ordinance or resolution, shall order the issuance and sale of bonds, executed as provided in s. 67.08 (1) and payable at ~~such~~ times not exceeding 40 years from the date ~~thereof~~ of issuance, and at ~~such~~ places, as that the governing body of ~~such~~ the municipality shall ~~determine, which determines.~~ The bonds shall be payable only out of the special redemption fund. Each ~~such~~ bond shall include a statement that it is payable only from the special redemption fund, naming the ordinance or resolution creating it, and that it does not constitute an indebtedness of ~~such~~ the municipality. The bonds may be issued either as registered bonds under s. 67.09 or as coupon bonds payable to bearer. Bonds shall be sold in ~~such~~ the manner and upon ~~such~~ the terms as determined by the governing body ~~deems for the best interests of said~~ the municipality.

2. Interest, if any, on bonds shall be paid at least annually to bondholders. Payment of principal on the bonds shall commence not later than 3 years after the date of issue or 2 years after the estimated date that construction will be completed, whichever is later. ~~Thereafter~~ After the commencement of the payment of principal on the bonds, at least annually, the municipality shall make principal payments and, if any, interest payments to bondholders or provide by ordinance or resolution that payments be made into a separate fund for payment to bondholders as specified in the ordinance or resolution authorizing the issuance of the bonds. The amount of the annual debt service payments made or provided for shall be reasonable in accordance with prudent municipal utility management practices.

3. All ~~such~~ revenue bonds may contain a provision authorizing redemption ~~thereof of the bonds~~, in whole or in part, at stipulated prices, at the option of the municipality on any interest payment date. The governing body of a municipality may provide in ~~any~~ a contract for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, that payment ~~thereof~~ shall be made in ~~such~~ bonds at not less than 95% of the par value ~~thereof of the bonds~~.

(b) All moneys received from ~~any~~ bonds issued under this section shall be applied solely for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, and in the payment of the cost of ~~any~~ subsequent necessary additions, improvements and exten-

sions. Bonds issued under this section shall be secured by a pledge of the revenues of the public utility to the holders of the bonds and to the holders of any coupons of the bonds and may be additionally secured by a mortgage lien upon the public utility to the holders of the bonds and to the holders of any coupons of the bonds. If a mortgage lien is created by ordinance or resolution, the lien shall be is perfected by publication of the ordinance or resolution or by recording of the ordinance or resolution in the records of the municipality. In addition, the municipality may record the lien by notifying the register of deeds of the county in which the public utility is located concerning its issuance of bonds. If the register of deeds receives notice from the municipality, the register of deeds shall record any mortgage lien created. The public utility shall ~~remain~~ remains subject to the pledge and, if created, the mortgage lien until the payment in full of the principal and interest of the bonds. Upon repayment of bonds for which a mortgage lien has been created, the register of deeds shall, upon notice from the municipality, record a satisfaction of the mortgage lien. Any holder of a bond or of any coupons attached to a bond may ~~either at law or in equity~~ protect and enforce this pledge and, if created, the mortgage lien and compel performance of all duties required of the municipality by this section. ~~Any A~~ A municipality may provide for additions, extensions and improvements to a public utility that it owns by additional issues of bonds under this section. ~~Such The~~ The additional issues of bonds ~~shall be~~ are subordinate to all prior issues of bonds under this section, but a municipality may in the ordinance or resolution authorizing bonds permit the issue of additional bonds on a parity ~~therewith~~. ~~Any with prior issues~~. A municipality may issue new bonds under this section to provide funds for refunding any outstanding municipal obligations, including interest, issued for any of the purposes stated in sub. ~~(1m)~~ (3). Refunding bonds issued under this section are subject to all of the following provisions:

1. Refunding bonds may be issued to refinance more than one issue of outstanding municipal obligations notwithstanding that ~~such the~~ the outstanding municipal obligations may have been issued at different times and may be secured by the revenues of more than one public utility. ~~Any such public~~ Public utilities may be operated as a single public utility, subject ~~however~~ to contract rights vested in holders of bonds or promissory notes being refinanced. A determination by the governing body of a municipality that any refinancing is advantageous or necessary to the municipality shall ~~be~~ is conclusive.

4. The refunding bonds shall are not be considered an indebtedness of ~~such a~~ a municipality, and shall not be included in arriving at the constitutional debt limitation.

5. The governing body of a municipality may, ~~in addition to other powers conferred by this section,~~ include a provision in any ordinance or resolution authorizing the issuance of refunding bonds pledging all or any

part of the revenues of any public utility or utilities ~~or combination thereof~~ originally financed ~~or~~ extended or improved from the proceeds of any of the municipal obligations being refunded, and pledging all or any part of the surplus income derived from the investment of any ~~a~~ a trust created in relation to the refunding.

6. This subsection, ~~without reference to any other laws of this state, shall constitute~~ constitutes full authority for the authorization and issuance of refunding bonds ~~hereunder~~ and for the ~~doing of~~ all other acts authorized by this subsection to be done or performed and ~~such the~~ the refunding bonds may be issued ~~hereunder~~ under this subsection without regard to the requirements, restrictions or procedural provisions contained in any other law.

(c) The governing body of a municipality shall, in the ordinance or resolution authorizing the issuance of bonds, establish a system of funds and accounts and provide for sufficient revenues to operate and maintain the public utility and to provide fully for annual debt service requirements of bonds issued under this section. The governing body of a municipality may establish a fund or account for depreciation of assets of the public utility.

(d) If a governing body of a municipality creates a depreciation fund under par. (c) it shall use the funds set aside to restore any deficiency in the special redemption fund specified in par. (e) for the payment of the principal and interest due on the bonds and for the creation and maintenance of any reserves established by the bond ordinance or resolution to secure these payments. If the special redemption fund is sufficient for these purposes, moneys in the depreciation fund may be expended for repairs, replacements, new constructions, extensions or additions of the public utility. ~~Any accumulations~~ Accumulations of the depreciation fund may be invested, and ~~if invested,~~ the income from the investment shall be deposited in the depreciation fund.

(e) The governing body ~~of the a~~ a municipality shall by ordinance or resolution create a special fund in the treasury of the municipality to be identified as "the .... special redemption fund" into which shall be paid the amount which ~~shall be~~ is set aside for the payment of the principal and interest due on the bonds and for the creation and maintenance of any reserves established by bond ordinance or resolution to secure these payments.

(f) At the close of the public utility's fiscal year, if any surplus has accumulated in any of the ~~above~~ above funds specified in this subsection, it may be disposed of in the order set forth under s. ~~66.069 (1)~~ 66.0811 (2).

(g) The reasonable cost and value of any service rendered to ~~such a~~ a municipality by ~~such a~~ a public utility shall be charged against the municipality and shall be paid by it in instalments.

(h) The rates for all services rendered by ~~such a~~ a public utility to ~~the a~~ a municipality or to other consumers, shall be reasonable and just, taking into account and consideration the value of the ~~said~~ said public utility, the cost of

maintaining and operating the ~~same public utility~~, the proper and necessary allowance for depreciation ~~thereof of the public utility~~, and a sufficient and adequate return upon the capital invested.

(i) The governing body ~~shall have full power to of a municipality may~~ adopt all ordinances and resolutions necessary to carry into effect this subsection. ~~Any An~~ ordinance or resolution providing for the issuance of bonds may contain such provisions or covenants, without limiting the generality of the power to adopt ~~such an~~ ordinance or resolution, as is ~~deemed~~ are considered necessary or desirable for the security of bondholders or the marketability of the bonds, ~~including. The provisions or covenants may include~~ but are not limited to provisions as relating to the sufficiency of the rates or charges to be made for service, maintenance and operation, improvements or additions to and sale or alienation of the public utility, insurance against loss, employment of consulting engineers and accountants, records and accounts, operating and construction budgets, establishment of reserve funds, issuance of additional bonds, and deposit of the proceeds of the sale of the bonds or revenues of the public utility in trust, including the appointment of depositories or trustees. ~~Any An~~ ordinance or resolution authorizing the issuance of bonds or other obligations payable from revenues of a public utility ~~shall constitute~~ constitutes a contract with the holder of ~~any~~ bonds or other obligations issued pursuant to ~~such the~~ ordinance or resolution.

**SECTION 176.** 66.066 (2) (j) of the statutes is repealed.

NOTE: Repeals an archaic provision of the statutes regulating proceedings relating to a public utility that were begun prior to May 6, 1911.

**SECTION 177.** 66.066 (2) (k) to (m), (4) and (5) of the statutes are renumbered 66.0621 (4) (j) to (L), (5) and (6), and 66.0621 (4) (j) to (L) and (5), as renumbered, are amended to read:

66.0621 (4) (j) ~~Under this paragraph, the~~ The ordinance or resolution required under par. (c) may set apart bonds equal to the amount of any secured debt or charge subject to which a public utility may be purchased, acquired, leased, constructed, extended, added to or improved, ~~and. The ordinance or resolution~~ shall set aside for interest and debt service fund from the income and revenues of the public utility a sum sufficient to comply with the requirements of the instrument creating the lien, or, if the instrument does not make any provision for it, the ordinance or resolution shall fix the amount which shall be set aside into a secured debt fund from month to month for interest on the secured debt, and a fixed amount or proportion not exceeding a stated sum, which shall be not less than ~~one percent~~ 1% of the principal, to be set aside into the fund to pay the principal of the debt. Any surplus after satisfying the debt may be transferred to the special redemption fund. Public utility bonds set aside for the debt may ~~from time to time~~ be issued to an

amount sufficient with the amount then in the debt service fund to pay and retire the debt or any portion of it; ~~the.~~ The bonds may be issued at not less than 95% of the par value in exchange for, or satisfaction of, the secured debt, or may be sold in the manner provided in this paragraph, and the proceeds applied in payment of the secured debt at maturity or before maturity by agreement with the holder. The governing body of a municipality and the owners of ~~any a~~ public utility acquired, purchased, leased, constructed, extended, added to or improved under this paragraph may, ~~upon such terms and conditions as are satisfactory,~~ contract that public utility bonds providing for the secured debt or for the whole purchase price shall be deposited with a trustee or depository and released from deposit ~~from time to time on the terms and conditions necessary~~ to secure the payment of the debt.

(k) ~~Any A~~ municipality purchasing, acquiring, leasing, constructing, extending, adding to or improving, conducting, controlling, operating or managing a public utility subject to a mortgage or deed of trust by the vendor or the vendor's predecessor in title to secure the payment of outstanding and unpaid bonds made by the vendor or the vendor's predecessor in title, may readjust, renew, consolidate or extend the obligation evidenced by the outstanding bonds and continue the lien of the mortgage, securing the ~~same mortgage~~ by issuing bonds to refund the outstanding mortgage or revenue bonds at or ~~prior to before~~ their maturity, ~~which. The refunding bonds shall be~~ are payable only out of a special redemption fund ~~to be created and set aside by ordinance or resolution under par. (e).~~ The refunding bonds shall be secured by a mortgage lien upon the public utility, and the municipality is ~~authorized to may~~ adopt all ordinances or resolutions and take all proceedings, following the procedure under this subsection. The lien ~~shall have~~ has the same priority on the public utility as the mortgage securing the outstanding bonds, unless otherwise expressly provided in the proceedings of the governing body of the municipality.

(L) 1. If the governing body of ~~any a~~ municipality, by ordinance or resolution, declares its intentions to authorize the issuance or sale of revenue bonds under this section, the governing body may, prior to issuance of the bonds and in anticipation of their sale, authorize the issuance of bond anticipation notes by the adoption of a resolution or ordinance. The notes shall be named "bond anticipation notes-". Bond anticipation notes may be issued for the purposes for which the municipality has authority to issue revenue bonds. The ordinance or resolution authorizing the bond anticipation notes shall state the purposes for which the bond anticipation notes are to be issued and shall set forth a covenant of the municipality to issue the revenue bonds in an amount sufficient to retire the outstanding bond anticipation notes. The ordinance or resolution may contain other covenants and pro-



visions, including a description of the terms of the revenue bonds to be issued. The municipality may pledge revenues of the public utility to payment of the principal and interest on the bond anticipation notes. Prior to issuance of the bond anticipation notes, the governing body may adopt an ordinance or resolution authorizing the revenue bonds.

2. Bond anticipation notes may be issued for periods of up to 5 years and may, by ordinance or resolution of the governing body of a municipality, be refunded one or more times, if the refunding bond anticipation notes do not exceed 5 years in term and if they will be paid within 10 years after the date of issuance of the original bond anticipation notes. Bond anticipation notes shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. These notes shall state the sources from which they are payable. Bond anticipation notes are not an indebtedness of the municipality issuing them, and no lien may be created or attached with respect to any property of the municipality as a consequence of the issuance of ~~such the~~ notes.

3. Any funds derived from the issuance and sale of revenue bonds under this section and issued subsequent to the execution and sale of bond anticipation notes shall constitute a trust fund, and ~~such the~~ fund shall be expended first for the payment of principal and interest of ~~such the~~ bond anticipation notes, and then may be expended for ~~such other purposes as are~~ set forth in the ordinance or resolution authorizing the revenue bonds. No bond anticipation notes may be issued unless a financial officer of the municipality certifies to the governing body of the municipality that contracts with respect to additions, improvements and extensions are to be let and that the proceeds of ~~such the~~ notes shall be are required for the payment of ~~such the~~ contracts.

4. Following the issuance of the bond anticipation notes, revenues of the public utility may be paid into a fund to pay principal and interest on the bond anticipation notes, which moneys or any part of them may, by the ordinance or resolution authorizing the issuance of bond anticipation notes, be pledged for the payment of the principal of and interest on ~~such the~~ notes. The ordinance or resolution shall pledge to the payment of the principal of the notes the proceeds of the sale of the revenue bonds in anticipation of the sale of which the notes were authorized to be issued and may provide for use of revenue of the public utility or other available funds for payment of principal on the notes. The notes ~~shall constitute~~ are negotiable instruments.

6. Any A municipality authorized to issue or sell bond anticipation notes under this paragraph may, in addition to the revenue sources or bond proceeds, appropriate funds out of its annual tax levy for the payment of ~~such the~~ notes. The payment of ~~such the~~ notes out of funds from a tax levy ~~shall is not be construed as consti-~~

~~tuting~~ an obligation of ~~such the~~ municipality to make any other ~~such~~ appropriation.

7. ~~Such bond~~ Bond anticipation notes shall constitute are a legal form of investment for municipal funds under s. 66.04 (2) ~~66.0605 (1)~~.

(5) Any A municipality which may own, purchase, acquire, lease, construct, extend, add to, improve, conduct, control, operate or manage any public utility may ~~also~~, by action of its governing body, in lieu of issuing bonds or levying taxes and in addition to any other lawful methods of paying obligations, provide for or secure the payment of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility by pledging, assigning or otherwise hypothecating, shares of stock evidencing a controlling interest ~~therein in a public utility~~, or the net earnings or profits derived, or to be derived, from the operation of the public utility. The municipality may enter into the contracts and may mortgage the public utility and issue obligations to carry out this subsection. ~~Any A~~ municipality may issue additional obligations under this subsection ~~or elsewhere in this section~~, but those obligations shall be are subordinate to all prior obligations, except that the municipality may in the ordinance or resolution authorizing obligations under this subsection permit the issue of additional obligations on a parity with those previously issued.

**SECTION 178.** 66.067 of the statutes is repealed.

NOTE: Repeals s. 66.067, relating to permissible public works projects, since the substance of the section has been incorporated into s. 66.0621 (1) (b).

**SECTION 179.** 66.068 (title) of the statutes is renumbered 66.0805 (title) and amended to read:

**66.0805 (title) Management of municipal public utility by commission.**

**SECTION 180.** 66.068 (1) of the statutes is repealed.

NOTE: The repealed subsection is restated as s. 66.0805 (1), created by SECTION 236.

**SECTION 181.** 66.068 (2) to (4) of the statutes are renumbered 66.0805 (2) to (4), and 66.0805 (3) and (4), as renumbered, are amended to read:

66.0805 (3) The ~~commissioners~~ commission shall choose ~~from among their number~~ a president and a secretary. ~~They from its membership. The commission may appoint and establish the compensation of a manager. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of such subordinates as shall be necessary. They The commission may make rules for their own its proceedings and for the government of their the department. They The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.~~

NOTE: The 2nd sentence restates a portion of s. 66.068 (1), repealed by SECTION 180.

(4) ~~(a) It may be provided~~ The governing body of the city, village or town may provide that departmental expenditures be audited by ~~such the~~ the commission, and if approved by the president and secretary of the commission, be paid by the city, village or town clerk and treasurer as provided by s. ~~66.042~~ 66.0607; that the utility receipts be paid to a bonded cashier ~~or cashiers~~ appointed by the commission, to be turned over to the city, village or town treasurer at least once a month; and that the commission have ~~such~~ designated general powers in the construction, extension, improvement and operation of the utility as ~~shall be designated~~. Where in any municipality, Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

(b) If water mains have been installed or extended in a municipality and the cost thereof of installation or extension has been in some instances assessed against the abutting owners and in other instances paid by the municipality or any a utility therein, it may be provided by the governing body of such the municipality may provide that all persons who paid any such the assessment against any lot or parcel of land may be reimbursed the amount of such the assessment regardless of when such assessment was made or paid. Such reimbursement Reimbursement may be made from such funds or earnings of said the municipal utility or from such funds of the municipality as the governing body determines.

NOTE: The new sentence at the end of par. (a) restates s. 66.068 (5), repealed by SECTION 182.

**SECTION 182.** 66.068 (5) of the statutes is repealed.

NOTE: The repealed provision is restated in renumbered s. 66.0805 (4) (a). See SECTION 181.

**SECTION 183.** 66.068 (6) and (7) of the statutes are renumbered 66.0805 (5) and (6) and amended to read:

66.0805 (5) Two or more public utilities acquired as a single enterprise ~~hereunder~~ may be operated under this section as a single enterprise.

(6) In a 2nd, 3rd or 4th class city, a village or a town, the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission ~~above~~ provided for in this section.

**SECTION 184.** 66.069 (title) of the statutes is renumbered 66.0809 (title) and amended to read:

**66.0809** (title) ~~Charges; outside services~~ Municipal public utility charges.

**SECTION 185.** 66.069 (1) (title) of the statutes is repealed.

**SECTION 186.** 66.069 (1) (a) to (bn) of the statutes are renumbered 66.0809 (1) to (5), and 66.0809 (1), (2), (3), (4) (intro.) and (a) and (5) (a) (intro.) and (b) to (d), as renumbered, are amended to read:

66.0809 (1) Except as provided in ~~par. (am) sub. (2)~~, the governing body of any a town, village or city operating a public utility may, by ordinance, fix the initial rates

and shall provide for this collection monthly, bimonthly or quarterly in advance or otherwise. The rates shall be uniform for like service in all parts of the municipality and shall include the cost of fluorinating the water. The rates may ~~also~~ include standby charges to property not connected but for which ~~such~~ public utility facilities have been made available. The charges shall be collected by the treasurer or other officer or employe designated by the city, village or town.

NOTE: Authorizes, as an alternative to the treasurer collecting utility charges, a city, village or town to designate another officer to collect the charges. Apparently, in a number of municipalities, utility commissions have their own bonded clerk collect charges.

(2) If, on June 21, 1996, it is the practice of a governing body of a town, village or city operating a public utility to collect utility service charges using a billing period other than one permitted under ~~par. (a) sub. (1)~~, the governing body may continue to collect utility service charges using that billing period.

(3) Except as provided in ~~pars. (bg) and (bn) subs. (4) and (5)~~, on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by any a town, city or village and payment for which is owing and in arrears at the time of giving ~~such the~~ notice. The department in charge of the utility shall furnish the treasurer with a list of ~~all such the~~ lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer, unless the governing body of the city, village or town ~~shall authorize such~~ authorizes notice to be given directly by the department. ~~Such The~~ notice shall be in writing and shall state the amount of ~~such~~ arrears, including any penalty assessed pursuant to the rules of ~~such the~~ utility; that unless the same amount is paid by November 1 ~~thereafter~~ a penalty of ~~40%~~ 10% of the amount of ~~such~~ arrears will be added ~~thereto~~; and that unless ~~such the~~ arrears, with any ~~such~~ added penalty, ~~shall be are~~ paid by November 15 ~~thereafter~~, the same arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent ~~as above specified~~. ~~Such The~~ notice may be served by delivery to either ~~such the~~ owner or occupant personally, or by letter addressed to ~~such the~~ owner or occupant at the post-office address of ~~such the~~ lot or parcel of real estate. On November 16 the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description ~~thereof, to the owners or occupants of, for~~ which notice of arrears ~~in payment were was~~ given as ~~above specified~~ and ~~for~~ which arrears still remain unpaid, and stating the amount of ~~such~~ arrears ~~together with the added and~~ penalty ~~thereon as herein provided~~. Each ~~such~~ delinquent amount, including ~~such the~~ penalty, ~~shall thereupon~~

become becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the same delinquent amount and penalty as a tax against such the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said the tax if the same it is not paid within the time required by law for payment of taxes upon real estate. Under this paragraph subsection, if an arrearage is for utility service furnished and metered by the utility directly to a mobile home unit in a licensed mobile home park, the notice shall be given to the owner of the mobile home unit and the delinquent amount shall become becomes a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2). This paragraph subsection does not apply to arrearages collected using the procedure under s. ~~66.60 (16)~~ 66.0627.

(4) (intro.) A municipal utility may use the procedures under par. (b) sub. (3) to collect arrearages for electric service only if one of the following applies:

(a) The municipality has enacted an ordinance that authorizes the use of the procedures under par. (b) sub. (3) for the collection of arrearages for electric service provided by the municipal utility.

(5) (a) (intro.) This paragraph subsection applies only if all of the following conditions are met:

(b) If this paragraph subsection applies, a municipal public utility may use par. (b) sub. (3) to collect arrearages incurred after the owner of a rental dwelling unit has provided the utility with written notice under subd. 1, par. (a) only if the municipality complies with at least one of the following:

1. In order to comply with this subd. 2, a, subdivision, a municipal public utility shall send bills for water or electric service to a customer who is a tenant in the tenant's own name. Each time that a municipal public utility notifies a customer who is a tenant that charges for water or electric service provided by the utility to the customer are past due for more than one billing cycle, the utility shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past-due notices to the customer at his or her forwarding address until the past-due charges are paid or until notice has been provided under par. (b) sub. (3).

2. In order to comply with this subd. 2, b, subdivision, if a customer who is a tenant has charges for water or elec-

tric service provided by the utility that are past due, the municipal public utility shall serve notice of the past-due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges became past due. The municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

(c) A municipal public utility may demonstrate compliance with the notice requirements of subd. 2, a, or b, par. (b) 1, or 2, by providing evidence of having sent the notice by U.S. mail.

(d) If this paragraph subsection applies and a municipal public utility is permitted to collect arrearages under par. (b) sub. (3), the municipal public utility shall provide all notices under par. (b) sub. (3) to the owner of the property.

**SECTION 187.** 66.069 (1) (c) and (d) of the statutes are renumbered 66.0811 (2) and (3) and amended to read:

66.0811 (2) The income of a municipal public utility owned by a municipality, shall first be used to make payments to meet operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements or indebtedness. Beginning with taxes levied in 1995, payable in 1996, payments for local and school tax equivalents shall at least be equal to the payment made on the property for taxes levied in 1994, payable in 1995, unless a lower payment is authorized by the governing body of the municipality. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acquisition of the utility, ~~or~~; bonds issued by the United States or any municipal corporation of this state, ~~or~~; insurance upon the life of an officer or manager of such the utility; ~~or~~; or may be paid into the general fund.

(3) Any A city, town or village may use funds derived from its water plant above such as are necessary to meet operation, maintenance, depreciation, interest and debt service funds; ~~or~~; new construction or equipment or other indebtedness; for sewerage construction work other than such as that which is chargeable against abutting property; ~~or they may turn such the funds may be placed~~ into the general fund to be used for general city purposes; ~~or may place such funds~~ in a special fund to be used for special municipal purposes.

**SECTION 188.** 66.069 (1) (e) of the statutes is renumbered 66.0811 (1) and amended to read:

66.0811 (1) Any A city, village or town owning a public utility shall be is entitled to the same rate of return as permitted for privately owned utilities.

**SECTION 189.** 66.069 (2) of the statutes is renumbered 66.0813, and 66.0813 (1), (2), (3) (a), (5) and (6), as renumbered, are amended to read:

66.0813 (1) Any A town, town sanitary district, village or city owning water, light or power plant or equipment may serve persons or places outside its corporate limits, including adjoining municipalities not owning or

operating a similar utility, and may interconnect with another municipality, whether contiguous or not, and for ~~such~~ these purposes may use equipment owned by ~~such~~ the other municipality.

(2) ~~So much of such plant~~ Plant or equipment, except water plant or equipment or interconnection property in any municipality so interconnected, ~~as shall be~~ situated in another municipality ~~shall be~~ is taxable in ~~such~~ the other municipality pursuant to under s. 76.28.

(3) (a) Notwithstanding s. 196.58 (5), ~~each a~~ city, village or town may by ordinance fix the limits of ~~such~~ util- ity service in unincorporated areas. ~~Such~~ The ordinance shall delineate the area within which service will be provided and the municipal utility ~~shall have~~ has no obligation to serve beyond the ~~area so~~ delineated. ~~Such~~ area. The delineated area may be enlarged by a subsequent ordinance. No ~~such~~ ordinance ~~shall be~~ under this para- graph is effective to limit any obligation to serve ~~which may have~~ that existed at the time that the ordinance was adopted.

(5) An agreement under ~~par. (d)~~ sub. (4) under which a city or village agrees to furnish sewerage service to a prison, which is located in an area ~~which~~ that has been incorporated since that agreement was made, may be amended to provide that the city or village will also furnish water service to the prison. An agreement amended under this ~~paragraph~~ subsection fixes the nature and geographical limits of the water and sewer service unless altered by a change in the agreement, notwithstanding s. 196.58 (5). A change in use or ownership of property included under an agreement amended under this ~~para-~~ graph subsection does not alter the terms and limitations of that agreement.

(6) ~~Any~~ A town, village or city owning a public utility, or the board of any municipal public utility appointed under s. ~~66.068~~ 66.0805, may enter into agreements with any other ~~such~~ towns, villages or cities owning public uti- lities, or any other ~~such~~ boards of municipal public utilities, for mutual aid in the event of an emergency or disaster in any of their respective service areas. ~~Such~~ The agreements may include, ~~but are not limited to~~, provisions for the movement of employes and equipment in and between the service areas of the ~~various~~ participating municipalities for the purpose of rendering ~~such~~ aid and, for the reimbursement of a municipality rendering ~~such~~ aid by the municipality receiving the aid.

**SECTION 190.** 66.07 of the statutes is renumbered 66.0817, and 66.0817 (intro.) and (1) to (6), as renumbered, are amended to read:

**66.0817 Sale or lease of municipal public utility plant.** (intro.) ~~Any~~ A town, village or city may sell or lease any complete public utility plant owned by it, in ~~manner~~ the following manner:

(1) A preliminary agreement with the prospective purchaser or lessee shall be authorized by a resolution or ordinance containing a summary of the terms proposed,

of the disposition to be made of the proceeds, and of the provisions to be made for the protection of holders of obligations against ~~such~~ the plant or against the municipality on account ~~thereof~~. ~~Such of the plant.~~ The resolution or ordinance shall be published at least one week before adoption, as a class 1 notice, under ch. 985. ~~If~~ The resolution or ordinance may be adopted only at a regular meeting and by a majority of all the members of the governing body.

(2) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the department of transportation or public service commission ~~shall be larger~~ is greater, the price shall be that fixed by the department or commission.

(3) The municipality shall submit the preliminary agreement when executed to the department of transportation or public service commission, which shall determine whether the interests of the municipality and ~~of the~~ its residents ~~thereof~~ will be best served by the sale or lease, and if it so determines, shall fix the price and other terms.

(4) ~~The~~ After the price and other terms are fixed under sub. (3), the proposal shall ~~then~~ be submitted to the electors of the municipality. The notice of the referendum shall include a description of the plant, and a summary of the preliminary agreement, and of the price and terms as fixed by the department of transportation or public service commission. If a majority voting on the question ~~shall vote~~ votes for the sale or lease, the board or council ~~shall be authorized to~~ may consummate the ~~same~~ sale or lease, upon the terms and at a price not less than fixed by the department of transportation or public service commission, with the proposed purchaser or lessee or any other with whom better terms approved by the department of transportation or public service commission can be made.

(5) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the department of transportation or public service commission, the proceedings ~~shall be~~ are void.

(6) If the municipality has revenue or mortgage bonds outstanding relating to ~~such~~ the utility plant and which by their terms may not be redeemed concurrently with the sale or lease transaction, an escrow fund with a domestic bank as trustee may be established for the purpose of holding, administering and distributing ~~such~~ that portion of the sales or lease proceeds ~~as may be~~ necessary to cover the payment of the principal, any redemption premium and interest which will accrue on the principal through the earliest retirement date of the bonds. During the period of the escrow arrangement ~~such~~ the funds may be invested in securities or other investments as described in s. 201.25 (1) (a), (b), ~~(dm)~~ and (j), 1969 ~~stats., and in deposits or certificates of deposit with any state or national bank doing business in this state~~ 66.0603 (1).

NOTE: 1. The references in sub. (1) to "resolution or ordinance" are affected by the treatment of s. 66.06 by SECTIONS 163 and 235, which delete the current provision that the phrase "resolution or ordinance", when used in specified sections, means "ordinance" only. Thus, the references to "resolution or ordinance" in sub. (1) will now include either kind of action, not just "ordinance".

2. Revises, in sub. (6), the cross-reference to permitted investments in sub. (6) by replacing the reference to the 1969 statutes with the current provision setting forth authorized investments by municipalities.

**SECTION 191.** Subchapter VII (title) of chapter 66 [precedes 66.0701] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER VII**  
**SPECIAL ASSESSMENTS**

**SECTION 192.** 66.0707 (2) of the statutes is created to read:

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

NOTE: Expands the scope of s. 66.65, renumbered s. 66.0707, to include special charges. Currently, the provision is limited to special assessments against property in an adjacent city, village or town that abuts and benefits from a public work or improvement. See SECTIONS 550 and 551 of this bill.

**SECTION 193.** 66.0709 (title) of the statutes is created to read:

**66.0709 (title) Preliminary payment of improvements funded by special assessments.**

**SECTION 194.** 66.0709 (1) of the statutes is created to read:

66.0709 (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

**SECTION 195.** 66.071 (title) of the statutes is renumbered 62.69 (title).

**SECTION 196.** 66.071 (intro.) of the statutes is repealed.

NOTE: The repealed provision is restated as s. 62.69 (1). See SECTION 16 of this bill.

**SECTION 197.** 66.071 (1) (title) of the statutes is renumbered 62.69 (2) (title).

**SECTION 198.** 66.071 (1) (a) of the statutes is renumbered 62.69 (2) (c) and amended to read:

62.69 (2) (c) Water rates shall be collected in the manner and by any one whom the common council may ~~from time to time determine~~ determines, and shall be accounted for and paid to such ~~the~~ other officials in such

the manner and at such the times as that the council may from time to time prescribe. ~~Such persons prescribes.~~ Persons collecting water rates shall give a bond to cover all the duties in such an amount as may be prescribed by the council. Final accounting shall be made to the comptroller and final disposition of money shall be made to the city treasurer.

**SECTION 199.** 66.071 (1) (b) of the statutes is renumbered 62.69 (2) (a) and amended to read:

62.69 (2) (a) ~~The words In this subsection, "commissioner of public works" in sub. (1) shall be construed to mean and have reference to includes any board of public works, or commissioner of public works, or other officer of any the city having control of the city's public works therein, and all acts authorized to be done by such commissioner except for the enforcement of regulations approved by the council shall require the approval of the council before they shall have any force or effect.~~

**SECTION 200.** 66.071 (1) (c) to (j) of the statutes are renumbered 62.69 (2) (d) to (L), and 62.69 (2) (e), (f), (g) 2. (intro.) and a., (h) and (k), as renumbered, are amended to read:

62.69 (2) (e) Water rates ~~shall be~~ are due and payable upon ~~such date or dates as the common council may provide by regulation~~ provides. To all water rates remaining unpaid 20 days ~~thereafter~~ after the due date, there shall be added a penalty of ~~5 per cent~~ 5% of the amount of ~~such rates due~~, and if ~~such the rates shall remain unpaid for 10 days thereafter~~ additional days, water may be turned off the premises, ~~subject to the payment of such delinquent rates, and in such cases where.~~ If the supply of water is turned off as ~~above provided~~, water shall may not be ~~again~~ turned on to ~~said the premises until all delinquent rates and penalties, and a sum not exceeding \$2 as provided for by regulation for turning the water off and on, shall have been~~ are paid. The ~~same~~ penalty and charge may be made when payment is made to a collector sent to the premises. On or before ~~each day when such the date on which~~ rates become due and payable as aforesaid, a written or printed notice or bill shall be mailed or personally delivered to the occupant or, upon written request, to the owner ~~wherever the~~ at the location the owner shall state states, of all premises subject to the payment of water rates, stating the amount due, the time when and the place where ~~such the rates can be paid, and~~ the penalty for neglect of payment.

(f) All water rates for water furnished to any building or premises, and the cost of repairing meters, service pipes, stops or stop boxes, ~~shall be~~ are a lien on the lot, part of lot or parcel of land on which ~~such the building or premises shall be situated~~ is located. If any water rates or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on ~~the first day of October, in any year~~ 1, the ~~same~~ unpaid rates or bills shall be certified to the city comptroller of ~~such city~~ on or before the first

day of November next following 1, and shall be placed by the comptroller upon the tax roll and collected in the same manner as other taxes on real estate are collected in said the city. The charge for water supplied by the city in all premises where meters are attached and connected, shall be at rates fixed by the commissioner of public works and for the quantity indicated by the meter. If ~~in any case~~, the commissioner of public works ~~shall determine~~ determines that the quantity indicated by the meter is materially incorrect or if a meter has been off temporarily ~~on account of due to~~ repairs, the commissioner of public works shall ~~determine in the best manner in the commissioner's power~~ estimate the quantity used, and ~~such determination shall be~~ the determination is conclusive. No water rate or rates duly assessed against any property shall may be thereafter remitted or changed except by the common council of ~~such city~~. Under this paragraph, if an unpaid charge or bill is for utility service furnished and metered by the waterworks directly to a mobile home unit in a licensed mobile home park, the delinquent amount ~~shall become~~ is a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).

(g) 2. (intro.) If this paragraph applies, the commissioner of public works may use par. (e) ~~(f)~~ to collect unpaid charges and bills incurred after the owner of a rental dwelling unit has provided the commissioner of public works with written notice under subd. 1. only if the commissioner of public works complies with at least one of the following:

a. In order to comply with this subd. 2. a., the commissioner of public works shall send bills for water service to a customer who is a tenant in the tenant's own name. Each time that a commissioner of public works notifies a customer who is a tenant that charges for water service provided by the waterworks to the customer are past due for more than one billing cycle, the commissioner of public works shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in s. 801.14 (2). If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the commissioner of public works, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a sworn affidavit that contains a forwarding address for the tenant, the date that the tenant vacated the rental dwelling unit and a meter reading reflecting the service for which the tenant is responsible, the commissioner of public works shall continue to send past-due notices to the customer at his or her forwarding address until the past-due charges are paid or until the past-due charges have been certified to the comptroller under par. (e) ~~(f)~~.

(h) The city commissioner of public works of a city may issue a permit to the county in which ~~it~~ the city is located, to any national home for disabled soldiers, or to

any other applicant to obtain water from the city's water system for use outside of the limits of the city; and for that purpose to connect any pipe that is laid outside of the city limits with water pipe in the city. No permit may be issued until the applicant files with the commissioner of public works a bond in ~~such the~~ sum and with ~~such the~~ surety as that the commissioner shall approve, ~~conditioned~~ approves on the condition: that the applicant will obey the rules and regulations prescribed by the commissioner of public works for the use of the water; that the applicant will pay all charges fixed by the commissioner for the use of the water as measured by a meter to be approved by the commissioner, ~~which charges shall include~~ including the proportionate cost of fluoridating the water and, except as to water furnished directly to county or other municipal properties, shall ~~which may~~ not be less than one-quarter more than those charged to the inhabitants of the city for like use of water; that the applicant will pay to the city a water pipe assessment if the property to be supplied with water has frontage on any thoroughfare forming the city boundary line in which a water main has been or shall be laid, and at the rate prescribed by the commissioner of public works; if the property to be supplied does not front on a city boundary but is distant ~~therefrom~~ from a boundary, that a main pipe of the same size, class and standard as terminates at the city boundary shall be extended, and the entire cost shall be paid by the applicant for the extension; that the water main shall be laid according to city specifications and under city inspection; that the water main and appliances shall become the ~~absolute~~ property of the city, without any compensation ~~therefor~~, whenever for the main or appliances, if the property supplied with water by the extension or any part thereof shall be of the property is annexed to or in any manner ~~become~~ becomes a part of the city; and that the applicant will pay to the city all damages ~~whatever that it may sustain~~ sustains, arising in any way out of the manner in which the connection is made or water supply is used. In ~~ease of~~ granting a permit to ~~any a~~ county or to ~~any a~~ national home for disabled soldiers, the commissioner of public works may waive the giving of a bond. Every permit shall be issued upon the understanding that the city ~~shall in no event ever be~~ is not liable for any damage in case of failure to supply water by reason of any condition beyond its control.

(k) The commissioner of public works may also make rules and regulations for the proper ventilating and trapping of all drains, soil pipes and fixtures ~~hereafter~~ constructed to connect with or be used in connection with the sewerage or water supply of the city. The common council may provide by ordinance for the enforcement of ~~such the~~ rules and regulations, and ~~may prescribe proper~~ including penalties and punishment for disobedience of ~~the same~~. The commissioner of public works may also make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in ~~said the city, which here-~~

after shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and. The commissioner may prohibit the introduction into any building of any style of water fixture, tap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the The commissioner of public works shall require a rigid inspection by a skilled and competent inspector under the direction of the commissioner of public works of all plumbing and draining work and water and sewer connections, hereafter done or made in any building in the city, and unless the same work and connections are done or made according to rules of the commissioner of public works, and approved by the commissioner of public works, no connection of the premises with the city sewerage or water supply shall be allowed may be made.

**SECTION 201.** 66.071 (2) of the statutes is renumbered 62.69 (3) and amended to read:

62.69 (3) UTILITY DIRECTORS. (a) ~~The term~~ In this subsection, "electric plant" as used in this section shall mean means a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

(b) If the city ~~shall have determined~~ decides to acquire an electric plant or any other public utility in accordance with the provisions of this section, the mayor of such city, prior to the city taking possession of such the property, shall appoint, subject to the confirmation of the council, 7 persons of recognized business experience and standing to act as the board of directors for such the utility. Two of such persons shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a term of 6 years, and one for a term of 8 years. ~~Thereafter successors~~ Successors shall be appointed ~~in like manner~~ for terms of 10 years each. ~~Any such~~ A director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

(c) ~~The Utility directors so appointed shall have power to~~ may employ a manager experienced in the management of electric plants or other like public utilities and, fix his or her compensation and the other terms and conditions of employment and to remove him or her at pleasure, subject to the terms and conditions of his or her employment; advise and consult with the manager and other employes as to any matter pertaining to maintenance, operation or extension of such the utility; and perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under ch. 180 not inconsistent with this section and the laws governing 1st class cities. No money shall may be raised or authorized to be raised by ~~said the~~ board of directors other than from revenues derived from the operation of the utility, except by action of the council.

(d) The manager appointed by the board of directors shall ~~have complete management and control of~~ may manage and control the utility, subject to the powers ~~herein~~ conferred upon the board of directors and the council under this subsection and shall ~~have power to~~ may appoint assistants and all other employes which the manager ~~deems~~ considers necessary and fix their compensation and other terms and conditions of employment, except that the board of directors may prescribe rules for determining the fitness of persons for positions and employment.

(e) The council shall fix the compensation, if any, of members of the board of directors and ~~shall have the powers herein conferred upon it and such~~ has other powers as it now possesses with reference to electric plants and other public utilities.

**SECTION 202.** 66.0711 (1) of the statutes is created to read:

66.0711 (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

**SECTION 203.** 66.0713 (10) (title) of the statutes is created to read:

66.0713 (10) (title) LEGALITY OF PROCEEDINGS; CONCLUSIVE EVIDENCE.

**SECTION 204.** 66.0715 (title) of the statutes is created to read:

**66.0715** (title) **Deferral of special assessments; payment of special assessments in instalments.**

**SECTION 205.** 66.0715 (1) of the statutes is created to read:

66.0715 (1) DEFINITIONS. In this section:

(a) "Governing body" has the meaning given in s. 66.0713 (1) (b).

(b) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(c) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

**SECTION 206.** 66.0719 (1) of the statutes is created to read:

66.0719 (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

**SECTION 207.** 66.072 of the statutes is renumbered 66.0827, and 66.0827 (2) to (4), (5) (a) and (b) and (6), as renumbered, are amended to read:

66.0827 (2) The fund of each utility district shall be provided by taxation of the property in such the district, upon an annual estimate by the department in charge of public works in cities and villages, and by the town chair-

person in towns, filed by October 1. Separate account shall be kept of each district fund.

(3) In towns a majority vote and in villages and cities a three-fourths vote of all the members of the governing body shall be ~~is~~ required to ~~thus~~ establish utility districts and by a like vote districts may be vacated, altered, or consolidated, vacate, alter or consolidate a utility district.

(4) Before the vote is effective to establish, vacate, alter or consolidate a utility district, a hearing shall be held as provided in s. ~~66.60 (7)~~ 66.0703 (7) (a). In towns the notice may be given by posting in 3 public places in ~~said~~ the town, one of which shall be in the proposed district, at least 2 weeks prior to ~~such~~ the hearing.

(5) (a) ~~When any~~ If a town board establishes a utility district under this section the board may also, if a town sanitary district is in existence for the town, dissolve ~~said~~ the sanitary district ~~in which case~~. If the sanitary district is dissolved, all assets, liabilities and functions of the sanitary district shall be taken over by the utility district.

(b) All functions performed by a sanitary district and assumed by a utility district under this subsection shall remain subject to regulation by the public service commission as if no transfer had occurred.

(6) ~~Whenever~~ If a municipality, within which a utility district is located, is consolidated with another municipality which provides the same or similar services for which the district was established, but on a municipality-wide basis rather than on a utility district basis as provided in this section, the fund of the utility district shall ~~become~~ becomes part of the general fund of the consolidated municipality; ~~thereupon said~~ and the utility district shall be ~~abolished~~ terminates. This section shall also ~~apply~~ applies to consolidations completed prior to, on and after June 30, 1965.

**SECTION 208.** 66.0721 (title) of the statutes is created to read:

**66.0721** (title) **Special assessments on certain farmland for construction of sewerage or water system.**

**SECTION 209.** 66.0727 (4) of the statutes is created to read:

66.0727 (4) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

NOTE: Restates s. 66.699, which is repealed by SECTION 561.

**SECTION 210.** 66.0729 (6) of the statutes is created to read:

66.0729 (6) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

NOTE: Restates s. 66.699, which is repealed by SECTION 561.

**SECTION 211.** 66.073 of the statutes is renumbered 66.0825, and 66.0825 (2), (3) (f), (g) and (h), (4) (a), (5) (b), (c), (e), (f) and (i), (6) (intro.), (a), (f), (g), (h) and (o), (7), (8) (a) 3. and 4., (b) and (c), (9), (10), (11), (12), (13) (intro.), (b), (d), (e), (g), (j), (k), (L), (m), (n) and (o), (14), (15), (16) (b), (17) and (18), as renumbered, are amended to read:

66.0825 (2) FINDING AND DECLARATION OF NECESSITY. It is declared that the operation of electric utility systems by municipalities of this state and the improvement of the systems through joint action in the fields of the generation, transmission and distribution of electric power and energy is are in the public interest; that there is a need in order to ensure the stability and continued viability of the municipal systems to provide for a means by which municipalities which operate the systems may act jointly in all ways possible, including development of coordinated bulk power and fuel supply programs and efficient, community-based energy systems; and that, the necessity in the public interest for the provisions ~~hereinafter~~ enacted in this section is declared as a matter of legislative determination.

(3) (f) "Person" means a natural person, a public agency, cooperative or private corporation, limited liability company, association, firm, partnership, or business trust of any nature ~~whatsoever~~, organized and existing under the laws of any state or of the United States.

(g) "Project" means any plant, works, system, facilities, and real and personal property of any nature ~~whatsoever~~, together with all parts ~~thereof~~, and appurtenances ~~thereto~~, used or useful in the generation, production, transmission, distribution, purchase, sale, exchange, or interchange of electric power and energy, or any interest ~~therein~~ or right to capacity ~~thereof~~ and the acquisition of fuel of any kind for ~~any such~~ these purposes, including, ~~but not limited to~~, the acquisition of fuel deposits and the acquisition or construction and operation of facilities for extracting fuel from natural deposits, for converting it for use in another form, for burning it in place, for transportation, storage and reprocessing or for any energy conservation measure which involves public education or the actual fitting and application of a device.

(h) "Public agency" means any municipality or other municipal corporation, political subdivision, governmental unit, or public corporation created under the laws of this state or of another state or of the United States, and any state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality ~~thereof~~ of the state or the United States.

(4) (a) Any combination of municipalities of the state which ~~operate~~ operates facilities for the generation or, transmission or distribution of electric power and energy may, by contract with each other, establish a separate



governmental entity to be known as a municipal electric company to be used by ~~such the~~ contracting municipalities to effect joint development of electric energy resources or production, distribution and transmission of electric power and energy in whole or in part for the benefit of the contracting municipalities. The municipalities party to the contract may amend the contract as provided ~~therein in the contract.~~

(5) (b) The establishment and organization of a governing body of the company which shall be a board of directors in which all powers of the company are vested. The contract may provide for the creation by the board of an executive committee of the board to which the powers and duties may be delegated as the board ~~shall specify~~ specifies.

(c) The number of directors, the manner of their appointment, terms of office and compensation, if any, and the procedure for filling vacancies on the board. Each contracting municipality ~~shall have the power to~~ may appoint one member to the board of directors and ~~shall be entitled to~~ may remove that member at will.

(e) The voting requirements for action by the board; ~~but, unless.~~ Unless specifically provided otherwise, a majority of directors ~~shall constitute~~ constitutes a quorum and a majority of the quorum ~~shall be is~~ necessary for any action taken by the board.

(f) The duties of the board which shall include the obligation to comply ~~or to cause compliance~~ with this section and the laws of the state and ~~in addition,~~ with each ~~and every~~ term, provision and covenant in the contract creating the company on its part to be kept or performed.

(i) The term of the contract, which may be a definite period or until rescinded or terminated, and the method, if any, by which the contract may be rescinded or terminated, ~~but that the.~~ The contract may not be rescinded or terminated ~~so long as~~ while the company has bonds outstanding, unless provision for full payment of ~~such the~~ bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security instrument securing the bonds.

(6) POWERS. (intro.) The general powers of an electric company ~~shall~~ include the power to:

(a) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects within or outside the state and act as agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of ~~such the~~ project.

(f) Contract with any person or public agency within or outside the state, for the construction of any project or for the sale or transmission of electric power and energy generated by any project, or for any interest ~~therein in a~~ project or any right to capacity ~~thereof of a project,~~ on

~~such the~~ terms and for ~~such the~~ period of time as ~~that~~ its board of directors ~~shall determine~~ determines.

(g) Purchase, sell, exchange, transmit or distribute electric power and energy within and outside the state in ~~such the~~ amounts as ~~it shall determine to be~~ necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person or public agency with respect to ~~such the~~ purchase, sale, exchange, or transmission, on ~~such the~~ terms and for ~~such the~~ period of time as ~~that~~ its board of directors ~~shall determine~~ determines. A company may not sell power and energy at retail unless requested to do so by a municipal member within the service area of that municipal member.

(h) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest ~~therein in any real or personal property, commodity or service,~~ subject to s. 182.017 (7).

(o) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in ~~such~~ obligations, securities and other investments as ~~that~~ the company deems proper.

(7) PUBLIC CHARACTER. An electric company established by contract under this section ~~shall constitute~~ constitutes a political subdivision and body public and corporate of the state, exercising public powers, separate from the contracting municipalities. It ~~shall have~~ has the duties, privileges, immunities, rights, liabilities and disabilities of a public body politic and corporate but ~~shall~~ does not have taxing power.

(8) (a) 3. Purchase agreements entered into under subd. 2. may, in addition to the provisions authorized under subd. 2., contain other terms and conditions that the company and the purchasers determine, including provisions ~~whereby~~ obligating the purchaser ~~is obligated~~ to pay for power irrespective of whether energy is produced or delivered to the purchaser or whether any project contemplated by any ~~such~~ agreement under subd. 2. is completed, operable or operating, and notwithstanding suspension, interruption, interference, reduction or curtailment of the output of ~~such the~~ project.

4. Purchase agreements entered into under subd. 2. may be for a term covering the life of a project or for any other term, or for an indefinite period. The contract created under sub. (5) or a purchase agreement may provide that if one or more of the purchasers defaults in the payment of its obligations under a purchase agreement, the remaining purchasers which also have purchase agreements shall ~~be required to~~ accept and pay for and ~~shall be~~ are entitled proportionately to use or otherwise

dispose of the power and energy to be purchased by the defaulting purchaser.

(b) The obligations of a municipality under a purchase agreement with a company or arising out of the default by any other purchaser with respect to ~~such an a purchase agreement shall not be construed to constitute~~ are not debt of the municipality. To the extent provided in the purchase agreement, ~~such the~~ the obligations shall constitute special obligations of the municipality, payable solely from the revenues and other moneys derived by the municipality from its municipal electric utility and shall be treated as expenses of operating a municipal electric utility.

(c) The contract ~~also~~ may provide for payments in the form of contributions to defray the cost of any purpose set forth in the contract and as advances for any ~~such purpose in the contract~~ subject to repayment by the company.

(9) SALE OF EXCESS CAPACITY. (a) An electric company may sell or exchange, ~~to any other person or public agency,~~ excess power and energy produced or owned by it not required by any of the contracting municipalities for ~~such the~~ the consideration and for ~~such,~~ such period and upon ~~such terms and conditions as it may determine to any other person or public agency that it determines.~~

(b) Notwithstanding any other provision of this section or any other statute, nothing ~~shall prohibit~~ prohibits a company from undertaking any project in conjunction with or owning any project jointly with any person or public agency.

(10) REGULATION. An electric company created under this section ~~shall be deemed to be is~~ a "public utility" for purposes of ch. 196, except that the terms and conditions and the rates at which a company sells power and energy for resale ~~shall not be~~ are not subject to regulation or alteration by the public service commission.

(11) TYPES OF BONDS. (a) An electric company may issue such types of bonds as ~~it may determine it determines,~~ subject only to any agreement with the holders of particular bonds, including bonds as to which the principal and interest are payable exclusively from all or a portion of the revenues from one or more projects, ~~or~~ from one or more revenue producing contracts made by the company with any person or public agency, or from its revenues generally, or which may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency or other person, or a pledge of any income or revenues, funds, or moneys of the company from any source ~~whatsoever.~~

(b) A company may ~~from time to time~~ issue its bonds in ~~such principal amounts as~~ that the company deems necessary to provide sufficient funds to carry out any of its corporate purposes and powers, including the establishment or increase of reserves, interest accrued during construction of a project and for a period not exceeding one year after the completion of construction of a project, and the payment of all other costs or expenses of the com-

pany incident to and necessary or convenient to carry out its corporate purposes and powers.

(c) Neither the members of the board of directors of a company nor any person executing the bonds ~~shall be is~~ is liable personally on the bonds by reason of the issuance thereof ~~of the bonds.~~

(d) The bonds of an electric company ~~(, and such the~~ the bonds shall so state on their face) ~~shall, are~~ are not be a debt of the municipalities which are parties to the contract creating the company or of the state and neither the state nor any ~~such municipality shall be is~~ is liable ~~thereon on the~~ on the bonds nor in any event ~~shall such are the~~ are the bonds be payable out of any funds or properties other than those of the company.

(12) FORM AND SALE OF BONDS. (a) Bonds of an electric company shall be authorized by resolution of the board of directors and may be issued under ~~such the~~ the resolution or under a trust indenture or other security instrument in one or more series and shall bear ~~such date of the~~ the dates, mature at ~~such time of the~~ the times, bear interest at ~~such rate of the~~ the rates, be in ~~such denomination of the~~ the denominations, be in the form of coupon bonds or registered bonds under s. 67.09, have ~~such the~~ the rank or priority, be executed in ~~such the~~ the manner, be payable in ~~such the~~ the medium of payment, at ~~such place of the~~ the places, and be subject to ~~such the~~ the terms of redemption, with or without premium, ~~as such that the~~ that the resolution, trust indenture or other security instrument ~~may provide~~ provides, and without limitation by the provisions of any other law limiting amounts, maturities or interest rates.

(b) The bonds may be sold at public or private sale as the company ~~may provide~~ provides and at ~~such price or the~~ the prices as ~~that the company shall determine~~ determines.

(c) ~~In case any of the officers whose signatures appear on any bonds or coupons shall cease~~ If an officer whose signature appears on a bond or coupon ceases to be such officers an officer before the delivery of such obligations, ~~such signatures shall, nevertheless, be the obligation, the signature is~~ valid and sufficient for all purposes, the same as if the officers officer had remained in office until ~~such~~ such delivery.

(13) COVENANTS. (intro.) The company ~~shall have power~~ may in connection with the issuance of its bonds ~~to:~~

(b) Redeem the bonds, ~~to~~ covenant for their redemption and ~~to~~ provide the terms and conditions ~~thereof of the~~ redemption.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any ~~or all~~ of its bonds ~~shall~~ become or may be declared due before maturity, as to the terms and conditions upon which ~~such the~~ the declaration and its consequences may be waived and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of or the grant of a security interest in any real or personal property and all or any part of the revenues from any project or projects or any revenue producing contract or contracts made by the company with any person or public agency to secure the payment of bonds, subject to ~~such existing~~ existing agreements with the holders of bonds ~~as may then exist~~.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds ~~then or thereafter to be issued~~ may be applied, and the pledge of ~~such the~~ the proceeds to secure the payment of the bonds.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent ~~thereto~~ to amendment or abrogation, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, ~~the safekeeping thereof~~, the insurance to be carried ~~thereon~~ on the properties or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in ~~a trustee or one or more~~ one or more trustees, within or outside the state, of ~~such those~~ those properties, rights, powers and duties in trust as ~~that~~ that the company ~~may determine~~ determines.

(m) Covenant as to the appointing and providing for the duties and obligations of ~~a paying agent or one or more~~ one or more paying agents or other fiduciaries within or outside the state.

(n) Make all other covenants and ~~to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the company tend to make the bonds more marketable; notwithstanding that such the~~ the covenants, acts or things may not be enumerated ~~herein; it being the intention hereof to give the~~ in this subsection. A company ~~power to may~~ may do all things in the issuance of bonds and in the provisions for security ~~thereof~~ of the bonds which are not inconsistent with the constitution of the state.

(o) Execute all instruments necessary or convenient in the exercise of the powers ~~herein~~ granted in this subsection or in the performance of covenants or duties, which may contain ~~such covenants and provisions, as that~~ any purchaser of the bonds of the company may reasonably require requires.

(14) REFUNDING BONDS. A company may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at ~~such the~~ the time prior to the maturity or redemption of the refunded bonds as ~~that~~ that the company deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium

~~thereon on the bonds~~, any interest accrued or to accrue to the date of payment of ~~such the~~ the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and ~~such the~~ the reserves for debt service or other capital or current expenses from the proceeds of ~~such the~~ the refunding bonds as ~~may be required by the resolution, trust indenture or other security instruments. The issue of refunding bonds, the maturities and other details thereof of, the security therefor for, the rights of the holders thereof of, and the rights, duties and obligations of the company in respect of the same shall be~~ refunding bonds are governed by the provisions of this section relating to the issue of bonds other than refunding bonds insofar as the same may be to the extent that the provisions are applicable.

(15) BONDS ELIGIBLE FOR INVESTMENT. ~~Bonds issued by a company under this section are hereby made securities in which all All public officers and agencies of the state and all political subdivisions, of the state and all insurance companies, trust companies, banks, savings banks, savings and loan associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such, in bonds issued by a company under this section. The bonds are hereby made securities which may properly and legally be deposited with and received by any officer or agency of the state or any political subdivision for any purpose for which the deposit of bonds or obligation of the state or any political subdivision is now or may hereafter be authorized by law.~~

(16) (b) The property of a company, including any proportional share of any property owned by a company in conjunction with any other person or public agency, is ~~declared to be public property used for essential public and governmental purposes and such the~~ the property or proportional share, a company and its income ~~shall be~~ are exempt from all taxes of the state or any state public body except that for each project owned or partly owned by it, a company shall make payments ~~in lieu of taxes~~ to the state equal to the amount which would be paid to the state under ss. 76.01 to 76.26 for ~~such the~~ the project or share ~~thereof of the project~~ if it were deemed to be owned by a company under s. 76.02 (2). The payment shall be determined, administered and distributed by the state in the same manner as the taxes paid by companies under ss. 76.01 to 76.26.

(17) SUCCESSOR. A company shall, if the contract so provides, be the successor to any nonprofit corporation, agency or any other entity ~~theretofore~~ previously organized by ~~such the~~ the contracting municipalities to provide the same or a related function, and the company ~~shall be~~ is entitled to all rights and privileges and shall assume all obligations and liabilities of the other entity under existing contracts to which the other entity is a party.

(18) OTHER STATUTES. The powers granted under this section do not limit the powers of municipalities to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. ~~66.30~~ ss. 66.0301 to 66.0311 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions, nor shall such do the powers granted under this section limit the powers reserved to municipalities by state law.

**SECTION 212.** 66.0735 of the statutes is renumbered 66.0823, and 66.0823 (5) (q), as renumbered, is amended to read:

66.0823 (5) (q) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the authority deems proper in accordance with s. 66.04 (2) 66.0603 (1).

**SECTION 213.** 66.074 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.074 grants authority to cities, villages and towns in connection with ice plants, fuel depots and landing fields. Current municipal authority regarding airports is contained in ch. 114.

**SECTION 214.** 66.075 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.075 authorizes counties, cities, villages and towns of over 5,000 population to construct and maintain public slaughterhouses.

**SECTION 215.** 66.076 (title) of the statutes is renumbered 66.0821 (title) and amended to read:

**66.0821 (title) Sewerage system, service charge and storm water systems.**

**SECTION 216.** 66.076 (1) of the statutes is renumbered 66.0821 (2) (a) and amended to read:

66.0821 (2) (a) 1. In addition to all other methods provided by law, any a municipality may construct, acquire or lease, extend or improve any plant and equipment within or without its corporate limits for the collection, transportation, storage, treatment and disposal of sewage or storm water and surface water, including the necessary lateral, main and interceptor sewers necessary in connection therewith, and any a town, village or city may arrange for such the service to be furnished by a metropolitan sewerage district or joint sewerage system. ~~Except as provided in s. 66.60 (6m), payment for a sewerage project described in this paragraph, or any part of such project, may be provided from the general fund, from taxation, special assessments, sewerage service charges, or from the proceeds of either municipal obligations, revenue bonds or from any combination of these enumerated methods of financing.~~

NOTE: The deleted sentence is restated as s. 66.0813 (3) (a) by SECTION 245.

2. If the extension of a sewer line or water main that is described under ~~par. (a) subd. 1.~~ is required because of a new subdivision, as defined in s. 236.02 (12), or commercial development, the municipality may recoup some or all of the costs that it has incurred for the extension by

a method described under ~~par. (a) subd. 1.~~ or by any other method of financing agreed to by the municipality and the developer. If a person, whose property is outside of the subdivision for which a developer is paying, or has paid, the costs of a sewerage project under this ~~paragraph subdivision~~, connects an extension into the sewerage project after the amount is established that the developer is required to pay under this ~~paragraph subdivision~~, that person shall pay to the developer an amount determined by the public service commission. The public service commission shall promulgate rules to determine the amount that such a person shall pay to a developer. The rules promulgated under this ~~paragraph subdivision~~, shall be based on the benefits accruing to the property that connects an extension into the sewerage project.

**SECTION 217.** 66.076 (1m) of the statutes is renumbered 66.0821 (1) (intro.) and amended to read:

66.0821 (1) (intro.) In this section, ~~“municipality”;~~

(a) “Municipality” means any a town, village, city or metropolitan sewerage district created under ss. ~~66.20 200.01 to 66.26 200.15~~ or under ss. ~~66.88 200.21 to 66.918 200.65~~.

**SECTION 218.** 66.076 (2) of the statutes is renumbered 66.0821 (3) (b) and amended to read:

66.0821 (3) (b) ~~Where payment~~ If funding under par. (a) in whole or in part is ~~made~~ by the issue and sale of revenue bonds, the payments shall be made as provided in s. 66.066. ~~The provisions of s. 66.066 which are 66.0621 to the extent not inconsistent with this section are made a part of this section. The term. In this paragraph, “public utility” as used in s. 66.066 shall for this purpose include 66.0621 includes~~ the sewerage system, accessories, equipment and other property, including land. The mortgage or revenue bonds or mortgage certificates shall do not constitute an indebtedness of the municipality but shall and may be secured only by the sewerage system and its revenue, and the franchise provided for in this section.

**SECTION 219.** 66.076 (3) of the statutes is renumbered 66.0821 (6) and amended to read:

66.0821 (6) ~~In the event of~~ If there is a sale of the mortgaged sewerage system premises on a judgment of foreclosure and sale, the price paid for the ~~same shall premises may~~ not exceed the amount of the judgment and the costs of sale to and including the recording of the sheriff's deed. The purchaser on the foreclosure sale may operate and maintain said the sewerage system and collect sewerage service charges, and for that purpose shall be is deemed to have a franchise from the municipality. The term “purchaser” ~~shall include includes~~ the purchaser's successors or assigns. The rates to be charged, in addition to the contributions, if any, which the municipality has obligated itself to make toward the capital or operating costs of the plant, shall be sufficient to meet the requirements of operation, maintenance, repairs,

depreciation, interest and an amount sufficient to amortize the judgment debts and all additional capital costs which the purchaser contributes to the plan over a period not exceeding 20 years, ~~and in.~~ In addition to the foregoing, the purchaser of the premises ~~shall be entitled to may~~ earn a reasonable amount, as determined by the public service commission, on the actual amount of the purchaser's investment in the premises represented by the purchase price of the premises, plus any additions made to the same investment by the purchaser or minus any payments made by the municipality on account of ~~such the~~ investments. The municipality may ~~at any time~~ by payment reduce ~~such the~~ investment of the purchaser and after full payment of the purchase price plus the cost of subsequent improvements the premises shall revert to the municipality. ~~So long as~~ While the premises are owned by the private purchaser, the same premises shall be considered a public utility and be are subject to ch. 196 ~~so far as to the extent~~ applicable.

**SECTION 220.** 66.076 (4) of the statutes is renumbered 66.0821 (4) (a) and amended to read:

66.0821 (4) (a) The governing body of the municipality may establish sewerage service charges in ~~such an~~ amount as to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred ~~thereof for those purposes,~~ including the replacement of funds advanced by or paid from the general fund of the municipality. Service charges made by a metropolitan sewerage district to any town, village or city shall ~~in turn~~ be levied by ~~such the~~ town, village or city against the individual sewer system users within the corporate limits of ~~such the~~ municipality, and the ~~responsibility for collecting such municipality shall collect the~~ charges and promptly ~~remitting same~~ remit them to the metropolitan sewerage district ~~shall lie with such municipality.~~ Delinquent charges shall be collected in accordance with sub. (7) (4) (c).

**SECTION 221.** 66.076 (5) (a) of the statutes is renumbered 66.0821 (4) (b) and amended to read:

66.0821 (4) (b) For the purpose of making equitable charges for all services rendered by the sanitary sewerage system to the municipality or to citizens, corporations and other users, the property benefited ~~thereby by the system~~ may be classified, taking into consideration the volume of water, including surface or drain waters, the character of the sewage or waste and the nature of the use made of the sewerage system, including the sewage disposal plant. The charges may also include standby charges to property not connected but for which ~~such sewerage system~~ facilities have been made available.

**SECTION 222.** 66.076 (5) (b) of the statutes is renumbered 66.0821 (4) (c).

**SECTION 223.** 66.076 (6) of the statutes is renumbered 66.0821 (3) (c) and amended to read:

66.0821 (3) (c) Any municipality may pledge, assign or otherwise hypothecate the net earnings or profits derived or to be derived from a sewerage system to secure the payment of the costs of purchasing, constructing or otherwise acquiring a sewerage system or any part ~~thereof of a sewerage system,~~ or for extending or improving ~~such the~~ sewerage system, in the manner provided in s. 66.066 (4) ~~as the same has been and from time to time may be amended or recreated~~ 66.0621 (5).

**SECTION 224.** 66.076 (7) of the statutes is renumbered 66.0821 (4) (c) and amended to read:

66.0821 (4) (c) Sewerage service charges shall be collected and taxed and shall be a lien upon the property served in the same manner as water rates are taxed and collected under s. 66.069 (1) ~~or 66.071 (1) (e), so far as~~ 62.69 (2) (f) or 66.0809 to the extent applicable, except that charges of a metropolitan sewerage district created under ss. 66.88 200.21 to 66.918 200.65 shall be assessed and collected as provided in s. 66.91 200.55 (5).

**SECTION 225.** 66.076 (8) of the statutes is renumbered 66.0821 (2) (b) and amended to read:

66.0821 (2) (b) The governing body of ~~any a~~ municipality, and the officials in charge of the management of the sewerage system as well as other officers of the municipality, ~~shall be are~~ governed in the discharge of their powers and duties under this section by s. ~~66.069 ss.~~ 66.0809 to 66.0813 or 66.071 (1) (e), ~~which are hereby made a part of this section so far as applicable and not inconsistent herewith~~ 62.69 (2) (f), to the extent consistent with this section, or, in the case of a metropolitan sewerage district created under ss. 66.88 200.21 to 66.918 200.65, by ss. 66.91 200.55 and 66.912 200.59.

**SECTION 226.** 66.076 (9) of the statutes is renumbered 66.0821 (5) (a) and amended to read:

66.0821 (5) (a) If ~~any a~~ user of a service complains to the public service commission that rates, rules and practices are unreasonable or unjustly discriminatory, or if a holder of a mortgage or revenue bond or mortgage certificate or other evidence of debt, secured by a mortgage on the sewerage system or any part ~~thereof of the system~~ or pledge of the income of sewerage service charges, complains that rates are inadequate, the public service commission shall investigate the complaint. If there appears to be sufficient cause for the complaint, the commission shall set the matter for a public hearing upon 10 days' notice to the complainant and the town, village or city. After the hearing, if the public service commission determines that the rates, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable rates, rules and practices and ~~shall may~~ make such any other order respecting the complaint ~~as may be that is~~ just and reasonable, including, in the case of standby charges imposed

under sub. ~~(5)~~ ~~(b)~~ (4) ~~(c)~~, an order that a municipality refund to the user any amount of the standby charges that have been collected if the user has filed a complaint with the public service commission not later than 60 days after receiving a notice of charge that relates to an increased standby charge. The proceedings under this subsection shall be paragraph ~~are~~ governed, as far as to the extent applicable, by ss. 196.26 to 196.40. The commission shall bill any expense of the commission attributable to a proceeding under this subsection paragraph to the town, village or city under s. 196.85 (1).

**SECTION 227.** 66.076 (10) of the statutes is renumbered 66.0821 (5) (b) and amended to read:

66.0821 (5) (b) Judicial review of ~~the a~~ determination of the public service commission under par. (a) may be had by any person aggrieved in the manner prescribed in ch. 227.

**SECTION 228.** 66.076 (11) of the statutes is renumbered 66.0821 (1) (b) and amended to read:

66.0821 (1) (b) ~~The word "sewerage" as used in this section shall be considered~~ "Sewerage" is a comprehensive term, including all constructions for collection, transportation, pumping, treatment and final disposition of sewage or storm water and surface water.

**SECTION 229.** 66.076 (12) of the statutes is renumbered 66.0821 (7) and amended to read:

66.0821 (7) The authority ~~hereby given shall be under this section is~~ in addition to any power which municipalities ~~now otherwise~~ have with respect to sewerage or sewage disposal. Nothing in this section shall be construed as restricting or interfering with any powers and duties of the department of health and family services as prescribed by law.

**SECTION 230.** 66.077 of the statutes is renumbered 66.0819 and amended to read:

**66.0819 Combining water and sewer utilities.** (1) Any Δ town, village, or city of the fourth class may construct, acquire, or lease, or extend and improve, a plant and equipment within or without its corporate limits for the furnishing of water to the municipality or to its inhabitants, and for the collection, treatment, and disposal of sewage, including the lateral, main and intercepting sewers, and all necessary equipment ~~necessary in connection therewith~~. Such The plant and equipment, whether the structures and equipment for the furnishing of water and for the disposal of sewage ~~shall be~~ are combined or separate, may by ordinance be constituted a single public utility.

(2) The provisions of this chapter and chs. 196 and 197 relating to a water system, including, ~~but not limited to,~~ those provisions relating to the regulation of a water system by the public service commission, shall apply to a consolidated water and sewage disposal system as a single public utility. In prescribing rates, accounting and engineering practices, extension rules, service standards or other regulations for a consolidated water and sewage

disposal system, the public service commission shall treat the water system and the sewage disposal system separately, unless the commission finds that the public interest requires otherwise.

(3) Any Δ town, village or 4th class city which owns or acquires a water system and a plant or system for the treatment or disposal of sewage may by ordinance consolidate the systems into a single public utility. After the effective date of the ordinance the consolidated utility is subject to this section ~~with the same force and effect as though originally acquired as a single public utility.~~

NOTE: Extends authority under the section to any city, not just 4th class cities.

**SECTION 231.** 66.078 of the statutes is renumbered 66.0623 and amended to read:

**66.0623 Refunding village, town, sanitary and inland lake district bonds.** Any Δ village, town, town sanitary district established under s. 60.71 (1) or public inland lake protection and rehabilitation district established under ch. 33 which has undertaken to construct a combined sewer and water system and issued revenue bonds payable from the combined revenues of the system and which is unable to provide sufficient funds to complete the construction of the system and to meet maturing principal of the revenue bonds, may, with the consent of all of the holders of noncallable bonds, refund all or any part of its outstanding indebtedness, including revenue bonds, by issuing term bonds maturing in not more than 20 years, payable solely from the revenues of the combined sewer and water system and redeemable at par on any interest payment date. Such The bonds may be issued as provided in s. ~~66.066~~ 66.0621 (2) and shall pledge income from hydrant rentals and all sewer and water charges and may contain any covenants authorized by law, except if bonds are issued under this section to refund floating indebtedness, the bonds ~~shall be~~ are subject to the prior lien and claim of all bonds issued to refund revenue bonds issued prior to the refunding.

**SECTION 232.** 66.079 of the statutes is renumbered 66.0829 and amended to read:

**66.0829 Parking systems.** (1) Any Δ city, village or town ~~without necessity of a referendum~~ may purchase, acquire, rent from a lessor, construct, extend, add to, improve, conduct, operate or rent to a lessee a municipal parking system for the parking of vehicles, including parking lots and other parking facilities, upon its public streets or roads or public grounds and issue revenue bonds to acquire funds for any one or more of these purposes. The parking lots and other parking facilities may include space designed for leasing to private persons for purposes other than parking. The provisions of s. ~~66.066~~ 66.0621 governing the issuance of revenue bonds apply, ~~so far as to the extent~~ applicable, to revenue bonds issued under this subsection. The municipal parking systems are public utilities under article XI, section 3, of the constitution. Revenue Principal and interest of revenue

bonds issued under this subsection are payable solely, ~~both principal and interest~~, from the revenues to be derived from the parking system, including without limitation revenues from parking meters or other parking facilities. Any revenue derived from ~~any a~~ facility financed by a revenue bond issued under this subsection shall may be used only to pay the principal and interest of that revenue bond, except that after the principal and interest of that revenue bond have been paid in full the revenue derived from the facility may be used for any purpose.

(2) Any ~~municipality empowered to create part of a parking system under sub. (1) may finance and operate any part of such system be financed and operated~~ in the following manner:

(a) The cost of constructing any parking system or facility, including the cost of the land, may be assessed against a benefited area, ~~such the~~ benefited area and assessments to be determined in the manner prescribed by either subch. II of ch. 32 or s. ~~66.60 66.0703~~, except that the number of annual instalments in which ~~such the~~ assessment is payable shall may not exceed 20.

(b) The cost of operating and maintaining any parking system or facility may be assessed not more than once in each calendar year against all property in a benefited area, ~~such the~~ area and ~~such~~ assessments to be determined in the manner prescribed by either subch. II of ch. 32 or by s. ~~66.60. Such 66.0703~~. The costs may include a payment in lieu of taxes, operating, maintenance and replacement costs, and interest on any unpaid capital cost.

(c) The governing body may, in determining the amount of the assessment under par. (a) or (b), credit any portion of the revenues from the parking system or facility.

(d) No assessment, ~~as~~ authorized in par. (a) or (b), shall may be made against any property used wholly for residential purposes.

**SECTION 233.** 66.08 of the statutes is renumbered 66.0723 and amended to read:

**66.0723 Utilities, special assessments.** (1) ~~Whenever any If a city, village or town shall construct or acquire constructs, extends or acquires by gift, purchase or otherwise a distribution system or a production or generating plant for the furnishing of light, heat or power to any municipality or its inhabitants or shall make any extensions thereto, such, the~~ city, village or town may assess ~~the whole or any part of the all or some of the~~ cost thereof to the property benefited ~~thereby~~, whether abutting or not, in the same manner as is provided for the assessment of benefits under s. ~~66.60 66.0703~~.

(2) ~~Such special~~ Special assessments under this section may be made payable and certificates or bonds issued under s. ~~66.54 66.0713~~. In a city, village or town where no official paper is published, notice may be given

by posting the notice in 3 public places in the city, village or town.

**SECTION 234.** Subchapter VIII (title) of chapter 66 [precedes 66.0801] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER VIII**  
**PUBLIC UTILITIES**

**SECTION 235.** 66.0801 of the statutes is created to read:

**66.0801 Definitions; effect on other authority.** (1) In this subchapter:

(a) "Municipal public utility" means a public utility owned or operated by a city, village or town.

(b) "Public utility" has the meaning given in s. 196.01 (5).

(2) Sections 66.0803 to 66.0825 do not deprive the office of the commissioner of railroads, department of transportation or public service commission of any power under ss. 195.05 and 197.01 to 197.10 and ch. 196.

NOTE: Restates a portion of s. 66.06, repealed by this bill, and provides a definition of "municipal public utility" for purposes of the subchapter. The current provision stating that the phrase "resolution or ordinance", when used in specified sections, means ordinances only is deleted as unnecessary.

**SECTION 236.** 66.0805 (1) of the statutes is created to read:

66.0805 (1) Except as provided in sub. (6), the governing body of a city shall, and the governing body of a village or town may, provide for the nonpartisan management of a municipal public utility by creating a commission under this section. The board of commissioners, under the general control and supervision of the governing body, shall be responsible for the entire management of and shall supervise the operation of the utility. The governing body shall exercise general control and supervision of the commission by enacting ordinances governing the commission's operation. The board shall consist of 3, 5 or 7 commissioners.

NOTE: 1. Restates s. 66.068 (1), repealed by SECTION 180.

2. Provides that the "general control and supervision" of the utility commission by the municipal governing body is by means of ordinance governing the commission's operation. Previous law was silent on the issue.

**SECTION 237.** 66.0807 (1) of the statutes is created to read:

66.0807 (1) In this section, "privately owned public utility" includes a cooperative association organized under ch. 185 for the purpose of producing or furnishing utility service to its members only.

NOTE: By adding cooperatives to the definition of "privately owned public utility" (cooperatives are otherwise excluded from the definition of "public utility"; see ss. 196.01 (5) and 66.0801 (1) (b), the latter created by this bill), municipalities are authorized to enter into a joint operation agreement with a cooperative. See, also, SECTION 171.

**SECTION 238.** 66.081 of the statutes is repealed.

NOTE: Repeals an archaic provision of the statutes relating to the recording of orders and court certificates drawn on a municipal treasurer.

**SECTION 239.** 66.0811 (title) of the statutes is created to read:

**66.0811** (title) **Municipal public utility revenues.**

**SECTION 240.** 66.0813 (title) of the statutes is created to read:

**66.0813** (title) **Provision of utility service outside of municipality by municipal public utility.**

**SECTION 241.** 66.082 of the statutes is renumbered 66.0419, and 66.0419 (2) (e) and (3) (c), as renumbered, are amended to read:

66.0419 (2) (e) "Franchise fee" means any fee, assessment or other compensation which a municipality requires a cable operator to pay, with respect to the operation of cable television systems, solely because of the cable operator's status as such, and includes any compensation required under s. ~~66.045~~ 66.0425.

(3) (c) Require the payment of franchise fees which, notwithstanding s. ~~66.70~~ 66.0611, may be based on the income or gross revenues of a cable television system, or measured by such income or gross revenues.

**SECTION 242.** 66.0821 (1) (intro.) of the statutes is created to read:

66.0821 (1) DEFINITIONS. (intro.) In this section:

**SECTION 243.** 66.0821 (2) (title) of the statutes is created to read:

66.0821 (2) (title) GENERAL AUTHORITY.

**SECTION 244.** 66.0821 (3) (title) of the statutes is created to read:

66.0821 (3) (title) FUNDING.

**SECTION 245.** 66.0821 (3) (a) of the statutes is created to read:

66.0821 (3) (a) Except as provided in s. 66.0721, all or a portion of the cost of exercising the authority under sub. (2) may be funded, to the extent applicable, from the municipality's general fund, by taxation, special assessment or sewerage service charges, by municipal obligations or revenue bonds or from any combination of these sources.

NOTE: Restates language deleted from current s. 66.076 (1) by SECTION 216.

**SECTION 246.** 66.0821 (4) (title) of the statutes is created to read:

66.0821 (4) (title) SERVICE CHARGES.

**SECTION 247.** 66.0821 (5) (title) of the statutes is created to read:

66.0821 (5) (title) UNREASONABLE OR DISCRIMINATORY RATES, RULES AND PRACTICES.

**SECTION 248.** 66.0821 (6) (title) of the statutes is created to read:

66.0821 (6) (title) FORECLOSURE SALE.

**SECTION 249.** 66.0821 (7) (title) of the statutes is created to read:

66.0821 (7) (title) RELATION TO OTHER AUTHORITY.

**SECTION 250.** 66.083 (title) of the statutes is renumbered 66.0423 (title).

**SECTION 251.** 66.083 of the statutes is renumbered 66.0423 (2) and amended to read:

66.0423 (2) Cities and villages, and towns not subject to an ordinance enacted under s. 59.55 (4), may, by ordinance, regulate the retail sales, other than auction sales, made by transient merchants, ~~as defined in s. 130.065 (1m), 1987 stats.~~, and provide penalties for violations of those ordinances.

NOTE: Authorizes a town that is not subject to a county ordinance regulating retail sales, other than auction sales, made by transient merchants to regulate these sales by its own ordinance. Also see the definitions in s. 66.0423 (1), SECTION 110.

**SECTION 252.** 66.085 (title) and (1) of the statutes are renumbered 66.0421 (title) and (1), and 66.0421 (1) (a) and (b), as renumbered, are amended to read:

66.0421 (1) (a) "Cable operator" has the meaning given in s. ~~66.082~~ 66.0419 (2) (b).

(b) "Cable service" has the meaning given in s. ~~66.082~~ 66.0419 (2) (c).

**SECTION 253.** 66.085 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0421 (2).

**SECTION 254.** 66.085 (3) and (4) of the statutes are renumbered 66.0421 (3) and (4), and 66.0421 (4), as renumbered, is amended to read:

66.0421 (4) REPAIR RESPONSIBILITY. A cable operator ~~shall be~~ is responsible for any repairs to a building required because of the construction, installation, disconnection or servicing of facilities to provide cable service.

**SECTION 255.** 66.09 (title), (1), (2), (3) and (4) of the statutes are renumbered 66.0117 (title) and (2) to (5) and amended to read:

**66.0117** (title) **Judgment against municipalities, etc. local governmental units.**

(2) (a) ~~When~~ If a final judgment for the payment of money ~~shall be~~ is recovered against a town, village, city, county, school district, technical college district, town sanitary district, public inland lake protection and rehabilitation district or community center local governmental unit, or against any an officer thereof, in any action by or against the officer in the officer's name of office of the local governmental unit, when the judgment ~~should~~ is to be paid by such municipality the local governmental unit, the judgment creditor, ~~or the judgment creditor's assignee or attorney~~, may file a statement with the clerk of circuit court a certified transcript of the judgment, together with the judgment creditor's affidavit of payments made, if any, and the amount due and that the judgment has not been appealed from or removed to another court, or if so appealed or removed has been affirmed. The clerk of circuit court shall send a copy of the statement to the appropriate municipal clerk.

(b) ~~The~~ If a statement is filed under par. (a), the amount due, with costs and interest to the time when the money will be available for payment, shall be added to



the next tax levy, and shall, when received, be paid to satisfy the judgment. If the judgment is appealed after filing the transcript with the clerk of circuit court, and before the tax is collected, the money shall not be collected on that levy. If the municipal clerk of ~~circuit court~~ fails to include the proper amount in the first tax levy, he or she shall include it or ~~such~~ the portion as is required to complete it in the next levy.

(3) In the case of school districts, town sanitary districts, ~~or public inland lake protection and rehabilitation districts or community centers,~~ transcript and affidavit a statement shall be filed with the clerk of the town, village or city in which the district or any part of it lies, and levy shall be made against the taxable property of the district ~~or center~~.

(4) No process for the collection of ~~such~~ a judgment shall issue until after the time when the money, if collected upon the first tax levy ~~as herein provided, would be under sub. (2) (b),~~ is available for payment, and then only by leave of court upon motion.

(5) If by reason of dissolution or other cause, pending action, or after judgment, ~~the transcript~~ a statement cannot be filed with the clerk ~~therein designated~~ described in sub. (2) (a) or (3), it shall be filed with the clerk or clerks whose duty it is to make up the tax roll for the property liable.

**SECTION 256.** Subchapter IX (title) of chapter 66 [precedes 66.0901] of the statutes is created to read:

**CHAPTER 66**

**SUBCHAPTER IX**

**PUBLIC WORKS AND PROJECTS**

**SECTION 257.** 66.0901 (1) (intro.) of the statutes is created to read:

66.0901 (1) (intro.) In this section:

**SECTION 258.** 66.0901 (9) (a) of the statutes is created to read:

66.0901 (9) (a) Notwithstanding sub. (1) (a), in this subsection, "municipality" does not include the department of transportation.

**SECTION 259.** 66.091 of the statutes is renumbered 893.81.

**SECTION 260.** 66.092 of the statutes is renumbered 66.0409.

**SECTION 261.** 66.0923 (5) of the statutes is created to read:

66.0923 (5) AUDITORIUM BOARD. (a) The ordinance shall provide for the establishment of a joint county-city auditorium board to be composed of all of the following:

1. The mayor or chief executive of the city, and the chairperson of the county board, who shall serve as members of the board during their respective terms of office.

2. Four members to be appointed by the county board chairperson and confirmed by the county board.

3. Four members to be appointed by the mayor or other chief executive officer of the city and confirmed by the city council.

(b) Under par. (a) 2. and 3., the initial term of one member shall be one year, the initial term of one member shall be 2 years, the initial term of one member shall be 3 years and the initial term of one member shall be 4 years. The respective successors of the members under par. (a) 2. and 3. shall be appointed and confirmed for terms of 4 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made.

(c) The mayor or chief executive of the city, and the county board chairperson, each may appoint not more than 2 public officials to the board under par. (a).

**SECTION 262.** 66.0927 (1) (am) of the statutes is created to read:

66.0927 (1) (am) "Hospital" means a general county-city hospital.

**SECTION 263.** 66.10 of the statutes is repealed.

NOTE: Repealed as unnecessary. This section provides alternative means of publication when ss. 66.01 to 66.08 require publication in the official paper of a municipality other than a city and there is no official newspaper. Chapter 985, relating to publication of legal notices, covers the subject matter of the repealed section.

**SECTION 264.** Subchapter X (title) of chapter 66 [precedes 66.1001] of the statutes is created to read:

**CHAPTER 66**

**SUBCHAPTER X**

**PLANNING, HOUSING  
AND TRANSPORTATION**

**SECTION 265.** 66.1003 (1) of the statutes is created to read:

66.1003 (1) In this section, "public way" means all or any part of a road, street, slip, pier, lane or paved alley.

**SECTION 266.** 66.1019 (title) of the statutes is created to read:

**66.1019 (title) Housing codes to conform to state law.**

**SECTION 267.** 66.11 of the statutes is renumbered 66.0501, and 66.0501 (1), (2) and (3), as renumbered, are amended to read:

66.0501 (1) DEPUTY SHERIFFS AND MUNICIPAL POLICE. No person ~~shall~~ may be appointed deputy sheriff of any county or police officer for any city, village or town unless that person is a citizen of the United States. This section ~~shall does~~ not affect apply to common carriers; ~~nor apply or~~ to a deputy sheriff not required to take an oath of office.

(2) ELIGIBILITY OF OTHER OFFICERS. Except as expressly authorized by statute, no member of a town, village or county board, or city council, ~~shall,~~ during the term for which the member is elected, ~~be is~~ eligible for any office or position which during ~~such~~ that term has been created by, or the selection to which is vested in, ~~such~~ the board or council, but ~~such~~ the member ~~shall be~~ is eligible for any elective office. The governing body

may be represented on city, village or town boards and commissions where no additional remuneration ~~compensation, except a per diem, is paid such to the~~ representatives of the governing body and may fix the tenure of ~~such these~~ representatives notwithstanding any other statutory provision. A representative of a governing body who is a member of a city, village or town board or commission may receive a per diem only if the remaining members of the board or commission may receive a per diem. This subsection ~~shall~~ does not apply to a member of any ~~such~~ board or council described in this subsection who resigns from ~~said the~~ board or council before being appointed to an office or position which was not created during the member's term in office.

(3) APPOINTMENTS ON CONSOLIDATION OF OFFICES. Whenever offices are consolidated, the occupants of which are members of the same statutory committee or board and which are serving in that office because of holding another office or position, the common council or village board may designate another officer or officers or make ~~such any~~ additional appointments as may be necessary to procure the number of committee or board members provided for by statute.

NOTE: Amends the prohibition, in sub. (2), of payment of additional remuneration to a representative of a governing body who sits on a city, village or town board or commission. The amendment provides that a representative of a governing body who is a member of a city, village or town board or commission may receive a per diem if the remaining members of the board or commission also may receive a per diem.

**SECTION 268.** Subchapter XI (title) of chapter 66 [precedes 66.1101] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER XI**  
**DEVELOPMENT**

**SECTION 269.** 66.111 of the statutes is repealed.

NOTE: Repeals s. 66.111, relating to allowing the same fee to other officers when a fee is allowed to one officer for the performance of the same services. This provision is not necessary because fees generally are no longer part of the salary structure for municipal officers.

**SECTION 270.** 66.113 of the statutes is renumbered 66.0515 and amended to read:

**66.0515 Receipts for fees.** Every officer or employe upon receiving fees ~~for any official duty or service~~ shall, if ~~required~~ requested to do so by the person paying the same ~~fees~~, deliver to the ~~that~~ person paying a particular receipted account of such a receipt for the fees, specifying for ~~what they which account each portion of the fees~~ respectively accrued; ~~and if the officer fails to do so the officer shall be liable to the party paying the same for 3 times the amount paid.~~

NOTE: Renumbers and amends s. 66.113 to provide that a municipal employe, as well as an officer, must supply a receipt for any fee received when requested to do so by the person paying the fee. The penalty for failure to supply a receipt is eliminated; violations may be prosecuted under s. 946.12, relating to misconduct in public office.

**SECTION 271.** 66.114 of the statutes is renumbered 66.0111, and 66.0111 (title), (1), (2) and (4), as renumbered, are amended to read:

**66.0111 (title) Bail Bond or cash deposit under municipal ordinances.** (1) ~~When any If a~~ person is arrested for the violation of a city, village or town ordinance and the action is to be in circuit court, the chief of police or police officer designated by the chief, marshal or clerk of court may accept from the person a bond, in an amount not to exceed the maximum penalty for the violation, with sufficient sureties, or ~~the person's personal bond upon depositing the amount thereof in money~~ a cash deposit, for appearance in the court having jurisdiction of the offense. A receipt shall be issued ~~therefor~~ for the bond or cash deposit.

(2) (a) If the person ~~so arrested and released~~ fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for hearing ~~of the case~~, ~~then~~ the bond and money deposited, or ~~such portion thereof as~~ an amount that the court may determine ~~determines~~ to be an adequate penalty, plus costs, including any applicable fees prescribed in ch. 814, may be declared forfeited by the court or may be ordered applied ~~upon to~~ the payment of any penalty which ~~may be is~~ imposed after an ex parte hearing, together with the costs. In either event, ~~the any surplus, if any,~~ shall be refunded to the person who made the deposit.

(b) ~~The provisions of this This~~ subsection shall does not apply to violations of parking ordinances. Bond or ~~bail cash deposit~~ given for appearance to answer a charge under any ~~such parking~~ ordinance may be forfeited in the manner determined by the governing body.

(4) This section shall does not apply to ordinances enacted under ch. 349.

NOTE: Reference to "bail" is deleted and replaced by reference to "cash deposit". This is consistent with other statutes dealing with municipal ordinances, which generally do not use the term "bail", but rather refer to "cash deposit" or a variation of that term.

**SECTION 272.** 66.115 of the statutes is renumbered 66.0109 and amended to read:

**66.0109 Penalties under county and municipal ordinances.** ~~Where If~~ a statute requires that the penalty under any county or municipal ordinance ~~shall conform~~ to the penalty provided by statute ~~such the~~ ordinance may impose only a forfeiture and may provide for imprisonment ~~in case if~~ the forfeiture is not paid.

**SECTION 273.** 66.117 of the statutes is renumbered 66.0115.

**SECTION 274.** 66.119 (title) and (1) (title), (a) and (b) (intro.) and 1. to 6. of the statutes are renumbered 66.0113 (title) and (1) (title), (a) and (b) (intro.) and 1. to 6., and 66.0113 (1) (a) (intro.) and (b) 5., as renumbered, are amended to read:

66.0113 (1) (a) (intro.) The Except as provided in sub. (5), the governing body of ~~any a~~ county, town, city,

village, town sanitary district or public inland lake protection and rehabilitation district may by ordinance adopt and authorize the use of a citation under this section to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

(b) 5. A designation of the offense in ~~such a~~ manner as that can be readily understood by a person making a reasonable effort to do so.

**SECTION 275.** 66.119 (1) (b) 7. to 9. and (c), (2) and (3) (title) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0113 (1) (b) 7. to 9. and (c), (2) and (3) (title).

**SECTION 276.** 66.119 (3) (a) to (d) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0113 (3) (a) to (d), and 66.0113 (3) (a), (c) and (d), as renumbered, are amended to read:

66.0113 (3) (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, ~~provided that~~ but the cash deposit may be retained for application against any forfeiture, restitution, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, consumer information assessment or domestic abuse assessment that may be imposed.

(c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment, a jail assessment, a crime laboratories and drug law enforcement assessment and, if applicable, a consumer informa-

tion assessment or a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest, an action for collection of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment may be commenced. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. ~~66.12~~ 66.0114 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment.

(d) If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under par. (e) or the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may commence an action for collection of the forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment. A city, village, town sanitary district or public inland lake protection and rehabilitation district may commence action under s. ~~66.12~~ 66.0114 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 days from the date of the judgment to pay any forfeiture, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment, any applicable consumer information assessment and any applicable domestic abuse assessment imposed. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall reopen the judgment, accept a not guilty plea and set a trial date.

**SECTION 277.** 66.119 (3) (e), (4) and (5) of the statutes are renumbered 66.0113 (3) (e), (4) and (5), and 66.0113 (4), as renumbered, is amended to read:

66.0113 (4) RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a citation under this section shall does not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section shall does not preclude the proceeding under any other ordinance or law relating to the same or any other matter. ~~The proceeding~~ Proceeding under any other ordinance or law relating to the same or any other matter shall does not preclude the issuance of a citation under this section.

**SECTION 278.** 66.12 (title) and (1) (title) and (a) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0114 (title) and (1) (title) and (a), and 66.0114 (1) (a), as renumbered, is amended to read:

66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city, village, town sanitary district or public inland lake protection and rehabilitation district is a civil action. All forfeitures and penalties imposed by any an ordinance or bylaw of the city, village, town sanitary district or public inland lake protection and rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in an action in the name of the city or village before the municipal court or in an action in the name of the city, village, town sanitary district or public inland lake protection and rehabilitation district before a court of record. If the action is in municipal court, the procedures under ch. 800 apply and the procedures under this section do not apply. If the action is in a court of record, it shall be commenced by warrant or summons under s. 968.04 or, if applicable, by citation under s. 778.25 or 778.26. A law enforcement officer may arrest the offender in all cases without warrant under s. 968.07. ~~The affidavit where~~ If the action is commenced by warrant the affidavit may be the complaint. The affidavit or complaint shall be is sufficient if it alleges that the defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by section, chapter, title or otherwise with sufficient plainness to identify the ordinance or bylaw. The judge may release a defendant without ~~bail a cash deposit~~ or may permit him or her to execute an unsecured appearance bond upon arrest. In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as is the complaint unless the court directs that a formal complaint be issued. In all actions under this paragraph the defendant's plea shall be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead, ~~which~~ A plea of not guilty shall put on failure to plead puts all matters in the case at issue, any other provision of law notwithstanding. The defendant may enter a not guilty plea by certified mail.

NOTE: Reference to "bail" in sub. (1) (a) is changed to "cash deposit" for consistency of reference in the statutes.

**SECTION 279.** 66.12 (1) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0114 (1) (b) and amended to read:

66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, ~~and~~ may designate the manner in which the stipulation is to be made and may fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation ~~and~~ pays the required penalty and pays the penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1).

(bm) The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by ~~him~~ or her; ~~and in case of any failure in the payment~~ the official. If timely remittance is not made, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the ~~time~~ date on which it was due. In the case of the penalty assessment imposed by s. 757.05, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the driver improvement surcharge imposed by s. 346.655 (1), any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall remit to the state treasurer the ~~sum~~ amount required by law to be paid on the actions ~~so~~ entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village, town sanitary district or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official shall ~~qualify~~ qualifies.

**SECTION 280.** 66.12 (1) (c) of the statutes is renumbered 66.0114 (1) (c).

**SECTION 281.** 66.12 (1) (d) of the statutes is repealed.

NOTE: The substance of the repealed paragraph is relocated in renumbered s. 66.0114 (1) (a).

**SECTION 282.** 66.12 (2) and (3) (title), (a) and (c) of the statutes are renumbered 66.0114 (2) and (3) (title), (a) and (c).

**SECTION 283.** 66.12 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0114 (3) (b) and amended to read:

66.0114 (3) (b) All forfeitures and penalties recovered for the violation of ~~any an~~ ordinance or bylaw of ~~any a~~ city, village, town, town sanitary district or public inland lake protection and rehabilitation district shall be paid into the city, village, town, town sanitary district or public inland lake protection and rehabilitation district treasury for the use of the city, village, town, town sanitary district or public inland lake protection and rehabilitation district, except as otherwise provided in par. (c), sub. (1) ~~(b)~~ (bm) and s. 757.05. The judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to the city, village, town, town sanitary district or public inland lake protection and rehabilitation district, ~~which.~~ The report shall be certified and filed in the office of the treasurer; ~~and the.~~ The judge shall be is entitled to duplicate receipts ~~for such moneys~~, one of which he or she shall file with the city, village or town clerk or with the town sanitary district or the public inland lake protection and rehabilitation district.

**SECTION 284.** Subchapter XII (title) of chapter 66 [precedes 66.1201] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER XII**  
**HOUSING AUTHORITIES**

**SECTION 285.** 66.1201 (9) (x) of the statutes is created to read:

66.1201 (9) (x) To, within its area of operation, either by itself or with the department of veterans affairs, undertake and carry out studies and analyses of veterans' housing needs and meeting those needs and make the study results available to the public, including the building, housing and supply industries.

NOTE: Relocates, in general housing authority law, s. 66.39 (1). Section 66.39 is repealed by SECTION 379 of this bill.

**SECTION 286.** 66.121 of the statutes is renumbered 75.377 and amended to read:

**75.377 Inspection of property subject to tax certificate.** A county ~~or a city authorized to act under s. 74.87~~ may enter any real property for which a tax certificate has been issued under s. 74.57, or may authorize another person to enter the real property, to determine the nature and extent of environmental pollution, as defined in s. 299.01 (4).

NOTE: Under s. 75.06, for purposes of ch. 75, "county" includes a city authorized to act under s. 74.87; therefore, reference to the latter is deleted from renumbered s. 75.377 as unnecessary.

**SECTION 287.** 66.122 (title) of the statutes is renumbered 66.0119 (title).

**SECTION 288.** 66.122 (1) (a) of the statutes is renumbered 66.0119 (1) (b) and amended to read:

66.0119 (1) (b) ~~Any~~ "Peace officer" means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employe charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents, ~~is deemed a peace officer for the purpose of applying for, obtaining and executing special inspection warrants under s. 66.123 for inspection purposes.~~

NOTE: The stricken language at the end of the paragraph is relocated to s. 66.0119 (2), as renumbered. See SECTION 290 of this bill.

**SECTION 289.** 66.122 (1) (b) of the statutes is renumbered 66.0119 (1) (a) and amended to read:

66.0119 (1) (a) "Inspection purposes" include, ~~without limitation because of enumeration,~~ such purposes as building, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, waterways, use of water, food, zoning, property assessment, meter and obtaining data required to be submitted in an initial site report or feasibility report under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31 or an environmental impact statement related to one of those reports.

**SECTION 290.** 66.122 (2) of the statutes is renumbered 66.0119 (2) and amended to read:

66.0119 (2) A peace officer may apply for, obtain and execute a special inspection warrant issued under this section. Except in cases of emergency where no special inspection warrant ~~shall be is~~ required, special inspection warrants shall be issued for inspection of personal or real properties which are not public buildings or for inspection of portions of public buildings which are not open to the public only upon showing that consent to entry for inspection purposes has been refused. ~~The definition of "public building" under s. 101.01 (12) applies to this section.~~

**SECTION 291.** 66.123 (title) of the statutes is repealed.

**SECTION 292.** 66.123 of the statutes is renumbered 66.0119 (3), and 66.0119 (3) (intro.), as renumbered, is amended to read:

66.0119 (3) (intro.) The following forms for use under s. ~~66.122~~ this section are illustrative and not mandatory:

**SECTION 293.** 66.124 of the statutes is renumbered 66.0417, and 66.0417 (title), as renumbered, is amended to read:

**66.0417 (title) Order authority Local enforcement of certain food and health regulations.**

**SECTION 294.** 66.125 of the statutes is renumbered 66.0121 and amended to read:

**66.0121 Orders; action; proof of demand.** No action shall may be brought upon any a city, village, town or school district order until ~~the expiration of 30 days~~ after a demand for the payment of the ~~same shall have~~ order has been made. If an action is brought and the defendant fails to appear and defend the action, judgment shall not be entered without affirmative proof of the demand. If judgment is entered without proof of the demand, the judgment ~~shall be is~~ void.

**SECTION 295.** 66.13 of the statutes is repealed.

NOTE: Repealed as unnecessary. This section provides a statute of limitations relating to an action or proceeding to test the validity of a municipal contract. Virtually identical provisions are contained in s. 893.75.

**SECTION 296.** Subchapter XIII (title) of chapter 66 [precedes 66.1301] of the statutes is created to read:

**CHAPTER 66**  
**SUBCHAPTER XIII**  
**URBAN REDEVELOPMENT**  
**AND RENEWAL**

**SECTION 297.** 66.1331 (3) (Lm) of the statutes is created to read:

66.1331 (3) (Lm) "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area.

NOTE: Recreates a definition that was included as a separate definition within the definition of "Redevelopment project" in s. 66.1331 (3) (m), as renumbered and amended from s. 66.43 (3) (m). See SECTIONS 408 and 408m of this bill.

**SECTION 298.** 66.14 (title) of the statutes is repealed.

**SECTION 299.** 66.14 of the statutes is renumbered 62.09 (4) (d) and amended to read:

62.09 (4) (d) ~~Any a~~ city, ~~however incorporated,~~ may pay the cost of ~~any an~~ official bond furnished by an officer ~~thereof of the city,~~ pursuant to law or any rules or regulations requiring the ~~same bond,~~ if ~~said the~~ officer shall ~~furnish furnishes~~ a bond with a surety company or companies authorized to do business in this state, ~~said cost.~~ The cost of the bond furnished by the officer may not exceed the current rate of premium per year on the amount of ~~said the~~ bond or obligation ~~by said surety~~ executed ~~by the surety.~~ The cost of ~~any such the~~ bond ~~in such~~ city shall be charged to the fund appropriated and set up in the budget for the department, board, commission or other body, the officer of which is required to furnish a bond.

NOTE: Renumbers and amends s. 66.14 for placement in ch. 62, relating to cities. The renumbering makes the provision inapplicable to a 1st class city under s. 62.03 (1). Section 66.145 (renumbered s. 62.55) treats 1st class cities separately for this purpose.

**SECTION 300.** 66.144 of the statutes is renumbered 62.53 and amended to read:

**62.53 Residency required for public officials in 1st class cities.** Any public official, as defined in s. 66.146 ~~62.51~~ (1) (b), may not serve more than 180 days after his or her confirmation unless he or she resides within the

boundaries of the 1st class city by which he or she is employed.

**SECTION 301.** 66.145 of the statutes is renumbered 62.55 and amended to read:

**62.55 Requirements for surety bonds of officers and employes in cities of the first 1st class cities.** ~~When any~~ If an office or position in the service of ~~any city of the first a 1st class city~~ involves fiduciary responsibility or the handling of money, the appointing officer may require the appointee to furnish a bond or other security to ~~such the~~ officer and the ~~said~~ city for the faithful performance of the appointee's duty, ~~the.~~ The amount to of the bond or security shall be fixed by the appointing officer, with the approval of the mayor, ~~and notice.~~ Notice of the mayor's approval shall be given to the city clerk by the mayor. Each bond shall be approved by the city attorney as to ~~the form and execution thereof,~~ and by the common council as to ~~the sufficiency of the sureties therein;~~ ~~provided, however, that any.~~ Any surety company, the bonds of which are accepted by the judge of any court of record in this state, or which is approved by the comptroller of the ~~said city,~~ shall ~~be is~~ sufficient security on ~~any such the~~ bond, ~~and that the.~~ The premium on ~~such a bond under this section,~~ within the limits fixed by law, shall be paid out of the city treasury. The appointing officer shall immediately after the execution of ~~such the~~ bond file the ~~same bond~~ with the city clerk, ~~and it shall be the duty of the.~~ The city clerk ~~to shall~~ require compliance with the terms of this section requiring the filing of bonds with the city clerk by officers and employes, ~~and all such bonds.~~ Bonds of city officers and employes under this section, duly witnessed and acknowledged, after being approved by the common council, shall be delivered to the city comptroller, who shall have them recorded in the office of the register of deeds ~~and, after such recording by the city comptroller in the office of the register of deeds, the said.~~ After the bonds are recorded, the bonds shall be returned to the city clerk, who shall keep them on file in the city clerk's office; except that after the recording of the bond of the city clerk by the city comptroller, ~~said that~~ bond shall remain on file in the office of the city comptroller. Each bond filed by any surety company shall be accompanied by a duplicate of ~~said the~~ bond, ~~which.~~ The duplicate shall be filed by the clerk with the city comptroller.

**SECTION 302.** 66.146 of the statutes is renumbered 62.51.

**SECTION 303.** 66.18 of the statutes is renumbered 66.0137 (2) and amended to read:

66.0137 (2) **LIABILITY AND WORKER'S COMPENSATION INSURANCE.** The state, ~~or any municipality as defined in s. 345.05 (1) (e), is empowered to or a local governmental unit may~~ procure risk management services and liability insurance covering the state or ~~municipality~~ local gov-



ernmental unit and its officers, agents and employes and worker's compensation insurance covering officers and employes of the state or municipality local governmental unit. A municipality local governmental unit may participate in and pay the cost of risk management services and liability and worker's compensation insurance through a municipal insurance mutual organized under s. 611.23.

**SECTION 304.** 66.182 of the statutes is renumbered 66.0137 (3).

**SECTION 305.** 66.184 of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0137 (4).

**SECTION 306.** 66.185 of the statutes is renumbered 66.0137 (5) and amended to read:

66.0137 (5) HOSPITAL, ACCIDENT AND LIFE INSURANCE. ~~Nothing in the statutes shall be construed to limit the authority of the state or municipalities, as defined in s. 345.05, to~~ The state or a local governmental unit may provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employes and officers and their spouses and dependent children, and such authority is hereby granted. A municipality local governmental unit may also provide for the payment of premiums for hospital and surgical care for its retired employes. In addition, a municipality local governmental unit may, by ordinance or resolution, elect to offer to all of its employes a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect a local governmental unit that elects to participate under s. 40.51 (7) shall be is subject to the applicable sections of ch. 40 instead of this section subsection.

**SECTION 307.** 66.186 of the statutes is renumbered 62.61 and amended to read:

**62.61 Health insurance; first 1st class cities.** The common council of any a 1st class city may, by ordinance or resolution, provide for, including the payment of premiums of, general hospital, surgical and group insurance for both active and retired city officers and city employes and their respective dependents and for payment of premiums therefor in private companies, or may, by ordinance or resolution, elect to offer to all of its employes a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect to participate under s. 40.51 (7) ~~shall be~~ are subject to the applicable sections of ch. 40 instead of this section. Contracts for such insurance under this section may be entered into for active officers and employes separately from such contracts for retired officers and employes. Appropriations may be made for the purpose of financing such insurance under this section. Moneys accruing to such a fund to finance insurance under this section, by investment or otherwise, shall may not be diverted for any other purpose than those for which such the fund was set up or to defray management expenses of such the fund or to partially pay premiums so as to reduce

costs to the city or to persons covered by such the insurance, or both.

**SECTION 308.** 66.187 of the statutes is renumbered 62.59.

**SECTION 309.** 66.189 of the statutes is renumbered 62.67.

**SECTION 310.** 66.19 of the statutes is renumbered 66.0509, and 66.0509 (1) to (4), as renumbered, are amended to read:

66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or ~~66.04 66.0101~~ to establish a civil service system of selection, tenure and status, and the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employes subject to s. 62.13, members of the judiciary and supervisors. Any town may establish a civil service system under this subsection. For veterans there shall be no restrictions as to age, and veterans and their spouses shall be given preference points in accordance with s. 230.16 (7). The system may also include uniform provisions in respect to attendance, leave regulations, compensation and payrolls for all personnel included ~~thereunder~~ in the system. The governing body of any city, village or town establishing a civil service system under this section may exempt from the system the librarians and assistants subject to s. 43.09 (1).

(2) (a) Any town may establish a civil service system under sub. (1) and in such the departments as that the town board may determine. Any person who has been employed in ~~any such a~~ department for more than 5 years ~~prior to before~~ the establishment of such a civil service system applicable to that department is eligible to appointment without examination.

(b) Any town not having a civil service system and having exercised the option of placing assessors under civil service under s. 60.307 (3) may establish a civil service system for assessors under sub. (1), unless ~~such the~~ the town has come within the jurisdiction of a county assessor under s. 70.99.

(3) When any town has established a system of civil service, the ordinance establishing the system may not be repealed for a period of 6 years after its enactment, and ~~thereafter~~ after the 6-year period it may be repealed only by proceedings under s. 9.20 by referendum vote. This subsection ~~shall~~ does not apply ~~where if~~ a town comes, before the expiration of the 6 years, within the jurisdiction of a county assessor under s. 70.99.

(4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of ~~such the~~ board or commission for cause by the mayor with approval of the council, ~~and in cities organized under the provisions of ss. 64.01 to 64.15~~ by the city manager and the council in a city orga-

nized under ss. 64.01 to 64.15, and by the board in villages and towns a village or town.

**SECTION 311.** 66.192 of the statutes is renumbered 66.0503, and 66.0503 (1) (intro.) and (b), (3), (4) and (5), as renumbered, are amended to read:

66.0503 (1) (intro.) The office of county supervisor may be consolidated by charter ordinance under s. ~~66.04 61.1895~~ or 66.0101:

(b) With the office of alderperson or council member in any city in which the district from which ~~such the~~ the alderperson or council member is elected is coterminous with the boundaries of any supervisory district established under s. 59.10 (3).

(3) Removal from office of any incumbent of ~~such consolidated office shall vacate said~~ an office consolidated under this section vacates the office in its entirety whether effected under ss. 17.09, 17.12 and 17.13 or other pertinent statute.

(4) Compensation for ~~such consolidated office an~~ office consolidated under this section shall be separately established by the several governing bodies affected thereby by the consolidation as though no consolidation of offices had occurred.

(5) Tenure for ~~such combination officer~~ an officer of an office consolidated under this section shall coincide with the term for county supervisors.

**SECTION 312.** 66.196 of the statutes is renumbered 66.0505 and amended to read:

**66.0505 Compensation of governing bodies.** An elected official of any county, city, town or village, who by virtue of the office held by that official is entitled to participate in the establishment of the salary attending that office, shall not during the term of ~~such the~~ the office collect salary in excess of the salary provided at the time of that official's taking office. This provision is of statewide concern and applies only to officials elected after October 22, 1961.

**SECTION 313.** 66.197 of the statutes is repealed.

NOTE: Repeals s. 66.197, which authorizes a county board to increase the salary of an elected official during the official's term of office. The statute is in direct conflict with s. 59.22 (1) (a) 1., which prohibits the increase or decrease of an elected official's salary during the official's term of office. Section 66.197 is repealed and s. 59.22 (1) (a) 1. is retained since the policy of the latter statute expresses the typical Wisconsin practice regarding the salary of an elected official.

**SECTION 314.** 66.199 of the statutes is renumbered 66.0507.

**SECTION 315.** 66.20 of the statutes is renumbered 200.01, and 200.01 (intro.), as renumbered, is amended to read:

**200.01 Metropolitan sewerage districts, definitions.** (intro.) Unless the context requires otherwise, for the purposes of ~~ss. 66.20 to 66.26 this subchapter~~, the following terms have the designated meanings:

**SECTION 316.** 66.21 of the statutes is renumbered 200.03 and amended to read:

**200.03 Applicability.** ~~Sections 66.20 to 66.26 shall apply~~ This subchapter applies to all areas of the state except those areas included in a metropolitan sewerage district created under ss. ~~66.88 200.21~~ to ~~66.918 200.65~~.

**SECTION 317.** 66.22 of the statutes is renumbered 200.05, and 200.05 (3) (b) and (6), as renumbered, are amended to read:

200.05 (3) (b) Conduct the hearing to permit any person to present any oral or written pertinent and relevant information relating to the purposes and standards of ~~ss. 66.20 to 66.26 this subchapter~~; and

(6) No resolution for the formation of a district encompassing the same or substantially the same territory shall be made by any municipality for one year following the issuance of an order denying the formation under ~~ss. 66.20 to 66.26 this subchapter~~.

**SECTION 318.** 66.225 of the statutes is renumbered 200.07.

**SECTION 319.** 66.23 of the statutes is renumbered 200.09, and 200.09 (1), (9) and (10), as renumbered, are amended to read:

200.09 (1) A district formed under ~~ss. 66.20 to 66.26 this subchapter~~ shall be governed by a 5-member commission appointed for staggered 5-year terms. Except as provided in sub. (11), commissioners shall be appointed by the county board of the county in which the district is located. If the district contains territory of more than one county, the county boards of the counties not having the greatest population in the district shall appoint one commissioner each and the county board of the county having the greatest population in the district shall appoint the remainder. Of the initial appointments, the appointments for the shortest terms shall be made by the counties having the least amount of population, in reverse order of their population included in the district. Commissioners shall be residents of the district. Initial appointments shall be made no sooner than 60 days and no later than 90 days after issuance of the department order forming a district or after completion of any court proceedings challenging such order. A per diem compensation not to exceed \$50 may be paid to commissioners. Commissioners may be reimbursed for actual expenses incurred as commissioners in carrying out the work of the commission.

(9) **Chapter 276, laws of 1971**, shall apply to every metropolitan sewerage district that had been operating, prior to April 30, 1972, under ss. 66.20 to 66.209, 1969 stats. Commissioners for such districts who were in office on April 30, 1972 shall continue to serve until their respective terms are completed. The county board of the county having the greatest population in the district shall appoint 2 additional members to each such commission



no sooner than 60 days and no later than 90 days after April 30, 1972. One such member shall have a 5-year term and one such member shall have a 4-year term. The county board of those counties having population within the district that did not appoint the preceding 2 members if any shall, each in turn according to their population in the district, appoint successors to each of the 3 commissioners who held office on April 30, 1972, until their allotted number of appointments, as specified under sub. (1) is filled. The governor may adjust terms of the successors to the 3 original commissioners in order that the appointment schedules are consistent with ~~s. 66.23~~ this section.

(10) Sections ~~66.20 200.01~~ to ~~66.26 200.15~~ do not affect the continued validity of contracts and obligations previously entered into by a metropolitan sewerage district operating under ss. 66.20 to 66.209, 1969 stats., prior to April 30, 1972, nor validity of any such district.

**SECTION 320.** 66.24 of the statutes is renumbered 200.11, and 200.11 (1) (b) and (d) and (9), as renumbered, are amended to read:

200.11 (1) (b) *Plans.* The commission shall prepare and by resolution adopt plans and standards of planning, design and operation for all projects and facilities which will be operated by the district or which affect the services to be provided by the district. Commissions may and are encouraged to contract with regional or area-wide planning agencies for research and planning services. The commission's plans shall be consistent with adopted plans of a regional planning commission or area-wide planning agency organized under ~~s. 66.945 66.0309~~.

(d) *Rules.* The commission may adopt rules for the supervision, protection, management and use of the systems and facilities operated by the district. Such rules may, in the interest of plan implementation, restrict or deny the provision of utility services to lands which are described in adopted master plans or development plans of a municipality or county as not being fit or appropriate for urban or suburban development. Rules of the district shall be adopted and enforced as provided by ~~s. 66.902 200.45~~. Notwithstanding any other provision of law, such rules or any orders issued thereunder, may be enforced under s. 823.02 and the violation of any rule or any order lawfully promulgated by the commission is declared to be a public nuisance.

(9) **EXTRATERRITORIAL SERVICE BY CONTRACT.** A district may provide service to territory outside the district, including territory in a county not in that district, under ~~s. 66.30 66.0301~~, subject to ss. ~~66.20 200.01~~ to ~~66.26 200.15~~ and ~~66.902 200.45~~, except that ~~s. 66.23 200.09~~ (1) does not require the appointment of a commissioner from that territory.

**SECTION 321.** 66.25 of the statutes is renumbered 200.13, and 200.13 (1) (i), (j), (m) and (n) (intro.), (2), (3)

(a), (4), (12) and (13), as renumbered, are amended to read:

200.13 (1) (i) The owner of any parcel of real estate affected by the determination and assessments may, within 20 days after the date of such determination, appeal to the circuit court of the county in which the land is situated, and ~~s. 66.60 66.0703~~ (12) shall apply to and govern such appeal, however the notice therein required to be served upon the city clerk shall be served upon the district, and the bond therein provided for shall be approved by the commission and the duties therein devolving upon the city clerk shall be performed by the president of the commission.

(j) The commission may provide that the special assessment may be paid in annual instalments not more than 10 in number, and may, for the purpose of anticipating collection of the special assessments, and after said instalments have been determined, issue special improvement bonds payable only out of the special assessment, and ~~s. 66.54 66.0713~~ shall apply to and govern the instalment payments and the issuance of said bonds, except that the assessment notice shall be substantially in the following form:

#### INSTALMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvements) and that the amount of the special assessment therefor has been determined as to each parcel of real estate affected thereby, and a statement of the same is on file with the commission; that it is proposed to collect the same in ... instalments, as provided by ~~s. 66.54 66.0713~~, with interest thereon at ...% per year; that all assessments will be collected in instalments, as above provided, except such assessments as the owners of the property shall, within 30 days from the date of this notice, file with the commission a statement in writing that they elect to pay in one instalment, in which case the amount of the instalment shall be placed upon the next ensuing tax roll.

(m) Section ~~66.60 (17) 66.0703~~ (14) shall be applicable to assessments made under this section.

(n) (intro.) The commission may provide for a deferred due date on the levy of the special assessment as to real estate which is in agricultural use or which is otherwise not immediately to receive actual service from the sewer or other facility for which the assessment is made. Such assessments shall be payable as soon as such lands receive actual service from the sewer or other facility. Any such special assessments shall be a lien against the property from the date of the levy. For the purpose of anticipating collection of special assessments for which the due date has been deferred, the commission may issue special improvement bonds payable only out of the special assessments. Section ~~66.54 66.0713~~ shall apply to and govern the issuance of bonds, except that the assessment notice shall be substantially in the following form:

(2) **TAX LEVY.** The commission may levy a tax upon the taxable property in the district as equalized by the department of revenue for state purposes for the purpose of carrying out and performing duties under ~~ss. 66.20 to 66.26~~ this subchapter but the amount of any such tax in excess of that required for maintenance and operation and for principal and interest on bonds or promissory notes shall not exceed, in any one year, one mill for each dollar of the district's equalized valuation, as determined under s. 70.57. The tax levy may be spread upon the respective real estate and personal property tax rolls of the city, village and town areas included in the district taxes, and shall not be included within any limitation on county or municipality taxes. Such moneys when collected shall be paid to the treasurer of such district.

(3) (a) The commission may establish service charges in such amount as to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of functions authorized by ~~ss. 66.20 to 66.26~~ this subchapter, and for the payment of all or part of the principal and interest of any indebtedness incurred thereof.

(4) **BORROWING.** A district under ~~ss. 66.20 to 66.26~~ this subchapter may borrow money and issue municipal obligations under ~~ss. 66.066 66.0621 and 66.54 66.0713~~ and ch. 67.

(12) **EXEMPTION FROM LEVIES.** Lands designated as permanent open space, agricultural protection areas or other undeveloped areas not to be served by public sanitary sewer service in plans adopted by a regional planning commission or other area-wide planning agency organized under s. ~~66.945 66.0309~~ and approved by the board of supervisors of the county in which the lands are located shall not have property taxes, assessments or service charges levied against them by the district.

(13) **APPLICATION OF OTHER LAWS.** Section ~~66.076 66.0821~~ shall apply to all districts now or hereafter organized and operating under ~~ss. 66.20 to 66.26~~ this subchapter.

**SECTION 322.** 66.26 of the statutes is renumbered 200.15, and 200.15 (2) and (4), as renumbered, are amended to read:

200.15 (2) Proceedings leading to the addition of other territory to a district may be initiated by petition from a municipal governing body or upon motion of the commission. Upon receipt of the petition or upon adoption of the motion, the commission shall hold a public hearing preceded by a class 2 notice under ch. 985. The commission may approve the annexation upon a determination that the standards of ~~ss. 66.22 200.05~~ (4) (b) and (c) and ~~66.26 200.15~~ (3) are met. Approval actions by the commission under this section shall be subject to review under ch. 227.

(4) Section ~~66.23 200.09~~ (1) does not require the appointment of a commissioner from territory annexed

under this section if that territory, on the day before the annexation, has a population of less than 8.5% of the total population served by the district.

**SECTION 323.** 66.27 of the statutes is renumbered 66.1025 and amended to read:

**66.1025 Relief from conditions of gifts and dedications.** (1) If the governing body of a county, city, town or village accepts a gift or dedication of land made on condition that the land be devoted to a special purpose, and the condition subsequently becomes impossible or impracticable, ~~such the~~ governing body may by resolution or ordinance enacted by a two-thirds vote of its ~~members-elect~~ members-elect either to grant the land back to the donor or dedicator or the heirs of the donor or dedicator, or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant relieving the county, city, town or village of the condition, pursuant to article XI, section 3a, of the constitution.

(2) (a) If ~~such the~~ donor or dedicator of land to a county, city, town or village or the heirs of the donor or dedicator are unknown or cannot be found, ~~such the~~ resolution or ordinance described under sub. (1) may provide for the commencement of an action under this section for the purpose of relieving the county, city, town or village of the condition of the gift or dedication.

(b) Any ~~such~~ action under this subsection shall be brought in a court of record in the manner provided in ch. 801. A lis pendens shall be filed or recorded as provided in s. 840.10 upon the commencement of the action. Service upon persons whose whereabouts are unknown may be made in the manner prescribed in s. 801.12.

(c) The court may render judgment in ~~such action~~ an action under this subsection relieving the county, city, town or village of the condition of the gift or dedication.

**SECTION 324.** 66.28 (title) of the statutes is renumbered 66.0139 (title).

**SECTION 325.** 66.28 (1) to (4) of the statutes are renumbered 66.0139 (2) to (5) and amended to read:

66.0139 (2) ~~Cities, villages, towns and counties~~ A political subdivision may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days, after the taking of possession of the property by ~~the city, village, town or county officers~~ an officer of the political subdivision by any means determined to be in the best interest of the ~~city, village, town or county~~ political subdivision. If the property is not disposed of in a sale open to the public, ~~every city, village, town and county~~ the political subdivision shall maintain an inventory of ~~such the~~ property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. ~~Such The~~ inventory shall be kept as a public record for a period of not less than 2 years from the date of disposal of the property. Any means of disposal other than public auction shall be specified by ordinance. If the disposal is

in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the ~~city, village, town or county~~ treasury of the political subdivision.

(3) ~~Cities, villages, towns and counties~~ A political subdivision may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use immediately after taking possession of the substances, materials or devices without a public auction. The ~~city, village, town or county~~ political subdivision, by ordinance or resolution, may establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances, materials or devices which have a commercial value in the normal business usage and do not pose an immediate threat to life or property. If enacted, ~~any such provision~~ a disposal procedure shall include a presumption that if the substance, material or device appears to be or is reported stolen an attempt will be made to return the substance, material or device to the rightful owner.

(4) Except as provided in s. 968.20 (3), ~~a~~ 1st class cities city shall dispose of abandoned or unclaimed dangerous weapons or ammunition without a public auction 12 months after taking possession of them if the owner has not requested their return. ~~Disposition~~ Disposal procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, ~~any such provision~~ a disposal procedure shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the rightful owner. The dangerous weapons or ammunition ~~shall be~~ are subject to sub. (4) (5).

(5) A ~~city, village, town or county~~ political subdivision may retain or dispose of any abandoned, unclaimed or seized dangerous weapon or ammunition only under s. 968.20.

**SECTION 326.** 66.285 of the statutes is renumbered 66.0135, and 66.0135 (1) (intro.), (c) and (d), (2) (a) and (b) 2. and (4) (intro.), as renumbered, are amended to read:

66.0135 (1) DEFINITIONS. (intro.) In this section and s. ~~66.286~~:

(c) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an agency or corporation of ~~such~~ a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(d) "Subcontractor" has the meaning given in s. ~~66.29~~ 66.0901 (1) (d).

(2) (a) Except as provided in sub. (4) or as otherwise specifically provided, an agency that does not pay timely

the amount due on an order or contract shall pay interest on the balance due from the 31st day after receipt of a properly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later, or, if the agency does not comply with s. ~~66.286~~ sub. (7), from the 31st day after receipt of an improperly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later, at the rate specified in s. 71.82 (1) (a) compounded monthly.

(b) 2. Within 30 days after receipt of a properly completed invoice or receipt and acceptance of the property or service under the order or contract, or, if the agency does not comply with s. ~~66.286~~ sub. (7), within 30 days after receipt of an improperly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later.

(4) EXCEPTIONS. (intro.) Subsection (2) does not apply to any of the following:

**SECTION 327.** 66.286 of the statutes is renumbered 66.0135 (7).

**SECTION 328.** 66.29 (title) and (1) (title) of the statutes are renumbered 66.0901 (title) and (1) (title).

**SECTION 329.** 66.29 (1) (a) of the statutes is renumbered 66.0901 (1) (b) and amended to read:

66.0901 (1) (b) ~~In this section, "person~~ "Person" means an individual, partnership, association, limited liability company, corporation or joint stock company, lessee, trustee or receiver.

**SECTION 330.** 66.29 (1) (b) of the statutes is renumbered 66.0901 (1) (a) and amended to read:

66.0901 (1) (a) "Municipality" means the state ~~and any or a~~ town, city, village, school district, board of school directors, sewer district, drainage district, technical college district or ~~any other~~ public or quasi-public corporation, officer, board or other public body charged with the duty of receiving bids for and awarding any public contracts.

**SECTION 331.** 66.29 (1) (c) and (d) and (2) to (8) of the statutes are renumbered 66.0901 (1) (c) and (d) and (2) to (8) and amended to read:

66.0901 (1) (c) ~~The term "public~~ "Public contract" ~~shall mean and include any~~ means a contract for the construction, execution, repair, remodeling, ~~or~~ improvement of ~~any a~~ public work, ~~or~~ building, ~~or for the~~ furnishing of supplies, ~~or~~ material of any kind ~~whatsoever~~, proposals for which are required to be advertised for by law.

(d) "Subcontractor" means a person whose relationship to the principal contractor is substantially the same as to a part of the work as the latter's relationship is to the proprietor. A "subcontractor" takes a distinct part of the work in ~~such~~ a way that the "subcontractor" does not contemplate doing merely personal service.

(2) BIDDER'S PROOF OF RESPONSIBILITY. ~~Every A~~ municipality, ~~board or public body upon all contracts~~ intending to enter into a public con-

~~tract may, before delivering any form for bid proposals, plans and specifications pertaining thereto to any person, excepting except materialmen, suppliers and others not intending to submit a direct bid, require such the person to submit a full and complete statement sworn to before an officer authorized by law to administer oaths, of. The statement shall consist of information relating to financial ability, equipment, experience in the work prescribed in said the public contract, and of such other matters as that the municipality, board, public body or officer thereof may require requires for the protection and welfare of the public in the performance of any a public contract; such. The statement shall be in writing on a standard form of a questionnaire as that is adopted for such use and furnished by the municipality, board or public body or officer thereof, to be furnished by such municipality, board, public body or officer thereof. Such. The statement shall be filed in the manner and place designated by the municipality, board, public body or such officer thereof. Such statements. The statement shall not be received less than 5 days prior to the time set for opening of bids. The contents of said statements the statement shall be confidential and shall may not be disclosed except upon the written order of such the person furnishing the same, or statement, for necessary use by the public body in qualifying such the person, or in cases of action against, or by such, the person or municipality. The governing body of the municipality or such the committee, board or employe as is charged with, or delegated by the governing body with, the duty of receiving bids and awarding contracts or to whom the governing body has delegated the power shall properly evaluate the sworn statements filed relative to financial ability, equipment and experience in the work prescribed statement and shall find the maker of such the statement either qualified or unqualified. This subsection shall does not apply to cities of the first a 1st class city.~~

(3) PROOF OF RESPONSIBILITY, CONDITION PRECEDENT. No bid shall be received from any person who has not submitted the sworn statement as provided in sub. (2), provided that any prospective bidder who has once qualified to the satisfaction of the municipality, committee, board, public body or officer employe, and who wishes to become a bidder upon subsequent public contracts under the same jurisdiction of the same, to whose satisfaction the prospective bidder has qualified under sub. (2), need not separately qualify on each public contract unless required so to do by the said municipality, committee, board, public body or officers employe.

(4) REJECTION OF BIDS. ~~Whenever~~ If the municipality, committee, board, public body or officer employe is not satisfied with the sufficiency of the answer contained in the questionnaire and financial statement, it provided under sub. (2), the municipality, committee, board or employe may reject said bid, or disregard the same bid.

(5) CORRECTIONS OF ERRORS IN BIDS. ~~Whenever any~~ If a person shall submit submits a bid or proposal for the performance of public work under any public contract to be let by the a municipality, board, public body or officer thereof, who shall claim and the bidder claims that a mistake, omission or error has been made in preparing the bid, the bidder shall, before the bids are opened, make known the fact that an error, omission or mistake has been made, and in that case, If the bidder makes this fact known, the bid shall be returned to the bidder unopened and the bidder shall may not be entitled to bid upon the public contract at hand unless the same it is readvertised and relet upon the readvertisement. ~~In case any~~ If a bidder shall make makes an error or, omission or mistake and shall discover the same discovers it after the bids are opened, the bidder shall immediately and without delay give written notice and make known the fact of the mistake, omission or error which has been committed and submit to the municipality, board, public body or officers thereof, clear and satisfactory evidence of the mistake, omission or error and that the same it was not caused by any careless act or omission on the bidder's part in the exercise of ordinary care in examining the plans, or specifications and in conforming with the provisions of this section, and in case of. If the discovery and notice of a mistake, omission or error causes a forfeiture, shall the bidder may not be entitled to recover the moneys or certified check forfeited as liquidated damages unless it shall be is proven before a court of competent jurisdiction in an action brought for the recovery of the amount forfeited, that in making the mistake, error or omission the bidder was free from carelessness, negligence or inexcusable neglect.

(6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. ~~On those~~ In public contracts calling for the construction, repair, remodeling or improvement of any a public building or structure, other than highway structures and facilities, the a municipality may bid projects based on a single or multiple division of the work. ~~Contracts~~ Public contracts shall be awarded according to the division of work selected for bidding. The municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workmen workers to be employed by any contractor, and to classify such contractors as to their financial responsibility, competency and ability to perform work and to set up a classified list of contractors pursuant thereto; and such. The municipality may also reject the bid of any person, if such the person has not been classified pursuant to the said questionnaire for the kind or amount of work in said the bid.

(7) BIDDER'S CERTIFICATE. ~~On all contracts~~ When bidding on a public contract, the bidder shall incorporate and make a part of the bidder's proposal for the doing of any work or labor or the furnishing of any material in or about

any public work or contract of the municipality a sworn statement by the bidder, or if not an individual by one authorized, that the bidder or authorized person ~~so swearing~~ has examined and carefully prepared the proposal from the plans and specifications and has checked the same in detail before submitting the proposal or bid to the municipality, ~~board, department or officer charged with the letting of bids and also at the same time as.~~ As a part of the proposal, the bidder also shall submit a list of the subcontractors the bidder proposes to contract with, and the class of work to be performed by each, ~~provided that.~~ In order to qualify for inclusion in the bidder's list a subcontractor ~~must shall~~ first submit a bid in writing, to the general contractor at least 48 hours prior to the time of the bid closing, ~~which list shall.~~ The list may not be added to ~~nor~~ or altered without the written consent of the municipality. A proposal of a bidder ~~shall is~~ not be invalid if any subcontractor and the class of work to be performed by the subcontractor has been omitted from a proposal; ~~such~~ the omission shall be considered as inadvertent, or ~~that~~ the bidder will perform the work personally.

(8) SETTLEMENT OF DISPUTES; DEFAULTS. Whenever there is a dispute between the a contractor or surety or the municipality as to ~~the determination~~ whether there is a compliance with the provisions of ~~the a public~~ contract as to the hours of labor, wages, residence, character, and classification of ~~workmen~~ workers employed by ~~any the~~ contractor, the determination of the municipality ~~shall be is~~ final, ~~and in case of violation of said.~~ If a violation of these provisions occurs, the municipality may declare the contract in default and request the surety to perform or relet upon advertisement the remaining portion of the public contract.

**SECTION 332.** 66.29 (9) (title) of the statutes is renumbered 66.0901 (9) (title).

**SECTION 333.** 66.29 (9) (a) of the statutes is repealed.

NOTE: Repeals the separate definition of "municipality". The definition is restated in SECTION 258 of this bill.

**SECTION 334.** 66.29 (9) (b) of the statutes is renumbered 66.0901 (9) (b) and amended to read:

66.0901 (9) (b) *Retained percentages.* As the work progresses under ~~any a~~ contract involving \$1,000 or more for the construction, execution, repair, remodeling or improvement of ~~any a~~ public work or building or for the furnishing of ~~any~~ supplies or materials, regardless of whether or not proposals for which the contract are required to be advertised by law, the municipality, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which ~~shall entitle~~ entitles the contractor to receive the amount ~~thereof of the estimate,~~ less the retainage, from the proper fund. ~~On all such contracts, the~~ The retainage shall be an amount equal to 10% of ~~said the~~ estimate until 50% of the work has been completed. At 50% completion, further partial payments shall be made in full to the contractor and no additional amounts may be retained

unless the architect or engineer certifies that the job is not proceeding satisfactorily, but amounts previously retained shall not be paid to the contractor. At 50% completion or any time ~~thereafter~~ after 50% completion when the progress of the work is not satisfactory, additional amounts may be retained but ~~in no event shall~~ the total retainage may not be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. When the work has been substantially completed except for work which cannot be completed because of weather conditions, lack of materials or other reasons which in the judgment of the municipality are valid reasons for non-completion, the municipality may make additional payments, retaining at all times an amount sufficient to cover the estimated cost of the work still to be completed or ~~in the alternative~~ may pay out the entire amount retained and receive from the contractor guarantees in the form of a bond or other collateral sufficient to ensure completion of the job. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by the contractor and delivered to the work or properly stored and suitable for incorporation in the work embraced in the contract.

**SECTION 335.** 66.293 of the statutes is renumbered 66.0903, and 66.0903 (title), (1) (g), (3) (am) and (bm), (9), (10) (a) and (b), (11) (a) and (b) 1. to 5. and (12) (a) and (d), as renumbered, are amended to read:

**66.0903** (title) ~~Contractor's failure to comply with municipal~~ Municipal prevailing wage and hour scale scales.

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

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, ~~then the~~ "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing or demolition of any project of public works in any area ~~shall be means~~ the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the high-

est-paid 51% of hours worked in that trade or occupation on projects in that area.

(3) (am) ~~Every~~ A local governmental unit, before making a contract by direct negotiation or soliciting bids on a contract, for the erection, construction, remodeling, repairing or demolition of any project of public works, including a highway, street or bridge construction project, shall apply to the department to determine the prevailing wage rate and prevailing hours of labor for each trade or occupation required in the work contemplated. The department shall make ~~such~~ investigations and hold ~~such~~ public hearings as ~~may be~~ necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself as to the prevailing wage rates and prevailing hours of labor in all areas of the state for those trades or occupations, with a view to ascertaining the prevailing wage rate and prevailing hours of labor for each ~~such~~ trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the ~~same~~ determination with the requesting local governmental unit ~~applying therefor~~.

(bm) Any person may request a recalculation of any portion of a determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate or prevailing hours of labor for any given trade or occupation included in the initial determination does not represent the prevailing wage rate or prevailing hours of labor for that trade or occupation in the area. ~~Such~~ The evidence shall include wage rate and hours of labor information for work performed in the contested trade or occupation in the area within the previous 12 months. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(9) COMPLIANCE. (a) When the department finds that a local governmental unit has not requested a determination under sub. (3) (am) or that a local governmental unit, contractor or subcontractor has not physically incorporated a determination into a contract or subcontract as required under this section or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (3) (dm), the department shall notify the local governmental unit, contractor or subcontractor of ~~such~~ the noncompliance and shall file the determination with the local governmental unit, contractor or subcontractor within 30 days after ~~such~~ the notice.

(b) Upon completion of a project and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until ~~such~~ the affidavit is filed in proper form and order.

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

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

(b) The department or the contracting local governmental unit may demand and examine, and ~~it shall be the duty of~~ every contractor, subcontractor and contractor's or subcontractor's agent ~~thereof~~ to shall keep, and furnish to upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in chs. 103 to 106. Every contractor, subcontractor or agent performing work on a project that is subject to this section is subject to the requirements of chs. 103 to 106 relating to the examination of records.

(11) (a) Any contractor, subcontractor or contractor's or subcontractor's agent ~~thereof~~, who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3), ~~shall be~~ is liable to any affected employe in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional equal amount as liquidated damages. An action to recover the liability may be maintained in any court of competent jurisdiction by any employe for and in behalf of that employe and other employes similarly situated. No employe may be a party plaintiff to ~~any such~~

~~the~~ action unless the employe consents in writing to become ~~such~~ a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(b) 1. Except as provided in subs. 2., 4. and 6., any contractor, subcontractor or ~~contractor's or subcontractor's~~ agent ~~thereof~~ who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that any ~~such~~ violation continues ~~shall be considered is~~ a separate offense.

2. Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project, or who reduces the hourly basic rate of pay normally paid to an employe for work on a project that is not subject to this section during a week in which the employe works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from ~~such~~ employment or by any other means is guilty of an offense under s. 946.15 (1).

3. Any person employed on a project that is subject to this section who knowingly permits a contractor, subcontractor or ~~contractor's or subcontractor's~~ agent ~~thereof~~ to pay him or her less than the prevailing wage rate set forth in the contract governing ~~such the~~ project, who gives up, waives or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

5. Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing ~~such the~~ project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(12) (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit

applying for a determination under sub. (3) and any local governmental unit exempted under sub. (6) of the names of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with ~~any such each~~ name the address of ~~such the~~ person and shall specify when ~~such the~~ person failed to pay the prevailing wage rate and when ~~such the~~ person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A local governmental unit may not award any contract to ~~such the~~ person unless otherwise recommended by the department or unless at least 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

(d) Any person submitting a bid on a project that is subject to this section shall ~~be required~~, on the date the person submits the bid, to identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3).

**SECTION 336.** 66.295 of the statutes is repealed.

NOTE: Repealed as archaic. The section authorizes a city, village, town or county which has received and utilized any benefits or improvements furnished before March 1, 1973 under an unenforceable contract, entered into in good faith and fully performed and accepted, to pay the fair and reasonable value of the benefits and improvements. While this section was amended a number of times after 1949 to extend the cutoff date, that date has not been changed since ch. 97, laws of Wisconsin 1973, which changed the cutoff date from July 1, 1969 to March 1, 1973.

**SECTION 337.** 66.296 (title) of the statutes is renumbered 66.1003 (title) and amended to read:

**66.1003 (title) Discontinuance of streets and alleys a public way.**

**SECTION 338.** 66.296 (1) of the statutes is renumbered 66.1003 (2) and amended to read:

66.1003 (2) ~~The whole or any part of any road, street, slip, pier, lane or paved alley, in any 2nd, 3rd or 4th class city or in any village or town, may be discontinued by the common council or village or town board~~ common council of any city, except a 1st class city, or a village or town board may discontinue all or part of a public way upon the written petition of the owners of all the frontage of the lots and lands abutting upon the ~~portion thereof~~ public way sought to be discontinued, and of the owners of more

than one-third of the frontage of the lots and lands abutting on that portion of the remainder thereof of the public way which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as ~~shall be~~ is within the corporate limits of the city, village or town. The beginning and ending of an alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.

**SECTION 339.** 66.296 (1m) of the statutes is renumbered 66.1003 (3) and amended to read:

66.1003 (3) ~~The whole or any part of any unpaved alley in any 2nd, 3rd or 4th class city or in any village or town may be discontinued by the common council or village or town board~~ common council of any city, except a 1st class city, or a village or town board may discontinue all or part of an unpaved alley upon the written petition of the owners of more than 50% of the frontage of the lots and lands abutting upon the portion thereof of the unpaved alley sought to be discontinued. The beginning and ending of an unpaved alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.

**SECTION 340.** 66.296 (2) of the statutes is renumbered 66.1003 (4), and 66.1003 (4) (a) to (c), as renumbered, are amended to read:

66.1003 (4) (a) ~~As an alternative~~ Notwithstanding subs. (2) and (3), proceedings covered by this section may be initiated by the common council or village or town board by the introduction of a resolution declaring that since the public interest requires it, ~~the whole or any part of any road, street, slip, pier, lane or alley in the city, village or town is thereby~~ a public way or an unpaved alley is vacated and discontinued. No discontinuance of a public way under this subsection may result in a landlocked parcel of property.

(b) A hearing on the passage of ~~such a~~ resolution under par. (a) shall be set by the common council or village or town board on a date which shall not be less than 40 days ~~thereafter~~ after the date on which the resolution is introduced. Notice of the hearing shall be given as provided in sub. ~~(5)~~ (8), except that in addition notice of ~~such the~~ hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the ~~portion thereof~~ public way or unpaved alley sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before ~~such the~~ hearing. When ~~such~~ service cannot be made within the city, village or town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing.

(c) ~~No~~ Except as provided in this paragraph, no discontinuance of the whole or any part of ~~any road, street, slip, pier, lane or paved alley shall~~ a public way may be ordered under this subsection if a written objection to the

proposed discontinuance is filed with the city, village or town clerk by any of the owners abutting on the ~~portion~~ public way sought to be discontinued or by the owners of more than one-third of the frontage of the lots and lands abutting on ~~that portion of the remainder thereof~~ of the public way which lies within 2,650 feet from the ends of the ~~portion~~ public way proposed to be discontinued; or which lies within ~~so much of said that portion of the~~ 2,650 feet as ~~shall be~~ that is within the corporate limits of the city, village or town. If a written objection is filed, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance. An owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32. The beginning and ending of an alley shall be considered to be within the block in which it is located.

NOTE: Amends sub. (4) (a) by prohibiting discontinuance of a public way under the subsection that results in a landlocked parcel.

Amends sub. (4) (c). The current provision states that a discontinuance may not be ordered if a written objection is filed by any owner abutting the property to be discontinued or filed by the owners of more than one-third of the frontage of the lots and lands abutting the property to be discontinued which lies within 2,650 feet from the ends of the property, or which lies within 2,650 feet of the municipal limits. The provision is amended as follows:

1. If a written objection is filed, either by an abutting owner or an appropriate number of those other owners affected by the discontinuance, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance.

2. It is expressly stated that an owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32.

**SECTION 341.** 66.296 (2m) of the statutes is renumbered 66.1003 (5).

**SECTION 342.** 66.296 (3), (4) and (5) of the statutes are renumbered 66.1003 (6), (7) and (8) and amended to read:

66.1003 (6) Whenever any of the lots or lands subject to this section is owned by the state, county, city, village or town, or by a minor or incompetent person, or the title thereof to the lots or lands is held in trust, ~~as to all lots and lands so owned or held,~~ petitions for discontinuance or objections to discontinuance may be signed by the governor, chairperson of the board of supervisors of the county, mayor of the city, president of the village, chairperson of the town board, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.

(7) The city council or village or town board may by resolution discontinue any alley or any portion thereof of an alley which has been abandoned, at any time after the expiration of 5 years from the date of the recording of the



plat by which it was dedicated. Failure or neglect to work or use any alley or any portion thereof of an alley for a period of 5 years next preceding the date of notice provided for in sub. (5) (8) shall be considered an abandonment for the purpose of this section.

(8) Notice stating when and where the petition or resolution under this section will be acted upon and stating what ~~road, street, slip, pier, lane or alley, or part thereof,~~ public way or unpaved alley is proposed to be discontinued, shall be published as a class 3 notice, under ch. 985.

**SECTION 343.** 66.296 (6) of the statutes is renumbered 66.1003 (9).

**SECTION 344.** 66.297 of the statutes is renumbered 62.73 and amended to read:

**62.73 Discontinuance of public grounds.** (1) ~~In every city of the 1st class, the~~ The common council of a 1st class city may vacate in whole or in part ~~such~~ highways, streets, alleys, grounds, waterways, public walks and other public grounds within the corporate limits of the city ~~as in its opinion that it determines~~ the public interest requires to be vacated or are of no public utility, subject to s. 80.32 (4). ~~Such proceedings~~ Proceedings under this section shall be commenced either by a petition presented to the common council signed by the owners of all property which abuts ~~upon~~ the portion of the public facilities proposed to be vacated, or by a resolution adopted by the common council. The requirements of s. 840.11 shall apply to proceedings under this section.

(2) All petitions or resolutions shall be referred to a committee of the common council for a public hearing on ~~such~~ the proposed discontinuance and at least 7 days shall elapse between the date of the last service and the date of ~~such~~ the hearing. A notice of ~~such~~ hearing shall be served on the owners of record of all property which abuts ~~upon~~ the portion of the public facilities proposed to be vacated, in the manner provided for service of a summons.

(3) If the common council initiates a discontinuance proceeding by resolution without a petition signed by all of the owners of the property which abuts the public facility proposed to be discontinued, any owner of property abutting ~~such~~ the public facility whose property is damaged ~~thereby~~ by the discontinuance may recover ~~such~~ damages as provided in ch. 32.

(4) The common council may also order that an assessment of benefits be made and when so ordered the assessment shall be made as provided in s. ~~66.60~~ 66.0703.

**SECTION 345.** 66.298 of the statutes is renumbered 66.0905 and amended to read:

**66.0905 Pedestrian malls.** After referring the matter to the plan commission for report under s. 62.23 (5), or the town zoning committee under s. 60.61 (4), and after holding a public hearing on the matter with publication of a Class 1 notice of the hearing, the governing body of any city or village, or any town board acting under s. 60.61 or 60.62, may by ordinance designate any street, road or public way or any part ~~thereof~~ of a street, road or

public way wholly within its jurisdiction as a pedestrian mall and prohibit or limit ~~the use thereof by~~ vehicular traffic in the pedestrian mall. Creation of ~~such a pedestrian malls shall~~ mall under this section does not constitute a discontinuance or vacation of ~~such~~ the street, road or public way under s. ~~66.296~~ 66.1003 or 236.43.

**SECTION 346.** 66.299 (title) and (1) of the statutes are renumbered 66.0131 (title) and (1), and 66.0131 (1) (a), as renumbered, is amended to read:

66.0131 (1) (a) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an agency or corporation of ~~such~~ a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

**SECTION 347.** 66.299 (2) to (5) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0131 (2) to (5).

**SECTION 348.** 66.30 (title) and (1) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0301 (title) and (1).

**SECTION 349.** 66.30 (2) of the statutes is renumbered 66.0301 (2) and amended to read:

66.0301 (2) In addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless ~~such~~ those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

NOTE: The underscored sentence restates s. 66.30 (4), which is repealed by SECTION 354 of this bill.

**SECTION 350.** 66.30 (2g) of the statutes is renumbered 66.0311 (2) and amended to read:

66.0311 (2) Any municipality, housing authority, development authority or redevelopment authority authorized under ss. ~~66.40 to 66.435~~ 66.1201 to 66.1211 and 66.1301 to 66.1337:

(a) To issue bonds or obtain other types of financing in furtherance of its statutory purposes may cooperate with any other municipality, housing authority, development authority or redevelopment authority similarly authorized under ss. ~~66.40 to 66.435~~ 66.1201 to 66.1211 and 66.1301 to 66.1337 for the purpose of jointly issuing bonds or obtaining other types of financing.

(b) To plan, undertake, own, construct, operate and contract with respect to any housing project in accordance with its statutory purposes under ss. ~~66.40 to~~

66.435 ~~66.1201 to 66.1211 and 66.1301 to 66.1337~~, may cooperate for the joint exercise of such functions with any other municipality, housing authority, development authority or redevelopment authority so authorized.

**SECTION 351.** 66.30 (2m) of the statutes is renumbered 36.11 (19), and 36.11 (19) (a) to (c), as renumbered, are amended to read:

36.11 (19) (a) ~~The university of Wisconsin board~~ may furnish, and school districts may accept, services for educational study and research projects and they may enter into contracts under ~~this section s. 66.0301~~ for that purpose.

(b) A group of school districts, if authorized by each school board, may form a nonprofit-sharing corporation to contract with the state or the ~~university of Wisconsin system board~~ for the furnishing of the services specified in par. (a).

(c) The corporation shall be organized under ch. 181 and shall have the powers there applicable. Members of the ~~school~~ boards specified in par. (b) may serve as incorporators, directors and officers of the corporation.

**SECTION 352.** 66.30 (3) and (3m) of the statutes are renumbered 66.0301 (3) and (4) and amended to read:

66.0301 (3) Any ~~such~~ contract ~~under sub. (2)~~ may provide a plan for administration of the function or project, which may include, ~~without limitation because of enumeration, but is not limited to~~ provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, ~~and~~ formation and letting of contracts.

(4) A commission created by contract under sub. (2) may finance the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects under s. ~~66.066~~ 66.0621. Participating municipalities acting jointly or separately may finance ~~such the~~ projects, or an agreed share of the cost ~~thereof of the projects~~, under ch. 67.

**SECTION 353.** 66.30 (3n) and (3p) of the statutes are consolidated, renumbered 66.0301 (5) (intro.) and amended to read:

66.0301 (5) (intro.) No commission created by contract under ~~this section is authorized~~ sub. (2) may, directly or indirectly, ~~to acquire, do any of the following:~~

(a) Acquire, construct or lease facilities used or useful in the business of a public utility engaged in production, transmission, delivery or furnishing of heat, light, power, natural gas or communications service, by any method except those set forth under this chapter or ch. 196, 197 or 198. ~~(3p) The authority now or hereafter conferred by law on commissions created by contract under this section shall not include the right, power or authority to establish~~

(b) Establish, lay out, construct, improve, discontinue, relocate, widen or maintain any road or highway outside the corporate limits of a village or city or to

acquire lands for ~~such~~ those purposes except upon approval of the department of transportation and the county board of the county and the town board of the town in which the road is to be located.

**SECTION 354.** 66.30 (4) of the statutes is repealed.

NOTE: The substance of this repealed subsection is relocated to s. 66.0301 (2), as renumbered [current s. 66.30 (2)]. See SECTION 348 of this bill.

**SECTION 355.** 66.30 (5) (intro.), (a) and (b) of the statutes are renumbered 66.0303 (2), (3) and (4) and amended to read:

66.0303 (2) ~~Any A~~ municipality may contract with municipalities of another state for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by statute to the extent that laws of ~~such the~~ other state or of the United States permit ~~such the~~ joint exercise.

(3) Every An agreement made under this subsection section shall, prior to and as a condition precedent to taking effect, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted ~~hereunder~~ under this subsection unless the attorney general finds that it does not meet the conditions set forth ~~herein in this section~~ and details in writing addressed to the concerned municipal governing bodies the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted ~~hereunder~~ under this subsection within 90 days of its submission ~~shall constitute~~ constitutes approval ~~thereof~~. The attorney general, upon submission of an agreement ~~hereunder~~, shall transmit a copy of the agreement to the governor who shall consult with any state department or agency affected by the agreement. The governor shall forward to the attorney general any comments the governor may have concerning the agreement.

(4) An agreement entered into under this subsection ~~shall have~~ section has the status of an interstate compact, but in any case or controversy involving performance or interpretation ~~thereof of~~ or liability ~~thereunder~~ under the agreement, the municipalities party ~~thereto shall be to the agreement~~ are real parties in interest and the state may commence an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party ~~therein~~. ~~Such. The~~ The action by the state may be maintained against any municipality whose act or omission caused or contributed to the incurring of damage or liability by the state.

**SECTION 356.** 66.30 (6) (a) of the statutes is repealed.

**SECTION 357.** 66.30 (6) (b) to (h) of the statutes are renumbered 120.25 (1) to (6), and 120.25 (1), (2) (intro.), (3), (5) and (6), as renumbered, are amended to read:

120.25 (1) Two or more school boards of school districts may by written contract executed by all participants to the contract, own, construct, lease or otherwise acquire

school facilities including real estate located within or outside the boundaries of any participating school district.

(2) (intro.) School district boards entering into a contract under this subsection section may, without limitation because of enumeration:

(3) A contract entered into under this subsection section shall at all times be limited to a period of 50 years but may, by mutual written consent of all participants, be modified or extended beyond the initial term.

(5) At least 30 days prior to entering into a contract under this subsection section or a modification or extension of the contract, the school boards of the districts involved or their designated agent shall file the proposed agreement with the state superintendent of ~~public instruction~~ to enable the department to assist and advise the school boards involved in regard to the applicable recognized accounting procedure for the administration of the school aid programs. The state superintendent shall review the terms of the proposed contract to ensure that each participating school district's interests are protected.

(6) School district boards entering into a contract under this subsection section shall designate for each employe providing services under the contract either a school district entering into the contract or a cooperative educational service agency under ~~ch. 116~~ as the employer for purposes of compliance with s. 111.70, teacher's retirement, worker's compensation and unemployment insurance.

**SECTION 358.** 66.301 of the statutes is renumbered 66.1019 (1).

**SECTION 359.** 66.302 of the statutes is renumbered 66.1019 (2).

**SECTION 360.** 66.303 of the statutes is renumbered 66.1019 (3), and 66.1019 (3) (a), as renumbered, is amended to read:

66.1019 (3) (a) Except as provided in ~~sub. (2) par. (b)~~, any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

**SECTION 361.** 66.304 of the statutes is renumbered 66.1017.

**SECTION 362.** 66.305 (title) of the statutes is renumbered 66.0313 (title).

**SECTION 363.** 66.305 (1) and (2) of the statutes are renumbered 66.0313 (2) and (3) and amended to read:

66.0313 (2) Upon the request of any law enforcement agency, including county law enforcement agencies as provided in s. 59.28 (2), the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter's jurisdiction, notwithstanding any other jurisdictional provision. For purposes of ss. 895.35 and 895.46, ~~such~~ law enforcement personnel, while acting in response to ~~such request a~~

request for assistance, shall be deemed employes of the requesting agency.

(3) The provisions of s. ~~66.315~~ shall 66.0513 apply to this section.

**SECTION 364.** 66.307 of the statutes is renumbered 66.1113, and 66.1113 (2) (c), as renumbered, is amended to read:

66.1113 (2) (c) If 2 or more contiguous political subdivisions that are premier resort areas each impose the tax under s. 77.994, they may enter into a contract under s. ~~66.30~~ 66.0301 to cooperate in paying for infrastructure expenses, in addition to any other authority they have to act under s. ~~66.30~~ 66.0301.

**SECTION 365.** 66.31 of the statutes is renumbered 66.1009.

**SECTION 366.** 66.312 of the statutes is renumbered 66.0511.

**SECTION 367.** 66.315 of the statutes is renumbered 66.0513 and amended to read:

**66.0513 Police, pay when acting outside county or municipality.** (1) Any chief of police, sheriff, deputy sheriff, county traffic officer or other peace officer of any city, county, village or town, who ~~shall be~~ is required by command of the governor, sheriff or other superior authority to maintain the peace, or who responds to the request of the authorities of another municipality, to perform police or peace duties outside territorial limits of the city, county, village or town where ~~employed as such officer, shall be~~ the officer is employed, is entitled to the same wage, salary, pension, worker's compensation, and all other service rights for ~~such~~ this service as for service rendered within the limits of the city, county, village or town where regularly employed.

(2) All wage and disability payments, pension and worker's compensation claims, damage to equipment and clothing, and medical expense arising under sub. (1), shall be paid by the city, county, village or town regularly employing ~~such~~ the officer. Upon making ~~such~~ the payment ~~such~~ the city, county, village or town shall be reimbursed by the state, county or other political subdivision whose officer or agent commanded the services out of which the payments arose.

**SECTION 368.** 66.32 of the statutes is renumbered 66.0105 and amended to read:

**66.0105 Extraterritorial Jurisdiction of overlapping extraterritorial powers.** The extraterritorial powers granted to cities and villages by statute, including ss. 30.745, 62.23 (2) and (7a), ~~66.052~~ 66.0415, 236.10 and 254.57, may not be exercised within the corporate limits of another city or village. Wherever these statutory extraterritorial powers overlap, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area.

**SECTION 369.** 66.325 of the statutes is renumbered 166.23, and 166.23 (title), as renumbered, is amended to read:

**166.23 (title) Emergency powers of cities, villages and towns.**

**SECTION 370.** 66.33 of the statutes is renumbered 281.695.

**SECTION 371.** 66.34 of the statutes is renumbered 92.115, and 92.115 (title), as renumbered, is amended to read:

**92.115 (title) Soil Municipal soil conservation on private lands.**

**SECTION 372.** 66.345 of the statutes is repealed.

NOTE: The repealed section authorizes towns to levy special assessments against lands or interests specially benefited by the town's removal and disposition of dead animals under s. 60.23 (20), soil conservation work under s. 66.34 and snow removal under s. 86.105. Because of the nature of these services, the special committee determined that the costs of the services, to the extent not covered by other funding sources, are more appropriately funded by special charges. See SECTION 170 of this bill.

**SECTION 373.** 66.35 of the statutes is renumbered 285.54.

**SECTION 374.** 66.36 of the statutes is renumbered 281.59 (13f), and 281.59 (13f) (intro.) and (c) to (f), as renumbered, are amended to read:

**281.59 (13f) MUNICIPAL FINANCING; CLEAN WATER FUND PROJECT COSTS FUNDING OF FINANCIAL ASSISTANCE.** (intro.) Subject to the terms and conditions of its financial assistance agreement, a municipality may repay financial assistance costs received ~~under~~ from the clean water fund program under ~~ss. s. 281.58 and 281.59~~ under this section by any lawful method, including any one of the following methods or any combination ~~thereof~~ of the methods:

(c) Payment out of the proceeds of the sale of public improvement bonds issued by it under s. ~~66.059~~ 66.0619.

(d) Payment out of the proceeds of revenue obligations issued by it under s. ~~66.066~~ 66.0621.

(e) Payment as provided under s. ~~66.54 (2) (e), (d) or (e)~~ 66.0709.

(f) Payment as provided under s. ~~66.076 (1)~~ 66.0821 (2) (a) 1.

NOTE: It is the understanding and intent of the special committee on general municipal law recodification that the list of financing methods that follows this introductory clause is illustrative and not limiting.

**SECTION 375.** 66.365 of the statutes is renumbered 283.87 (4) and amended to read:

**283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION.** The department of ~~natural resources~~ may make grants to any county, city, village or town for the acquisition or development of recreational lands and facilities from moneys appropriated under s. 20.370 (2) (dv). Use and administration of the grant shall be consistent with any court order issued under s. ~~283.87 sub. (3)~~. A county, city, village or town which receives

a grant under this section is not required to share in the cost of a project under this section.

**SECTION 376.** 66.37 of the statutes is repealed.

NOTE: Repealed as obsolete. Section 66.37 authorizes a county, town, city or village to provide a reward to a person who kills a pocket gopher, street gopher, a black, brown, gray or Norway rat, a mole, a red or grey fox, a coyote, a wildcat or a weasel.

**SECTION 377.** 66.375 of the statutes is renumbered 66.1015.

**SECTION 378.** 66.38 of the statutes is renumbered 62.237.

**SECTION 379.** 66.39 of the statutes is repealed.

NOTE: Repealed as no longer necessary. Section 66.39 authorizes county veterans' housing authorities and does not appear to be presently used. Furthermore, the general housing authority law authorizes housing authorities to undertake housing projects for veterans. See s. 66.1201 (9) (r) as renumbered. [Current s. 66.04 (9) (r).] Subsection (1) of the repealed section is made part of the general housing authority law. See SECTION 285 of this bill.

**SECTION 380.** 66.395 (title), (1) to (2m) and (3) (title) and (a) to (p) of the statutes are renumbered 66.1213 (title), (1) to (3) and (4) (title) and (a) to (p), and 66.1213 (2), (3) and (4) (a), (h) to (k), (L) 1. (intro.) and 2. and (m) to (o), as renumbered, are amended to read:

**66.1213 (2) DECLARATION OF NECESSITY.** It is declared that the lack of housing facilities for elderly persons provided by private enterprise in certain areas creates a public necessity to establish ~~such~~ safe and sanitary facilities for which public moneys may be spent and private property acquired. The legislature declares that to provide public housing for elderly persons is the performance of a governmental function of state concern.

**(3) DISCRIMINATION.** Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, ~~with reference thereto~~, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

**(4) (a)** "Authority" or "housing authority" means any of the public corporations established pursuant to sub. (4) (5).

**(h)** "Council" means the common council of ~~the~~ a city.

**(i)** "Elderly person" means a person who is 62 years of age or older on the date ~~such~~ on which the person intends to occupy the premises, or a family, the head of which, or that person's spouse, is an elderly person as defined herein a person who is 62 years of age or older on the date of the intent to occupy the premises.

**(j)** "Federal government" includes the United States of America, ~~the federal emergency administration of public works or~~ and any agency, or instrumentality, corporate or otherwise, of the United States of America.

**(k)** "Government" includes the state and federal governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(L) 1. (intro.) "Housing projects" ~~include~~ includes all real property and personal property, building and improvements, ~~stores, offices, lands for farming and gardening,~~ and community facilities acquired or constructed ~~or to be acquired or constructed~~ pursuant to a single plan or undertaking to do any of the following:

2. "Housing project" ~~may also be applied to~~ includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection ~~therewith~~ with housing for elderly persons. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.

(m) "Mortgage" includes deeds of trust, mortgages, building and loan contracts, land contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale ~~thereof~~ of the real property or personal property.

(n) "Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee ~~or assignees or such of the~~ lessor's interest or any part ~~thereof~~ of the lessor's interest, and the United States of America, when it is a party to any contract with the authority.

(o) "Real property" includes lands, lands under water, structures, and any ~~and all~~ easements, franchises and incorporeal hereditaments and every estate and right ~~therein in an estate~~, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

**SECTION 381.** 66.395 (3) (q) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

**SECTION 382.** 66.395 (3) (r) and (s) and (4) to (7) of the statutes are renumbered 66.1213 (4) (q) and (r) and (5) to (8), and 66.1213 (4) (q), (5) (a) and (c), (6), (7) (intro.) and (a) and (8), as renumbered, are amended to read:

66.1213 (4) (q) "State public body" means any city, town, ~~incorporated~~ village, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(5) (a) When the council ~~of a city by proper resolution declares at any time hereafter~~ declares by resolution that there is need for an authority to function in the city, a public body corporate and politic shall then exist in the city and be known as the "housing authority" of the city. ~~Such~~ The authority shall then be authorized to may transact

business and exercise any powers ~~herein~~ granted to it under this section.

(c) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers ~~hereunder~~ under this section upon proof of the adoption of a resolution by the council declaring the need for the authority. ~~Such~~ The resolution ~~or resolutions shall be deemed is~~ sufficient if it declares ~~that there is such the~~ need for an authority and finds ~~in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist that the condition described in par. (b) exists~~ in the city. A copy of ~~such the~~ resolution duly certified by the city clerk shall be is admissible evidence in any suit, action or proceeding.

(6) SECTION 66.40 ~~66.1201~~ APPLIES. The provisions of s. 66.40 ~~66.1201~~ (5) to (24) (ag), (25) and (26) shall apply to housing authorities and providing housing for elderly persons under this section without reference to the income of ~~such those~~ persons.

(7) SECTIONS ~~66.401 66.1203~~ TO ~~66.404 66.1211~~ APPLY. (intro.) The provisions of ss. ~~66.401 66.1203~~ to ~~66.404 66.1211~~ shall apply to housing authorities and providing housing for elderly persons under this section without reference to the income of ~~such those~~ persons, except as follows:

(a) As set down by the federal housing authority in the case of housing projects to the financing or subsidizing of which it is a party; ~~or.~~

(8) NOT APPLICABLE TO LOW-RENTAL HOUSING PROJECTS. This section shall does not apply to projects required to provide low-rental housing only.

**SECTION 383.** 66.40 (title) of the statutes is renumbered 66.1201 (title).

**SECTION 384.** 66.40 (1) to (2m) and (3) (intro.) and (a) to (c) of the statutes are renumbered 66.1201 (1) to (2m) and (3) (intro.) and (a) to (c), and 66.1201 (1), (2), (2m) and (3) (intro.), (a) and (c), as renumbered, are amended to read:

66.1201 (1) SHORT TITLE. Sections 66.40 ~~66.1201~~ to 66.404 ~~66.1211~~ may be referred to as the "Housing Authorities Law".

(2) FINDING AND DECLARATION OF NECESSITY. It is declared that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in ~~such~~ insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that ~~such these~~ persons are forced to occupy overcrowded and congested dwelling accommodations; that the ~~aforsaid~~ conditions described in this subsection cause an increase

in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; that these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would, therefore, not be competitive with private enterprise; that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such these projects be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted of this section, is declared as a matter of legislative determination.

(2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under ss. 66.40 66.1201 to 66.404 66.1211 shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(3) DEFINITIONS. (intro.) ~~The following terms, wherever used or referred to in ss. 66.40 to 66.404 shall have the following respective meanings~~ In ss. 66.1201 to 66.1211, unless a different meaning clearly appears from the context:

(a) "Area of operation" includes the city for which a housing authority is created ~~and~~, the area within 5 miles of the territorial boundaries ~~thereof~~ of the city but not beyond the county limits of the county in which ~~such~~ the city is located and ~~provided further that in the case of all cities the area of operation shall be limited to the area within the limits of such~~ the city unless the city shall ~~annex~~ annexes the area of operation, ~~but the area of operation of a housing authority shall.~~ "Area of operation" does not include any area which lies within the territorial boundaries of any city for which another housing authority is created by this section.

(c) "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes, debentures or other obligations of the authority issued pursuant to ss. 66.40 66.1201 to 66.404 66.1211.

**SECTION 385.** 66.40 (3) (d) of the statutes is repealed.

Note: Repeals a provision that defines a city to be a city. The provision is unnecessary.

**SECTION 386.** 66.40 (3) (e) to (q) of the statutes are renumbered 66.1201 (3) (cm) to (o), and 66.1201 (3) (cm) to (n), as renumbered, are amended to read:

66.1201 (3) (cm) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers ~~thereof~~ of the city charged with the duties customarily imposed on the clerk and mayor, respectively.

(d) "Commissioner" ~~shall mean~~ means one of the members of an authority appointed in accordance with ss. 66.40 66.1201 to 66.404 66.1211.

(e) "Community facilities" ~~shall include~~ includes real and personal property, and buildings and equipment for recreational or social assemblies, for educational, health or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing authority or the occupants of the dwelling accommodations, or for both.

(f) "Contract" ~~shall mean~~ means any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

(g) "Council" means the common council or other body charged with governing the a city.

(h) "Federal government" ~~shall include~~ includes the United States of America, ~~the federal emergency administration of public works or~~ and any agency, or instrumentality, corporate or otherwise, of the United States of America.

(i) "Government" includes the state and federal governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(j) "Housing projects" ~~shall include~~ includes all real and personal property, building and improvements, stores, offices, lands ~~for farming and gardening~~, and community facilities acquired or constructed ~~or to be acquired or constructed~~ pursuant to a single plan ~~or undertaking~~ (a) either to demolish, clear, remove, alter or repair insanitary or unsafe housing; ~~or (b) to provide safe and sanitary dwelling accommodations for persons of low income, or for a combination of said (a) and (b).~~ The term "housing project" may also be applied to both. "Housing projects" includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other related work ~~in connection therewith~~.

(k) "Mortgage" ~~shall include~~ includes deeds of trust, mortgages, building and loan contracts, land contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale ~~thereof~~ of the real property or personal property.

(L) "Obligee of the authority" or "obligee" ~~shall include~~ includes any bondholder, trustee or trustees for

any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees or ~~such of the~~ lessor's interest or any part thereof ~~of the lessor's interest~~, and the United States of America federal government, when it is a party to any contract with the authority.

(m) "Persons of low income" means persons or families who lack the amount of income ~~which is~~ necessary ~~(as determined by the authority undertaking the housing project), to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.~~

(n) "Real property" ~~shall include~~ includes lands, lands under water, structures, and any ~~and all~~ easements, franchises and incorporeal hereditaments and every estate and right ~~therein~~ in an estate, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

**SECTION 387.** 66.40 (3) (r) of the statutes is repealed.

NOTE: Repeals a provision that defines a state as the state of Wisconsin. The provision is unnecessary.

**SECTION 388.** 66.40 (3) (s) and (t) and (4) to (26) of the statutes are renumbered 66.1201 (3) (p) and (q) and (4) to (26), and 66.1201 (3) (p) and (q), (4) to (8), (9) (intro.), (a) to (f), (h) to (L) and (o) to (w), (10) (a), (b) (intro.) and 1. and (c) to (h), (11), (13) (a) 1. (intro.), a. and b., (b) and (c), (14) (a), (b), (d) and (e), (15) (intro.), (a) to (k), (L) (intro.) and 2. to 4. and (Lm) to (x), (16) (b) (intro.), 1. and 2., (17) to (22), (24) (a) and (b) (intro.), 1. and 2., (25) (a) to (f) and (h) and (26), as renumbered, are amended to read:

66.1201 (3) (p) "State public body" means any city, town, ~~incorporated~~ village, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(q) "Trust indenture" ~~shall include~~ includes instruments pledging the revenues of real or personal properties.

(4) CREATION OF HOUSING AUTHORITIES. (a) ~~When the a council of a city by proper resolution shall declare at any time hereafter declares by resolution~~ that there is need for an authority to function in the city, a public body corporate and politic ~~shall then exist~~ exists in the city and shall be known as the "housing authority" of the city. ~~Such The authority shall may then be authorized to transact business and exercise any powers herein granted to it under this section.~~

(b) The council shall adopt a resolution declaring that there is need for a housing authority in the city if ~~it shall find the council finds~~ that insanitary or unsafe inhabited dwelling accommodations exist in the city or that there is a shortage of safe or sanitary dwelling accommodations in the city available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary ~~said the~~ council may take into consideration the degree of overcrowding, the

percentage of land coverage, the light, air, space and access available to the inhabitants of ~~such the~~ dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in ~~such the~~ buildings which endanger life or property by fire or other causes.

(c) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers ~~hereunder~~ under this section upon proof of the adoption of a resolution by the council declaring the need for the authority. ~~Such The resolution or resolutions shall be deemed is~~ sufficient if it declares that there is ~~such a~~ need for an authority and finds ~~in substantially the foregoing terms (no further detail being necessary)~~ that either or both of the above enumerated conditions described in par. (b) exist in the city. A copy of ~~such the~~ resolution duly certified by the city clerk ~~shall be is~~ admissible evidence in any suit, action or proceeding.

(5) APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS. (a) When the council ~~of a city~~ adopts a resolution under sub. (4), it shall promptly notify the mayor. Upon receiving ~~such the~~ notice, the mayor shall, with the confirmation of the council, appoint 5 persons as commissioners of the authority, except that the mayor of a 1st class city that has created a housing authority before May 5, 1994, shall appoint 7 commissioners, at least 2 of whom shall be residents of a housing project acquired or constructed by the authority. No commissioner may be connected in any official capacity with any political party nor ~~shall may~~ more than 2 be officers of the city in which the authority is created. The powers of each authority shall be vested in the commissioners ~~thereof in office from time to time of the authority.~~

(b) The first 5 commissioners who are first appointed shall be designated by the mayor to serve for terms of 1, 2, 3, 4 and 5 years respectively from the date of their appointment and the 2 additional commissioners appointed by the mayor of a 1st class city under par. (a) shall be first appointed to terms of 3 and 5 years respectively. Thereafter, the term of office shall be 5 years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three commissioners ~~shall~~ constitute a quorum, except that in an authority with 7 commissioners, 4 commissioners ~~shall~~ constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and ~~such the~~ certificate ~~shall be is~~ conclusive evidence of the proper appointment of that commissioner if that commissioner has been confirmed under this paragraph and has taken and filed the official oath before entering office.

The council of a city may pay commissioners a per diem and mileage and other necessary expenses incurred in the discharge of their duties at rates established by the council.

(c) When the office of the first chairperson of the authority becomes vacant, the authority shall select a chairperson from among its members. An authority shall select from among its members a vice chairperson, and it may employ a secretary (, who shall be executive director), technical experts and such other officers, agents and employes, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may call upon the city attorney or chief law officer of the city for such legal services as it may require. An authority may delegate to one or more of its agents or employes such powers or duties as it may deem proper of the authority.

(6) DUTY OF THE AUTHORITY AND ITS COMMISSIONERS. The authority and its commissioners shall ~~be under a statutory duty to comply or to cause compliance strictly with all provisions of ss. 66.40 66.1201 to 66.404 and 66.1211, with the laws of the state and in addition thereto, with each and every term, provision and covenant in with any contract of the authority on its part to be kept or performed.~~

(7) INTERESTED COMMISSIONERS OR EMPLOYEES. No commissioner or employe of an authority shall may acquire any ~~interest~~ direct or indirect interest in any housing project or in any property included ~~or planned to be included~~ in any project or have any interest direct or indirect interest in any contract ~~or proposed contract~~ for insurance, materials or services to be furnished or used in connection with any housing project. If ~~any a~~ commissioner or employe of an authority owns or controls an interest a direct or indirect interest in any property included ~~or planned to be included~~ in any housing project, that person shall immediately disclose the same interest in writing to the authority and ~~such the~~ disclosure shall be entered upon the minutes of the authority. Failure to so disclose ~~such the~~ interest shall ~~constitute~~ constitutes misconduct in office.

(8) REMOVAL OF COMMISSIONERS. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor, but a commissioner shall may be removed only after having been given a copy of the charges at least 10 days ~~prior to before~~ the hearing ~~thereon on the charges~~ and had an opportunity to be heard in person or by counsel. ~~In the event of the removal of any commissioner~~ If a commissioner is removed, a record of the proceedings, together with the charges and findings ~~thereon~~, shall be filed in the office of the city clerk. To the extent applicable, the provisions of s. 17.16 relating to removal for cause shall apply to any such removal.

(9) POWERS OF AUTHORITY. (intro.) An authority shall ~~constitute is~~ a public body and a body corporate and poli-

tic, exercising public powers, and ~~having has~~ all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 66.40 66.1201 to 66.404 66.1211, including the following powers in addition to others ~~herein granted~~ in this section:

(a) Within its area of operation to prepare, carry out, acquire, lease and operate housing projects approved by the council; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part ~~thereof of a housing project~~.

(b) To take over by purchase, lease or otherwise any housing project undertaken by any government and located within the area of operation of the authority when approved by the council; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property or any interest ~~therein in the real or personal property~~.

(c) To act as agent for any government in connection with the acquisition, construction, operation or management of a housing project or any part ~~thereof of a housing project~~.

(d) To arrange or contract for the furnishing of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants ~~thereof of a housing project~~.

(e) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (, subject to the limitations contained in this section), to establish and revise the rents or charges ~~therefor for the housing project~~.

(f) Within its area of operation to investigate into living, dwelling and housing conditions and into the means and methods of improving ~~such those~~ conditions; and to engage in research and studies on the subject of housing.

(h) To acquire by eminent domain any real property, including improvements and fixtures ~~thereon on the real property~~.

(i) To own, hold, clear and improve property, to insure or provide for the insurance of the property or operations of the authority against ~~such any~~ risks as the authority ~~may deem advisable~~, to procure insurance or guarantees from the federal government of the payment of any debts or parts ~~thereof of debts~~ secured by mortgages made or held by the authority on any property included in any housing project.

(j) To contract for sale and sell any part or all of the interest in real estate acquired and to execute ~~such~~ contracts of sale and conveyances as the authority ~~may deem~~ considers desirable.

(k) In connection with any loan, to agree to limitations upon its right to dispose of any housing project or part ~~thereof of a housing project~~.

(L) In connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by ss. 66.40 66.1201 to 66.404 66.1211.



(o) To make and ~~from time to time~~ amend and repeal bylaws, rules and regulations not inconsistent with ss. ~~66.40 66.1201 to 66.404 66.1211~~, to carry into effect the powers and purposes of the authority.

(p) To exercise all or any part or combination of powers ~~herein granted in this section~~. No provisions of law with respect to the acquisition or disposition of property by other public bodies ~~shall be~~ are applicable to an authority unless the legislature ~~shall specifically so state otherwise provided~~.

(q) ~~The~~ To execute bonds, notes, debentures or other evidences of indebtedness which, when executed by a housing authority ~~shall not be, are not~~ a debt or charge against any city, county, state or any other governmental authority, other than against the housing authority itself and its available property, income or other assets in accordance with the terms ~~thereof of an evidence of indebtedness~~ and of this section, and no individual liability ~~shall attach exists~~ for any official act done by any member of the authority. No ~~such~~ authority ~~shall have any power whatsoever to may~~ levy any tax or assessment.

(r) To provide by all means available under ss. ~~66.40 66.1201 to 66.404 66.1211~~ housing projects for veterans and their families regardless of their income. ~~Such The~~ projects ~~shall not be are not~~ subject to the limitations of s. ~~66.402 66.1205~~.

(s) Notwithstanding the provisions of any law ~~in conflict herewith, the housing authority of any city is expressly authorized,~~ to acquire sites; to prepare, to carry out, acquire, lease, construct and operate housing projects to provide temporary dwelling accommodations for families regardless of income who are displaced under ss. ~~66.40 66.1201 to 66.43, 66.1331;~~ to further slum clearance, urban redevelopment, and blight elimination; and to provide temporary dwelling accommodations for families displaced by reason of any street widening, expressway or other public works project causing the demolition of dwellings.

(t) To participate in an employe retirement or pension system of the city which has declared the need for the authority and to expend funds of the authority for ~~such~~ this purpose.

(u) ~~Any 2 or more authorities may To~~ join or cooperate with one ~~another or more authorities~~ in the exercise, either jointly or otherwise, of any ~~or all~~ of their powers for the purpose of financing (including the issuance of bonds, notes or other obligations and giving security ~~therefor~~) for these obligations, planning, undertaking, owning, constructing, operating or contracting with respect to a housing project located within the area of operation of any one or more of ~~said the~~ authorities. For ~~such this~~ purpose an authority may by resolution prescribe and authorize any other housing authority, so joining or cooperating with it, to act on its behalf with respect to any ~~or all~~ powers, as its agent or otherwise, in the name

of the authority so joining or cooperating or in its own name.

(v) To establish a procedure for ~~preservation of the~~ preserving records of the authority by the use of micro-film, another reproductive device, optical imaging or electronic formatting if authorized under s. 19.21 (4) (c). ~~Any such The~~ procedure shall assure that copies of ~~such~~ records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

(w) To exercise any powers of a redevelopment authority operating under s. ~~66.431 66.1333~~ if done in concert with a redevelopment authority under a contract under s. ~~66.30 66.0301~~.

(10) (a) The authority ~~shall have the right to may~~ acquire by eminent domain any real property, including fixtures and improvements, which it ~~may deem deems~~ necessary to carry out the purposes of ss. ~~66.40 66.1201 to 66.404 66.1211~~ after the adoption by it of a resolution declaring that the acquisition of the property described ~~therein in the resolution~~ is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to ch. 32 or pursuant to any other applicable statutory provisions, ~~now in force or hereafter enacted for the exercise of the power of eminent domain~~.

(b) (intro.) At any time at or after the filing for condemnation, and before the entry of final judgment, the authority may file with the clerk of the court in which the petition is filed, a declaration of taking signed by the duly authorized officer or agent of the authority declaring that all or any part of the property described in the petition is to be taken for the use of the authority. The declaration of taking ~~shall be is~~ sufficient if it sets forth all of the following:

1. A description of the property, ~~sufficient for the identification thereof, to which there may be attached a plat or map thereof~~.

(c) From the filing of the ~~said~~ declaration of taking under par. (b) and the deposit in court to the use of the persons entitled ~~thereto~~ of the amount of the estimated compensation stated in ~~said the~~ declaration, title to the property specified in ~~said the~~ declaration shall vest vests in the authority and ~~said the~~ property shall be deemed to be is condemned and taken for the use of the authority and the right to just compensation for the ~~same shall vest property vests~~ in the persons entitled ~~thereto to the~~ compensation. Upon the filing of the declaration of taking the court shall designate a day (not exceeding 30 days after ~~such the~~ filing, except upon good cause shown), on which the

person in possession shall be required to surrender possession to the authority.

(d) The ultimate amount of compensation shall be vested vests in the manner provided by law. If the amount so vested shall exceed exceeds the amount so deposited in court by the authority, the court shall enter judgment against the authority in the amount of such the deficiency together with interest at the rate of 6 per cent % per year on such the deficiency from the date of the vesting of title to the date of the entry of the final judgment (subject, however, to abatement for use, income, rents or profits derived from such the property by the owner thereof subsequent to the vesting of title in the authority) and the. The court shall order the authority to deposit the amount of such the deficiency in court.

(e) At any time prior to before the vesting of title of property in the authority the authority may withdraw or dismiss its petition with respect to any and all of the property therein described in the petition.

(f) Upon vesting of title to any property in the authority, all the right, title and interest of all persons having an interest therein or lien thereupon, shall be in, or lien upon, the property are divested immediately and such these persons thereafter shall be are entitled only to receive compensation for such the property.

(g) Except as hereinabove provided in this subsection with reference to the declaration of taking, the proceedings shall be as is or may hereafter be provided by law for condemnation, and the deposit in court of the amount estimated by the authority upon a declaration of taking, shall be disbursed as is or may hereafter be provided by law for an award in condemnation proceedings.

(h) Property already devoted to a public use may be acquired, provided that no property belonging to any city or municipality or to any government may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the public service commission or other officer or tribunal, if any there be, having regulatory power over such the public utility corporation.

(11) ACQUISITION OF LAND FOR GOVERNMENT. The authority may acquire, by purchase or by the exercise of its power of eminent domain as aforesaid under sub. (10), any property, real or personal, for any housing project being constructed or operated by a government. The authority upon such terms and conditions, with or without consideration, as it shall determine, may convey title or deliver possession of such property so acquired or purchased to such the government for use in connection with such a housing project.

(13) (a) 1. (intro.) An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority may issue such types of any bonds as it may determine for its corporate purposes, including, without limiting the generality of

the foregoing, bonds on which the principal and interest are payable by any of the following methods:

a. Exclusively from the income and revenues of the housing project financed with the proceeds of the bonds, or with those proceeds together with a grant from the federal government in aid of the project;

b. Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such the bonds; or,

(b) Neither the commissioners of the authority nor any person executing the bonds shall be is liable personally on the bonds by reason of the their issuance thereof.

(c) The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be are not a debt of any city or municipality located within its boundaries or of the state and neither and this fact shall be stated on their face. Neither the state nor any such city or municipality shall be is liable thereon for the bonds or other obligations, nor in any event shall are they be payable out of any funds or properties other than those of the authority.

(14) (a) Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such any date or dates, mature at such any time or times, bear interest at such any rate or rates, be in such any denomination or denominations, be in the form of coupon bonds or of bonds registered under s. 67.09, carry such any conversion or registration privileges, have such any rank or priority, be executed in such any manner, be payable in such any medium of payment, at such any place or places, and be subject to such any terms of redemption, with or without premium, as such that the resolution, its trust indenture or mortgage may provide. Any bond reciting in substance that it has been issued by an authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed, in any suit, action or proceeding involving the validity or enforceability of such the bond or the security therefor for the bond, to have been issued for such a housing project of such character. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be are public instrumentalities and, together with interest thereon and income therefrom, shall be, are exempt from taxes.

(b) The bonds may be sold at public or private sale as the authority may provide provides. The bonds may be sold at such any price or prices as determined by the authority shall determine.

(d) The authority shall have power out of any funds available therefor to may purchase, out of available funds, any bonds issued by it at a price not more than the principal amount thereof of the bonds and the accrued interest; provided, however, that bonds, Bonds payable

exclusively from the revenues of a designated project or projects shall be purchased only out of any such revenues available ~~therefor~~ for that purpose. All bonds so purchased shall be canceled. This paragraph shall does not apply to the redemption of bonds.

(e) Any provision of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to ss. ~~66.40~~ 66.1201 to ~~66.404~~ shall be 66.1211 are fully negotiable.

(15) PROVISIONS OF BONDS, TRUST INDENTURES, AND MORTGAGES. (intro.) In connection with the issuance of bonds or the incurring of any obligation under a lease and in order to secure the payment of such bonds or obligations, the authority ~~shall have power~~ may:

(a) ~~To pledge~~ Pledge by resolution, trust indenture, mortgage ~~(, subject to the limitations hereinafter imposed in this subsection)~~, or other contract ~~all or any part of its rents, fees, or revenues.~~

(b) ~~To covenant~~ Covenant against mortgaging ~~all or any part of its property, real or personal, then owned or thereafter acquired,~~ or against permitting ~~or suffering~~ any lien ~~thereon~~ on its property.

(c) ~~To covenant~~ Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part ~~thereof~~ of a housing project, or with respect to limitations on its right to undertake additional housing projects.

(d) ~~To covenant~~ Covenant against pledging ~~all or any part of its rents, fees and revenues to which its right then exists or the right to which may thereafter come into existence~~ or against permitting ~~or suffering~~ any lien ~~thereon~~ on its rents, fees and revenues.

(e) ~~To provide~~ Provide for the release of property, rents, fees and revenues from any pledge or mortgage, and ~~to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage.~~

(f) ~~To covenant~~ Covenant as to the bonds to be issued pursuant to any resolution, trust indenture, mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds ~~thereof~~ of the bonds.

(g) ~~To provide~~ Provide for the terms, form, registration, exchange, execution and authentication of bonds.

(h) ~~To provide~~ Provide for the replacement of lost, destroyed or mutilated bonds.

(i) ~~To covenant~~ Covenant that the authority warrants the title to the premises.

(j) ~~To covenant~~ Covenant as to the rents and fees to be charged, the amount to be raised each year or other period of time by rents, fees and other revenues and as to the use and disposition to be made ~~thereof~~ of the revenues.

(k) ~~To covenant~~ Covenant as to the use of any ~~or all~~ of its property, ~~real or personal~~.

(L) (intro.) ~~To create or to authorize the creation of~~ Create special funds ~~in which there shall be segregated~~ segregate all of the following:

2. ~~All of the~~ The rents, fees and revenues of any a housing project ~~or projects or parts thereof.~~

3. Any moneys held for the payment of the costs of operations and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance ~~thereof~~ of housing projects.

4. Any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases or as a reserve for such the payments; ~~and.~~

(Lm) ~~To covenant~~ Covenant as to the use and disposal of the moneys held in funds created under par. (L).

(m) ~~To redeem~~ Redeem the bonds, ~~and to covenant for their redemption and to provide the terms and conditions thereof~~ of the bonds.

(n) ~~To covenant~~ Covenant against extending the time for the payment of its bonds or interest ~~thereon, directly or indirectly,~~ on the bonds by any means ~~or in any manner.~~

(o) ~~To prescribe~~ Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent ~~thereto~~ to a contract amendment or abrogation and the manner in which such consent may be given.

(p) ~~To covenant~~ Covenant as to the property maintenance of its property, ~~the,~~ replacement thereof, ~~the~~ and insurance ~~to be carried thereon~~ and the use and disposition of insurance moneys.

(q) ~~To vest~~ Vest in an obligee of the authority the ~~right, in the event of the failure of the authority, if the authority fails~~ to observe or perform any covenant on its part to be kept or performed, the right to cure any such default and to advance any moneys necessary for such that purpose, ~~and the.~~ The moneys so advanced may be made an additional obligation of the authority with such interest, security and priority as may be provided in any trust indenture, mortgage, lease or contract of the authority ~~with reference thereto.~~

(r) ~~To covenant~~ Covenant and prescribe as to the events of default and terms and conditions upon which any ~~or all~~ of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such the declaration and its consequences may be waived.

(s) ~~To covenant~~ Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(t) ~~To covenant~~ Covenant to surrender possession of all or any part of any housing project ~~or projects~~ upon the happening of an event of a default, as defined in the contract, and to vest in an obligee the right to take possession

and to use, operate, manage and control such housing projects or any part thereof, and to collect and receive all rents, fees and revenues arising therefrom from the housing projects in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such the obligee.

(u) ~~To vest~~ Vest in a trust or trustees the right to enforce any covenant made to secure, to pay, or in relation to the bonds, to provide for the powers and duties of such a trustee or trustees, to limit liabilities thereof of a trustee and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds bondholders or any proportion of them may enforce any such covenant.

(v) ~~To make~~ Make covenants other than and in addition to the covenants herein expressly authorized, of like or different character that are authorized in this subsection.

(w) ~~To execute~~ Execute all instruments that are necessary or convenient in the exercise of the its powers herein granted or in the performance of its covenants or duties, ~~which may contain such covenants and provisions, in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require.~~

(x) ~~To make such~~ Make covenants and to do any and all such acts and things as may be act necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the authority, that tend to make the bonds more marketable; ~~notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the authority power to do all things in the issuance of bonds, in the provisions for their security that are not inconsistent with the constitution of the state and no consent or approval of any judge or court shall be required thereof; provided, however, that the authority shall have no power to.~~ An authority may not mortgage all or any part of its property, real or personal, except as provided in sub. (16).

(16) (b) (intro.) In connection with any project financed in whole or in part, or otherwise aided by a government, whether through a donation of money or property, a loan, the insurance or guarantee of a loan, or otherwise, the authority shall also have power to may do any of the following:

1. Mortgage all or any part of its property, real or personal, then owned or thereafter acquired.
2. Grant security interests in its property, real or personal, then owned or thereafter acquired.

(17) REMEDIES OF AN OBLIGEE OF AUTHORITY. An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee, subject to its contract, may do any of the following:

(a) By mandamus, suit, action or proceeding in law or equity, all of which may be joined in one action, to compel the authority; and the its commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by ss. ~~66.40~~ 66.1201 to ~~66.404~~ 66.1211.

(b) By suit, action or proceeding in equity to enjoin any unlawful acts or things which may be unlawful, or the violation of any of the rights of such the obligee of the authority.

(c) By suit, action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof of a housing project to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority.

(18) ADDITIONAL REMEDIES CONFERRABLE BY MORTGAGE OR TRUST INDENTURE. Any authority shall have power may by its trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, lease or other obligations, the right upon the happening of an "event of default" as defined in such the instrument:

(a) By suit, action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof of a housing project. Upon appointment, a receiver may enter and take possession of such the housing project or any part or parts thereof of the housing project and operate and maintain same it, and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom in the same manner as the authority itself might do and, The receiver shall keep such the moneys in a separate account or accounts and apply the same moneys in accordance with the obligations of the authority as the a court shall direct directs.

(b) By suit, action or proceeding in any court of competent jurisdiction to require the authority and the its commissioners thereof to account as if it and they were the trustees of an express trust.

(19) REMEDIES CUMULATIVE. All the rights and remedies hereinabove conferred shall be cumulative and in this section are in addition to all other rights and remedies that may be conferred upon such an obligee of the authority by law or by any contract with the authority.

(20) SUBORDINATION OF MORTGAGE TO AGREEMENT WITH GOVERNMENT. The authority may agree in any mortgage made by it that such the mortgage shall be is subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon; ~~in such event, any purchaser or purchasers on the mortgaged property.~~ A purchaser at a sale of the property of an authority pursuant to a foreclosure of such a mortgage

or any other remedy in connection ~~therewith~~ with the foreclosure shall obtain title subject to ~~such~~ the contract.

(21) CONTRACTS WITH FEDERAL GOVERNMENT. In addition to the powers conferred upon the authority by other provisions of ss. ~~66.40~~ 66.1201 to ~~66.404~~ 66.1211, the authority is ~~empowered to~~ may borrow money or accept grants from the federal government for ~~or in aid of~~ any housing project ~~which such~~ that the authority is ~~authorized to~~ may undertake, ~~to~~ take over any land acquired by the federal government for the construction or operation of a housing project, ~~to~~ take over or lease or manage any housing project constructed or owned by the federal government, and to these ends, ~~to~~ enter into ~~such~~ any contracts, mortgages, trust indentures, leases or other agreements as ~~that~~ the federal government may require including agreements that the federal government shall ~~have the right to~~ may supervise and approve the construction, maintenance and operation of ~~such~~ the housing project. It is the purpose and intent of this section to ~~authorize every council to do any and all things~~ A council may take any action necessary to secure the financial aid and the cooperation of the federal government in the undertaking, construction, maintenance and operation of any housing project which the authority is ~~empowered to~~ may undertake.

(22) TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES. The property of an authority is ~~declared to be~~ public property used for essential public and governmental purposes and ~~such~~ the property and an authority ~~shall be~~ are exempt from all taxes of the state or any state public body; ~~provided, however, except~~ that the city in which a project or projects are located may fix a sum to be paid annually in lieu of ~~such~~ taxes by the authority for the services, improvements or facilities furnished to ~~such~~ project or projects the property of the authority by ~~such~~ the city, ~~but in no event shall such sum.~~ The amount paid in lieu of taxes may not exceed the amount that would be levied as the annual tax of ~~such~~ the city upon ~~such~~ the project ~~or projects~~.

(24) (a) When a housing authority has the approval of the council for any project authorized under sub. (9) (a) or (b), the authority shall complete and approve plans, specifications and conditions ~~in connection therewith~~ for carrying out ~~such~~ the project, and shall ~~then~~ advertise by publishing a class 2 notice, under ch. 985, for bids for all work which the authority must do by contract. The authority is not required to submit for bidding any contract in an amount of \$25,000 or less, but if the estimated cost of the contract is between \$10,000 and \$25,000, the authority shall give a class 2 notice, under ch. 985, of the proposed work before the contract is entered into. A contract subject to bidding shall be awarded to the lowest qualified and competent bidder. Section ~~66.29~~ shall apply 66.0901 applies to ~~such~~ the bidding.

(b) (intro.) An authority may contract for the acquisition of a housing project without submitting the contract

for bids as required by par. (a) if all of the following apply:

1. The contract provides for undertaking of the housing project on land not owned at the time of the contract by the authority except the contract may provide for undertaking of the housing project on land acquired and owned by a community development authority for the purpose of ss. ~~66.405 to 66.425, 66.43, 66.431 or 66.46~~ 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1333 if the community development authority is proceeding under this paragraph as provided by s. ~~66.4325~~ 66.1335 (4).

2. The contract provides for conveyance or lease of the project to the authority after completion of the project; ~~and.~~

(25) (a) In any city or village the city council or village board by resolution or ordinance, or the electors by referendum under s. 9.20, may ~~provide that~~ require the authority ~~shall~~ to liquidate and dispose of a ~~particular~~ project ~~or projects~~ held and operated under ss. ~~66.40~~ 66.1201 to ~~66.404~~ 66.1211 or ~~66.43~~ 66.1331.

(b) ~~Whenever~~ If liquidation and disposal of a project is provided for under par. (a) the housing authority or other designated agency shall sell ~~such~~ the project to the highest bidder after public advertisement, or transfer it to any state public body authorized by law to acquire ~~such~~ the project. No ~~such~~ project shall may be sold for less than its fair market value as determined by a board of 3 licensed appraisers appointed by the city council or village board.

(c) The arrangements for the liquidation and disposal of a project shall provide for the payment and retirement of all outstanding obligations in connection with the project, together with interest ~~thereon~~ on the obligations and any premiums prescribed for the redemption of any bonds, notes or other obligations before maturity.

(d) Any proceeds remaining after payment of ~~such~~ the obligations under par. (c) shall be distributed in accordance with the federal law applicable at the time of the liquidation and disposal of the project. If no federal law is applicable to the liquidation and disposal of the project all ~~of such~~ remaining proceeds shall be paid to the city or village.

(e) If the highest bid received is insufficient for the payment of all obligations set forth in par. (c) the project shall not be sold unless the city or village provides sufficient additional funds to discharge ~~such~~ the obligations.

(f) In order to carry out this subsection an authority or other designated agency shall exercise any option available to it for the payment and redemption of outstanding obligations set forth in par. (c) before maturity, if the city or village provides funds for ~~such~~ payment and redemption.

(h) ~~The term~~ In this subsection, "outstanding obligations" or "obligations" ~~as used herein~~ includes bonds, notes or evidences of indebtedness, as well as aids,

grants, contributions or loans made by or received from any federal, state or local political government or agency.

(26) **DISSOLUTION OF HOUSING AUTHORITY.** Any housing authority may be dissolved upon adoption of an ordinance or resolution by the council or village board concerned declaring that the need ~~therefor~~ for the authority no longer exists, that all projects under ~~such the~~ authority's jurisdiction have been disposed of, that there are no outstanding obligations or contracts and that no further business remains to be transacted by ~~such the~~ authority.

**SECTION 389.** 66.401 of the statutes is renumbered 66.1203 and amended to read:

**66.1203 Housing authorities; operation not for profit.** (1) It is declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any ~~such~~ project for profit, or as a source of revenue to the city.

(2) ~~To this end an An~~ authority shall fix the rentals for dwellings in its projects at no higher rates than it ~~shall find to be finds~~ necessary in order to produce revenues which, ~~together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived,~~ together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient to accomplish all of the following:

(a) ~~To pay Pay,~~ as the ~~same rentals~~ become due, the principal and interest on the bonds of the authority;

(b) ~~To meet Meet~~ the cost of, and to provide for, maintaining and operating the projects ~~together with the cost of any insurance,~~ including the cost of any insurance, and the administrative expenses of the authority;

(c) ~~To create (Create,~~ during not less than the 6 years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on ~~such the~~ bonds in any one year ~~thereafter after the creation of the reserve~~ and to maintain ~~such the~~ reserve.

**SECTION 390.** 66.402 of the statutes is renumbered 66.1205, and 66.1205 (1) (a) and (b) and (2), as renumbered, are amended to read:

66.1205 (1) (a) It may rent or lease the dwelling accommodations ~~therein in a housing project~~ only to persons of low income and at rentals within the financial reach of ~~such~~ persons of low income.

(b) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, ~~which that~~ it considers necessary to provide safe and sanitary accommodations to the proposed occupants ~~thereof,~~ without overcrowding.

(2) ~~Nothing contained in the housing authorities law, as hereby amended, shall be construed as limiting Sections 66.1201 to 66.1211 do not limit~~ the power of an authority to do any of the following:

(a) ~~To invest Invest~~ in an obligee the right, ~~in the event of a default by if~~ the authority ~~defaults,~~ to take possession of a housing project or cause the appointment of a receiver ~~thereof of the housing project,~~ free from all the restrictions imposed by ~~said law, as amended under ss. 66.1201 to 66.1211,~~ with respect to rentals, tenant selection, manner of operation, or otherwise;

(b) Pursuant to s. 66.40 66.1201 (16) to vest in obligees the right, ~~in the event of a default by if~~ the authority ~~defaults,~~ to acquire title to a housing project or the property mortgaged by the housing authority, free from all the restrictions imposed by ~~ss. 66.401 and 66.402 s. 66.1203 and this section.~~

**SECTION 391.** 66.4025 (title) and (1) (a) of the statutes are renumbered 66.1207 (title) and (1) (a), and 66.1207 (1) (a), as renumbered, is amended to read:

66.1207 (1) (a) Any person who secures or assists in securing dwelling accommodations under s. 66.402 66.1205 by intentionally making false representations in order to receive more than \$1,000 and ~~but~~ less than \$2,500 in financial assistance for which the person would not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 392.** 66.4025 (1) (b) and (c) of the statutes, as affected by 1997 Wisconsin Act 283, are renumbered 66.1207 (1) (b) and (c) and amended to read:

66.1207 (1) (b) Any person who secures or assists in securing dwelling accommodations under s. 66.402 66.1205 by intentionally making false representations in order to receive at least \$2,500 but not more than \$25,000 in financial assistance for which the person would not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

(c) Any person who secures or assists in securing dwelling accommodations under s. 66.402 66.1205 by intentionally making false representations in order to receive more than \$25,000 in financial assistance for which the person would not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both.

**SECTION 393.** 66.4025 (2) and (3) of the statutes are renumbered 66.1207 (2) and (3), and 66.1207 (2) and (3) (intro.), as renumbered, are amended to read:

66.1207 (2) Any administrator or employe of an authority under s. 66.402 66.1205 who receives or solicits any commission or derives or seeks to obtain any personal financial gain through any contract for the rental or lease of dwelling accommodations under s. 66.402 66.1205 shall be punished under s. 946.13.

(3) (intro.) Any person who receives assistance for dwelling accommodations under s. 66.402 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails

to notify the authority of the receipt of such income or assets is subject to one of the following:

**SECTION 394.** 66.403 (title) of the statutes is renumbered 66.1209 (title).

**SECTION 395.** 66.403 (intro.) and (1) to (7) of the statutes are renumbered 66.1209 (1) (intro.) and (a) to (g) and amended to read:

66.1209 (1) (intro.) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is ~~authorized to~~ may act, any state public body may ~~upon such terms, with or without consideration, as it may determine~~ do any of the following:

(a) Dedicate, sell, convey or lease any of its property to a housing authority or the federal government;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is ~~otherwise empowered to~~ may undertake, to be furnished adjacent to or in connection with housing projects;

(c) Cause services to be furnished to the authority of the character which it is otherwise empowered to may furnish;

(d) Subject to the approval of the council, furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is ~~otherwise empowered to~~ may undertake;

(e) Enter into agreements with a housing authority or the federal government respecting action to be taken by the state public body pursuant to any of the powers granted by ss. 66.40 66.1201 to 66.404 66.1211. The agreements may extend over any period, notwithstanding any provision or rule of law to the contrary;

(f) ~~Do any~~ Any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of ~~such~~ housing projects;

(g) Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of ~~such~~ the bonds;

**SECTION 396.** 66.403 (8) and (9) of the statutes are renumbered 66.1209 (2) and (3) and amended to read:

66.1209 (2) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body ~~shall~~ may require any changes to be made in the housing project or the manner of its construction or take any other action relating to ~~such~~ the construction;

(3) In connection with any public improvements made by a state public body in exercising the powers ~~herein granted, such~~ granted in ss. 66.1201 to 66.1211, the state public body may incur the entire expense ~~thereof~~

of the public improvements. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in ss. 66.40 66.1201 to 66.404 66.1211 may be made by a state public body without appraisal, public notice, advertisement or public bidding.

**SECTION 397.** 66.404 of the statutes is renumbered 66.1211 and amended to read:

**66.1211 Housing authorities; contracts with city; assistance to counties and municipalities.** (1) CONTRACTS BETWEEN AUTHORITY AND CITY. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any city may agree with an authority or government that a certain sum, subject to the limitations imposed by s. 66.40 66.1201 (22), or no sum shall be paid by the authority in lieu of taxes for any year or period of years.

(2) ADVANCES TO HOUSING AUTHORITY. When any housing authority ~~which is~~ created for any city ~~becomes~~ is authorized to transact business and exercise its powers ~~therein~~, the governing body of the city may immediately make an estimate of the amount of money necessary for the administrative expenses and overhead of ~~such~~ the housing authority during the first year ~~thereafter~~ after the creation of the housing authority, and may appropriate ~~such~~ the amount to the authority out of any moneys in ~~such~~ the city treasury not appropriated to some other purposes. The moneys so appropriated may be paid to the authority as a donation. Any city, town or incorporated village located in whole or in part within the area of operation of a housing authority ~~shall have the power from time to time to~~ may lend or donate money to the authority ~~or to agree to take such action.~~ The housing authority, when it has money available ~~therefor~~ to pay back loans made under this subsection, shall make reimbursements for all ~~such~~ loans made to it.

(3) PROJECT SUBMITTED TO PLANNING COMMISSION. Before any housing project of the character designated in s. 66.40 66.1201 (9) (a) ~~be~~ is determined ~~upon~~ by the authority, or any real estate acquired or agreed to be acquired for ~~such~~ the project or the construction of any of the buildings begins or any application made for federal loan or grant for ~~such~~ the project, the extent ~~thereof~~ of the project and the general features of the proposed layout indicating in a general way the proposed location of buildings and open spaces shall be submitted to the planning commission, if any, of the city or political subdivision in which the proposed project is located, for the advice of ~~such~~ the planning commission ~~upon~~ on the proposed location, extent, and general features of the layout.

(4) COOPERATION WITH CITIES, VILLAGES AND COUNTIES. For the purpose of cooperating with and assisting cities, villages and counties, a housing authority may exercise its powers in ~~the~~ that territory within the boundaries of any city, village or county not included in the area in which ~~such~~ that housing authority is then authorized to function, or in any designated portion of ~~such~~ that terri-

tory, after the governing body of ~~such the~~ city, village or county, ~~as the case may be,~~ adopts a resolution declaring that there is a need for the authority to function in ~~such the~~ additional territory or ~~in such designated portion thereof.~~ If a housing authority has previously been authorized to exercise its powers in ~~such the additional~~ territory or designated portion, ~~such a~~ resolution shall not be adopted unless ~~such the~~ housing authority finds that ultimate economy would ~~thereby~~ be promoted, and ~~such the~~ housing authority shall not initiate any housing project in ~~such the additional~~ territory or designated portion ~~after before~~ the adoption of ~~such the~~ resolution.

NOTE: Amends sub. (4) to clarify that if a housing authority finds that a new resolution is necessary to extend its jurisdiction, even though the extension was previously authorized, the housing authority may not begin a housing project in the area of extended jurisdiction until the adoption of the new resolution.

(6) CONTROLLING STATUTES. Insofar as ss. ~~66.40 66.1201~~ to ~~66.404 66.1211~~ are inconsistent with any other law, the provisions of ss. ~~66.40 66.1201~~ to ~~66.404~~ shall be controlling ~~66.1211 control.~~

(7) SUPPLEMENTAL NATURE OF STATUTE. The powers conferred by ss. ~~66.40 66.1201~~ to ~~66.404~~ shall be ~~66.1211~~ are in addition and supplemental to the powers conferred by any other law.

**SECTION 398.** 66.405 (title) of the statutes is renumbered 66.1301 (title).

**SECTION 399.** 66.405 (1), (2), (2m) and (3) (intro.) and (a) of the statutes are renumbered 66.1301 (1), (2), (2m) and (3) (intro.) and (a) and amended to read:

66.1301 (1) SHORT TITLE. Sections ~~66.405 66.1301~~ to ~~66.425~~ shall be known and ~~66.1329~~ may be cited and referred to as the "Urban Redevelopment Law".

(2) FINDING AND DECLARATION OF NECESSITY. It is declared that in the cities of the state substandard and insanitary areas exist which have resulted from inadequate planning, excessive land coverage, lack of proper light, air and open space, defective design and arrangement of buildings, lack of proper sanitary facilities, and the existence of buildings, which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration have become economic or social liabilities, or both; ~~that such. These~~ conditions are prevalent in areas where substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail; ~~that such. These~~ conditions impair the economic value of large areas, infecting them with economic blight, and ~~that such these~~ areas are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; ~~that such. These~~ conditions are chiefly in areas which are so subdivided into small parcels in divided ownerships and frequently with defective titles, that their assembly for purposes of clearance, replanning, rehabilitation and reconstruction is difficult and costly; ~~that the. The~~ existence of ~~such these~~ conditions and the failure to clear, replan, rehabilitate or reconstruct these areas

results in a loss of population by the areas and further deterioration, accompanied by added costs to the communities for creation of new public facilities and services elsewhere; ~~that it. It~~ is difficult and uneconomic for individual owners independently to undertake to remedy ~~such these~~ conditions; ~~that it. It~~ is desirable to encourage owners of property or holders of claims ~~thereon on property~~ in ~~such these~~ areas to join together and with outsiders in corporate groups for the purpose of the clearance, replanning, rehabilitation and reconstruction of ~~such these~~ areas by joint action; ~~that it. It~~ is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, rehabilitation and reconstruction of ~~such these~~ areas; ~~that such. These~~ conditions require the employment of ~~such~~ capital on an investment rather than a speculative basis, allowing however, the widest latitude in the amortization of any indebtedness created ~~thereby; that such. These~~ conditions further require the acquisition at fair prices of adequate areas, the gradual clearance of ~~such the~~ areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of ~~such the~~ areas under proper supervision with appropriate planning, land use and construction policies; ~~that the. The~~ clearance, replanning, rehabilitation and reconstruction of ~~such these~~ areas on a large scale basis are necessary for the public welfare; ~~that the. The~~ clearance, replanning, reconstruction and rehabilitation of ~~such these~~ areas are public uses and purposes for which private property may be acquired; ~~that such substandard. Substandard~~ and insanitary areas constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the state; ~~that such. These~~ conditions require the aid of redevelopment corporations for the purpose of attaining the ends ~~herein recited; that the in this subsection. The~~ protection and promotion of the health, safety, morals, welfare and reasonable comfort of the citizens of the state are matters of public concern; ~~and the necessity. Sections 66.1301 to 66.1329~~ are in the public interest ~~for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.~~

(2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under ss. ~~66.405 66.1301~~ to ~~66.425 66.1329~~ shall not, ~~with reference thereto,~~ be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(3) DEFINITIONS. (intro.) ~~The following terms, as used in In~~ ss. ~~66.405 66.1301~~ to ~~66.425,~~ shall ~~66.1329,~~ unless a different intent clearly appears from the context, be construed as follows:

(a) "Area" means a portion of a city which its planning commission finds to be substandard or insanitary, so that the clearance, replanning, rehabilitation or recon-



struction thereof of that portion is necessary or advisable to effectuate the public purposes declared in sub. (2); and may include any. "Area" includes buildings or improvements not in themselves substandard or insanitary, and any real property, whether improved or unimproved, the inclusion of which is deemed considered necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such the buildings, improvements or real property form a part; and also includes vacant land which is in such proximity to other land or structures so as to impair that the economic value thereof of the other land or structures is impaired.

**SECTION 400.** 66.405 (3) (c) of the statutes is repealed.

NOTE: Repeals a provision that defines a city to be a city. The provision is unnecessary.

**SECTION 401.** 66.405 (3) (d) to (s) of the statutes are renumbered 66.1301 (3) (d) to (s) and amended to read:

66.1301 (3) (d) "Development" shall mean means a specific work, repair or improvement to put into effect a development plan and shall ~~include~~ includes the real property, buildings and improvements owned, constructed, managed or operated by a redevelopment corporation.

(e) "Development area" shall ~~mean~~ means that portion of an area to which a development plan is applicable.

(f) "Development cost" shall ~~mean~~ means the amount determined by the planning commission to be the actual cost of the development, or of the part thereof of the development for which such the determination is made, and shall include. "Development cost" includes, among other costs, all of the following:

1. The reasonable costs of planning the development, including preliminary studies and surveys, neighborhood planning, and architectural and engineering services, and legal and incorporation expense, ~~the~~.

2. The actual cost, if any, of alleviating hardship to families occupying dwelling accommodations in the development area where such hardship results from the execution of the development plan, ~~the~~.

3. The reasonable costs of financing the development, including carrying charges during construction, ~~working~~.

4. Working capital in an amount not exceeding 5 percent 5% of development cost, ~~the~~.

5. The actual cost of the real property included in the development, ~~the actual cost~~ of demolition of existing structures, ~~the actual cost~~ and of utilities, landscaping and roadways, ~~the~~.

6. The amount of special assessments subsequently paid, ~~the~~.

7. The actual cost of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builder's fees, ~~the~~.

8. The actual cost of reconstruction, rehabilitation, remodeling or initial repair of existing buildings and improvements, ~~reasonable~~.

9. Reasonable management costs until the development is ready for use, ~~and the~~.

10. The actual cost of improving that portion of the development area which is to remain as open space, together with such additions to development cost as shall that equal the actual cost of additions to or changes in the development in accordance with the original development plan or after approved changes in or amendments thereto to the development plan.

(g) "Development plan" shall ~~mean~~ means a plan for the redevelopment of all or any part of an area, and shall include includes any amendments thereto that are approved in accordance with the requirements of s. 66.407 66.1305 (1).

(h) "Local governing body" shall ~~mean the board of alderpersons,~~ means a common council, council, commission or other board or body vested by the charter of the a city or other law with jurisdiction to adopt or enact ordinances or local laws.

(n) "Mortgage" shall ~~mean~~ means a mortgage, trust indenture, deed of trust, building and loan contract or other instrument creating a lien on real property, and the indebtedness secured by each of them.

(o) "Neighborhood unit" shall ~~mean~~ means a primarily residential district having the facilities necessary for well-rounded family living, such as schools, parks, playgrounds, parking areas and local shopping districts.

(p) "Planning commission" shall ~~mean~~ means the official bureau, board, commission or agency of the a city established under the general city law or under a general or special charter and that is authorized to prepare, adopt and, amend or modify a master plan for the development of the city.

(q) "Real property" shall ~~include~~ includes lands, buildings, improvements, land under water, waterfront property, and any ~~and all~~ easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right ~~therein,~~ or appurtenant thereto in or appurtenant to the real property, legal or equitable, including rights-of-way, terms for years and liens, charges, or encumbrances by mortgage, judgment or otherwise.

(r) "Redevelopment" shall ~~mean~~ means the clearance, replanning, reconstruction or rehabilitation of an area or part thereof of an area, and the provision of such industrial, commercial, residential or public structures or spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto to the structures or spaces.

(s) "Redevelopment corporation" ~~shall mean~~ means a corporation carrying out a redevelopment plan under ss. ~~66.405 66.1301 to 66.425 66.1329.~~

**SECTION 402.** 66.406 (title) of the statutes is renumbered 66.1303 (title).

**SECTION 403.** 66.406 (1), (2) and (3) (intro.) and (a) to (g) of the statutes are renumbered 66.1303 (1), (2) and (3) (intro.) and (a) to (g) and amended to read:

66.1303 (1) A development plan shall contain ~~such the~~ information as that the planning commission ~~shall, by rule or regulation require~~ requires, including all of the following:

(a) A metes and bounds description of the development area;

(b) A statement of the real property in the development area fee title to which the city proposes to acquire and a statement of the interests to be acquired in any other real property by the city;

(c) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit for the completion of each stage, together with a metes and bounds description of the real property to be included in each stage;

(d) A statement of the existing buildings or improvements in the development area, to be demolished immediately, ~~if any~~;

(e) A statement of the existing buildings or improvements, in the development area not to be demolished immediately, ~~if any~~, and the approximate period of time during which the demolition, ~~if any~~, of each ~~such~~ building or improvement is to take place;

(f) A statement of the proposed improvements, ~~if any~~, to each building not to be demolished immediately, any proposed repairs or alterations to ~~such the~~ building, and the approximate period of time during which ~~such~~ improvements, repairs or alterations are to be made;

(g) A statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made; and a statement of the maximum limitations upon the bulk of ~~such~~ buildings or improvements to be permitted at various stages of the development plan;

(h) A statement of those portions, ~~if any~~, of the development area which may be permitted or will be required to be left as open space, the use to which each ~~such~~ open space is to be put, the period of time each ~~such~~ open space will be required to remain an open space and the manner in which it will be improved and maintained, ~~if at all~~;

(i) A statement of the proposed changes, ~~if any~~, in zoning ordinances or maps, necessary or desirable for the development and its protection against blighting influences;

(j) A statement of the proposed changes, ~~if any~~, in streets or street levels and ~~any of~~ proposed street closings;

(k) A statement of the character of the existing dwelling accommodations, ~~if any~~, in the development area, the approximate number of families residing ~~therein in the~~ development area, together with a schedule of the rentals being paid by them, and a schedule of the vacancies in ~~such the~~ accommodations, together with the rental demanded ~~therefor~~; for the vacant accommodations.

(L) A statement of the character, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, ~~if any~~, to be furnished during construction and upon completion of the development;

(m) A statement of the proposed method of financing the development, in sufficient detail to evidence the probability that the redevelopment corporation will be able to finance or arrange to finance the development;

(n) A statement of persons who it is proposed will be active in or associated with the management of the redevelopment corporation during a period of at least one year from the date of the approval of the development plan.

(o) ~~The development plan, and any application to the planning commission or local governing body for approval thereof, may contain in addition such other~~ Other statements or material as ~~may be deemed that are~~ considered relevant by the ~~proposer thereof~~ applicant, including suggestions for the clearance, replanning, reconstruction or rehabilitation of one or more areas which may be larger than the development area but which include it, and any other provisions for ~~the redevelopment of such area or areas.~~

(2) No development shall may be actually initiated until the adoption of a resolution of approval of the development plan ~~therefor~~ by both the planning commission and the local governing body.

(3) (intro.) The planning commission may approve a development plan after a public hearing, and shall determine all of the following:

(a) That the area within which the development area is included is substandard or insanitary and that the redevelopment of the development area in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in s. ~~66.405 66.1301~~ (2); if the area is comprised of vacant land it shall be established that ~~such the~~ vacant land impairs the economic value of surrounding areas in accordance with the general purposes expressed in s. ~~66.405 66.1301~~ (2);

(b) That the development plan is in accord with the master plan, ~~if any~~, of the city;

(c) That the development area is not less than 100,000 square feet in area, except that it may be smaller in area when undertaken in connection with a public improvement, ~~but in any event if it is~~ of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner and to contribute substantially to the improvement of the area in which the development is

located; ~~but whenever.~~ If the local governing body makes a finding to the effect that an area is in urgent need of development, and that such development will contribute to the progress and expansion of an area whose economic growth is vital to the community, ~~then in such instance~~ the development area shall may not be less than 25,000 square feet subject to the requirements of par. (d);.

(d) That the various stages, ~~if any,~~ by which the development is proposed to be constructed or undertaken, as stated in the development plan, are practicable and in the public interest and where the area to be developed consists either of vacant land or of substandard or insanitary buildings or structures as provided in s. ~~66.405~~ 66.1301 (3) (a), and ~~such the~~ area is less than 100,000 square feet but more than 25,000 square feet as provided in par. (c) then the new structures to be constructed on ~~such the~~ vacant land shall may not be less than 1,000,000 cubic feet ~~in area;~~.

(e) That the public facilities, based on whether the development ~~be a~~ is residential, industrial or commercial ~~one,~~ are ~~presently~~ adequate or will be adequate at the time that the development is ready for use to serve the development area;.

(f) That the proposed changes, ~~if any,~~ in the city map, in zoning ordinances or maps and in streets and street levels, or any proposed street closings, are necessary or desirable for the development and its protection against blighting influences and for the city ~~as a whole;~~.

(g) Upon data submitted by or on behalf of the redevelopment corporation, or upon data otherwise available to the planning commission, that there will be available for occupation by families, ~~if any,~~ then occupying dwelling accommodations in the development area legal accommodations at substantially similar rentals in the development area or elsewhere in a suitable location in the city, and that ~~the carrying into effect of implementing~~ the development plan will not cause undue hardship to ~~such those~~ families. The notice of the public hearing to be held by the planning commission prior to ~~its~~ approval ~~by it~~ of the development plan shall contain separate statements to the effect that before the development plan is approved, the planning commission must make the determination required in this paragraph, and that if the development plan is approved, real property in the development area is subject to condemnation.

**SECTION 404.** 66.406 (3) (h) of the statutes is renumbered 66.1303 (3m) and amended to read:

66.1303 (3m) Any ~~such~~ A determination ~~upon approval by the local governing body, shall be made under sub. (3) is~~ conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In arriving at ~~such the~~ determination, the planning commission shall consider only those elements of the development plan relevant to ~~such the~~ determination under ~~pars. (a) to (g) sub. (3) and to the type of development which is physically desirable for the development area~~

concerned from a city planning viewpoint, and from a neighborhood unit viewpoint, if the development plan provides that the development area is to be primarily residential.

**SECTION 405.** 66.406 (4) (intro.), (a) and (b) of the statutes are renumbered 66.1303 (4) (intro.), (a) and (b), and 66.1303 (4) (intro.), as renumbered, is amended to read:

66.1303 (4) (intro.) The local governing body, by a two-thirds vote of the ~~members elect thereof~~ members-elect, may approve a development plan, but no resolution of approval shall may be adopted by it unless ~~and until~~ the planning commission shall has first ~~have~~ approved ~~thereof the development plan and there has the plan and planning commission determination have~~ been filed with the local governing body ~~the development plan, the determination by the planning commission, and unless and until~~ the local governing body shall ~~determine~~ determines all of the following:

**SECTION 406.** 66.406 (4) (c) of the statutes is renumbered 66.1303 (4m) and amended to read:

66.1303 (4m) Any ~~such~~ A determination shall ~~be under sub. (4) is~~ conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In considering whether ~~or not~~ a resolution of approval of the development plan shall will be adopted, the local governing body shall consider those elements of the development plan relevant to ~~such the~~ determination under ~~pars. (a) and (b) sub. (4).~~

**SECTION 407.** 66.406 (5) to (8) of the statutes are renumbered 66.1303 (5) to (8) and amended to read:

66.1303 (5) The planning commission and the local governing body, by a two-thirds vote of the ~~members elect thereof~~ members-elect, may approve an amendment ~~or amendments~~ to a development plan, but ~~no such amendment to a development plan which has theretofore been approved by the planning commission and the local governing body shall be approved unless and until if~~ an application ~~therefor for the amendment~~ has been filed with the planning commission by the redevelopment corporation containing that part of the material required by sub. (1) which ~~shall be is~~ relevant to the proposed amendment, and ~~unless and until if~~ the planning commission and the local governing body shall make the determinations required by sub. (3) or (4) which shall ~~be~~ are relevant to the proposed amendment.

(6) The planning commission and the local governing body may, for the guidance of prospective proponents of development plans, fix general standards to which a development plan shall conform. Variations from ~~such the~~ standards may be allowed for the accomplishment of the purposes of ss. ~~66.405~~ 66.1301 to ~~66.425.~~ Such 66.1329. The standards may contain provisions more restrictive than those imposed by applicable planning, zoning, sanitary and building laws, ordinances and regulations.

(7) Local housing authorities organized under ss. 66.40 ~~66.1201~~ to ~~66.404~~ ~~66.1211~~, redevelopment authorities organized under s. ~~66.431~~ ~~66.1333~~, and community development authorities organized under s. ~~66.4325~~ ~~66.1335~~ may render ~~such~~ advisory services in connection with the preliminary surveys, studies and preparation of a development plan as ~~may be~~ requested by the city planning commission or the local governing body and charge fees for ~~such~~ advisory services based on ~~the~~ their actual cost thereof.

(8) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, to perform all acts, except the development of the general plan of the city, which are otherwise performed by the planning commission under ss. ~~66.405~~ ~~66.1301~~ to ~~66.425~~ ~~66.1329~~.

**SECTION 408.** 66.407 of the statutes is renumbered 66.1305, and 66.1305 (1) (intro.) and (a) to (h), as renumbered, are amended to read:

66.1305 (1) (intro.) No redevelopment corporation shall may do any of the following:

(a) Undertake any clearance, reconstruction, improvement, alteration or construction in connection with any development until the approvals required by s. ~~66.406~~ ~~66.1303~~ have been made;.

(b) ~~Change, alter, amend, add to or depart from~~ Amend the development plan until the planning commission and the local governing body have approved that portion of ~~such change, alteration, amendment, addition or departure~~ the amendment relevant to the determination required to be made by it as set forth in s. ~~66.406~~; ~~66.1303~~.

(c) After a development has been commenced, sell, transfer or assign any real property in the development area without first obtaining the consent of the local governing body, ~~which consent~~. Consent may be withheld only if the sale, transfer or assignment is made for the purpose of evading the provisions of ss. ~~66.405~~ ~~66.1301~~ to ~~66.425~~; ~~66.1329~~.

(d) Pay as compensation for services to, ~~or enter into contracts for the payment of compensation for services to,~~ its officers or employes in an amount greater than the limit ~~thereon~~ contained in the development plan, or ~~in~~ if a default ~~thereof of the development plan occurs~~, then in an amount greater than the reasonable value of the services performed ~~or to be performed~~ by ~~such~~ the officers or employes;.

(e) Lease an entire building or improvement in the development area to any person or corporation without obtaining the approval of the local governing body which may be withheld only if the lease is being made for the purpose of evading the provisions of ss. ~~66.405~~ ~~66.1301~~ to ~~66.425~~; ~~66.1329~~.

(f) Mortgage any of its real property without obtaining the approval of the local governing body;.

(g) Make any guarantee without obtaining the approval of the local governing body;.

(h) Dissolve without obtaining the approval of the local governing body, which may be given upon ~~such~~ conditions as ~~said body may deem~~ deemed necessary or appropriate to the protection of the interest of the city in the proceeds of the sale of the real property as to any property or work turned into the development by the city. ~~Such~~ The approval is to ~~shall~~ be indorsed on the certificate of dissolution and ~~such~~ the certificate is may not to be filed in the office of the secretary of state in the absence of ~~such~~ the indorsement;.

**SECTION 409.** 66.408 (title) of the statutes is renumbered 66.1307 (title).

**SECTION 410.** 66.408 (1), (2), (3) and (4) of the statutes are renumbered 66.1307 (1), (2) (a), (3) and (4) and amended to read:

66.1307 (1) APPLICATION OF OTHER CORPORATION LAWS TO REDEVELOPMENT CORPORATIONS. The provisions of the general corporation law ~~as presently in effect and as hereafter from time to time amended~~, shall apply to redevelopment corporations, ~~except where such~~ unless the provisions are in conflict with the provisions of ss. ~~66.405~~ ~~66.1301~~ to ~~66.425~~ ~~66.1329~~.

(2) (a) No redevelopment corporation shall may issue stocks, bonds or income debentures, except for money or property actually received for the use and lawful purposes of the corporation or services actually performed for the corporation.

(3) DETERMINATION OF DEVELOPMENT COST. (a) Upon the completion of a development a redevelopment corporation shall, or upon the completion of a principal part of a development a redevelopment corporation may, file with the planning commission an audited statement of the development cost ~~thereof~~. Within a reasonable time after the filing of ~~such~~ the statement, the planning commission shall determine the development cost applicable to the development or ~~such portion thereof of the development~~ and shall issue to the redevelopment corporation a certificate stating the amount ~~thereof as of the development cost~~ so determined.

(b) A redevelopment corporation may, ~~at any time~~, whether prior or subsequent to the undertaking of any contract or expense, apply to the planning commission for a ruling as to whether any particular item and amount of cost ~~therein~~ may be included in development cost when finally determined by the planning commission, ~~and the amount thereof~~. The planning commission shall, within a reasonable time after ~~such~~ the application, render a ruling ~~thereon~~, and ~~in the event that it shall be~~ if it is ruled that any item of cost may be included in development cost, the amount ~~thereof as so determined~~ of the cost

shall be so included in development cost when finally determined.

(4) REGULATION OF REDEVELOPMENT CORPORATIONS. A redevelopment corporation shall do all of the following:

(a) Furnish to the planning commission from time to time, as required by it, but with respect to regular reports not more often than once every 6 months, such financial information, statements, audited reports or other material as ~~such that the~~ commission shall ~~require~~ requires, each of which shall conform to such standards of accounting and financial procedure as ~~that~~ the planning commission may by general regulation ~~prescribe~~ prescribes, ~~except that the planning commission may not require a regular report more often than once every 6 months.~~

(b) Establish and maintain such depreciation and other reserves, surplus and other accounts as ~~that~~ the planning commission reasonably requires.

**SECTION 411.** 66.41 (title) of the statutes is repealed.

**SECTION 412.** 66.41 of the statutes is renumbered 66.1307 (2) (b) and amended to read:

66.1307 (2) (b) ~~No~~ A redevelopment corporation shall may pay any interest on its income debentures or dividends on its stock during any dividend year, unless ~~there shall exist,~~ at the time of any such an intended payment, ~~no~~ a default exists under any amortization requirements with respect to its indebtedness.

**SECTION 413.** 66.411 of the statutes is renumbered 66.1329 and amended to read:

**66.1329 Urban redevelopment; enforcement of duties.** ~~Whenever~~ If a redevelopment corporation shall ~~not have fails to~~ substantially ~~complied~~ comply with the development plan within the time limits for the completion of each stage thereof ~~as therein stated,~~ reasonable delays caused by unforeseen difficulties ~~excepted,~~ or shall ~~do,~~ permit to be done or fail or omit to do anything ~~contrary to or required of it, as the case may be, by ss. 66.405 to 66.425, or shall be about so to do, permit to be done or fail or omit to have done, as the case may be then any such fact,~~ violates or is about to violate ss. 66.1301 to 66.1329, the failure to comply or actual or possible violation may be certified by the planning commission to the city attorney of the city, ~~who.~~ The city attorney may ~~thereupon~~ commence a proceeding in the circuit court of the county in which the city is in whole or in part situated in the name of the city for the purpose of ~~having such action, failure or omission, or threatened action, failure or omission, established by order of the court or stopped, prevented or otherwise rectified by mandamus, injunction or otherwise. Such proceeding shall be commenced by a petition to the circuit court alleging the violation complained of and praying for appropriate relief. It shall thereupon be the duty of the court to specify the time, not exceeding 45 days after service of a copy of the petition, within which the redevelopment corporation complained of must answer the petition seeking appropriate relief.~~

The court, shall, immediately after a default in answering or after answer, ~~as the case may be,~~ inquire into the facts and circumstances in ~~such~~ the manner as ~~that~~ the court shall ~~direct~~ directs without other or formal proceedings, and without respect to any technical requirements. ~~Such other persons or corporations as it shall seem to the~~ The court may join as parties any other persons it deems necessary or proper to join as parties in order to make its order or judgment effective ~~may be joined as parties.~~ The final judgment or order in ~~any such~~ the action or proceeding shall dismiss the action or proceeding or ~~establish the failure complained of or direct that a mandamus order, or an injunction, or both, issue, or grant such other relief as the court may deem appropriate relief.~~

**SECTION 414.** 66.412 of the statutes is renumbered 66.1309 (intro.) and amended to read:

**66.1309 Urban redevelopment; transfer of land.** (intro.) Notwithstanding any ~~requirement of other~~ law to the contrary or the absence of direct provision ~~therefor~~ for transfer of land in the instrument under which a fiduciary is acting, every executor, administrator, trustee, guardian or other person, holding trust funds or acting in a fiduciary capacity, unless the instrument under which ~~such~~ the fiduciary is acting expressly forbids, the state, its subdivisions, cities, all other public bodies, all public officers, corporations organized under or subject to the provisions of the banking law, the division of banking as conservator, liquidator or rehabilitator of any ~~such~~ person, partnership or corporation, persons, partnerships and corporations organized under or subject to the provisions of the banking law, the commissioner of insurance as conservator, liquidator or rehabilitator of any ~~such~~ person, partnership or corporation, any of which owns or holds any real property within a development area, may grant do all of the following:

(1) Grant, sell, lease or otherwise transfer any such real property to a redevelopment corporation, ~~and receive.~~

(2) Receive and hold any cash, stocks, income debentures, mortgages, or other securities or obligations, secured or unsecured, exchanged ~~therefor~~ for the transfer by ~~such~~ the redevelopment corporation, ~~and may execute such.~~

(3) Execute instruments and do such acts as ~~may be deemed that are considered~~ necessary or desirable by them or it and by the redevelopment corporation in connection with the development and the development plan.

**SECTION 415.** 66.413 of the statutes is renumbered 66.1311 and amended to read:

**66.1311 Urban redevelopment; acquisition of land.** (1) A redevelopment corporation may ~~whether before or after the development plan has been approved,~~ acquire real property or secure options in its own name or in the name of nominees to acquire real property, by gift, grant, lease, purchase or otherwise.

(2) A city may, upon request by ~~the a~~ redevelopment corporation, acquire, or obligate itself to acquire, for ~~such the~~ redevelopment corporation any real property included in ~~such a~~ certificate of approval of condemnation, by gift, grant, lease, purchase, condemnation, or otherwise, according to the provisions of any ~~appropriate general, special or local~~ law applicable to the acquisition of real property by the city. Real property acquired by a city for a redevelopment corporation shall be conveyed by ~~such the~~ city to the redevelopment corporation upon payment to the city of all sums expended or required to be expended by the city in the acquisition of ~~such the~~ real property, or leased by ~~such the~~ city to ~~such the redevelopment~~ corporation, ~~all upon such terms as may be agreed upon between the city and the redevelopment corporation to carry out the purposes of ss. 66.405 66.1301 to 66.425 66.1329.~~

(3) The provisions of ss. 66.405 ~~66.1301~~ to 66.425 ~~66.1329~~ with respect to the condemnation of real property by a city for a redevelopment corporation shall prevail over the provisions of any other ~~general, special or local~~ law.

**SECTION 416.** 66.414 of the statutes is renumbered 66.1313 and amended to read:

**66.1313 Urban redevelopment; condemnation for.** (1) Condemnation proceedings for a redevelopment corporation shall be initiated by a petition to the city to institute proceedings to acquire for the redevelopment corporation any real property in the development area. ~~Such The~~ petition shall be granted or rejected by the local governing body, and the resolution or resolutions granting ~~such the~~ petition shall ~~contain a requirement require~~ that the redevelopment corporation shall pay to the city all sums expended or required to be expended by the city in the acquisition of ~~such the~~ real property, or for any real property to be conveyed to the corporation by the city in connection with the plan, and the time of payment and manner of securing payment thereof, and may require that the city shall receive, before proceeding with the acquisition of ~~such the~~ real property, such assurances as to payment or reimbursement by the redevelopment corporation, or otherwise, as the city ~~may deem deems~~ deems advisable. Upon the passage of a resolution ~~or resolutions~~ by the local governing body granting the petition, the redevelopment corporation shall ~~cause to be made make~~ 3 copies of surveys or maps of the real property described in the petition, one of which shall be filed in the office of the redevelopment corporation, one in the office of the city attorney of the city, and one in the office in which instruments affecting real property in the county are recorded. The filing of ~~such~~ copies of surveys or maps shall ~~constitute the constitutes~~ constitute acceptance by the redevelopment corporation of the terms and conditions contained in ~~such the~~ resolution ~~or resolutions~~. The city may conduct any condemnation proceedings either under ch. 32 or ~~at its option,~~ under other laws applicable to ~~such~~

~~the~~ city. When title to ~~the~~ real property shall ~~have vested vests~~ in the city, it shall convey or lease the ~~same real~~ real property, with any other real property to be conveyed or leased to the ~~redevelopment~~ redevelopment corporation by the city in connection with ~~said the redevelopment~~ plan, to the redevelopment corporation upon payment by the redevelopment corporation of the sums and the giving of the security required by the resolution granting the petition.

(2) The following provisions shall apply to any proceedings for the assessment of compensation and damages for real property in a development area taken or to be taken by condemnation for a redevelopment corporation:

(a) For the purpose of ss. 66.405 ~~66.1301~~ to 66.425 ~~66.1329~~, the award of compensation shall ~~may~~ not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed assembly, clearance or reconstruction for the purposes of ss. 66.405 ~~66.1301~~ to 66.425 ~~66.1329~~, of the real property in the development area. No allowance shall ~~may~~ be made for improvements begun on real property after notice to the owner of ~~such the~~ property of the institution of the proceedings to condemn ~~such the~~ property.

(b) Evidence ~~shall be is~~ admissible bearing upon ~~that is relevant to~~ the insanitary, unsafe or substandard condition of the premises, or ~~the of their~~ illegal use thereof, or the enhancement of rentals from ~~such~~ illegal use, and ~~such the~~ evidence may be considered in fixing the compensation to be paid, notwithstanding that no steps to remedy or abate ~~such the~~ conditions have been taken by the department or officers having jurisdiction. If a violation order is on file against the premises in ~~any such the~~ department, it shall ~~constitute constitutes~~ constitute prima facie evidence of the existence of the condition specified in ~~such the~~ order.

(c) ~~If any of the~~ real property in the development area which is to be acquired by condemnation has, ~~prior to such before~~ acquisition, been devoted to another public use, it may ~~nevertheless~~ nevertheless be acquired provided that no real property belonging to the city or to any other governmental body, or agency or instrumentality thereof ~~of the city or other governmental body,~~ corporate or otherwise, may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the ~~public service~~ public service commission or other officer or tribunal having regulatory power over ~~such the~~ corporation.

(d) Upon the trial a statement, affidavit, deposition, report, transcript of testimony in an action or proceeding, or appraisal made or given by any owner or prior owner of the premises taken, or by any person on the owner's or prior owner's behalf, to any court, governmental bureau, department or agency respecting the value of the real property for tax purposes, shall ~~be is~~ be relevant, material

and competent upon the issue of value of damage and shall be ~~is~~ admissible on direct examination.

(e) ~~The term "owner", as used in In~~ this section, shall include ~~"owner" includes~~ a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance ~~thereon~~ on the real property.

**SECTION 417.** 66.415 of the statutes is renumbered 66.1315 and amended to read:

**66.1315 Urban redevelopment; continued use of land by prior owner.** (1) When title to real property has vested in a redevelopment corporation or city ~~by gift, grant, devise, purchase or in condemnation proceedings or otherwise,~~ the redevelopment corporation or city, ~~as the case may be,~~ may agree with the previous owners of ~~such the~~ property, or any tenants continuing to occupy or use it, or any other persons who may occupy or use or seek to occupy or use ~~such the~~ property, that ~~such the~~ former owner, tenant or other persons may occupy or use ~~such the~~ property upon the payment of a fixed sum of money for a definite term or upon the payment periodically of an agreed sum of money. ~~Such The~~ occupation or use shall ~~may~~ not be construed as a tenancy from month to month, nor require the giving of notice by the redevelopment corporation or the city, ~~as the case may be,~~ for the termination of ~~such~~ occupation or use or the right to ~~such~~ occupation or use, ~~but immediately. Immediately~~ upon the expiration of the term for which payment has been made the redevelopment corporation or city, ~~as the case may be,~~ shall be ~~is~~ entitled to possession of the real property and may maintain summary proceedings, or obtain a writ of assistance, and shall be ~~is~~ entitled to ~~such~~ any other remedy ~~as may be provided by law for obtaining immediate possession thereof.~~ A former owner, tenant or other person occupying or using ~~such real~~ property shall ~~may~~ not be required to give notice to the redevelopment corporation or city, ~~as the case may be,~~ at the expiration of the term for which that person has made payment for ~~such~~ occupation or use, as a condition to that person's cessation of occupation or use and termination of liability therefor.

(2) ~~In the event that If~~ a city has acquired real property for a redevelopment corporation, the city shall, in transferring title to the redevelopment corporation, deduct from the consideration or other moneys which the redevelopment corporation has become obligated to pay to the city for ~~such this~~ purpose, and credit the redevelopment corporation with, the amounts received by the city as payment for temporary occupation and use of the real property by a former owner, tenant, or other person, ~~as in this section provided,~~ less the cost and expense incurred by the city for the maintenance and operation of ~~such the~~ real property.

**SECTION 418.** 66.416 (title) of the statutes is renumbered 66.1317 (title).

**SECTION 419.** 66.416 (1) to (4) of the statutes are renumbered 66.1317 (1) to (4), and 66.1317 (1), (2) (a)

(intro.), 4. and 5. and (b), (3) and (4), as renumbered, are amended to read:

66.1317 (1) ~~Any A~~ redevelopment corporation may borrow funds and secure the repayment ~~thereof of the~~ funds by mortgage. Every ~~such~~ mortgage shall contain reasonable amortization provisions and shall ~~may~~ be a lien upon no other real property except that forming the whole or a part of a single development area.

(2) (a) (intro.) Certificates, bonds and notes, or part interests ~~therein in,~~ or any part of an issue ~~thereof of,~~ these instruments, which are issued by a redevelopment corporation and secured by a first mortgage on all or part of the real property of the redevelopment corporation, ~~or any part thereof, shall be are~~ securities in which all of of the following persons, partnerships or corporations and public bodies or public officers may legally invest the funds within their control:

4. The division of banking as conservator, liquidator or rehabilitator of any ~~such~~ person, partnership or corporation; and persons, partnerships or corporations organized under or subject to chs. 600 to 646.

5. The commissioner of insurance as conservator, liquidator or rehabilitator of any ~~such~~ person, partnership or corporation.

(b) The principal amount of the securities described in par. (a) shall ~~may~~ not exceed the limits, if any, imposed by law for investments by the person, partnership, corporation, public body or public officer making the investment.

(3) ~~Any A~~ mortgage on the real property in a development area, ~~or any part thereof,~~ may create a first lien, or a ~~second 2nd~~ or other junior lien, upon ~~such the~~ real property.

(4) The limits as to principal amount secured by mortgage referred to in sub. (2) shall ~~do~~ not apply to certificates, bonds and notes, or part interests ~~therein in,~~ or any part of an issue ~~thereof of,~~ these instruments, which are secured by first mortgage on real property in a development area, ~~or any part thereof,~~ which the federal housing administrator has insured or has made a commitment to insure under the national housing act. ~~Any such A~~ person, partnership, corporation, public body or public officer described in sub. (2) may receive and hold any debentures, certificates or other instruments issued or delivered by the federal housing administrator, pursuant to the national housing act, in compliance with the contract of insurance of a mortgage on all or part of real property in the development area, ~~or any part thereof.~~

**SECTION 420.** 66.417 (title) of the statutes is renumbered 66.1319 (title).

**SECTION 421.** 66.417 (1) to (6) of the statutes are renumbered 66.1319 (1) to (6), and 66.1319 (1), (2), (3), (5) and (6), as renumbered, are amended to read:

66.1319 (1) ~~The A~~ local governing body may by resolution determine that real property, title to which is held by the city, specified and described in ~~such the~~ resolution,

is not required for use by the city and may authorize the city to sell or lease ~~such~~ the real property to a redevelopment corporation; ~~provided, that, if~~ the title of the city to ~~such~~ the real property ~~be is~~ not declared inalienable by charter of the city, or other similar law or instrument.

(2) Notwithstanding the provisions of any general, special or local law or ordinance, a sale or lease authorized under sub. (1) may be made without appraisal, public notice or public bidding for a price or rental amount and upon terms agreed upon between the city and the redevelopment corporation to carry out the purposes of ss. ~~66.405 66.1301 to 66.425~~. ~~In the case of a lease, the 66.1329.~~ The term of the lease shall may not exceed 60 years with a right of renewal upon the same terms.

(3) Before any sale or lease to a redevelopment corporation shall ~~be is~~ authorized, a public hearing shall be held by the local governing body to consider the proposed sale or lease.

(5) The deed or lease of ~~such~~ real property shall be executed in the same manner as a deed or lease by the city of other real property owned by it and may contain appropriate conditions and provisions to enable the city to reenter the real property ~~in the event of a violation by if~~ the redevelopment corporation violates of any of the provisions of ss. ~~66.405 66.1301 to 66.425 66.1329~~ relating to ~~such~~ the redevelopment corporation or ~~of~~ violates the conditions or provisions of ~~such~~ the deed or lease.

(6) A redevelopment corporation purchasing or leasing real property from a city shall may not, without the written approval of the city, use ~~such~~ the real property for any purpose except in connection with its development. The deed shall contain a condition that the redevelopment corporation will devote the real property granted only for the purposes of its development subject to the restrictions of ss. ~~66.405 66.1301 to 66.425 66.1329~~, for breach of which the city shall ~~have the right to~~ may reenter and repossess itself of the real property.

**SECTION 422.** 66.418 of the statutes is renumbered 66.1321 and amended to read:

**66.1321 Urban redevelopment; city lease to, terms.** If real property of a city ~~be is~~ leased to a redevelopment corporation:

(1) The lease may provide that all improvements shall be the property of the lessor;.

(2) The lessor may grant to the redevelopment corporation the right to mortgage the fee of ~~such~~ the real property and ~~thus~~ enable the redevelopment corporation to give as security for its notes or bonds a first lien upon the land and improvements;.

(3) The execution of a lease shall does not impose upon the lessor any liability or obligation in connection with or arising out of the financing, construction, management or operation of a development involving the leased land ~~so leased~~. The lessor shall may not, by executing ~~such~~ the lease, incur any obligation or liability with respect to ~~such~~ the leased premises other than may

devolve upon the lessor with respect to premises not owned by it. The lessor, by consenting to the execution by a redevelopment corporation of a mortgage upon the leased land, shall does not thereby assume, and ~~such~~ the consent shall may not be construed as imposing upon the lessor, any liability upon the note or bond secured by the mortgage;.

(4) The lease may reserve ~~such~~ any easements or other rights in connection with the real property ~~as may be~~ that are considered necessary or desirable for the future planning and development of the city and the extension of public facilities ~~therein in the city~~, including the construction of subways and conduits and the widening and changing of grade of streets. The lease may contain ~~such~~ any other provisions for the protection of the parties ~~as that~~ are not inconsistent with the provisions of ss. ~~66.405 66.1301 to 66.425 66.1329~~.

**SECTION 423.** 66.419 (title) of the statutes is renumbered 66.1323 (title) and amended to read:

**66.1323 (title) Urban redevelopment; aids by city and appropriations.**

**SECTION 424.** 66.419 of the statutes is renumbered 66.1323 (1) and amended to read:

66.1323 (1) ~~In addition to the powers conferred upon the city by other provisions of ss. 66.405 to 66.425, the, A local governing body is empowered to~~ may appropriate moneys for the purpose of, and to may borrow or to accept grants from the federal or state governments or any ~~agency thereof of their agencies~~, for ~~and in aid of~~ the acquisition of ~~any~~ lands required to carry out the plan or the purposes mentioned in s. 66.42; and to these ends, to ~~66.1325. The local governing body may enter into such contracts, mortgages, trust indentures or other agreements as the federal government may require requires.~~

**SECTION 425.** 66.42 of the statutes is renumbered 66.1325, and 66.1325 (intro.) and (1), as renumbered, are amended to read:

**66.1325 Urban redevelopment; city improvements.** (intro.) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of any ~~such~~ redevelopment plan located within the area in which it is authorized to act, ~~any a~~ local governing body may, upon ~~such~~ terms, with or without consideration, ~~as it may determine that it determines, do all of the following:~~

(1) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;.

**SECTION 426.** 66.421 (title) of the statutes is repealed.

**SECTION 427.** 66.421 of the statutes is renumbered 66.1323 (2) and amended to read:

66.1323 (2) ~~The A~~ city is authorized to may appropriate moneys for the purpose of making plans and surveys



to carry out such redevelopment, and for any purpose required to carry out the intention of ss. ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329.

**SECTION 428.** 66.422 (title) of the statutes is renumbered 66.1327 (title) and amended to read:

**66.1327** (title) **Urban redevelopment; construction of statute; conflict of laws; supplemental powers.**

**SECTION 429.** 66.422 of the statutes is renumbered 66.1327 (1) and amended to read:

66.1327 (1) Sections ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329 shall be construed liberally to effectuate the purposes hereof of urban redevelopment, and the enumeration therein of specific powers shall does not operate to restrict the meaning of any general grant of power contained in ss. ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329 or to exclude other powers comprehended in such the general grant.

**SECTION 430.** 66.424 (title) of the statutes is repealed.

**SECTION 431.** 66.424 of the statutes is renumbered 66.1327 (2) and amended to read:

66.1327 (2) ~~Insofar as~~ If ss. ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329 are inconsistent with any other law, the provisions of these sections shall be are controlling.

**SECTION 432.** 66.425 (title) of the statutes is repealed.

**SECTION 433.** 66.425 of the statutes is renumbered 66.1327 (3) and amended to read:

66.1327 (3) The powers conferred by ss. ~~66.405~~ 66.1301 to ~~66.425~~ 66.1329 are in addition and supplemental to the powers conferred by any other law.

**SECTION 434.** 66.43 (title) of the statutes is renumbered 66.1331 (title).

**SECTION 435.** 66.43 (1), (2), (2m) and (3) (intro.) and (a) of the statutes are renumbered 66.1331 (1), (2), (2m) and (3) (intro.) and (a), and 66.1331 (2), (2m) and (3) (intro.) and (a), as renumbered, are amended to read:

66.1331 (2) FINDINGS AND DECLARATION OF NECESSITY. It is hereby found and declared that there have existed and continue to exist in cities within the state, substandard, insanitary, deteriorated, slum and blighted areas which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the state; ~~that the.~~ The existence of such these areas contributes substantially and increasingly to the spread of disease and crime (necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment, and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection, and other public services and facilities), constitutes an economic and social liability, substantially impairs or arrests the sound growth of cities, and retards the provision of housing accommodations; ~~that this.~~ This menace is beyond remedy and con-

trol solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; ~~that the~~ in this section. The acquisition of property for the purpose of eliminating substandard, insanitary, deteriorated, slum or blighted conditions thereon or preventing recurrence of such these conditions in the area, the removal of structures and improvement of sites, the disposition of the property for redevelopment incidental to the foregoing these activities, and any assistance which may be given by cities or any other public bodies in connection therewith, are public uses and purposes for which public money may be expended and the power of eminent domain exercised; ~~and that the.~~ The necessity in the public interest for the provisions herein enacted of this section is hereby declared as a matter of legislative determination. ~~Nothing herein contained shall be deemed to contravene, repeal or rescind the finding and declaration of necessity heretofore set forth in s. 66.43 (2) prior to the recreation thereof on July 10, 1953.~~

(2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(3) DEFINITIONS. (intro.) ~~The following terms whenever used or referred to in~~ In this section shall, for the purposes of this section and, unless a different intent clearly appears from the context, be construed as follows:

(a) "Blighted area" means any area, including a slum area, in which a majority of the structures are residential or in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such these factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

**SECTION 436.** 66.43 (3) (b) of the statutes is repealed.

NOTE: Repeals a provision that defines a city to be a city. The provision is unnecessary.

**SECTION 437.** 66.43 (3) (c) to (L) of the statutes are renumbered 66.1331 (3) (c) to (L), and 66.1331 (3) (d), (h) and (k), as renumbered, are amended to read:

66.1331 (3) (d) "Land" includes bare or vacant land, or the land under buildings, structures or other improvements, also and water and land under water. When employed in connection with "use", as for instance, "use of land" or "land use", "land" also includes buildings, structures and improvements existing or to be placed thereon on land.

(h) "Project area" means a blighted area or portion of a blighted area, as defined in par. (a), of such extent and location as adopted by the planning commission and approved by the local legislative body as an appropriate unit of redevelopment planning for a redevelopment project, separate from the redevelopment projects in other parts of the city. In the provisions of this section relating to leasing or sale by the city, for abbreviation "project area" is used for the remainder of the project area after taking out those pieces of property which shall have been or are to be transferred for public uses.

(k) "Real property" includes land; ~~also includes~~ land together with the buildings, structures, fixtures and other improvements ~~thereon~~; ~~also includes~~ on the land; liens, estates, easements and other interests ~~therein~~ in the land; and ~~also includes~~ restrictions or limitations upon the use of land, buildings or structures, other than those imposed by exercise of the police power.

**SECTION 438.** 66.43 (3) (m) and (n) and (4) to (15) of the statutes are renumbered 66.1331 (3) (m) and (n) and (4) to (15), and 66.1331 (3) (m), (4) (a) and (c), (5), (6) (a) (intro.) and (b) to (g) and (7) to (15), as renumbered, are amended to read:

66.1331 (3) (m) "Redevelopment project" means any work or undertaking to acquire blighted areas or portions thereof of blighted areas, and lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance or redevelopment of such the areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight in such the areas; to clear any such blighted areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements ~~thereon~~ and; to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; or to sell, lease or otherwise make available land in such blighted areas for residential, recreational, commercial, industrial or other use or for public use, or to retain such the land for public use, in accordance with a redevelopment plan. ~~The term "redevelopment "Redevelopment project" may also include~~ includes the preparation of a redevelopment plan, the planning, surveying, and other work incident to a redevelopment project, and the preparation of all plans and arrangements for carrying out a redevelopment project. "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area.

NOTE: A separate definition of "redevelopment plan" is created in SECTION 297.

(4) (a) ~~Every A city is granted, in addition to its other powers, may exercise~~ all powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including ~~the following powers in addition to others herein granted~~ all of the following:

1. ~~To prepare or cause to be prepared~~ Prepare redevelopment plans and to undertake and carry out redevelopment projects within its corporate limits.

2. ~~To enter~~ Enter into any contracts determined by the local legislative body to be necessary to effectuate the purposes of this section.

3. Within its boundaries, to acquire by purchase, eminent domain or otherwise, any real or personal property or any interest ~~therein~~ in that property, together with any improvements ~~thereon~~, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any such property or any interest ~~therein~~; ~~to in that property~~; enter into contracts with developers of property containing covenants, restrictions, and conditions regarding the use of such the property in accordance with a redevelopment plan and such other covenants, restrictions and conditions ~~as it may deem that it deems~~ necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; ~~to and~~ make any ~~of such~~ covenants, restrictions, conditions or covenants running with the land; and to provide appropriate remedies for any their breach thereof.

4. ~~To borrow~~ Borrow money and issue bonds, and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal, state or county government, or other public body or from any sources, for the purpose of this section; ~~to and~~ give such security as may be required; and to enter into and carry out contracts in connection therewith with the security.

(c) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, any local housing authority existing under ss. 66.40 ~~66.1201~~ to 66.404 ~~66.1211~~, any local redevelopment authority existing under s. 66.431 ~~66.1333~~, or both jointly, or any local community development authority existing under s. ~~66.4325~~ 66.1335, as the agent of the city to perform any act, except the development of the general plan of the city, which may otherwise be performed by the planning commission under this section.

(5) GENERAL AND PROJECT AREA REDEVELOPMENT PLANS. (a) The planning commission ~~is hereby directed to shall~~ make and, ~~from time to time,~~ develop a comprehensive or general plan of the city, including the appropriate maps, charts, tables and descriptive, interpretive and analytical matter, ~~which, The plan is intended to shall~~ serve as a general framework or guide of development within which the various area and redevelopment projects under this section may be more precisely planned and calculated, ~~and which comprehensive or general, The plan shall include at least a land use plan which designates the proposed general distribution and general~~

locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations and other general categories of public and private uses of the land.

(b) For the exercise of the powers granted and for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite, namely are required:

1. Designation by the planning commission of the boundaries of the project area proposed by it for redevelopment, submission of ~~such~~ the boundaries to the local legislative body and the adoption of a resolution by ~~said~~ the local legislative body declaring ~~such~~ the area to be a blighted area in need of redevelopment.

2. Adoption by the planning commission and approval by the local legislative body of the redevelopment plan of the project area. ~~Such~~ The redevelopment plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area, ~~and~~. The plan shall include, ~~without being limited to~~, a statement of the boundaries of the project area; a map showing existing uses and conditions of real property ~~therein in the area~~; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage, and building intensity in the area after redevelopment; a statement of proposed changes, if any, in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area.

3. Approval of a redevelopment plan of a project area by the local legislative body may be given only after a public hearing conducted by it, and a finding by it that ~~said~~ the plan is feasible and in conformity with the general plan of the city. Notice of ~~such~~ the hearing, describing the time, date, place and purpose of the hearing and generally identifying the project area, shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 10 days prior to the date set for the hearing. All interested parties shall be afforded a reasonable opportunity at the hearing to express their views respecting the proposed plan, but the hearing ~~shall be~~ is only for the purpose of assisting the local legislative body in making its determination.

(c) In relation to the location and extent of public works and utilities, public buildings and other public uses in the general plan or in a project area plan, the planning commission ~~is directed to~~ shall confer with ~~such other~~ those public officials, boards, authorities and agencies

under whose administrative jurisdictions ~~such~~ the uses respectively fall.

(d) After a project area redevelopment plan of a project area ~~shall have~~ has been adopted by the planning commission and approved by the local legislative body, the planning commission may ~~at any time~~ certify ~~said~~ the plan to the local legislative body, ~~whereupon said~~. The local legislative body shall ~~proceed to~~ exercise the powers granted to it in this section for the acquisition and assembly of the real property of the area. Following such certification, no new construction ~~shall~~ may be authorized by any agencies, boards or commissions of the city, in ~~such~~ the area, unless as authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement or extension of major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

(6) (a) (intro.) After the real property in the project area has been assembled, the city ~~shall have power to~~ may lease or sell all or ~~any~~ part of the real property, including streets ~~or parts thereof~~ to be closed or vacated in accordance with the plan, to a redevelopment company or to an individual, a limited liability company or a partnership for use in accordance with the redevelopment plan. Real property in the project area shall be leased or sold at its fair value for uses in accordance with the redevelopment plan notwithstanding that the fair value may be less than the cost of acquiring and preparing the property for redevelopment. In determining the property's fair value, a city shall take into account and give consideration to the following:

(b) Any ~~such~~ lease or sale under this subsection may be made without public bidding, but only after a public hearing by the planning commission upon the proposed lease or sale and ~~the~~ its provisions ~~thereof~~; ~~and notice~~. Notice of the hearing shall be published as a class 2 notice, under ch. 985.

(c) The terms of ~~such a~~ lease or sale under this subsection shall be fixed by the planning commission and approved by the local legislative body ~~and the~~. The instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to ~~such~~ the reappraisals. Every ~~such~~ lease or sale shall provide that the lessee or purchaser shall carry out ~~or cause to be carried out~~ the approved project area redevelopment plan or approved modifications ~~thereof~~ and that no use ~~shall~~ may be made of any land or real property included in the lease or sale nor any building or structure erected ~~thereon~~ which does not conform to ~~such~~ the approved plan or approved modifications ~~thereof~~. In the instrument ~~or instruments~~ of lease or sale, the planning commission, with the approval of the local legislative body, may include ~~such~~ other terms, conditions and provisions as in its judgment will provide reasonable assurance of the priority of the obligations of the lease or sale and of

conformance to the plan over any other obligations of the lessee or purchaser and also assurance of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; also, such and may include terms, conditions and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management and any other matters as the planning commission, with the approval of the local legislative body, may impose or approve, including provisions whereby the obligations to carry out and conform to the project area plan shall run with the land. ~~In the event that~~ If maximum rentals to be charged to tenants of housing be are specified, provision may be made for periodic reconsideration of ~~such~~ rental bases.

(d) Until the planning commission certifies, with the approval of the local legislative body, that all building constructions and other physical improvements specified to be done and made by the purchaser of the area have been completed, the purchaser ~~shall have no power to~~ may not convey all or part of the area, ~~or any part thereof,~~ without the consent of the planning commission and the local legislative body, and no ~~such~~ consent ~~shall~~ may be given unless the grantee of the purchaser is obligated, by written instrument, to the city to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property ~~and also that the~~. The grantee, and the heirs, representatives, successors and assigns of the grantee ~~shall have no right or power to,~~ may not convey, lease or let the conveyed property or any part ~~thereof~~ of the property, or erect or use any building or structure erected ~~thereon on the property~~ free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications ~~thereof~~.

(f) The planning commission may, with the approval of the local legislative body, ~~cause to have demolished~~ any demolish an existing structure or clear the area of any part ~~thereof~~ of the structure, or may specify the demolition and clearance to be performed by a lessee or purchaser and the time schedule for ~~same~~ the work. The planning commission, with the approval of the local legislative body, shall specify the time schedule and conditions for the construction of buildings and other improvements.

(g) In order to facilitate the lease or sale of a project area or, ~~in the event that~~ if the lease or sale is of parts of an area, the city ~~shall have the power to~~ may include in the cost payable by it the cost of the construction of local streets and sidewalks within the area or of grading and other local public surface or subsurface facilities necessary for shaping the area as the site of the redevelopment of the area. The city may arrange with the appropriate federal, state or county agencies for the reimbursement of ~~such~~ outlays from funds or assessments raised or levied for ~~such~~ these purposes.

(7) HOUSING FOR DISPLACED FAMILIES. ~~In connection with every redevelopment plan the~~ The housing authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. ~~In addition the~~ The housing authority and the local legislative body ~~will~~ shall assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available, or will be provided, at rents or prices within the financial reach of the income groups displaced.

(8) USE-VALUE APPRAISALS. After the city ~~shall have~~ has assembled and acquired the real property of the project area, it shall, as an aid ~~to it~~ in determining the rentals and other terms upon which it will lease or the price at which it will sell all or part of the area ~~or parts thereof,~~ place a use value upon each piece or tract of land within the area which, in accordance with the plan, is to be used for private uses or for low-rent housing, ~~such use.~~ The use value ~~to~~ shall be based on the planned use; and, for the purposes of this use valuation, ~~it~~ the city shall ~~cause~~ provide a use valuation appraisal ~~to be made~~ prepared by the local commissioner of assessments or assessor; ~~but nothing.~~ Nothing contained in this section ~~shall~~ may be construed as requiring the city to base its rentals or selling prices upon ~~such~~ the appraisal.

(9) PROTECTION OF REDEVELOPMENT PLAN. (a) ~~Previous to the~~ Before execution and delivery by the city of a lease or conveyance to a redevelopment company, or ~~previous to the~~ before consent by the city to an assignment or conveyance by a lessee or purchaser to a redevelopment company, the articles or certificate of incorporation or association or charter or other basic instrument of ~~such~~ the company shall contain provisions ~~so~~ defining, limiting and regulating the exercise of the powers of the company so that neither the company nor its stockholders, its officers, its directors, its members, its beneficiaries, its bondholders or other creditors or other persons ~~shall have any power to~~ may amend ~~or to effect the~~ amendment of the terms and conditions of the lease or the terms and conditions of the sale without the consent of the planning commission, together with the approval of the local legislative body, or, in relation to the project area development plan, without the approval of any proposed modification in accordance with sub. (10); ~~and no.~~ No action of stockholders, officers, directors, bondholders, creditors, members, partners or other persons, nor any reorganization, dissolution, receivership, consolidation, foreclosure or any other change in the status or obligation of any redevelopment company, partnership, limited liability company or individual in any litigation or proceeding in any federal or other court ~~shall~~ may effect any release or any impairment or modification of the lease or

terms of sale or of the project area redevelopment plan unless such consent or approval be is obtained.

(b) ~~Redevelopment corporations~~ A redevelopment corporation may be organized under the general corporation law of the state ~~and shall have the power to be a redevelopment company under this section, and to;~~ may acquire and hold real property for the purposes set forth in this section; ~~and to~~ may exercise all other powers granted to redevelopment companies in this section, ~~subject to the provisions, limitations and obligations herein set forth.~~

(c) A redevelopment company, individual, limited liability company or partnership to which ~~any~~ all or part of a project area ~~or part thereof~~ is leased or sold under this section shall keep books of account of its operations or transactions relating to ~~such~~ the area ~~or part~~ entirely separate and distinct from accounts of and for any other project area or part thereof ~~of the other project area~~ or any other real property or enterprise; ~~and no.~~ No lien or other interest shall may be placed upon any real property in said the area to secure any indebtedness or obligation of the redevelopment company, individual, limited liability company or partnership incurred for or in relation to any property or enterprise outside of said the area.

(10) MODIFICATION OF DEVELOPMENT PLANS. An approved project area redevelopment plan may be modified at any time ~~or times~~ after the lease or sale of all or part of the area ~~or part thereof~~ ~~provided that~~ if the modification be is consented to by the lessee or purchaser, ~~and that~~ if the proposed modification be is adopted by the planning commission and ~~then~~ submitted to the local legislative body and approved by it. Before approval, the local legislative body shall hold a public hearing on the proposed modification, notice of the time and place of which shall be given by mail sent at least 10 days prior to the hearing to the then owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may refer back to the planning commission any project area redevelopment plan, project area boundaries or modification submitted to it, together with its recommendation for changes in ~~such~~ the plan, boundaries or modification and, if ~~such~~ such recommended changes be are adopted by the planning commission and ~~in turn~~ formally approved by the local legislative body, the plan, boundaries or modification as ~~thus~~ changed shall be and become becomes the approved plan, boundaries or modification.

(11) LIMITATION UPON TAX EXEMPTION. Nothing contained in this section shall may be construed to authorize or require the exemption of any real property from taxation, except real property sold, leased or granted to and acquired by a public housing authority. No real property acquired ~~pursuant to~~ under this section by a private redevelopment company, individual, limited liability com-

pany or partnership either by lease or purchase shall be is exempt from taxation by reason of ~~such~~ the acquisition.

(12) FINANCIAL ASSISTANCE. The city may accept grants or other financial assistance from the federal, state and county governments or from other sources to carry out the purposes of this section, and may do all things necessary to comply with the conditions attached to ~~such~~ the grants or loans.

(13) COOPERATION AND USE OF CITY FUNDS. (a) To assist any redevelopment project located in the area in which it is ~~authorized to~~ may act, ~~any a~~ public body may, upon ~~such~~ terms as that it ~~may determine.~~ Furnish determines. furnish services or facilities, provide property, lend or contribute funds, and perform any other action of a character which it is ~~authorized to~~ may perform for other purposes.

(b) ~~Every~~ A city may appropriate and use its general funds to carry out the purposes of this section and, to obtain ~~such~~ funds, ~~may, in addition to other powers set forth in this section,~~ incur indebtedness, and issue bonds in ~~such amount or amounts as~~ that the local legislative body determines by resolution to be necessary ~~for the purpose of raising funds~~ for use in carrying out the purposes of this section; ~~provided, that any.~~ The issuance of bonds by a city ~~pursuant to~~ under this provision paragraph shall be in accordance with ~~such~~ statutory and other legal requirements as that govern the issuance of obligations generally by the city.

(14) LIMITED OBLIGATIONS. For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this section, ~~any a~~ city may issue municipal obligations payable solely from and secured by a pledge of and lien upon any or all of the income, proceeds, revenues, funds and property of the city derived from or held by it in connection with redevelopment projects, including the proceeds of grants, loans, advances or contributions from any public or private source. Municipal obligations issued under this subsection may be registered under s. 67.09 but shall otherwise be in ~~such a~~ form, mature at ~~such time or times,~~ bear interest at ~~such rate or rates,~~ be issued and sold in ~~such a~~ manner, and contain ~~such~~ terms, covenants, and conditions as that the local legislative body of the city shall, by resolution, ~~determine~~ determines. The municipal obligations shall be fully negotiable, shall not require a referendum, and shall are not be subject to the provisions of any other law or charter relating to the issuance or sale of municipal obligations. Obligations under this section sold to the United States government need not be sold at public sale. In this subsection, "municipal obligation" has the meaning specified in s. 67.01 (6).

(15) CONSTRUCTION. This section shall be construed liberally to effectuate ~~the its~~ purposes hereof and the enumeration ~~therein~~ in this section of specific powers shall does not operate to restrict the meaning of any general

grant of power contained in this section or to exclude other powers comprehended in such the general grant.

**SECTION 439.** 66.43 (16) of the statutes is repealed.

NOTE: Repealed as archaic. The subsection validates actions of a city taken before July 10, 1953. There appears to be no need to continue the validation.

**SECTION 440.** 66.43 (17) of the statutes is renumbered 66.1331 (16).

**SECTION 441.** 66.431 (title) of the statutes is renumbered 66.1333 (title).

**SECTION 442.** 66.431 (1), (2) and (2m) (intro.) and (a) to (e) of the statutes are renumbered 66.1333 (1), (2) and (2m) (intro.) and (a) to (e), and 66.1333 (2) and (2m) (intro.) and (d) (intro.) and 1. to 5., as renumbered, are amended to read:

66.1333 (2) FINDINGS. In addition to the findings and declarations made in ss. ~~66.43~~ 66.1331 (2) and ~~66.435~~, which findings and declarations are in all respects affirmed, restated and incorporated herein 66.1337, it is further found and declared that the existence of substandard, deteriorated, slum and blighted areas and blighted properties is a matter of statewide concern; ~~that it.~~ It is the policy of this state to protect and promote the health, safety, morals and general welfare of the people of the state in which such these areas and blighted properties exist by the elimination and prevention of such these areas and blighted properties through the utilization of all means appropriate for that purpose, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in such these areas and blighted properties; ~~that the.~~ The purposes of this section are to provide further for the elimination and prevention of substandard, deteriorated, slum and blighted areas and blighted properties through redevelopment and other activities by state-created agencies and the utilization of all other available public and private agencies and resources, ~~thereby carrying out the policy of this state as heretofore declared; that state.~~ State agencies are necessary in order to carry out in the most effective and efficient manner the state's policy and declared purposes for the prevention and elimination of substandard, deteriorated, slum and blighted areas and blighted properties; ~~and that such state.~~ State agencies shall be available in all the cities in the state to be known as the redevelopment authorities of the particular cities, ~~to and~~ and carry out and effectuate the provisions of this section when the local legislative bodies of the cities determine there is a need for them to carry out within their cities the powers and purposes of this section; ~~and any assistance.~~ Assistance which may be given by cities or any other public bodies in connection therewith, ~~are public uses and purposes under this section is a public use and purpose~~ are public uses and purposes under this section is a public use and purpose for which public money may be expended; ~~and that the.~~ The necessity in the public interest for the provi-

sions ~~herein enacted of this section~~ is declared a matter of legislative determination. Nothing ~~contained herein is deemed to contravene, repeal or rescind in this subsection~~ contravenes, repeals or rescinds the finding or declaration of necessity ~~prior to before~~ before the recreation thereof of this subsection on June 1, 1958.

(2m) DEFINITIONS. (intro.) ~~As used or referred to in~~ In this section, unless the context clearly indicates otherwise:

(d) (intro.) "Blight elimination, slum clearance and urban renewal project", "redevelopment and urban renewal project", "redevelopment or urban renewal project", "redevelopment project", "urban renewal project" and "project" mean undertakings and activities in a project area for the elimination and for the prevention of the development or spread of slums and blight, and may involve clearance and redevelopment in a project area, or rehabilitation or conservation in a project area, or any combination or part thereof of the undertakings and activities in accordance with a "redevelopment plan", "urban renewal plan", "redevelopment or urban renewal plan", "project area plan" or "redevelopment and urban renewal plan", either one of which means the redevelopment plan of the project area prepared and approved as provided in sub. (6). ~~Such These~~ Such These undertakings and activities may include all of the following:

1. Acquisition of all or a portion of a blighted area ~~or portions thereof;~~
2. Demolition and removal of buildings and improvements;
3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the project area the objectives of this section in accordance with the redevelopment plan;
4. Disposition of any property acquired in the project area ~~( including sale, initial leasing or retention by the authority itself),~~ at its fair value for uses in accordance with the redevelopment plan;
5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan; ~~and.~~

**SECTION 443.** 66.431 (2m) (f) of the statutes is repealed.

NOTE: Repeals a provision that defines a city to be a city. The provision is unnecessary.

**SECTION 444.** 66.431 (2m) (g) to (t) and (3) to (5m) of the statutes are renumbered 66.1333 (2m) (g) to (t) and (3) to (5m), and 66.1333 (2m) (j), (3) (a) 1. and 4. and (b) to (g) and (5) (a), (b) 4. and (c) 1r. and 2., as renumbered, are amended to read:

66.1333 (2m) (j) "Real property" includes all lands, together with improvements and fixtures ~~thereon~~, and property of any nature appurtenant ~~thereto~~ to the lands,

or used in connection therewith with the lands, and every estate, interest, right and use, legal or equitable, ~~therein in the lands~~, including terms for years and liens by way of judgment, mortgage or otherwise.

(3) (a) 1. It is found and declared that a redevelopment authority, functioning within a city in which there exists ~~substandard, deteriorating, deteriorated, unsanitary slum and~~ blighted areas, constitutes a more effective and efficient means for preventing and eliminating ~~slums and~~ blighted areas in the city and preventing the recurrence ~~thereof of blighted areas~~. Therefore, there is created in every ~~such~~ city with a blighted area a redevelopment authority, to be known as the "redevelopment authority of the city of ....". An authority is created for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects as set forth in this section, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination, slum clearance and urban renewal programs and projects.

4. The powers of the authority ~~shall be~~ are vested in the commissioners.

(b) The commissioners who are first appointed shall be designated by the appointing power to serve for the following terms: 2 for one year, 2 for 2 years, 4 one for 3 years, 4 one for 4 years, and 4 one for 5 years, from the date of their appointment. ~~Thereafter~~ After the first appointments, the term of office ~~shall be for~~ is 5 years. A commissioner ~~shall hold~~ holds office until a successor ~~has been~~ is appointed and qualified. ~~Removals with respect to commissioners~~ Removal of the authority shall be a commissioner is governed by s. 66.40 ~~66.1201~~. Vacancies and new appointments ~~shall be~~ are filled in the same manner as provided in par. (a).

(c) The filing of a certified copy of the resolution ~~above referred to~~ adopted under par. (a) with the city clerk ~~shall be~~ is prima facie evidence of the authority's right to proceed, and ~~such the~~ resolution ~~shall~~ is not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the authority, a certified copy of ~~such the~~ resolution ~~shall be deemed~~ is conclusive evidence that ~~such the~~ authority is established and authorized to transact business and exercise its powers ~~hereunder~~ under this section.

(d) Following the adoption of ~~such a~~ resolution, ~~such under par. (a), a city shall thereafter be~~ is precluded from exercising the powers provided in s. 66.43 ~~66.1331~~ (4), and the authority ~~has exclusive power to~~ may proceed to carry on the blight elimination, slum clearance and urban renewal projects in ~~such the~~ city, except that ~~such the~~ city is not precluded from applying, accepting and contracting for federal grants, advances and loans under the housing and community development act of 1974 (P.L. 93-383).

(e) 1. ~~Such An~~ authority shall ~~have~~ has no power, ~~whatsoever,~~ in connection with any public housing project.

2. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall may not, ~~with reference thereto,~~ be denied ~~such the~~ right, benefit, facility or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

(f) ~~In carrying out this section, the An~~ authority is deemed an independent, separate and distinct public body and a body corporate and politic, exercising public powers determined to be necessary by the state to protect and promote the health, safety and morals of its residents, and ~~is authorized to~~ may take title to real and personal property in its own name; ~~and such,~~ The authority shall may proceed with the acquisition of property by eminent domain under ch. 32, or any other law relating specifically to eminent domain procedures of redevelopment authorities.

(g) ~~The An~~ authority may employ personnel as required to perform its duties and responsibilities under civil service. The authority may appoint an executive director whose qualifications ~~shall be~~ are determined by the authority. The director shall ~~also~~ act as secretary of the authority and ~~may have~~ has the duties, powers and responsibilities delegated by the authority. All of the employes, including the director of the authority, ~~shall be~~ eligible to may participate in the same pension system, health and life insurance programs and deferred compensation programs provided for city employes and are eligible for any other benefits provided to city employes.

(5) (a) ~~Every An~~ authority is ~~granted, in addition to any other powers,~~ may exercise all powers necessary or incidental to carry out and effectuate the purposes of this section, including the power to do all of the following powers:

1. ~~To prepare or cause to be prepared~~ Prepare redevelopment plans and urban renewal plans and ~~to~~ undertake and carry out redevelopment and urban renewal projects within the corporate limits of the city in which it functions.

2. ~~To enter~~ Enter into any contracts determined by the authority to be necessary to effectuate the purposes of this section. All contracts, other than those for personal or professional services, in excess of \$25,000 ~~shall be~~ are subject to bid and shall be awarded to the lowest qualified and competent bidder. The authority may reject any bid required under this paragraph. The authority shall advertise for bids by a class 2 notice, under ch. 985, published in the city in which the project is to be developed. If the estimated cost of a contract, other than a contract for personal or professional services, is between \$3,000 and \$25,000, the authority shall give a class 2 notice, under

ch. 985, of the proposed work before the contract is entered into.

3. Within the boundaries of the city ~~to~~, acquire by purchase, lease, eminent domain, or otherwise, any real or personal property or any interest ~~therein in the property~~, together with any improvements ~~thereon on the property~~, necessary or incidental to a redevelopment or urban renewal project; ~~to~~ hold, improve, clear or prepare for redevelopment or urban renewal any ~~such of the~~ property; ~~to~~ sell, lease, subdivide, retain or make available ~~the~~ property for the city's use; ~~to~~ mortgage or otherwise encumber or dispose of any ~~such of the~~ property or any interest ~~therein; to in the property~~; enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of ~~such the~~ property in accordance with a redevelopment or urban renewal plan, and ~~such~~ other covenants, restrictions and conditions as ~~that~~ the authority ~~deems~~ considers necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; ~~to~~ make any ~~of such~~ covenants, restrictions, conditions or covenants running with the land and ~~to~~ provide appropriate remedies for any ~~their~~ breach ~~thereof; to~~; arrange or contract for the furnishing of services, privileges, works or facilities for, or in connection with a project; ~~to~~ temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for ~~such~~ uses and purposes as ~~that~~ may be deemed desirable even though not in conformity with the redevelopment plan for the area; within the boundaries of the city ~~to~~, enter into any building or property in any project area in order to make inspections, surveys, appraisals, soundings or test borings, and ~~to~~ obtain an a court order for this purpose ~~from a court of competent jurisdiction in the event if~~ entry is denied or resisted; ~~to~~ own and hold property and ~~to~~ insure or provide for the insurance of any real or personal property or any of its operations against any risks or hazards, including ~~the power to pay~~ paying premiums on any ~~such~~ insurance; ~~to~~ invest any project funds held in reserves or sinking funds or any ~~such the~~ funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; ~~to~~ redeem its bonds issued under this section at the redemption price established ~~therein in the bonds~~ or ~~to~~ purchase ~~such the~~ bonds at less than redemption price, all ~~such~~ bonds so redeemed or purchased to be canceled; ~~to~~ develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of slums and blight; and ~~to~~ disseminate blight elimination, slum clearance and urban renewal information.

4. a. ~~To borrow~~ Borrow money and issue bonds; ~~to~~ execute notes, debentures and other forms of indebtedness; ~~and to~~ apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the city in which it functions, from the federal gov-

ernment, the state, county, or other public body, or from any sources, public or private for the purposes of this section, and ~~to~~ give such security as may be required and ~~to~~ enter into and carry out contracts or agreements in connection ~~therewith with the security~~; and ~~to~~ include in any contract for financial assistance with the federal government for or with respect to blight elimination and slum clearance and urban renewal such conditions imposed pursuant to federal laws as the authority deems reasonable and appropriate and which are not inconsistent with the purposes of this section.

b. Any debt or obligation of the authority ~~shall is~~ not ~~be deemed~~ the debt or obligation of the city, county, state or any other governmental authority other than the redevelopment authority itself.

c. ~~To issue~~ Issue bonds ~~in its discretion~~ to finance its activities under this section, including the payment of principal and interest upon any advances for surveys and plans, and ~~may~~ issue refunding bonds for the payment or retirement of ~~such~~ bonds previously issued by it. ~~Such~~ Bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the authority derived from or held in connection with its undertaking and carrying out of projects or activities under this section; ~~provided that payment~~. Payment of ~~such the~~ bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any projects or activities of the authority under this section, and by a mortgage of any ~~such all or a part of the~~ projects or activities, ~~or any part thereof~~. Bonds issued under this section ~~shall are~~ not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the state, city or of any public body other than the authority issuing the bonds, and ~~shall are~~ not be subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and, together with interest ~~thereon~~ and income ~~therefrom~~, ~~shall be are~~ exempt from all taxes. Bonds issued under this section shall be authorized by resolution of the authority ~~and~~, may be issued in one or more series and shall bear ~~such a~~ date, be payable upon demand or mature at ~~such a~~ time, bear interest at ~~such a~~ rate, be in ~~such a~~ denomination, be in ~~such a~~ form either with or without coupon or registered, carry ~~such~~ conversion or registration privileges, have ~~such~~ rank or priority, be payable in ~~such a~~ medium of payment, at ~~such a~~ place, and be subject to ~~such~~ terms of redemption, with or without premium, be secured in ~~such a~~ manner, and have ~~such~~ other characteristics, as is provided by the resolution, trust indenture or mortgage issued pursuant ~~thereto to the transaction~~. Bonds issued under this section shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. The bonds may be sold or exchanged at public sale or by



private negotiation with bond underwriters as the authority ~~may provide~~ provides. The bonds may be sold or exchanged at ~~such any price or prices as that~~ the authority ~~shall determine~~ determines. If sold or exchanged at public sale, the sale shall be held after a class 2 notice, under ch. 985, published ~~prior to such~~ before the sale in a newspaper having general circulation in the city and in ~~such any~~ other medium of publication as ~~that~~ the authority determines. ~~Such bonds~~ Bonds may be sold to the federal government at private sale, without publication of any notice, at not less than par, and, if less than all of the authorized principal amount of ~~such the~~ bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the authority of ~~that does~~ not to exceed the interest cost to the authority of the portion of the bonds sold to the federal government. Any provision of any law to the contrary notwithstanding, any bonds issued ~~pursuant to~~ under this section ~~shall be are~~ fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section or the security ~~therefor~~ for any bond, any such bond reciting in substance that it has been issued by the authority in connection with a project or activity under this section ~~shall be conclusively is~~ deemed to have been issued for ~~such that~~ purpose and ~~such the~~ project or activity ~~shall be conclusively is~~ deemed to have been planned, located and carried out in accordance with this section.

5. ~~To establish~~ Establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, optical imaging or electronic formatting, if authorized under s. 19.21 (4) (c). ~~Any such The~~ procedure shall assure that copies of ~~such the~~ records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

6. ~~The~~ Authorize the chairperson of the authority or the vice chairperson in the absence of the chairperson, selected by vote of the commissioners, and the executive director or the assistant director in the absence of the executive director ~~is authorized~~ to execute on behalf of the authority all contracts, notes and other forms of obligation when authorized by at least 4 of the commissioners of the authority to do so.

7. ~~The authority is authorized to commence~~ Commence actions in its own name ~~and. The authority~~ shall be sued in the name of the authority. The authority shall have an official seal.

8. ~~To exercise such~~ Exercise other ~~and further~~ powers as ~~that~~ may be required or necessary ~~in order~~ to effectuate the purposes ~~hereof~~ of this section.

9. ~~To exercise~~ Exercise any powers of a housing authority under s. 66.40 ~~66.1201~~ if done in concert with a housing authority under a contract under s. ~~66.30~~ 66.0301.

(b) 4. The authority may acquire by purchase real property within any area designated for urban renewal or redevelopment purposes under this section ~~prior to~~ before the approval of either the redevelopment or urban renewal plans or ~~prior to~~ before any modification of the plan, ~~providing if~~ approval of ~~such the~~ acquisition is granted by the local governing body. ~~In the event of the acquisition of such real property~~ If real property is acquired, the authority may demolish or remove structures ~~so acquired~~ with the approval of the local governing body. ~~In the event that~~ If acquired real property ~~so acquired~~ is not made part of the urban renewal project the authority shall bear any loss that may arise as a result of the acquisition, demolition or removal of structures acquired under this section; ~~however, the local legislative body if it.~~ If the local legislative body has given its approval to the acquisition of ~~such real~~ property ~~that is not made a part of the urban renewal project,~~ it shall reimburse the authority for any loss sustained as provided for in this subsection. Any real property acquired in a redevelopment or in an urban renewal area ~~pursuant to~~ under this subsection may be disposed of ~~in accordance with the provisions of~~ under this section ~~providing if~~ the local governing body has approved the acquisition of the property for the project.

(c) 1r. Condemnation proceedings for the acquisition of blighted property shall be conducted under ch. 32 or under any other law relating specifically to eminent domain procedures of authorities. The authority may hold, clear, construct, manage, improve or dispose of the blighted property, for the purpose of eliminating its status as blighted property. Notwithstanding sub. (9), the authority may dispose of the blighted property in any manner. The authority may assist private acquisition, improvement and development of blighted property for the purpose of eliminating its status as blighted property, and for that purpose the authority ~~shall have~~ has all of the duties, rights, powers and privileges given to the authority under this section, as if it had acquired the blighted property.

2. ~~Prior to~~ Before acquiring blighted property under subd. 1. or 1g., the authority shall hold a public hearing to determine if the property is blighted property. Notice of ~~such the~~ hearing, describing the time, date, place and purpose of the hearing and generally identifying the property involved, shall be given to each owner of the property, at least 20 days ~~prior to~~ before the date set for the hearing, by certified mail with return receipt requested. If the notice cannot be delivered by certified mail with return receipt requested, or if the notice is returned undelivered, notice may be given by posting the

notice at least 10 days ~~prior to~~ before the date of hearing on any structure located on the property which is the subject of the notice. If the property which is the subject of the notice consists of vacant land, a notice may be posted in some suitable and conspicuous place on that property. For the purpose of ascertaining the name of the owner or owners of record of property which is subject to a public hearing under this subdivision, the records of the register of deeds of the county in which ~~such the~~ property is located, as of the date of the notice required under this subdivision, ~~shall be deemed~~ are conclusive. An affidavit of mailing or posting the notice which is filed as a part of the records of the authority ~~shall be deemed~~ is prima facie evidence of that notice. In the hearing under this subdivision, all interested parties may express their views respecting on the authority's proposed determination, but the hearing is only for informational purposes. Any technical omission or error in the procedure ~~specified~~ under this subdivision does not invalidate the designation or subsequent acquisition. If any owner of property subject to the authority's determination that the property is blighted property objects to that determination or to the authority's acquisition of that property, that owner shall file a written statement of ~~his or her~~ and reasons for the objections ~~and the reasons for those objections~~ with the authority ~~prior to~~ before, at the time of, or within 15 days after the public hearing under this subdivision. ~~Such The~~ statement shall contain the mailing address of the person filing the statement and be signed by or on behalf of that person. The filing of that statement ~~shall be~~ is a condition precedent to the commencement of an action to contest the authority's actions under this paragraph.

**SECTION 445.** 66.431 (5r) of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1333 (5r).

**SECTION 446.** 66.431 (6) to (17) of the statutes are renumbered 66.1333 (6) to (17), and 66.1333 (6) (a) to (e), (9) (a) 1. a. and c. and (b) to (f) and (10) to (17), as renumbered, are amended to read:

66.1333 (6) (a) The authority may make ~~or cause to be made~~ and prepare ~~or cause to be prepared~~ a comprehensive plan of redevelopment and urban renewal which shall be consistent with the general plan of the city, including the appropriate maps, tables, charts and descriptive and analytical matter. ~~Such The~~ plan is intended to serve as a general framework or guide of development within which the various area and redevelopment and urban renewal projects may be more precisely planned and calculated. The comprehensive plan shall include at least a land use plan which designates the proposed general distribution and general locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations and other general categories of public and private uses of the land. The authority ~~is authorized to~~ may make ~~or have made~~ all other surveys and plans nec-

essary under this section, and ~~to~~ adopt or approve, modify and amend ~~such the~~ plans.

(b) For the exercise of the powers granted and for the acquisition and disposition of real property in a project area, the following steps and plans ~~shall be requisite~~ are required:

1. Designation by the authority of the boundaries of the proposed project area, submission of ~~such the~~ boundaries to the local legislative body, and adoption of a resolution by two-thirds of ~~such the~~ local legislative body declaring ~~such the~~ area to be a blighted area in need of a blight elimination, slum clearance and urban renewal project. ~~Thereafter~~ After these acts, the local legislative body may, by resolution by two-thirds vote, prohibit for an initial period of not to exceed 6 months from enactment of ~~such the~~ resolution any new construction in ~~such the~~ area except upon resolution by the local legislative body that ~~such the~~ proposed new construction, on ~~such~~ reasonable conditions ~~as may be fixed therein~~ stated in the resolution, will not substantially prejudice the preparation or processing of a plan for the area and is necessary to avoid substantial damage to the applicant. ~~Such The~~ order of prohibition ~~shall be~~ is subject to successive renewals for like periods by like resolutions; ~~but no new construction contrary to any such resolution of prohibition shall may~~ be authorized by any agency, board or commission of the city in ~~such the~~ area except as ~~herein~~ provided in this subdivision. No ~~such~~ prohibition of new construction ~~shall may~~ be construed to forbid ordinary repair or maintenance, or improvement necessary to continue occupancy under any regulatory order.

2. Approval by the authority and by two-thirds of the local legislative body of the redevelopment plan of the project area which has been prepared by the authority. ~~Such The~~ redevelopment plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area; ~~and. The redevelopment plan shall include, without being limited to,~~ a statement of the boundaries of the project area; a map showing existing uses and conditions of real property ~~therein~~; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage and building intensity in the area after redevelopment; present and potential equalized value for property tax purposes; a statement of proposed changes, ~~if any,~~ in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area.

3. Approval of a redevelopment plan of a project area by the authority, which may be given only after a public hearing conducted by the authority and a finding by the authority that such the plan is feasible and in conformity with the general plan of the city. Notice of such the hearing, describing the time, date, place and purpose of the hearing and generally identifying the project area, shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 10 days prior to before the date set for the hearing. ~~In addition thereto, at At least 20 days prior to before~~ the date set for the hearing on the proposed redevelopment plan of the project area a notice shall be transmitted by certified mail, with return receipt requested, to each owner of real property of record within the boundaries of the redevelopment plan. If transmission of such the notice by certified mail with return receipt requested cannot be accomplished, or if the letter is returned undelivered, then notice may be given by posting the same notice at least 10 days prior to before the date of hearing on any structure located on the property; or, if such the property consists of vacant land, a notice may be posted in some suitable and conspicuous place on such the land. Such The notice shall state the time and place at which the hearing will be held with respect to the redevelopment plan and that the owner's property might be taken for urban renewal. For the purpose of ascertaining the name of the owner of record of the real property within such the project boundaries, the records, at the time of the approval by the redevelopment authority of the project boundaries, of the register of deeds of the county in which such the property is located ~~shall be deemed~~ are conclusive. Failure to receive such the notice shall does not invalidate the plan. An affidavit of mailing or posting of such the notice ~~or posting thereof~~ filed as a part of the records of the authority ~~shall be deemed~~ is prima facie evidence of the giving of such notice. All interested parties shall be afforded a full opportunity to express their views respecting on the proposed plan at such the public hearing, but the hearing shall only be for the purpose of assisting the authority in making its determination and in submitting its report to the local legislative body. Any technical omission in the procedure outlined ~~herein shall in this subdivision does not be deemed~~ to invalidate the plan. Any owner of property included within the boundaries of the redevelopment plan ~~and objecting who objects~~ to such the plan shall ~~be required~~ to state the owner's objections and the reasons ~~therefor for objecting~~, in writing, and file the same document with the authority ~~either prior to before the public hearing~~, at the time of the public hearing, or within 15 days ~~thereafter, but not subsequently thereto after the hearing~~. The owner shall state his or her mailing address and sign his or her name ~~thereto~~. The filing of such objections in writing ~~shall be~~ is a condition precedent to the commencement of an action to contest the right of the redevel-

ment authority to condemn the property under s. 32.06 (5).

(c) In relation to the location and extent of public works and utilities, public buildings and public uses in a comprehensive plan or a project area plan, the authority ~~is directed to shall~~ confer with the planning commission and with such other public officials, boards, authorities and agencies of the city under whose administrative jurisdictions such these uses respectively fall.

(d) ~~At any time after such~~ After the redevelopment plan has been approved both by the authority and the local legislative body, it may be amended by resolution adopted by the authority, and such the amendment shall be submitted to the local legislative body for its approval by a two-thirds vote before ~~the same shall become it becomes~~ effective. It ~~shall is~~ not be required in connection with any amendment to the redevelopment plan, unless the boundaries described in the plan are altered to include other property, that the provisions in this subsection with respect to public hearing and notice be followed.

(e) After a project area redevelopment plan of a project area has been adopted by the authority, and the local legislative body has by a two-thirds vote approved the redevelopment plan the authority may ~~at any time~~ certify said the plan to the local legislative body, ~~whereupon, After certification,~~ the authority shall ~~proceed to~~ exercise the powers granted to it for the acquisition and assembly of the real property of the area. The local legislative body shall upon the certification of such the plan by the authority direct that no new construction ~~shall be permitted, and thereafter, After this direction, no~~ new construction shall may be authorized by any agencies, boards or commissions of the city in such the area unless as authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

(9) (a) 1. a. Upon the acquisition of any ~~or all of the~~ real property in the project area, the authority ~~has power to may~~ lease, sell or otherwise transfer to a redevelopment company, association, corporation or public body, or to an individual, limited liability company or partnership, all or any part of the real property, including streets or parts ~~thereof of streets~~ to be closed or vacated in accordance with the plan, for use in accordance with the redevelopment plan. No assembled lands of the project area shall may be either sold or leased by the authority to a housing authority created under s. 66.40 ~~66.1201~~ for the purpose of constructing public housing projects upon such the land unless the sale or lease of the lands has been first approved by the local legislative body by a vote of not less than four-fifths of the members elected.

c. A copy of the redevelopment plan shall be recorded in the office of the register of deeds in the county where the redevelopment project is located. Any amendment to the redevelopment plan, approved as herein provided for under sub. (6), shall also be recorded in the office of the register of deeds of the county.

(b) ~~Any such~~ A lease or sale may be made without public bidding, but only after public hearing is held by the authority after a notice ~~to be~~ is published as a class 2 notice, under ch. 985, ~~and the~~. The hearing shall be predicated upon the proposed sale or lease and the provisions ~~thereof of the sale or lease~~.

(c) The terms of ~~such a~~ a lease or sale shall be fixed by the authority, and the instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to ~~such the~~ the reappraisals. Every ~~such~~ lease or sale shall provide that the lessee or purchaser ~~shall will~~ will carry out ~~or cause to be carried out~~ the approved project area redevelopment plan or approved modifications ~~thereof of the redevelopment plan~~, and that the use of ~~such~~ the land or real property included in the lease or sale, and any building or structure ~~erected thereon~~, shall conform to ~~such the~~ the approved plan or approved modifications ~~thereof of the plan~~. In the instrument of lease or sale, the authority may include ~~such~~ other terms, provisions and conditions ~~as in its judgment that~~ that will provide reasonable assurance of the priority of the obligations of the lease or sale ~~and~~, of conformance to the plan over any other obligations of the lessee or purchaser, and ~~also~~ assurance of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; ~~also, such~~. In the instrument of lease or sale, the authority may include terms, conditions and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management, and any other matters as that the authority ~~may impose or approve~~ imposes or approves, including provisions ~~whereby~~ under which the obligations to carry out and conform to the project area plan shall run with the land. If maximum rentals to be charged to tenants are specified, provision may be made for periodic reconsideration of ~~such~~ rental bases.

(d) Until the authority certifies that all building constructions and other physical improvements specified by the purchaser have been completed, the purchaser ~~shall have no power to~~ may not convey ~~the all or part of an area, or any part thereof,~~ without the consent of the authority ~~and no such~~. No consent shall may be given unless the grantee of the purchaser is obligated, by written instrument, to the authority to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property and ~~also unless the written instrument specifies~~ that the grantee and the heirs, representatives, successors and assigns of the grantee, ~~shall have no right or power to~~ may not convey, lease or let all or part of the conveyed property ~~or any part thereof,~~ or

erect or use any building or structure ~~erected thereon on the conveyed property~~ free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications ~~thereof of the redevelopment plan~~.

(e) The authority may ~~cause to have demolished~~ demolish any existing structure or clear ~~the all or part of an area of any part thereof,~~ or specify the demolition and clearance to be performed by a lessee or purchaser and a time schedule for the ~~same~~ demolition and clearance. The authority shall specify the time schedule and conditions for the construction of buildings and other improvements.

(f) In order to facilitate the lease or sale of a project area, or if the lease or sale is part of an area, the authority ~~has the power to~~ may include in the cost payable by it the cost of the construction of local streets and sidewalks in the area, or of grading and any other local public surface or subsurface facilities or any site improvements necessary for shaping the area as the site of the redevelopment of the area. The authority may arrange with the appropriate federal, state, county or city agencies for the reimbursement of ~~such~~ outlays from funds or assessments raised or levied for ~~such these~~ purposes.

(10) HOUSING FOR DISPLACED FAMILIES; RELOCATION PAYMENTS. ~~In connection with every redevelopment plan,~~ the An authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. ~~In addition,~~ the The authority shall prepare a plan ~~which shall be submitted for submittal~~ to the local legislative body for approval which shall assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available or will be provided at rents or prices within the financial reach of the income groups displaced. The authority ~~is authorized to~~ may make relocation payments to or with respect to persons (including families, business concerns and others), displaced by a project for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including ~~the making of such~~ payments financed by the federal government.

(11) MODIFICATION OF REDEVELOPMENT PLAN. (a) An approved project area redevelopment plan may be modified at any time after the lease or sale of all or part of the area ~~or part thereof~~ provided that if the modification is consented to by the lessee or purchaser, and ~~that~~ the proposed modification is adopted by the authority and ~~then submitted to,~~ and approved by, the local legislative body ~~and approved by it~~. Before approval, the authority shall hold a public hearing on the proposed modification, and notice of the time and place of hearing shall be sent by mail at least 10 days ~~prior to~~ before the hearing to the owners of the real properties in the project area and of the real properties immediately adjoining or across the street

from the project area. The local legislative body may refer back to the authority any project area redevelopment plan, project area boundaries or modifications submitted to it, together with recommendations for changes in ~~such the~~ plan, boundaries or modification, and if ~~such the~~ recommended changes are adopted by the authority and ~~in turn~~ approved by the local legislative body, the plan, boundaries or modifications as ~~thus~~ changed shall be become the approved plan, boundaries or modification.

(b) Whenever the authority determines that a redevelopment plan with respect to a project area that has been approved and recorded in the register of deed's office is to be modified to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority's intention to modify the redevelopment plan, and it shall hold a public hearing ~~with respect to~~ on the modification. Notice shall be given to the purchasers of the property by personal service at least 20 days ~~prior to~~ before the holding of the public hearing, or if the purchasers cannot be found notice shall be given by registered mail to the purchasers at their last-known address. Notice of the public hearing shall also be given by publication as a class 2 notice, under ch. 985. The notice shall specify the project area and recite the proposed modification and its purposes. The public hearing ~~shall be merely~~ is advisory to the authority. ~~After~~ If the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of the plan and that it will not produce conditions leading to a reoccurrence of ~~slums or~~ blight within the project area, the authority may by resolution act to modify the plan to permit additional land uses in the project area, subject to approval by the legislative body by a two-thirds vote of the ~~members elect~~ members-elect. If the local legislative body approves the modification to the redevelopment plan, an amendment to the plan containing the modification shall be recorded with the register of deeds of the county in which the project area is located and shall supplement the redevelopment plan previously recorded. Following the action with respect to modification of the redevelopment plan, the plan ~~shall be considered~~ is amended and no legal rights shall accrue to any person or to any owner of property in the project area by reason of the modification of the redevelopment plan.

(c) The provisions ~~herein~~ of this subsection shall be construed liberally to effectuate the its purposes ~~hereof~~ and substantial compliance ~~shall be deemed~~ is adequate. Technical omissions ~~shall~~ do not invalidate the procedure ~~set forth herein~~ in this subsection with respect to acquisition of real property necessary or incidental to a redevelopment project.

(12) LIMITATION UPON TAX EXEMPTION. The real and personal property of the authority is declared to be public

property used for essential public and governmental purposes, and ~~such the~~ property and an authority ~~shall be~~ are exempt from all taxes of the state or any state public body; ~~but the~~. The city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of ~~such~~ taxes by the authority for the services, improvements or facilities furnished to the project by the city if the authority is financially able to do so, but ~~such the~~ sum shall may not exceed the amount which would be levied as the annual tax of the city upon ~~such the~~ project. ~~However, no~~ No real property acquired under this section by a private company, corporation, individual, limited liability company or partnership, either by lease or purchase, ~~shall be~~ is exempt from taxation ~~by reason~~ because of ~~such the~~ acquisition.

(13) COOPERATION BY PUBLIC BODIES AND USE OF CITY FUNDS. To assist any redevelopment or urban renewal project located in the area in which the authority is authorized to act, ~~any a~~ public body may, upon ~~such~~ terms as that it determines: furnish services or facilities, provide property, lend or contribute funds, and perform any other action of a character which it ~~is authorized to~~ may perform for other general purposes, and to enter into cooperation agreements and related contracts in furtherance of the purposes enumerated. ~~Any A~~ city and ~~any a~~ public body may levy taxes and assessments and appropriate ~~such~~ funds and make ~~such~~ expenditures as that may be necessary to carry out the purposes of this subsection, but taxes and assessments ~~shall may~~ not be levied under this subsection by a public body which ~~has no power to~~ may not levy taxes and assessments for any other purpose.

(14) OBLIGATIONS. For the purpose of financially aiding an authority to carry out blight elimination, slum clearance and urban renewal programs and projects, the city in which the authority functions ~~is authorized, without limiting its authority under any other law, to~~ may issue and sell general obligation bonds ~~in the manner and in accordance with the provisions of~~ under ch. 67, except that no referendum ~~shall be~~ is required, and to may levy taxes without limitation for the payment thereof of the bonds, as provided in s. 67.035. The bonds authorized under this subsection ~~shall be~~ are fully negotiable and except as provided in this subsection ~~shall are~~ not be subject to any other law or charter pertaining to the issuance or sale of bonds.

(15) BUDGET. The local legislative body shall approve the budget for each fiscal year of the authority, and ~~shall have the power to~~ may alter or modify any item of ~~said the~~ budget relating to salaries, office operation or facilities.

(16) LEGAL SERVICES TO AUTHORITY. The legal department of ~~any a~~ city in which the authority functions can provide legal services to ~~such the~~ authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority,

be its counsel; ~~the~~ The authority may also retain specialists to render legal services as required by it.

(17) CONSTRUCTION. This section shall be construed liberally to effectuate ~~the~~ its purposes hereof and the enumeration ~~therein~~ in this section of specific powers shall ~~does~~ not operate to restrict the meaning of any general grant of power contained in this section or to exclude other powers comprehended in ~~such~~ the general grant.

**SECTION 447.** 66.432 of the statutes is renumbered 66.1011, and 66.1011 (title), (1), (2) and (3), as renumbered, are amended to read:

**66.1011 (title) Local equal opportunities for housing.** (1) DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, disability as defined in s. 106.04 (1m) (g), sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status as defined in s. 106.04 (1m) (k), lawful source of income, age or ancestry is a matter both of statewide concern under ss. 101.132 and 106.04 and also of local interest under this section and s. ~~66.433~~ 66.0125. The enactment of ss. 101.132 and 106.04 by the legislature shall ~~does~~ not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and shall ~~does~~ not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

(2) ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may enact ordinances prohibiting discrimination in housing within their respective boundaries solely on the basis of an individual being a member of a protected class. ~~Such an An~~ ordinance may be similar to ss. 101.132 and 106.04 (1) to (8) or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, ~~but any such. An~~ ordinance establishing a forfeiture as a penalty for violation shall ~~may~~ not be for an amount that is less than the statutory forfeitures under s. 106.04. ~~Such an An~~ ordinance may permit a complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred. ~~Such an An~~ ordinance may also authorize the political subdivision, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

(3) CONTINGENCY RESTRICTION. No political subdivision shall ~~may~~ enact an ordinance under sub. (2), ~~which that~~ contains a provision making its effective date or the operation of any of its provisions contingent on the enactment of an ordinance on the same or similar subject matter by one or more other political subdivisions.

**SECTION 448.** 66.4325 of the statutes is renumbered 66.1335, and 66.1335 (1) (intro.) and (a), (2) (intro.), (3), (4), (5) (intro.), (a), (b), (c), (e) and (f) and (5m) to (7), as renumbered, are amended to read:

66.1335 (1) AUTHORIZATION. (intro.) ~~Any A~~ city may, by a two-thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the "Community Development Authority" of ~~such the~~ the city. It ~~shall be deemed is~~ a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize ~~such the~~ the authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and common council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. ~~66.405~~ s. 66.1105, 66.1301 to 66.425, 66.43, 66.435 or 66.46 66.1329, 66.1331 or 66.1337. A certified copy of ~~such the~~ the ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also do all of the following:

(a) Provide that any redevelopment authority created under s. ~~66.431 66.1333~~ operating in ~~such the~~ the city and any housing authority created under s. ~~66.40 66.1201~~ operating in ~~such the~~ the city, shall terminate its operation as provided in sub. (5); ~~and.~~

(2) APPOINTMENT OF MEMBERS. (intro.) Upon receipt of a certified copy of ~~such the~~ the ordinance or resolution, the mayor shall, with the confirmation of the council, appoint 7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

(3) EVIDENCE OF AUTHORITY. The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk shall ~~be is~~ is prima facie evidence of the community development authority's right to transact business and ~~such the~~ the ordinance or resolution is not subject to challenge because of any technicality. In ~~any a~~ suit, action or proceeding commenced against the community development authority, a certified copy of ~~such the~~ the ordinance or resolution is conclusive evidence that ~~such the~~ the community development authority is established and authorized to transact business and exercise its powers under this section.

(4) POWERS AND DUTIES. The community development authority shall ~~have has~~ have all powers, duties and functions set out in ss. ~~66.40 66.1201 and 66.431 66.1333~~ for housing and redevelopment authorities ~~and as. As~~ to all

housing projects initiated by the community development authority it shall proceed under s. ~~66.40~~ 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under s. ~~66.405~~ ss. 66.1105, 66.1301 to 66.425, 66.43, 66.431, 66.435 or 66.46 66.1329, 66.1331, 66.1333 or 66.1337 as determined appropriate by the common council on a project by project basis. As to all community development programs and activities undertaken by the city under the federal housing and community development act of 1974, the community development authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. In addition, if provided in the resolution or ordinance, the community development authority may act as agent of the city to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. ~~66.405~~ ss. 66.1105, 66.1301 to 66.425, 66.43, 66.435 or 66.46 66.1329, 66.1331 or 66.1337.

(5) TERMINATION OF HOUSING AND REDEVELOPMENT AUTHORITIES. (intro.) Upon the adoption of an ordinance or resolution creating a community development authority, all housing and redevelopment authorities previously created in ~~such the~~ city under ss. ~~66.40~~ 66.1201 and ~~66.431~~ shall 66.1333 terminate.

(a) Any programs and projects which have been begun by housing and redevelopment authorities shall, upon adoption of ~~such the~~ ordinance or resolution, be transferred to and completed by the community development authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under s. ~~66.431~~ 66.1333 on pending projects is are deemed to have been taken or initiated by the community development authority as ~~though if~~ the community development authority had originally undertaken ~~such the~~ procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or redevelopment authority shall, upon the adoption of ~~such the~~ ordinance or resolution, be assumed by the community development authority except as indicated in par. (e).

(c) Upon the adoption of ~~such the~~ ordinance or resolution, all contracts entered into between the federal government and a housing or redevelopment authority, or between ~~such these~~ authorities and other parties shall be assumed and discharged by the community development authority except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project shall be are deemed contracts of the community development authority without the requirement of amendments ~~thereto to the contracts~~. Contracts entered into between the federal government and the redevelopment authority or the housing

authority shall bind the community development authority in the same manner as ~~though if~~ originally entered into by the community development authority.

(e) A housing authority which has outstanding bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest or both, may continue in existence solely for ~~such that~~ purpose. The ordinance or resolution creating the community development authority shall delineate the duties and responsibilities which shall devolve upon the housing authority with respect ~~thereto to that purpose~~.

(f) The termination of housing and redevelopment authorities pursuant to this section shall is not be subject to s. ~~66.40~~ 66.1201 (26).

(5m) TAX EXEMPTION. Community development authority bonds issued on or after January 28, 1987, are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest ~~thereon on the bonds~~ and income ~~therefrom from the bonds~~, are exempt from taxes.

(6) CONTROLLING STATUTE. The powers conferred under this section shall be are in addition and supplemental to the powers conferred by any other law. ~~Insofar as~~ To the extent that this section is inconsistent with any other law, this section shall ~~control~~ controls.

(7) CONSTRUCTION. This section shall be construed liberally to effectuate its purposes and the enumeration of specific powers ~~herein in this section~~ does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in ~~such the~~ general grant.

SECTION 449. 66.433 of the statutes is renumbered 66.0125, and 66.0125 (1), (2), (3) (a) and (c) 1., 3. and 4., (4) and (7), as renumbered, are amended to read:

66.0125 (1) DEFINITION. "Municipality" ~~as used herein~~ In this section, "local governmental unit" means a city, village, town, school district or county.

(2) CREATION. Each ~~municipality~~ local governmental unit is authorized and urged to either establish by ordinance a community relations-social development commission or to participate in ~~such a~~ commission established on an intergovernmental basis within the county ~~pursuant to~~ under enabling ordinances adopted by the participating municipalities; ~~but a local governmental unit~~. A school district may establish or participate in ~~such a~~ commission by resolution ~~instead of by ordinance~~. ~~Such~~. An intergovernmental commission may be established in cooperation with ~~any a~~ nonprofit corporation located in the county and composed primarily of public and private welfare agencies devoted to any of the purposes set forth in this section. ~~Every such~~ An ordinance or resolution establishing a commission shall substantially embody the language of sub. (3). Each ~~municipality~~ local governmental unit may appropriate money to defray the expenses of ~~such the~~ commission. If ~~such the~~

commission is established on an intergovernmental basis within the county, the provisions of s. 66.30 66.0301, relating to local cooperation, ~~are applicable thereto~~ apply as optional authority and may be utilized by participating ~~municipalities~~ local governmental units to effectuate the purposes of this section, but a contract between ~~municipalities~~ local governmental units is not necessary for the joint exercise of any power authorized for the joint performance of any duty required ~~herein in this section~~.

(3) (a) The purpose of the commission is to study, analyze and recommend solutions for the major social, economic and cultural problems which affect people residing or working within the ~~municipality~~ local governmental unit including, without restriction because of enumeration, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment and public accommodations and facilities on the basis of sex, class, race, religion, sexual orientation or ethnic or minority status.

(c) 1. Recommend to the ~~municipal~~ local governmental unit's governing body and chief executive or administrative officer the enactment of such ordinances or other action as they deem necessary:

a. To establish and keep in force proper health standards for the community and beneficial zoning for the community area in order to facilitate the elimination of ~~blighted areas~~, and to prevent the start and spread of ~~such~~ blighted areas;

b. To ensure to all ~~municipal~~ residents of a local governmental unit, regardless of sex, race, sexual orientation or color, the rights to possess equal housing accommodations and to enjoy equal employment opportunities.

3. Examine the need for, ~~initiate, participate in and promote~~ publicly and privately sponsored studies and programs in any field of human relationship ~~which that~~ will aid in accomplishing the ~~foregoing objectives, and initiate such public programs and studies and participate in and promote such privately sponsored programs and studies~~ purposes and duties of the commission.

4. Have authority to conduct public hearings within the ~~municipality~~ local governmental unit and to administer oaths to persons testifying before it.

(4) COMPOSITION OF COMMISSION. The commission shall be nonpartisan and composed of citizens residing in the ~~municipality~~ local governmental unit, including representatives of the clergy and minority groups, ~~and the composition thereof, number and~~. The composition of the commission and the method of appointing and removing the commission members thereof shall be determined by the governing body of the municipality local governmental unit creating or participating in the commission. Notwithstanding s. 59.10 (4) or ~~66.11~~ 66.0501 (2), a member of ~~such~~ the local governmental unit's governing body may serve on the commission, except that a county board member in a county having a

population over 500,000 may not accept compensation for serving on the commission. Of the persons first appointed, one-third shall hold office for one year, one-third for 2 years, and one-third for 3 years from the first day of February next following their appointment, and until their respective successors are appointed and qualified. All succeeding terms shall be for 3 years. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Every person appointed as a member of the commission shall take and file the official oath.

(7) DESIGNATION OF COMMISSIONS AS COOPERATING AGENCIES UNDER FEDERAL LAW. (a) The commission may be the official agency of the ~~municipality~~ local governmental unit to accept assistance under title II of the federal economic opportunity act of 1964. No assistance shall be accepted with respect to any matter to which objection is made by the legislative body creating ~~such~~ the commission, but if the commission is established on an intergovernmental basis and ~~such~~ objection is made by any participating legislative body ~~said~~, assistance may be accepted with the approval of a majority of the legislative bodies participating in ~~such~~ the commission.

(b) The commission may be the official agency of the ~~municipality~~ local governmental unit to accept assistance from the community relations service of the U.S. department of justice under title X of the federal civil rights act of 1964 to provide assistance to communities in resolving disputes, disagreements or difficulties relating to discriminatory practices based on sex, race, color or national origin which may impair the rights of persons in the ~~municipality~~ local governmental unit under the constitution or laws of the United States or which affect or may affect interstate commerce.

**SECTION 450.** 66.434 (title) of the statutes is repealed.

**SECTION 451.** 66.434 of the statutes is renumbered 46.30 (5) and amended to read:

46.30 (5) CITY, VILLAGE OR TOWN ASSISTANCE. A city, village or town may appropriate funds for promoting and assisting ~~any a~~ community action agency ~~under s. 46.30.~~

**SECTION 452.** 66.435 of the statutes is renumbered 66.1337, and 66.1337 (2), (2m) (a) (intro.), 2. and 4. and (b) and (3) to (7), as renumbered, are amended to read:

66.1337 (2) FINDINGS. It is ~~hereby~~ found and declared that there exists in municipalities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations made ~~before August 3, 1955 in s. 66.43 (2)~~ 66.1331 are in all respects affirmed and restated; ~~that while certain~~. Certain slum, blighted or deteriorated areas, ~~or portions thereof~~, may require acquisition and clearance, as provided in s. ~~66.43~~ 66.1331, since the prevailing condition of decay may make impracticable the reclamation of the area by con-



servation or rehabilitation in such a manner that ~~eliminates, remedies or prevents~~ the conditions and evils ~~hereinbefore enumerated~~ may be eliminated, remedied or prevented, and to of these areas. To the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process; and ~~all.~~ All acts and purposes provided for by this section are for and constitute public uses and are for and constitute public purposes, ~~and that moneys.~~ Mon-  
eys expended in connection with such powers under this section are declared to be for public purposes and to preserve the public interest, safety, health, morals and welfare. Any municipality in carrying out the provisions of this section shall afford maximum opportunity consistent with the sound needs of the municipality as a whole to the rehabilitation or redevelopment of areas by private enterprise.

(2m) (a) (intro.) "Rehabilitation or conservation work" ~~may include~~ includes any of the following:

2. Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements ~~thereon~~ on the property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, ~~or~~ to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

4. The disposition, for uses in accordance with the objectives of the urban renewal project, of any property ~~or part thereof~~ acquired in the area of the project. The disposition shall be in the manner prescribed in this section for the disposition of property in a redevelopment project area.

(b) "Urban renewal project" ~~may include~~ includes undertakings and activities for the elimination and for the prevention of the development or spread of slums or blighted, deteriorated or deteriorating areas and may involve any work or undertaking for ~~such~~ this purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of ~~such~~ the undertaking or work.

(3) URBAN RENEWAL PROJECTS. ~~In addition to its authority under any other section,~~ A municipality is ~~authorized to~~ may plan and undertake urban renewal projects.

(4) WORKABLE PROGRAM. (a) 1. The governing body of the municipality, or ~~such~~ the public officer or public body as that it designates, including a housing authority organized and created under s. 66.40 ~~66.1201~~, a redevelopment authority created under s. 66.431 ~~66.1333~~ or a community development authority created under s. 66.4325, ~~is authorized to~~ 66.1335, may prepare a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the

redevelopment of blighted, deteriorated or slum areas, or to undertake those activities or other feasible activities that may be suitably employed to achieve the these objectives ~~of such a program~~. The governing body may by resolution or ordinance provide the specific means by which a workable program can be effectuated and may confer upon its officers and employes the power required to carry out a program of rehabilitation and conservation for the restoration and removal of blighted, deteriorated or deteriorating areas. If a municipality finds that there exists in the municipality dwellings or other structures that are unfit for human habitation due to dilapidation, defects that increase the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or other conditions, rendering the dwellings or other structures unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the municipality, the municipality may enact the resolutions or ordinances that it considers appropriate and effectual in order to prevent those conditions and may require ~~or cause~~ the repair, closing, demolition or removal of the dwellings or other structures. ~~For the purposes of the resolutions or ordinances,~~ a "dwelling"

2. In this subsection:

a. "Dwelling" means any building, structure or part of the building or structure that is used and occupied for human habitation or intended to be so used and includes any appurtenances belonging to it or usually enjoyed with it. ~~The term "structure" also~~

b. "Structure" includes fences, garages, sheds, and any type of store or commercial, industrial or manufacturing building.

3. The ordinances or resolutions under subd. 1. shall require that, if there are reasonable grounds to believe that there has been a violation of the ordinances or resolutions, notice of the alleged violation shall be given to the alleged responsible person by appropriately designated public officers or employes of ~~such~~ the municipality. Every such notice shall be in writing; include a description of the real estate sufficient for identification; include a statement of the reason for issuance; specify a time for the performance of any act that the notice requires; and be served upon the alleged responsible person. The notice of violation is properly served on the person if a copy of it is delivered to the person personally; is left at the person's usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents of the notice; is sent by registered mail or by certified mail with return receipt requested to the person's last-known address; or, if the registered or certified letter with the copy of the notice is returned showing the letter has not been delivered to the person, by posting a copy of the notice in a conspicuous place in or about the dwelling or other structure affected by the notice. ~~Any~~

4. A person affected by such a notice under subd. 3. may request and shall be granted a hearing on the matter before a board or commission established by the governing body of ~~such~~ the municipality or before a local health officer. The person shall file in the office of the designated board or commission or the local health officer a written petition requesting the hearing and setting forth a statement of the grounds for it within 20 days after the day the notice was served. Within 10 days after receipt of the petition, the designated board or commission or the local health officer shall set a time and place for the hearing and shall give the petitioner written notice of it. At the hearing the petitioner ~~shall have an opportunity to~~ may be heard and to show cause why the notice should be modified or withdrawn. The hearing before the designated board or commission or the local health officer shall be commenced not later than 30 days after the date on which the petition was filed. Upon written application of the petitioner to the designated board or commission or the local health officer, the date of the hearing may be postponed for a reasonable time beyond the 30-day period, if, in the judgment of the board, commission or local health officer, the petitioner has submitted a good and sufficient reason for ~~such a~~ a postponement. Any notice served under this section ~~shall become~~ becomes an order if a written petition for a hearing is not filed in the office of the designated board or commission or the local health officer within 20 days after ~~such~~ the notice is served. The designated board or commission or the local health officer may administer oaths and affirmations ~~in connection with the conduct of any hearing held under this section.~~

5. After the hearing the designated board or commission or the local health officer shall sustain, modify or cancel the notice given under subd. 3., depending upon its findings as to whether the provisions of the resolutions or ordinances have been complied with. The designated board or commission or the local health officer may ~~also~~ modify any notice ~~so as to~~ authorize a variance from the provisions of the resolutions or ordinances when, because of special conditions, enforcement of the provisions of the resolutions or ordinances will result in practical difficulty or unnecessary hardship, if the intent of the resolutions or ordinances will be observed and public health and welfare secured. If the designated board or commission or the local health officer sustains or modifies the notice, the sustained or modified notice is an order, and the persons affected by the order shall comply with all provisions of the order within a reasonable period of time, as determined by the board, commission or local health officer. The proceedings at the hearing, including the findings and decisions of the board, commission or local health officer, shall be reduced to writing and entered as a matter of public record in the office of the board, commission or local health officer. The record shall also include a copy of every notice or order issued

in connection with the matter. A copy of the written decision of the board, commission or local health officer shall ~~then~~ be served, in the same manner prescribed for service of notice under subd. 3., on the person who filed the petition for hearing.

6. If the local health officer finds that an emergency exists that requires immediate action to protect the public health, the local health officer may, without notice or hearing, issue an order reciting the existence of ~~such an~~ the emergency and requiring that action be taken that the local health officer determines is necessary to meet the emergency. This order ~~shall be~~ is effective immediately. Any person to whom the order is directed shall comply with it, but shall be afforded a hearing as specified in this ~~section~~ subsection if the person immediately files a written petition with the local health officer requesting the hearing. After the hearing, depending upon the findings of the local health officer as to whether an emergency still exists that requires immediate action to protect the public health, the local health officer shall continue the order in effect or modify or revoke it.

(b) ~~Any a~~ A person aggrieved by the determination of ~~any a~~ a board, commission or local health officer, following review of an order issued under this ~~section~~ subsection, may appeal directly to the circuit court of the county in which the dwelling or other structure is located by filing a petition for review with the clerk of the circuit court within 30 days after a copy of the order of the board, commission or local health officer has been served upon the person. The petition shall state the substance of the order appealed from and the grounds upon which the person believes the order to be improper. A copy of the petition shall be served upon the board, commission or local health officer whose determination is appealed. The copy shall be served personally or by registered or certified mail within the 30-day period provided in this paragraph. A reply or answer shall be filed by the board, commission or local health officer within 15 days after the receipt of the petition. A copy of the written proceedings of the hearing held by the board, commission or local health officer which led to service of the order being appealed shall be included with the reply or answer when filed. If it appears to the court that the petition is filed for purposes of delay, the court shall, upon application of the municipality, promptly dismiss the petition. Either party to the proceedings may ~~then~~ petition the court for an immediate hearing on the order. The court shall review the order and the copy of written proceedings of the hearing conducted by the board, commission or local health officer, shall take testimony that the court determines is appropriate, and, following a hearing upon the order without a jury, shall make its determination. If the court affirms the determination made by the board, commission or local health officer, the court shall fix a time within which the order appealed from ~~shall become~~ becomes operative.

(5) GENERAL POWERS CONFERRED UPON MUNICIPALITIES. The governing body of any a municipality shall have and there is hereby expressly conferred upon it has all powers necessary and incidental to effect a program of urban renewal, including functions with respect to rehabilitation and conservation for the restoration and removal of blighted, deteriorated or deteriorating areas, and such the local governing body is hereby authorized to may adopt such resolutions or ordinances as may be required for the purpose of carrying out that program and the objectives and purposes of this section. In connection with the planning, undertaking and financing of the urban renewal program or projects, the governing body of any municipality and all public officers, agencies and bodies shall have all the rights, powers, privileges and immunities which they have with respect to a redevelopment project under s. 66.43 66.1331.

(6) ASSISTANCE TO URBAN RENEWAL BY MUNICIPALITIES AND OTHER PUBLIC BODIES. Any A public body is authorized to may enter into agreements, which may extend over any period notwithstanding any provision or rule of law to the contrary, with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this section, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

(7) POWERS ~~HEREIN~~ GRANTED TO BE SUPPLEMENTAL AND NOT IN DEROGATION. (a) Nothing in this section shall may be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof of its charter, ordinances or regulations.

(b) Nothing in this section shall may be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(c) The powers conferred by this section shall be are in addition and supplemental to the powers conferred by any other law; and this. This section shall be construed liberally to effectuate the its purposes hereof and the its enumeration therein of specific powers shall does not operate to restrict the meaning of any general grant of power contained in this section or to exclude other powers comprehended in such the general grant.

**SECTION 453.** 66.436 of the statutes is renumbered 66.1339 and amended to read:

**66.1339 Villages to have certain city powers.** Villages shall have all of the powers of cities under ss. 66.395 66.1105, 66.1201 to 66.425, ~~66.43~~, ~~66.431~~, ~~66.4325~~, ~~66.435~~ and ~~66.46~~ 66.1329 and 66.1331 to 66.1337.

**SECTION 454.** 66.437 of the statutes is renumbered 66.1341 and amended to read:

**66.1341 Towns to have certain city powers.** Towns shall have all of the powers of cities under ss. ~~66.40 to 66.425~~, ~~66.43~~, ~~66.431~~, ~~66.4325~~, ~~66.505~~ and ~~66.508~~ 66.0923, 66.0925, 66.1201 to 66.1329 and 66.1331 to 66.1335, except the powers under s. ~~66.40~~ 66.1201 (10) and any other powers that conflict with statutes relating to towns and town boards.

**SECTION 455.** 66.44 of the statutes is repealed.

NOTE: Repealed as no longer necessary. The section authorizes housing authorities to develop and administer housing projects to provide housing for persons and their families engaged in war industries or activities.

**SECTION 456.** 66.45 of the statutes is renumbered 66.0315 and amended to read:

**66.0315 Municipal cooperation; federal rivers, harbors or water resources projects.** Any A county, town, city or village acting under its powers and in conformity with state law may enter into an agreement with an agency of the federal government to cooperate in the construction, operation or maintenance of any federally authorized rivers, harbors or water resources management or control project or to assume any potential liability appurtenant to such a project and may do all things necessary to consummate the agreement. If such a project will affect more than one municipality, the municipalities affected may jointly enter into such an agreement under this section with an agency of the federal government carrying such any terms and provisions concerning the division of costs and responsibilities as may be that are mutually agreed upon. The affected municipalities concerned may by agreement submit any determinations of the division of construction costs, responsibilities, or any other liabilities among them to an arbitration board. The determination of such a the arbitration board shall be final. This section shall not be construed as a grant or delegation of power or authority to any county, town, city, village or other local municipality to do any work in or place any structures in or on any navigable water except as it is otherwise expressly authorized by state law to do.

**SECTION 457.** 66.46 (title), (1) and (2) (intro.), (a) to (e) and (f) 1. (intro.) and a. to k. of the statutes are renumbered 66.1105 (title), (1) and (2) (intro.), (a) to (e) and (f) 1. (intro.) and a. to k., and 66.1105 (2) (a) 1. b., (e) and (f) 1. (intro.), b. and h., as renumbered, are amended to read:

66.1105 (2) (a) 1. b. An area which is predominantly open and which consists primarily of an abandoned highway corridor, as defined in s. ~~66.431~~ 66.1333 (2m) (a), or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(e) "Planning commission" means a plan commission created under s. 62.23, a board of public land commissioners if the city has no plan commission, or a city

plan committee of the local legislative body, if the city has neither such a commission nor such a board.

(f) 1. (intro.) "Project costs" mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in subd. 1. k., without the district, plus any incidental costs ~~incidental thereto~~, diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of the plan. For any tax incremental district for which a project plan is approved on or after July 31, 1981, only a proportionate share of the costs permitted under this subdivision may be included as project costs to the extent that they benefit the tax incremental district. To the extent the costs benefit the municipality outside the tax incremental district, a proportionate share of the cost is not a project cost. ~~The project costs~~ "Project costs" include, ~~but are not limited to:~~

b. Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount ~~thereof~~ of the obligations because of the redemption of such the obligations prior to maturity.

h. The amount of any contributions made under s. ~~66.434~~ 66.1333 (13) in connection with the implementation of the project plan.

**SECTION 458.** 66.46 (2) (f) 1. L. of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 66.1105 (2) (f) 1. L.

**SECTION 459.** 66.46 (2) (f) 2. and 3. and (g) to (m), (3) and (4) (intro.) and (a) to (gs) of the statutes are renumbered 66.1105 (2) (f) 2. and 3. and (g) to (m), (3) and (4) (intro.) and (a) to (gs), and 66.1105 (2) (i) and (j), (3) (a), (b), (e) and (f) and (4) (a), (b), (c), (e), (f) and (gm) 1. to 3. and 4. a. and b., as renumbered, are amended to read:

66.1105 (2) (i) "Tax increment" means that amount obtained by multiplying the total county, city, school and other local general property taxes levied on all taxable property within a tax incremental district in a year by a fraction having as a numerator the value increment for that year in ~~such~~ the district and as a denominator that year's equalized value of all taxable property in the district. In any year, a tax increment is "positive" if the value increment is positive; it is "negative" if the value increment is negative.

(j) "Tax incremental base" means the aggregate value, as equalized by the department of revenue, of all taxable property located within a tax incremental district on the date as of which ~~such~~ the district is created, determined as provided in sub. (5) (b). The base of districts

created before October 1, 1980, ~~shall exclude~~ does not include the value of property exempted under s. 70.111 (17).

(3) (a) Create tax incremental districts and ~~to~~ define the boundaries of ~~such~~ the districts;

(b) Cause project plans to be prepared, ~~to~~ approve ~~such~~ the plans, and ~~to~~ implement the provisions and effectuate the purposes of ~~such~~ the plans;

(e) Enter into any contracts or agreements, including agreements with bondholders, determined by the local legislative body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans. ~~Such~~ The contracts or agreements may include conditions, restrictions, or covenants which either run with the land or which otherwise regulate the use of land.

(f) Designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, as agent of the city, to perform all acts, except the development of the master plan of the city, which are otherwise performed by the planning commission under this section and s. ~~66.435~~ 66.1337.

(4) (a) Holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries ~~thereof~~ of the district. Notice of ~~such~~ the hearing shall be published as a class 2 notice, under ch. 985. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by first class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property located within the proposed district and to the school board of any school district which includes property located within the proposed district. For ~~any a~~ county with no chief executive officer or administrator, ~~this~~ notice shall be sent to the county board chairperson.

(b) Designation by the planning commission of the boundaries of a tax incremental district recommended by it ~~to be created~~ and submission of ~~such~~ the recommendation to the local legislative body.

(c) Identification of the specific property to be included under par. (gm) 4. as blighted or in need of rehabilitation or conservation work. Owners of the property identified shall be notified of the proposed finding and the date of the hearing to be held under par. (e) at least 15 days prior to the date of the hearing. In cities with a redevelopment authority under s. ~~66.434~~ 66.1333, the notification required under this paragraph may be provided with the notice required under s. ~~66.434~~ 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days prior to the date of the hearing to be held under par. (e).

(e) At least 30 days before adopting a resolution under par. (gm), holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the

proposed project plan. The hearing may be held in conjunction with the hearing provided for in par. (a). Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement advising that a copy of the proposed project plan will be provided on request. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For ~~any a~~ county with no chief executive officer or administrator, ~~this~~ notice shall be sent to the county board chairperson.

(f) Adoption by the planning commission of a project plan for each tax incremental district and submission of the plan to the local legislative body. The plan shall include a statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided in sub. (2) (f) 1. k., outside the district, an economic feasibility study, a detailed list of estimated project costs, and a description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations ~~related thereto~~ are to be incurred. The plan shall also include a map showing existing uses and conditions of real property in the district; a map showing proposed improvements and uses in the district; proposed changes of zoning ordinances, master plan, if any, map, building codes and city ordinances; a list of estimated nonproject costs; and a statement of the proposed method for the relocation of any persons to be displaced. The plan shall indicate how creation of the tax incremental district promotes the orderly development of the city. The city shall include in the plan an opinion of the city attorney or of an attorney retained by the city advising whether the plan is complete and complies with this section.

(gm) 1. Describes the boundaries, which may, but need not, be the same as those recommended by the planning commission, of a tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included ~~therein in the district~~. The boundaries shall include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25% of the area in the tax incremental district, unless the tax incremental district is suitable for industrial sites under subd. 4. a. and the local legislative body implements an approved project plan to promote industrial development within the meaning of s. ~~66.52~~ 66.1101. In this subdivision, "vacant property" includes property where the fair market value or replacement cost value of structural improvements on the parcel is less than the fair market value of the land. In this subdivision, "vacant

property" does not include property acquired by the local legislative body under ch. 32 or property included within the abandoned Park East freeway corridor or the abandoned Park West freeway corridor in Milwaukee ~~county~~ County.

2. Creates ~~such the~~ district as of a date ~~therein~~ provided in the resolution. If the resolution is adopted during the period between January 2 and September 30, then ~~such the~~ date shall be the next preceding January 1. If ~~such the~~ resolution is adopted during the period between October 1 and December 31, then ~~such the~~ date shall be the next subsequent January 1. If the resolution is adopted on January 1, the district ~~shall have been~~ is created as of the date of the resolution on that January 1.

3. Assigns a name to ~~such the~~ district for identification purposes. The first ~~such~~ district created shall be known as "Tax Incremental District Number One, City of ...". Each subsequently created district shall be assigned the next consecutive number.

4. a. Not less than 50%, by area, of the real property within ~~such the~~ district is at least one of the following: a blighted area; in need of rehabilitation or conservation work, as defined in s. ~~66.435~~ 66.1337 (2m) (b); or suitable for industrial sites within the meaning of s. ~~66.52~~ 66.1101 and has been zoned for industrial use; and

b. The improvement of ~~such the~~ area is likely to enhance significantly the value of substantially all of the other real property in ~~such the~~ district. It ~~shall is~~ not be necessary to identify the specific parcels meeting ~~such the~~ criteria; and

**SECTION 460.** 66.46 (4) (h) 1. of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.1105 (4) (h) 1. and amended to read:

66.1105 (4) (h) 1. Subject to subds. 2., 3. and 4., the planning commission may ~~at any time~~, by resolution, adopt an amendment to a project plan, ~~which. The~~ amendment ~~shall be is~~ subject to approval by the local legislative body and approval ~~of the amendment shall~~ require requires the same findings as provided in par. (g). Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For ~~any a~~ county with no chief executive officer or

administrator, this notice shall be sent to the county board chairperson.

**SECTION 461.** 66.46 (4) (h) 2. to 4., (i) and (k), (4m) and (5) (title) and (a) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (4) (h) 2. to 4., (i) and (k), (4m) and (5) (title) and (a).

**SECTION 462.** 66.46 (5) (b) of the statutes is renumbered 66.1105 (5) (b) and amended to read:

66.1105 (5) (b) Upon application in writing by the city clerk, in ~~such a form as prescribed by~~ the department of revenue ~~may prescribe~~, the department shall determine according to its best judgment from all sources available to it the full aggregate value of the taxable property and, except as provided in par. (bm), of the city-owned property in the tax incremental district. The department shall certify this aggregate valuation to the city clerk, and the aggregate valuation ~~shall constitute~~ constitutes the tax incremental base of the tax incremental district. The city clerk shall complete these forms and submit the application on or before December 31 of the year the tax incremental district is created, as defined in sub. (4) (gm) 2.

**SECTION 463.** 66.46 (5) (be) to (cm) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (5) (be) to (cm).

**SECTION 464.** 66.46 (5) (d) to (g) and (6) (title), (a) and (am) 1. and 2. a. and b. of the statutes are renumbered 66.1105 (5) (d) to (g) and (6) (title), (a) and (am) 1. and 2. a. and b., and 66.1105 (5) (d) to (g) and (6) (a), as renumbered, are amended to read:

66.1105 (5) (d) The department of revenue shall ~~may~~ not certify the tax incremental base as provided in par. (b) until it determines that each of the procedures and documents required by sub. (4) (a), (b), (gm) or (h) and par. (b) has been timely completed and all notices required under sub. (4) (a), (b), (gm) or (h) timely given. The facts supporting any document adopted or action taken to comply with sub. (4) (a), (b), (gm) or (h) shall ~~are~~ are not be subject to review by the department of revenue under this paragraph.

(e) It is a rebuttable presumption that any property within a tax incremental district acquired or leased as lessee by the city, or any agency or instrumentality ~~thereof of the city~~, within the one year immediately preceding the date of the creation of ~~such the~~ district was ~~so~~ acquired or leased in contemplation of the creation of ~~such the~~ district. ~~Such The~~ presumption may be rebutted by the city with proof that ~~such the~~ property was ~~so~~ leased or acquired primarily for a purpose other than to reduce the tax incremental base. If ~~such the~~ presumption is not rebutted, in determining the tax incremental base of ~~such the~~ district, but for no other purpose, the taxable status of ~~such the~~ property shall be determined as ~~though such if the~~ lease or acquisition had not occurred.

(f) The city assessor shall identify upon the assessment roll returned and examined under s. 70.45 those parcels of property which are within each existing tax incre-

mental district, specifying ~~thereon~~ the name of each district. A similar notation shall ~~also~~ appear on the tax roll made by the city clerk under s. 70.65.

(g) The department of revenue shall annually give notice to the designated finance officer of all governmental entities having the power to levy taxes on property within each district as to the equalized value of ~~such the~~ property and the equalized value of the tax increment base. ~~Such The~~ notice shall also explain that the tax increment allocated to a city shall be paid to the city as provided under sub. (6) (b) from the taxes collected.

(6) (a) If the joint review board approves the creation of the tax incremental district under sub. (4m), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall ~~may~~ not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) ~~have has~~ been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall ~~are~~ are not be subject to review by the department of revenue under this paragraph. ~~Thereafter~~ After the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the city that created ~~such a the~~ district until the department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b), 27 years after the tax incremental district is created if the district is created before October 1, 1995, 38 years after the tax incremental district is created if the district is created before October 1, 1995, and the project plan is amended under sub. (4) (h) 3. or 23 years after the tax incremental district is created if the district is created after September 30, 1995, whichever is sooner.

**SECTION 465.** 66.46 (6) (am) 2. c., 3. and 4. and (b) to (dm) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6) (am) 2. c., 3. and 4. and (b) to (dm).

**SECTION 466.** 66.46 (6) (e) 1. (intro.) and a. of the statutes are renumbered 66.1105 (6) (e) 1. (intro.) and a., and 66.1105 (6) (e) 1. (intro.), as renumbered, is amended to read:

66.1105 (6) (e) 1. (intro.) Before the date on which a tax incremental district terminates under sub. (7) (a), but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) the project plan of ~~such a the~~ tax incremental district to allocate positive tax



increments generated by that tax incremental district to another tax incremental district created by that planning commission if all of the following conditions are met:

**SECTION 467.** 66.46 (6) (e) 1. b. and c. and 2. of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6) (e) 1. b. and c. and 2.

**SECTION 468.** 66.46 (6) (e) 3. of the statutes is renumbered 66.1105 (6) (e) 3. and amended to read:

66.1105 (6) (e) 3. A project plan that is amended under sub. (4) (h) to authorize the allocation of positive tax increments under subd. 1. may authorize ~~such an~~ the allocation for a period not to exceed 5 years, except that if the planning commission determines that the allocation may be needed for a period longer than 5 years, the planning commission may authorize ~~such an~~ the allocation for up to an additional 5 years if the project plan is amended under sub. (4) (h) during the 4th year of the allocation. In no case may positive tax increments under subd. 1. be allocated from one donor tax incremental district for a period longer than 10 years.

**SECTION 469.** 66.46 (6c) and (6m) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (6c) and (6m).

**SECTION 470.** 66.46 (7) (intro.) and (a) of the statutes are renumbered 66.1105 (7) (intro.) and (a) and amended to read:

66.1105 (7) TERMINATION OF TAX INCREMENTAL DISTRICTS. (intro.) ~~The existence of a~~ A tax incremental district ~~shall terminate~~ terminates when the earlier of the following occurs:

(a) That time when the city has received aggregate tax increments with respect to ~~such the~~ the district in an amount equal to the aggregate of all project costs under the project plan and any amendments to the project plan for ~~such the~~ the district, except that this paragraph does not apply to a district whose positive tax increments have been allocated under sub. (6) (d), (dm) or (e) until the district to which the allocation is made has paid off the aggregate of all of its project costs under its project plan.

**SECTION 471.** 66.46 (7) (am) and (ar) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1105 (7) (am) and (ar).

**SECTION 472.** 66.46 (7) (b) and (8) to (14) of the statutes are renumbered 66.1105 (7) (b) and (8) to (14), and 66.1105 (7) (b), (9) (a) (intro.), 4. to 7. and 9. and (b) 2. to 4. and 5. a. and b. and (10) (b), as renumbered, are amended to read:

66.1105 (7) (b) The local legislative body, by resolution, dissolves the district at which time the city ~~shall become~~ becomes liable for all unpaid project costs actually incurred which are not paid from the special fund under sub. (6) (c), except this paragraph does not make the city liable for any tax incremental bonds or notes issued.

(9) (a) (intro.) Payment of project costs may be made by any one or more of the following methods ~~or any combination thereof~~:

4. Payment out of the proceeds of the sale of public improvement bonds issued by it under s. ~~66.059~~ 66.0619;

5. Payment as provided under s. ~~66.54~~ 66.0713 (2) (e), (d)-(e) and (4) or 67.16;

6. Payment out of the proceeds of revenue bonds or notes issued by it under s. ~~66.066~~ 66.0621;

7. Payment out of the proceeds of revenue bonds issued by it under s. ~~66.51~~ 66.0913;

9. Payment out of the proceeds of revenue bonds issued by the city as provided by s. ~~66.521~~ 66.1103, for a purpose specified in that section.

(b) 2. Tax incremental bonds or notes shall be authorized by resolution of the local legislative body without the necessity of a referendum or any elector approval, but ~~such a~~ a referendum or election may be held, through the procedures provided in s. ~~66.521~~ 66.1103 (10) (d). ~~Such~~ The resolution shall state the name of the tax incremental district, the amount of bonds or notes authorized, and the interest rate or rates to be borne by ~~such the~~ the bond or notes. ~~Such~~ The resolution may prescribe the terms, form and content of ~~such the~~ the bonds or notes and ~~such any~~ any other matters as that the local legislative body deems useful.

3. Tax incremental bonds or notes may not be issued in an amount exceeding the aggregate project costs. ~~Such~~ The bonds or notes shall mature over a period not exceeding 23 years from the date ~~thereof~~ of issuance or a period terminating with the date of termination of the tax incremental district, whichever period terminates earlier. ~~Such~~ The bonds or notes may contain a provision authorizing the redemption ~~thereof of the bonds or notes~~, in whole or in part, at stipulated prices, at the option of the city, on any interest payment date and shall provide the method of selecting the bonds or notes to be redeemed. The principal and interest on ~~such the~~ the bonds and notes may be payable at any time and at any place. ~~Such~~ The bonds or notes may be payable to bearer or may be registered as to the principal or principal and interest. ~~Such~~ The bonds or notes may be in any denominations. ~~Such~~ The bonds or notes may be sold at public or private sale. ~~Insofar as they are~~ To the extent consistent with this subsection, the provisions of ch. 67 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes ~~are incorporated herein by reference~~ apply to bonds or notes issued under this subsection.

4. Tax incremental bonds or notes are payable only out of the special fund created under sub. (6) (c). Each ~~such~~ the bond or note shall contain ~~such the~~ the recitals ~~as are~~ necessary to show that it is only so payable and that it does not constitute an indebtedness of ~~such the~~ the city or a charge against its general taxing power. The local legis-

lative body shall irrevocably pledge all or a part of ~~such~~ the special fund to the payment of ~~such~~ the bonds or notes. ~~Such~~ The special fund or the designated part thereof ~~of the fund~~ may thereafter ~~then~~ be used only for the payment of ~~such~~ the bonds or notes and interest thereon ~~on the bonds or notes~~ until the same ~~bonds or notes~~ have been fully paid; and a holder of ~~such~~ the bonds or notes or of any coupons appertaining thereto ~~shall have to the bonds or notes~~ has a lien against ~~such~~ the special fund for payment of ~~such~~ the bonds or notes and interest thereon ~~on the bonds or notes~~ and may either at law or in equity protect and enforce ~~such~~ the lien.

5. a. Create a lien for the benefit of the bondholders upon any public improvements or public works financed ~~thereby by the bonds or notes~~ or the revenues ~~therefrom from the bonds or notes~~; or

b. Make ~~such~~ covenants and do any ~~and all such~~ acts, not inconsistent with the Wisconsin constitution, ~~as may be necessary or convenient or desirable~~ in order to additionally secure ~~such~~ the bonds or notes or tend to make the bonds or notes more marketable according to the best judgment of the local legislative body.

(10) (b) If the boundaries of 2 or more tax incremental districts overlap, in determining how positive tax increments generated by that area which is within 2 or more districts are allocated among ~~such~~ the overlapping districts, but for no other purpose, the aggregate value of the taxable property in ~~such~~ the area as equalized by the department of revenue in any year as to each earlier created district is ~~deemed to be~~ that portion of the tax incremental base of the district next created which is attributable to ~~such~~ the overlapped area.

**SECTION 473.** 66.462 (title) and (1) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (title) and (1).

**SECTION 474.** 66.462 (2) (title) of the statutes is renumbered 66.1106 (2) (title).

**SECTION 475.** 66.462 (2) of the statutes, as affected by 1999 Wisconsin Act 9, section 1634a, is renumbered 66.1106 (2) (a) and amended to read:

66.1106 (2) (a) A political subdivision that develops, and whose governing body approves, a written proposal to remediate environmental pollution may use an environmental remediation tax increment to pay the eligible costs of remediating environmental pollution on contiguous parcels of property that are located within the political subdivision and that are not part of a tax incremental district created under s. 66.46 ~~66.1105~~, as provided in this section, except that a political subdivision may use an environmental remediation tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision. No political subdivision may submit an application to the department under sub. (4) until the joint review board approves the political subdivision's written proposal under sub. (3).

**SECTION 476.** 66.462 (2) (b) and (3) (title) and (a) to (c) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (2) (b) and (3) (title) and (a) to (c).

**SECTION 477.** 66.462 (3) (d) of the statutes is renumbered 66.1106 (3) (d) and amended to read:

66.1106 (3) (d) If a joint review board convened by a city or village under s. 66.46 ~~66.1105~~ (4m) is in existence when a city or village seeks to act under this section, the city or village may require the joint review board convened under s. 66.46 ~~66.1105~~ (4m) to exercise the functions of a joint review board that could be convened under this subsection.

**SECTION 478.** 66.462 (4) to (10) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.1106 (4) to (10).

**SECTION 479.** 66.465 of the statutes is renumbered 66.1107, and 66.1107 (1) (a), (c) and (e) 5. and (2) (intro.), (a), (b) and (c) 1. and 2., as renumbered, are amended to read:

66.1107 (1) (a) An "area in need of rehabilitation" is a neighborhood or area in which buildings, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration have become economic or social liabilities, or both; in which ~~such~~ these conditions impair the economic value of ~~such~~ the neighborhood or area, infecting it with economic blight, and which is characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; in which the existence of ~~such~~ these conditions and the failure to rehabilitate ~~such~~ the buildings results in a loss of population from the neighborhood or area and further deterioration, accompanied by added costs for creation of new public facilities and services elsewhere; in which it is difficult and uneconomic for individual owners independently to undertake to remedy ~~such~~ the conditions; in which it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the rehabilitation of ~~such~~ the buildings; and in which the presence of ~~such~~ these buildings and conditions has resulted, among other consequences, in a severe shortage of financial resources available to finance the purchase and rehabilitation of housing and an inability or unwillingness on the part of private lenders to make loans for and an inability or unwillingness on the part of present and prospective owners of ~~such~~ housing to invest in the purchase and rehabilitation of housing in ~~such~~ the neighborhood or area.

(c) "Municipality" means ~~any a~~ a city, village or town ~~in this state~~.

(e) 5. It is an area within which the effect of ~~such existing~~ detrimental conditions ~~as may exist~~ is to discourage private lenders from making loans for and present or prospective property owners from investing in the purchase and rehabilitation of housing.



(2) DESIGNATION OF REINVESTMENT NEIGHBORHOODS OR AREAS. (intro.) Any A municipality may designate reinvestment neighborhoods or areas after complying with the following steps:

(a) Holding of a public hearing by the planning commission or by the local governing body at which interested parties are afforded a reasonable opportunity to express their views on the proposed designation and boundaries of a reinvestment neighborhood or area and the proposed boundaries thereof. Notice of such the hearing shall be published as a class 2 notice, under ch. 985. ~~Prior to such~~ Before publication, a copy of the notice shall be sent by 1st class mail to the Wisconsin housing and economic development authority, and a copy shall be posted in each school building and in at least 3 other places of public assembly within the reinvestment neighborhood or area proposed to be designated.

(b) Designation by the planning commission of the boundaries of a reinvestment neighborhood or area recommended by it to be designated and submission of ~~such the~~ the recommendation to the local legislative body.

(c) 1. Describes the boundaries of a reinvestment neighborhood or area with sufficient definiteness to identify with ordinary and reasonable certainty the territory included ~~therein~~. Such in the neighborhood or area. The boundaries may, but need not, be the same as those recommended by the planning commission.

2. Designates ~~such the~~ the reinvestment neighborhood or area as of a date provided in the resolution.

**SECTION 480.** 66.47 (title) of the statutes is renumbered 66.0927 (title).

**SECTION 481.** 66.47 (1) to (5) of the statutes are renumbered 66.0927 (1) to (5), and 66.0927 (2), (3) and (4), as renumbered, are amended to read:

66.0927 (2) COUNTY-CITY HOSPITALS. Any A county and city or cities partly or wholly within the county may by ordinance jointly construct or otherwise acquire, equip, furnish, operate and maintain a ~~general county-city~~ hospital. Such The hospital is subject to ch. 150.

(3) FINANCING. The governing bodies of the respective county and city or cities ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county, city or cities by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. 66.51. ~~Any bonds~~ 66.0913. Bonds issued ~~pursuant to~~ under this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by ~~the its~~ its mayor or other chief executive officer ~~thereof~~ and by the city clerk.

(4) COST SHARING. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of ~~such a~~ a hospital on an agreed percentage basis.

**SECTION 482.** 66.47 (6) of the statutes is repealed.

NOTE: Repealed as archaic. This subsection validates all actions of a county and city taken before April 17, 1949 in the construction or other acquisition, equipment, furnishing, operation and maintenance of a joint county-city hospital which would have been valid had s. 66.47 been in effect when the actions were taken. There appears to be no need to continue the validation.

**SECTION 483.** 66.47 (7) to (15) of the statutes are renumbered 66.0927 (7) to (15) and amended to read:

66.0927 (7) (a) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The board may combine the offices of secretary and treasurer ~~may be combined if the board so decides~~. Members shall receive ~~such~~ compensation as ~~shall be~~ provided in the ordinance, and shall be reimbursed their actual and necessary expenses. With the approval of the board, the treasurer may appoint an assistant treasurer, who need not be a member of the board, to perform ~~such~~ services as ~~shall be~~ specified by the board.

(b) Members, and any assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in ~~such a~~ sum as ~~shall be~~ specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(8) POWERS OF BOARD. The board ~~shall have power~~ may, subject to provisions of the ordinance:

(a) ~~To contract~~ Contract for the construction or other acquisition, equipment or furnishing of a ~~general county-city~~ hospital.

(b) ~~To contract~~ Contract for the construction or other acquisition of additions or improvements to, or alterations in, ~~such a~~ hospital and the equipment or furnishing of ~~any such an~~ addition.

(c) ~~To employ~~ Employ a manager of the ~~a~~ hospital and other necessary personnel and fix their compensation.

(d) ~~To enact~~ Enact, amend and repeal rules and regulations, ~~not inconsistent with law~~, for the admission to, and government of patients at, ~~the a~~ hospital, for the regulation of the board's meetings and deliberations, and for the government, operation and maintenance of the hospital and the hospital employees ~~thereof~~.

(e) ~~To contract~~ Contract for and purchase all fuel, food, equipment, furnishings and supplies reasonably necessary for the proper operation and maintenance of the ~~a~~ hospital.

(f) ~~To audit~~ Audit all accounts and claims against the ~~a~~ hospital or against the board, and, if approved, pay the ~~same~~ accounts and claims from the fund specified in sub. (10). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) ~~To sue~~ Sue and be sued, and to collect or compromise any ~~and all~~ obligations due to the hospital; ~~all~~. All money received shall be paid into the joint hospital fund.

(h) ~~To make such~~ Make studies and recommendations to the county board and city council or city councils relating to the operation of the a hospital ~~or the building of facilities therefor~~ as the board ~~may deem~~ considers advisable or ~~said~~ the governing bodies request.

(i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

(9) BUDGET. The board shall annually, ~~prior to~~ before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the participating city or cities ~~pursuant to~~ under the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city or cities, shall be delivered to the clerks of the respective municipalities. ~~It shall be the duty of the~~ The county board and the common council of the city or cities ~~to~~ shall consider ~~such~~ the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. ~~Thereupon~~ After this determination, the county and city or cities respectively shall levy a tax sufficient to produce the amount to be raised by ~~said~~ the county and city or cities.

(10) HOSPITAL FUND. A joint county-city hospital fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city or cities shall pay ~~or cause to be paid into such~~ the fund the respective amounts ~~to be paid thereto by such county and city or cities as specified by the ordinance and resolutions of the respective municipalities when such~~ the amounts have been collected. All of the moneys which ~~shall~~ come into ~~said~~ the fund are ~~hereby~~ appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the hospital board only upon the approval or direction of the board.

(11) CORRELATION OF LAWS. (a) In any case where a bid is a prerequisite to contract in connection with a county or city hospital under s. ~~66.29~~ 66.0901, it ~~shall~~ is also be a prerequisite to a valid contract by the board; ~~and for such~~. For this purpose, the board shall be ~~deemed~~ is a municipality and the contract a public contract under s. ~~66.29~~ 66.0901.

(b) All statutory requirements, not inconsistent with the provision of this section, applicable to general county or city hospitals shall apply to hospitals referred to in this section.

(12) REPORTS. The board shall report its activities to the county board and the city council or councils annually, or oftener as either of ~~said~~ the municipalities ~~may~~ require requires.

(14) POWERS OF VILLAGES. Villages shall have all of the powers granted to cities under subs. (1) to (12) and whenever any village shall ~~exercise such~~ exercises these powers the word "city" wherever it appears in subs. (1) to (12) means "village" unless the context otherwise requires. Any village participating in the construction or other acquisition of a ~~general county-village~~ hospital or in the its operation ~~thereof~~, pursuant to this section, shall ~~have the power to~~ may enter into lease agreements leasing ~~such~~ the hospital and the its equipment and furnishings ~~therein~~ to a nonprofit corporation.

(15) POWERS OF TOWNS. Towns shall have all of the powers granted to cities under subs. (1) to (12) and whenever any town shall ~~exercise such~~ exercises these powers the word "city" wherever it appears in subs. (1) to (12) means "town" unless the context otherwise requires. Any town participating in the construction or other acquisition of a ~~general county-town~~ hospital or in the its operation ~~thereof~~, pursuant to under this section, shall ~~have the power to~~ may enter into lease agreements leasing ~~such~~ the hospital and the its equipment and furnishings ~~therein~~ to a nonprofit corporation.

SECTION 484. 66.48 of the statutes is renumbered 66.0917 and amended to read:

**66.0917 Art museums.** Any A city, village or town may establish, purchase land and erect buildings for, and equip, manage and control an art museum ~~or museums;~~ or. A city, village or town may enter into a contract with any art museum or art institute located in the city, village or town for the education of the people ~~thereof~~ in art, for ~~such~~ compensation ~~as shall be determined by the governing body of the city, village or town~~. Any A city, village or town may levy taxes, issue bonds, or appropriate money for the purposes in this section.

SECTION 485. 66.49 of the statutes is renumbered 66.0919 and amended to read:

**66.0919 Civic centers.** (1) RECREATION AND AMUSEMENT. Any A city, village or town may by ordinance, enacted by a majority of all the members-elect, as defined in s. 59.001 (2m), of the board or council, provide for the erection, maintenance and operation of a public auditorium, opera house, or other recreation and amusement building. The erection and contracts ~~therefor~~ shall ~~be~~ are governed by the provisions of law applicable to other public buildings ~~therein~~ in the city, village or town. The board or council shall adopt regulations for maintenance and operation.

(2) REST ROOMS. Any A city, village or town may erect, purchase, lease, or take by gift or devise, land and buildings for public rest rooms, and may equip, maintain and operate ~~the same~~ them.

(3) COMFORT STATIONS. Every A city, village ~~and~~ or town may provide and maintain a sufficient number of public comfort stations for both sexes. The department of health and family services shall establish regulations governing their location, construction, equipment and

maintenance and may prescribe minimum standards that shall be uniform throughout the state. The board or council may establish further regulations.

(4) COMFORT STATIONS AND REST ROOMS. The state, every or a county, city, village, ~~and~~ or town maintaining places of public assemblage or camp sites may also provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes and may establish rest rooms separate or in connection with ~~such~~ the comfort stations.

(5) PUBLIC CONCERTS. Any A town, village or city may conduct public concerts in auditoriums and such other public places within its boundaries as the board or council ~~shall determine. Such~~ determines. The concerts shall be conducted by the department having charge of ~~such~~ the place and the expenses ~~thereof above in excess of~~ receipts, if any, shall be paid out of ~~such a fund as determined by~~ the board or council ~~shall determine~~. A fee to ~~said attend~~ attend the concerts may be charged for the purpose of defraying the expenses ~~thereof~~ in whole or in part.

**SECTION 486.** 66.50 of the statutes is renumbered 66.0127, and 66.0127 (1), as renumbered, is amended to read:

66.0127 (1) In any a city, village or town, ~~however organized,~~ in which a municipal hospital is located, the board of trustees or other governing board of the municipal hospital ~~shall have power and authority may,~~ except as otherwise provided by ordinance, do any of the following:

(a) ~~To prescribe~~ Prescribe rules of order for the regulation of ~~their~~ its own meetings and deliberations ~~and to alter, amend or repeal the same from time to time;~~

(b) ~~To promulgate, amend and repeal~~ Promulgate rules relating to the government, operation and maintenance of the hospital and relating to the employes of the hospital;

(c) ~~To contract~~ Contract for and purchase all fuel, food and other supplies reasonably necessary for the operation and maintenance of the hospital;

(d) ~~To promulgate, amend and repeal~~ Promulgate rules for the admission to and government of patients at the hospital;

(e) ~~To contract~~ Contract for the construction, installation or making of additions or improvements to or alterations of ~~such~~ the hospital ~~whenever such if~~ the additions, improvements or alterations have been ordered and funds have been provided ~~therefor~~ by the city council or village or town board;

(f) ~~To engage~~ Employ all necessary employes at the hospital for a period not to exceed one year under any one contract and at a salary not to exceed the sum of \$25 per week, excluding board and laundry, unless a larger salary is expressly authorized by the city council or village or town board;

NOTE: Section 66.50 (1) (f) provides that the board of trustees or other governing board of a municipal hospital

may engage all necessary employes for a period not to exceed one year under any one contract and at a salary not exceeding the sum of \$25 per week, excluding board and laundry, unless a larger salary is expressly authorized by the city council or village or town board. Renumbered s. 66.0127 (1) (f) removes these limits on the terms of employe contracts and on employe salaries.

(g) ~~To audit~~ Audit all accounts and claims against the hospital or against the board of trustees and, if approved, the city, village or town clerk and treasurer shall pay the accounts and claims in the manner provided by s. ~~66.042~~ 66.0607.

**SECTION 487.** 66.501 of the statutes is renumbered 66.0129, and 66.0129 (1), (4) (intro.), (5) and (6), as renumbered, are amended to read:

66.0129 (1) POWERS AND DUTIES OF GOVERNING BODY. For the purpose of providing adequate hospital facilities in the state of Wisconsin to serve cities, villages and towns and the hospital service area, ~~and; providing~~ all lands, buildings, improvements, facilities or equipment or other capital items necessary or desirable in connection with the hospital ~~and the ultimate acquisition of; ultimately acquiring~~ the hospital by the city, village or town, ~~for the acquisition of; acquiring~~ lands for future hospital development, ~~and to refinance; and refinancing~~ indebtedness created by a nonprofit corporation for the ~~purpose of~~ acquiring lands or providing hospital buildings or additions or improvements to the hospital buildings, ~~or for any one or more of these purposes,~~ the governing body of any a city, village or town shall have the following powers may:

(a) Without limitation by any other statute, ~~to~~ sell and convey title to a nonprofit corporation any land and any existing buildings on the land owned by the city, village or town for ~~such~~ that consideration and upon ~~such~~ the terms and conditions ~~as in the judgment of that~~ the governing body of the city, village or town determines are in the public interest.

(b) ~~To lease~~ Lease to a nonprofit corporation for terms not exceeding 40 years each any land and existing buildings on the land that are owned by the city, village or town upon ~~such~~ the terms, conditions and rentals ~~as in the judgment of that~~ the governing body of the city, village or town determines are in the public interest.

(c) ~~To lease~~ Lease or sublease from the nonprofit corporation, for terms not exceeding 40 years, and ~~to~~ make available for public use, any lands or any ~~such~~ land and existing buildings conveyed or leased to the corporation under pars. (a) and (b), and any new buildings erected upon the land or upon any other land owned by the corporation, upon the terms, conditions and rentals, subject to available appropriations, and ultimate acquisition, that ~~in the judgment of~~ the governing body of the city, village or town determines are in the public interest. With respect to any property conveyed to the nonprofit corporation under par. (a), the lease from the nonprofit corporation

may be subject or subordinated to one or more mortgages of such ~~the~~ property granted by the corporation.

(d) ~~To apply~~ Apply all net revenues derived from the operation of any lands or buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(e) ~~To pledge~~ Pledge and assign all or any part of the revenues derived from the operation of any lands or new buildings as security for the payment of rentals due and to become due under any lease or sublease of the new buildings made under par. (c).

(f) ~~To covenant~~ Covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of the new buildings in an amount which together with other moneys of the city, village or town available for such ~~that~~ purpose will produce net revenue sufficient to pay the rentals due and to become due under the lease or sublease.

(g) ~~To apply~~ Apply all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any ~~a~~ lease or sublease made under par. (c).

(h) ~~To pledge~~ Pledge and assign all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any ~~a~~ lease or sublease made under par. (c).

(i) ~~To covenant~~ Covenant and agree in any ~~a~~ lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such ~~the~~ lease or sublease.

(j) ~~To operate~~ Operate the hospital, until it is ultimately acquired, in such a manner as to provide ~~that provides~~ revenues sufficient to pay the costs of operation and maintenance of the hospital and to provide for the payments due the nonprofit corporation.

(4) POWERS AND DUTIES OF NONPROFIT CORPORATION. (intro.) In addition to all other powers granted to nonprofit corporations, the nonprofit corporation ~~shall have~~ has the following additional powers and duties when leasing hospital facilities to a city, village or town:

(5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts exceeding \$1,000 for the construction, maintenance or repair of hospital facilities to the lowest responsible bidder after advertising for bids by the publication of a class 2 notice under ch. 985. Sections ~~66.29~~ 66.0901 and ~~66.293~~ 66.0903 shall apply to such bids and contracts under this subsection.

(6) DEFINITIONS. Unless ~~the~~ context otherwise requires, ~~the terms~~ “buildings” in this section:

(a) ~~“Buildings”, “new buildings” and “existing buildings” as used in this section~~ include all buildings, structures, improvements, facilities, equipment or other capital items which the governing body of the city, vil-

lage or town determines ~~to be~~ are necessary or desirable for the purpose of providing hospital facilities. ~~The term “nonprofit~~

(b) ~~“Nonprofit corporation” means a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).~~

SECTION 488. 66.504 of the statutes is renumbered 66.0921, and 66.0921 (3), as renumbered, is amended to read:

66.0921 (3) FINANCING. A municipality may borrow money, appropriate funds and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by a municipality by general obligation bonds issued under ch. 67. Funds to be used for the purposes specified in this section may be provided by a county, city, village or town by revenue bonds issued under s. ~~66.066~~ 66.0621. Any bonds issued under this section shall be executed on behalf of the municipality by ~~the its~~ chief executive officer and clerk ~~thereof~~.

SECTION 489. 66.505 (title) and (1) to (4) of the statutes are renumbered 66.0923 (title) and (1) to (4), and 66.0923 (3) and (4), as renumbered, are amended to read:

66.0923 (3) FINANCING. The governing bodies of the respective county and city or cities ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county, city or cities by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. ~~66.51~~ 66.0913 or by the issuance of both general obligation bonds under ch. 67 and revenue bonds issued under s. ~~66.51~~. ~~Any bonds 66.0913. Bonds issued pursuant to under~~ this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by ~~the its~~ mayor or other chief executive officer ~~thereof~~ and by the city clerk.

(4) COST SHARING. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of such ~~an~~ auditorium on an agreed percentage basis.

SECTION 490. 66.505 (6) to (11) of the statutes are renumbered 66.0923 (6) to (11) and amended to read:

66.0923 (6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. ~~The board may combine the offices of secretary and treasurer may be combined if the board so decides.~~ Members may receive such compensation as ~~may be~~ provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services. However, members

serving on the board because of holding another office or position shall not receive compensation other than any actual and necessary expenses for their services. With the approval of the board, the treasurer may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform such services as shall be specified by the board.

(b) Members, and any assistant secretary and assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in such a sum as shall be specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(7) POWERS OF BOARD. The board shall have power ~~may~~, subject to provisions of the ordinance, do all of the following:

(a) ~~To contract~~ Contract for the construction or other acquisition, equipping or furnishing of a county-city an auditorium, ~~and may~~; accept and use donated services and gifts, grants or donations of money or property ~~and use the same~~ for the purposes given and consistent with this section; ~~and may~~ contract for and authorize the installation of equipment and furnishings in all or part of the auditorium, ~~or any part thereof~~ by private individuals, persons or corporations by donations, loan, lease or concession.

(b) ~~To contract~~ Contract for the construction or other acquisition of additions or improvements to, or alterations in, an auditorium and the equipment or furnishing of any such addition; ~~and may~~ contract for or authorize the installation of equipment and furnishings in such all or part of the addition, ~~or any part thereof~~, by private individuals, persons or corporations by donation, loan or concession.

(c) ~~To employ~~ Employ a manager of the an auditorium and other necessary personnel and fix their compensation.

(d) ~~To enact~~ Enact, amend and repeal rules and regulations, ~~not inconsistent with law~~, for the leasing of, charges for admission to, and government of audiences and participants in events at the an auditorium, for the regulation of the board's meetings and deliberations, and for the government, operation and maintenance of the auditorium and the auditorium's employes thereof.

(e) ~~To contract~~ Contract for, purchase or hire all fuel, equipment, furnishings, and supplies, services and help reasonably necessary for the proper operation and maintenance of the an auditorium, ~~and to~~; contract for, purchase, hire, promote, conduct and operate, either by lease of the all or part of an auditorium building ~~or parts thereof~~ or by direct operation by the an auditorium board, meetings, concerts, theatricals, sporting events, conventions and other entertainment or events suitable to be held at the auditorium; and ~~to~~ handle and make all proper

arrangements for the sale and disposition of admission tickets to auditorium events and the establishment of seating arrangements and priorities.

(f) ~~To audit~~ Audit all accounts and claims against the an auditorium or against the board, and, if approved, pay the same accounts and claims from the fund specified in sub. (9). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) ~~To sue~~ Sue and be sued, and ~~to~~ collect or compromise any ~~and all~~ obligations due to the an auditorium; ~~all~~, All money received shall be paid into the joint auditorium fund.

(h) ~~To make such~~ Make studies and recommendations to the county board and city council relating to the operation of the an auditorium ~~or the building of facilities therefor~~ as the board ~~may deem~~ considers advisable or ~~said~~ the governing bodies request.

(i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

(8) BUDGET. The board shall annually, ~~prior to~~ before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the participating city ~~pursuant to~~ under the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city, shall be delivered to the clerks of the respective municipalities. ~~It shall be the duty of the~~ The county board and the common council of the city ~~to shall~~ consider such the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. ~~Thereupon~~ After this determination, the county and city respectively shall levy a tax sufficient to produce the amount to be raised by ~~said~~ the county and city.

(9) AUDITORIUM FUND. A joint county-city auditorium fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city shall pay ~~or cause to be paid~~ into such the fund the respective amounts ~~to be paid thereto by such county and city~~ as specified by the ordinance and resolutions of the respective municipalities when such the amounts have been collected. All of the moneys which shall come into ~~said~~ the fund are hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the auditorium board only upon the approval or direction of the board.

(10) CORRELATION OF LAWS. (a) ~~In any case where~~ If a bid is a prerequisite to contract in connection with a county or city auditorium under s. ~~66.29~~ 66.0901, it shall ~~is~~ also be a prerequisite to a valid contract by the board; ~~and for such~~. For this purpose the board shall be deemed

is a municipality and the contract a public contract under s. ~~66.29~~ 66.0901.

(b) All statutory requirements, not inconsistent with the provisions of this section, and applicable to city auditoriums ~~shall~~ apply to auditoriums provided for in this section.

(11) REPORTS. The board shall report its activities to the county board and the city council annually, or oftener as either of ~~said~~ the municipalities ~~may require~~ requires.

**SECTION 491.** 66.508 of the statutes is renumbered 66.0925, and 66.0925 (3) to (11), as renumbered, are amended to read:

66.0925 (3) FINANCING. The governing bodies of the respective county and city ~~shall have the power to~~ may borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county or city by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. ~~66.51~~ 66.0913 or by the issuance of both general obligation bonds under ch. 67 and revenue bonds issued under s. ~~66.51~~. ~~Any bonds~~ 66.0913. Bonds issued pursuant to under this section shall be executed on behalf of the county by the county board chairperson and the county clerk and on behalf of a city by ~~the its~~ mayor or other chief executive officer ~~thereof~~ and by the city clerk.

(4) COST SHARING. The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of ~~such a~~ safety building on an agreed percentage basis.

(5) SAFETY BUILDING BOARD. The ordinance shall provide for the establishment of a joint county-city safety building board to be composed of 3 members to be appointed by the county board, one for a one-year, one for a 2-year and one for a 3-year term, ~~and~~; 3 members to be appointed by the city council, one for a one-year, one for a 2-year and one for a 3-year term; ~~and~~ one additional member appointed by the other members for a 3-year term. The membership of ~~such~~ the board shall include the chairperson of the county board and the mayor of the city, who shall be initially designated as members for the 3-year terms. Their respective successors shall be appointed and confirmed in like manner for terms of 3 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. If a member of the board ceases to hold a city or county office, membership on the board also terminates. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made. Members of the board shall be officials of the county or city.

(6) ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS. (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership

a president, a vice president, a secretary and a treasurer, each to hold office for one year. The board may combine the offices of secretary and treasurer ~~may be combined if the board so decides~~. Members may receive ~~such~~ compensation as ~~may be~~ provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services. The board may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform ~~such~~ services as ~~shall be~~ specified by the board.

(b) Members, and any assistant secretary and assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in ~~such a~~ sum as ~~shall be~~ specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(7) POWERS OF BOARD. The board ~~shall have power~~ may, subject to provisions of the ordinance:

(a) ~~To contract~~ Contract for the construction or other acquisition, equipping or furnishing of a county-city safety building, ~~and may~~; accept and use donated services and gifts, grants or donations of money or property ~~and use the same~~ for the purposes given and consistent with this section; ~~and may~~ contract for and authorize the installation of equipment and furnishings in all or part of the safety building, ~~or any part thereof~~ by private individuals, persons or corporations by donations, loan, lease or concession.

(b) ~~To contract~~ Contract for the construction or other acquisition of additions or improvements to, or alterations in, ~~such a~~ safety building and the equipment or furnishing of ~~any such~~ all or part of the addition; ~~and may~~ contract for or authorize the installation of equipment and furnishings in ~~such~~ all or part of the addition, ~~or any part thereof~~, by private individuals, persons or corporations by donation, loan or concession.

(c) ~~To employ~~ Employ a superintendent of ~~the a~~ safety building and other necessary personnel and fix their compensation.

(d) ~~To enact~~ Enact, amend and repeal rules and regulations, not inconsistent with law, for the regulation of the board's meetings and deliberations, and for the government, operation and maintenance of ~~the a~~ safety building and the safety building's employees ~~thereof~~.

(e) ~~To contract~~ Contract for, purchase or hire all fuel, equipment, furnishings, and supplies, services and help reasonably necessary for the proper operation and maintenance of ~~the a~~ safety building.

(f) ~~To audit~~ Audit all accounts and claims against ~~the a~~ safety building or against ~~the a~~ board, and, if approved, pay the ~~same~~ accounts or claims from the fund specified in sub. (9). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) ~~To sue~~ Sue and be sued, and to collect or compromise any ~~and all~~ obligations due to the a safety building; ~~all.~~ All money received shall be paid into the joint safety building fund.

(h) ~~To make such~~ Make studies and recommendations to the county board and city council relating to the operation of the a safety building ~~or the building of facilities therefor~~ as the board ~~may deem~~ considers advisable or ~~said~~ the governing bodies request.

(i) ~~To employ~~ Employ counsel on either a temporary or permanent basis.

(8) BUDGET. The board shall annually, ~~prior to~~ before the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the city pursuant to the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city, shall be delivered to the clerks of the respective municipalities. ~~It shall be the duty of the~~ The county board and the common council of the city ~~to shall~~ shall consider ~~such~~ the budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. ~~Thereupon~~ After this determination, the county and city respectively shall levy a tax sufficient to produce the amount to be raised by ~~said~~ the county and city.

(9) SAFETY BUILDING FUND. A joint county-city safety building fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city shall pay ~~or cause to be paid into such~~ the fund the respective amounts ~~to be paid thereto by such county and city as specified by the ordinance and resolutions of the respective municipalities when such~~ the amounts have been collected. All of the moneys which ~~shall~~ shall come into ~~said~~ the fund are ~~hereby~~ hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the safety building board only upon the approval or direction of the board.

(10) CORRELATION OF LAWS. In any case where a bid is a prerequisite to contract in connection with a county or city safety building under s. ~~66.29~~ 66.0901, it ~~shall~~ is also be a prerequisite to a valid contract by the board; ~~and for such.~~ For this purpose the board ~~shall be deemed~~ is a municipality and the contract a public contract under s. ~~66.29~~ 66.0901.

(11) REPORTS. The board shall report its activities to the county board and the city council annually, or oftener as either of ~~said~~ the municipalities may require.

SECTION 492. 66.51 (title), (1), (2) and (3) of the statutes are renumbered 66.0913 (title), (1), (2) and (3) and amended to read:

**66.0913 (title) Revenue bonds for counties and cities City and county projects, individual or joint; revenue bonding.** (1) (a) ~~Every~~ A county or city, or both jointly, may construct, purchase, acquire, develop, improve, operate or maintain a county or city building, or both jointly, for a courthouse, safety building, city hall, hospital, armory, library, auditorium and music hall, municipal parking lots or other parking facilities, or municipal center or any combination ~~thereof~~ of the foregoing, or a university University of Wisconsin college campus, as defined in s. 36.05 (6m), if the operation of ~~such~~ the college campus has been approved by the board of regents of the university University of Wisconsin system System.

(b) The county board, common council ~~of any city,~~ or both jointly, ~~are authorized in their discretion~~ may, for any of its corporate purposes as set forth in this subsection, ~~to issue bonds on which the principal and interest are payable from the income and revenues of such~~ the project financed with the proceeds of ~~such~~ the bonds or with ~~such~~ the proceeds together with the proceeds of a grant from the federal government to aid in the financing and construction ~~thereof~~ of the project. In the case of municipal parking lots or other parking facilities ~~such~~ the bonds may in addition be payable as to both principal and interest from income and revenues from other similar projects, parking meters, parking fees, or any other income or revenue obtained through parking, or any combination ~~thereof~~ of these methods.

(c) The credit of the county, or city, or both jointly, ~~shall~~ may not be pledged to the payment of ~~such~~ the bonds, but ~~shall be~~ the bonds are payable only from the income and revenues described in par. (b) or the funds received from the ~~their~~ sale or disposal ~~thereof~~. If the county board, or common council ~~of a city,~~ or both jointly, so determine, ~~such~~ the bonds shall be secured either by a trust indenture pledging ~~such~~ the revenues or by a mortgage on the property comprising ~~such~~ the project and the revenues ~~therefrom~~ from the project.

(2) The bonds or other evidences of indebtedness shall ~~state upon~~ on their face that the ~~bonds are not a debt of the county, or city, or both jointly, shall not be a debt thereof or be~~ and that the county or city, or both jointly, are not liable therefor for the indebtedness. Any indebtedness created by this section ~~shall~~ is not be considered an indebtedness of ~~such~~ the county or city and shall not be included in ~~such~~ amounts of determining the constitutional 5% debt limitations.

(3) The provisions of s. ~~66.066~~ 66.0621 relating to the issuance of revenue bonds by cities for public utility purposes, insofar as applicable, and the provisions of ss. 67.08 (1) and 67.09 relating to the execution and registration of municipal obligations apply to the issuance of revenue bonds under this section.

SECTION 493. 66.51 (4) of the statutes is repealed.

NOTE: Repealed as archaic. The subsection validates all actions of a county or city before December 4, 1955, in connection with the construction or other acquisition, equipping, furnishing, operation and maintenance of a joint county-city safety building which would have been valid had ss. 66.51 (1) and 66.508 been in effect when the actions were taken. There appears to be no need to continue the validation.

**SECTION 494.** 66.52 of the statutes is renumbered 66.1101 and amended to read:

**66.1101 Promotion of industry; industrial sites.**

(1) It is declared to be the policy of the state to encourage and promote the development of industry to provide greater employment opportunities and to broaden the state's tax base to relieve the tax burden of residents and home owners. It is recognized that the availability of suitable sites is a prime factor in influencing the location of industry but that existing available sites may be encroached upon by the development of other uses unless protected from such encroachment by purchase and reservation. It is further recognized that cities, villages and towns have broad power to act for the commercial benefit and the health, safety and public welfare of the public. However, to implement that power, legislation authorizing borrowing is necessary. It is, therefore, ~~declared to be~~ the policy of the state to authorize cities, villages and towns to borrow for the reservation and development of industrial sites, and the expenditure of funds ~~therefor~~ for that purpose is determined to be a public purpose.

(2) For financing purposes, the purchase, reservation and development of industrial sites undertaken by ~~any a~~ city, village or town is a public utility within the meaning of s. ~~66.066~~ 66.0621. In financing under that section, rentals and fees ~~shall be~~ are considered as to be revenue. Any indebtedness created ~~hereunder~~ under this section shall not be included in arriving at the constitutional debt limitation.

(3) Sites purchased for industrial development under this section or ~~pursuant to~~ under any other authority may be developed by the city, village or town by the installation of utilities and roadways but not by the construction of buildings or structures. ~~Any such~~ The sites may be sold or leased for industrial purposes but only for a fair consideration to be determined by the governing body.

**SECTION 495.** 66.521 (title) and (1) to (6) of the statutes are renumbered 66.1103 (title) and (1) to (6), and 66.1103 (1) (a), (2) (d), (f) to (h), (k) 1., 4., 11. and 20. and (L), (3) (intro.), (b) 1. and 2., (d), (e) and (f), (4) (a) (intro.) and (c) to (f), (4m) (c), (5) (a), (b) (intro.) and 1. to 5. and (c) to (f) and (6) (a) and (b), as renumbered, are amended to read:

66.1103 (1) (a) It is found and declared that industries located in this state have been induced to move their operations in whole or in part to, or to expand their operations in, other states to the detriment of state, county and municipal revenue raising through the loss or reduction of income and franchise taxes, real estate and other local

taxes, ~~and thereby~~ causing an increase in unemployment; that such conditions now exist in certain areas of the state and may well arise in other areas; that economic insecurity due to unemployment is a serious menace to the general welfare of not only the people of the affected areas but of the people of the entire state; that unemployment results in obligations to grant public assistance and in the payment of unemployment insurance; that the absence of new economic opportunities has caused workers and their families to migrate elsewhere to find work and establish homes, which has resulted in a reduction of the tax base of counties, cities and other local governmental jurisdictions impairing their financial ability to support education and other local governmental services; that security against unemployment and the preservation and enhancement of the tax base can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of commerce, industry and manufacturing; and that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions. It is therefore ~~declared to be~~ the policy of this state to promote the right to gainful employment, business opportunities and general welfare of ~~the its~~ its inhabitants ~~thereof~~ and to preserve and enhance the tax base by authorizing municipalities to acquire industrial buildings and to finance ~~such the~~ the acquisition through the issuance of revenue bonds for the purpose of fulfilling the aims of this section ~~and such~~. These purposes are ~~hereby~~ declared to be public purposes for which public money may be spent and the necessity in the public interest for the provisions ~~herein enacted of this section~~ is declared a matter of legislative determination.

(2) (d) "Equip" means to install or place on or in any building or improvements or the site ~~thereof~~ of the building or improvements equipment of any kind, including, ~~without limiting the generality of the foregoing,~~ machinery, utility service connections, pollution control facilities, building service equipment, fixtures, heating equipment and air conditioning equipment.

(f) "Improve", "improving", "improvements" and "facilities" embrace any real or personal property or mixed property ~~of any kind~~ of whatever useful life that can be used or that will be useful in an industrial project including, ~~but not limited to,~~ sites for buildings, equipment or other improvements, rights-of-way, roads, streets, sidings, foundations, tanks, structures, pipes, pipelines, reservoirs, lagoons, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities, pollution control facilities, and other real, personal or mixed property ~~of every kind~~.

(g) "Indenture" means an instrument under which bonds may be issued and the rights and security of the bondholders are defined, whether ~~such the~~ the instrument is



in the form of an indenture of trust, deed of trust, resolution of the governing body, mortgage, security agreement, instrument of pledge or assignment or any similar instrument or any combination of the foregoing these forms and whether or not such the instrument creates a lien on property.

(h) "Initial resolution" means a resolution of the governing body expressing an intention, which may be subject to conditions ~~therein~~ stated in the resolution, to issue revenue bonds under this section in an amount stated, or a sum not to exceed a stated amount, on behalf of a specified eligible participant, for a stated purpose.

(k) 1. Assembling, fabricating, manufacturing, mixing or processing facilities for any products of agriculture, forestry, mining or manufacture, even though such the products may require further treatment before delivery to the ultimate consumer;

4. Pollution control facilities, including any connected environmental studies and monitoring systems connected therewith;

11. Recreational facilities, convention centers and trade centers, as well as related hotels, motels or marinas related thereto;

20. A shopping center, or an office building, convention or trade center, hotel, motel or other nonresidential facility, which is located in or adjacent to a blighted area as defined by s. ~~66.43~~ 66.1105 (2) (a), 66.1331 (3) (a), 66.434 or 66.1333 (2m) (b) or 66.46 (2) (a) or in accordance with a redevelopment plan or urban renewal plan adopted under s. ~~66.43~~ 66.1331 (5) or 66.434 66.1333 (6).

(L) "Revenue agreement" includes any lease, sublease, instalment or direct sales contract, service contract, take or pay contract, loan agreement or similar agreement ~~wherein~~ providing that an eligible participant agrees to pay the municipality an amount of funds sufficient to provide for the prompt payment of the principal of, and interest on, the revenue bonds and agrees to ~~cause~~ construct the project ~~to be constructed~~.

(3) POWERS. (intro.) Any A municipality may:

(b) 1. To finance all or ~~any~~ part of the costs of the construction, equipping, reequipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending or remodeling of industrial projects and the improvement of sites ~~therefor~~ for industrial projects;

2. To fund the whole or ~~any~~ part of any revenue bonds ~~theretofore~~ issued by such the municipality, including any premium payable with respect ~~thereto~~ to the bonds and any interest accrued or to accrue ~~thereon~~ on the bonds; or

(d) Mortgage all or ~~any~~ part of the industrial project or assign the revenue agreements in favor of the holders of the bonds issued ~~therefor~~ for the industrial project and in connection ~~therewith~~ with the mortgage or assign-

ment irrevocably waive any rights it would otherwise have to redeem the mortgaged premises in the event of foreclosure.

(e) Sell and convey the industrial project and site, including without limitation the sale and conveyance thereof subject to a mortgage, for such the price and at such the time as that the governing body determines, but no sale or conveyance of any industrial project or site ~~shall may~~ be made ~~in any manner as to impair that impairs~~ the rights or interests of the holders of any bonds issued for the industrial project.

(f) Finance an industrial project which is located entirely within the geographic limits of the municipality or some contiguous part of which is located within and some contiguous part outside the geographic limits of the municipality; or, finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement ~~with respect to such for the~~ project also relates to another project of the same eligible participant ~~some~~, part of which is located within such the geographic limits. ~~Exercise of the of the municipality. The power granted by this subsection shall not give rise to any paragraph does not include the power on the part of such municipality to annex, tax, zone or exercise any other municipal power with respect to that part of such the project located outside of the geographic limits of such the municipality.~~

(4) (a) (intro.) ~~All bonds~~ Bonds issued by a municipality under ~~the authority of this section shall be are~~ limited obligations of the municipality. The principal of and interest on such the bonds ~~shall be are~~ payable solely out of the revenues derived ~~pursuant to under~~ the revenue agreement pertaining to the project to be financed by the bonds ~~so issued under this section, or, in the event of if there is a~~ default of such the agreement and to the extent that the municipality ~~so~~ provides in the proceedings of the governing body ~~whereunder~~ authorizing the bonds ~~are authorized~~ to be issued, out of any revenues derived from the sale, releasing or other disposition of the project, or out of any collateral securing the revenue agreement, or out of the proceeds of the sale of bonds. Bonds and interest coupons issued under this section ~~do are~~ not ~~constitute~~ an indebtedness of the municipality, within the meaning of any state constitutional provision or statutory limitation. Bonds and interest coupons issued under this section ~~do are~~ not ~~constitute nor give rise to~~ a charge against the municipality's general credit or taxing powers or a pecuniary liability of the municipality or a redevelopment authority under s. ~~66.434 66.1333~~, including but not limited to:

(c) The bonds may be executed and delivered at any time; be in such the form and denominations, without limitation as to the denomination of any bond, any other law to the contrary notwithstanding; be registered under s. 67.09; be payable in one or more instalments and at such time, not exceeding 35 years from their date; be pay-

able prior to ~~before~~ maturity on ~~such the~~ terms and conditions; be payable both with respect to principal and interest at ~~such the~~ place in or out of this state; bear interest at ~~such the~~ rate, either fixed or variable in accordance with ~~such the~~ formula; be evidenced in ~~such the~~ manner; and may contain other provisions not inconsistent with this section, as specified by the governing body.

(d) Unless otherwise expressly or implicitly provided in the proceedings of the governing body ~~whereunder authorizing~~ the bonds are ~~authorized~~ to be issued, bonds issued under this section ~~shall be~~ are subject to the general provisions of law, not inconsistent with this section, ~~presently existing or that may hereafter be enacted,~~ respecting the authorization, execution and delivery of the bonds of ~~such the~~ municipality.

(e) ~~Any bonds,~~ Bonds issued under the authority of this section, may be sold at public or private sale in ~~such the~~ manner, at ~~such the~~ price and at ~~such the~~ time as may be determined by the governing body. The municipality may pay all expenses, premiums and commissions which the governing body ~~may deem~~ considers necessary or advantageous in connection with the authorization, sale and issuance ~~thereof of the bonds.~~

(f) All bonds, issued under the authority of this section, and all interest coupons applicable ~~thereto,~~ shall be ~~construed to be~~ to the bonds, are negotiable instruments, even though they are payable solely from a specified source.

~~(4m)~~ (c) Nothing in this subsection ~~may be deemed to require~~ requires a person with whom a municipality has entered into a revenue agreement to satisfy an estimate under par. (a) 2.

(5) (a) The principal of, and interest on, any bonds issued under ~~authority of~~ this section shall be secured by a pledge of the revenues out of which ~~such the~~ bonds ~~shall be~~ are made payable. ~~They~~ The bonds may, but need not, be secured by any one or more of the following:

1. A real estate mortgage or a security interest covering all or any part of the project from which the revenues so pledged may be derived;

2. A pledge of the revenue agreement; or

3. An assignment of the revenue agreement and any security given ~~therefor~~ for the revenue agreement.

(b) (intro.) The proceedings under which the bonds are authorized to be issued under this section, and any indenture given to secure the ~~same~~ bonds, may contain any agreements and provisions customarily contained in instruments securing bonds, including, but not limited to:

1. Provisions respecting custody of the proceeds from the sale of the bonds including their investment and reinvestment until used to defray the cost of the project;

2. Provisions respecting the fixing and collection of the proceeds under the revenue agreement pertaining to any project covered by ~~such the~~ proceedings or indenture;

3. The terms to be incorporated in the revenue agreement pertaining to ~~such the~~ project;

4. The maintenance and insurance of ~~such the~~ project;

5. The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of ~~such the~~ project; ~~and.~~

(c) A municipality may provide that proceeds from the sale of bonds and special funds from the revenues of the project and any funds held in reserve or debt service funds shall be invested and reinvested in ~~such~~ securities and other investments as ~~are~~ provided in the proceedings under which the bonds are authorized to be issued. The municipality may also provide that ~~such the~~ proceeds or funds or investments and the revenues derived pursuant to the revenue agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of this state. A municipality may also provide that the project and improvements shall be constructed or installed by the municipality, the eligible participant or the eligible participant's designee or any one or more of them on real estate owned by the municipality, the eligible participant or the eligible participant's designee and that the bond proceeds shall be disbursed by the trustee bank or trust company during construction upon the estimate, order or certificate of the eligible participant or the eligible participant's designee. In making ~~such~~ agreements or provisions under this paragraph, a municipality ~~shall may~~ not obligate itself, except with respect to the project and the application of the revenues ~~therefrom~~ from the project, and ~~shall may~~ not incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(d) The proceedings authorizing any bonds under this section, or any indenture securing ~~such the~~ bonds, may provide that if there is a default in the payment of the principal of, or the interest on, ~~such the~~ bonds or in the performance of any agreement contained in ~~such the~~ proceedings or indenture, the payment and performance may be enforced by the appointment of a receiver with power to charge, collect and apply the revenues from the project in accordance with ~~such the~~ proceedings or the provisions of ~~such the~~ indenture.

(e) ~~Any~~ An indenture made under this section to secure bonds and which constitutes a lien on property may also provide that if there is a default in the payment ~~thereof of the bonds~~ or a violation of any agreement contained ~~therein~~ in the indenture, it may be foreclosed and the collateral sold under proceedings in any manner permitted by law. ~~Such~~ The indenture may also provide that ~~any a~~ trustee ~~thereunder~~ under or ~~any a~~ pledgee or assignee ~~thereof of~~ or the holder of any bonds secured ~~thereby~~ by the indenture may become the purchaser at any foreclosure sale if that person is the highest bidder ~~therefor.~~

(f) The revenue agreement may include ~~such any~~ provisions as ~~that~~ the municipality ~~deems considers~~ appropriate to effect the financing of the project, including a provision for payments ~~thereunder~~ to be made in instalments and the securing of the obligation for any ~~such~~ payments by lien or security interest in the undertaking either senior or junior to, or ranking equally with, any lien, security interest or rights of others.

(6) (a) ~~Prior to~~ Before the execution of a revenue agreement with respect to ~~any a~~ project, the governing body ~~must shall~~ determine all of the following:

1. The amount necessary in each year to pay the principal of, and the interest on, the bonds proposed to be issued to finance ~~such the~~ project;

2. The amount necessary to be paid each year into any reserve funds which the governing body deems advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; ~~and~~

3. Unless the terms of the revenue agreement provide that the eligible participant ~~shall is obligated to~~ provide for maintenance of the project and the carrying of all proper insurance with respect ~~thereto to the project~~, the estimated cost of maintaining the project in good repair and keeping it properly insured.

(b) The determination and findings of the governing body shall be embodied in the proceedings under which the proposed bonds are to be issued; but the ~~foregoing~~ amounts specified in par. (a) need not be expressed in dollars and cents in the revenue agreement and proceedings under which the bonds are authorized to be issued, but may be set forth in the form of a formula. ~~Prior to~~ Before the issuance of the bonds authorized by this section the municipality shall enter into a revenue agreement providing for payment to the municipality or to the trustee for the account of the municipality of ~~such those~~ amounts as, based upon the basis of such determination and findings, that will be sufficient to pay the principal of, and interest on, the bonds issued to finance the project; to build up and maintain any reserves ~~deemed considered~~ advisable by the governing body, in connection ~~therewith with the~~ project; and, unless the revenue agreement obligates the eligible participant to provide for the maintenance of and insurance on the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.

**SECTION 496.** 66.521 (6m) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.1103 (6m) and amended to read:

**SECTION 497.** 66.521 (7) to (13) of the statutes are renumbered 66.1103 (7) to (13), and 66.1103 (7) (intro.), (8), (9), (10) (a), (b) and (d), (11) (a), (12) (a) and (13) (b) (intro.), 1. (intro.) and b. and 2. (intro.), as renumbered, are amended to read:

66.1103 (7) APPLICATION OF PROCEEDS LIMITED. (intro.) The proceeds from the sale of ~~any~~ bonds, issued under this section, ~~shall may~~ be applied only for the purpose for which the bonds were issued and if, for any rea-

son, any portion of ~~such the~~ proceeds are not needed for the purpose for which the bonds were issued, ~~such the~~ unneeded portion of ~~said the~~ proceeds shall be applied, directly or indirectly, to the payment of the principal or the interest on the bonds. The following costs may be financed as part of ~~any a~~ bond issue:

(8) PURCHASE. The municipality may, by or with the consent of the eligible participant, accept any bona fide offer to purchase the project which is sufficient to pay all the outstanding bonds, interest, taxes, special levies and other costs that have been incurred. The municipality may also, by or with the consent of the eligible participant, accept any bona fide offer to purchase any unimproved land which is a part of the project, if the purchase price is not less than the cost of ~~such the~~ land to the municipality computed on a prorated basis and if ~~such the~~ purchase price is applied directly or indirectly to the payment of the principal or interest on the bonds.

(9) PAYMENT OF TAXES. ~~When any~~ If an industrial project acquired by a municipality under this section is used by a private person as a lessee, sublessee or in any capacity other than owner, that person ~~shall be is~~ subject to taxation in the same amount and to the same extent as ~~though if~~ that person were the owner of the property. Taxes shall be assessed to ~~such the~~ private person using the real property and collected in the same manner as taxes assessed to owners of real property. When due, the taxes ~~shall~~ constitute a debt due from ~~such the~~ private person to the taxing unit and ~~shall be are~~ recoverable as provided by law, and ~~such the~~ unpaid taxes ~~shall~~ become a lien against the property with respect to which they were assessed, superior to all other liens, except a lien under s. 292.31 (8) (i) or 292.81, and shall be placed on ~~their the~~ tax roll when there has been a conveyance of the property in the same manner as ~~are~~ other taxes assessed against real property.

(10) (a) Any An action required or permitted by this section to be taken by a governing body may be taken at any lawful meetings ~~thereof of the governing body~~. A simple majority of a quorum of ~~such the~~ governing body ~~shall be is~~ sufficient for ~~any such the~~ action under this section. The ayes and noes need not be taken with respect to ~~any such the~~ action and ~~such the~~ action need not be officially read ~~prior to before~~ adoption. Failure to publish ~~any such an~~ action shall under this section does not affect the validity thereof of the action.

(b) Upon the adoption of an initial resolution under this section, public notice of ~~such the~~ adoption shall be given to the electors of the municipality ~~prior to before~~ the issuance of the bonds ~~therein~~ described in the resolution, by publication as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the maximum amount of the bonds; the name of the eligible participant; the purpose of the bonds; the net number of jobs which the project ~~which the~~ municipality would finance with the bond issue is

expected to eliminate, create or maintain on the project site and elsewhere in this state which is required to be shown by the proposed eligible participant on the form submitted under sub. (4m) (a) 1.; and that the resolution was adopted under this section. A form of the public notice shall be attached to the initial resolution. Prior to adoption of the initial resolution, the open meeting notice given to members of the public under s. 19.84 shall indicate that information with respect to the job impact of the project will be available at the time of consideration of the initial resolution. No other public notice of the authorization, issuance or sale of bonds under this section is required.

(d) The governing body may issue bonds under this section without submitting the proposition to the electors of the municipality for approval unless within 30 days from the date of publication of notice of adoption of the initial resolution for ~~such~~ the bonds, a petition conforming to the requirements of s. 8.40, signed by not less than 5% of the registered electors of the municipality, or, if there is no registration of electors in the municipality, by 10% of the number of electors of the municipality voting for the office of governor at the last general election as determined under s. 115.01 (13), is filed with the clerk of the municipality requesting a referendum upon the question of the issuance of the bonds. If ~~such~~ a petition is filed, the bonds ~~shall~~ may not be issued until approved by a majority of the electors of the municipality voting ~~thereon~~ on the referendum at a general or special election.

(11) (a) With respect to the enforcement of any construction lien or other lien under ch. 779 arising out of the construction of projects financed under this section, no deficiency judgment or judgment for costs may be entered against the municipality. Projects financed under this section ~~shall~~ are not be deemed to be public works, public improvements or public construction within the meaning of ss. 59.52 (29), 60.47, 61.55, 62.15, 779.14, 779.15 and 779.155 and contracts for the construction of ~~such~~ the projects ~~shall~~ are not be deemed to be public contracts within the meaning of ss. 59.52 (29) and ~~66.29~~ 66.0901 unless factors ~~such as~~ and including municipal control over the costs, construction and operation of the project and the beneficial ownership of the project warrant ~~such~~ the conclusion that they are public contracts.

(12) (a) In the absence of fraud, all bonds issued ~~prior to~~ before July 25, 1980, purportedly pursuant to under this section, and all proceedings taken purportedly ~~pursuant to~~ under this section ~~prior to~~ before that date for the authorization and issuance of those bonds or of bonds not yet issued, and the sale, execution and delivery of bonds issued ~~prior to~~ before July 25, 1980, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power, however patent, other than constitutional, of the issuing municipality or the governing body or municipal officer thereof, to authorize and issue the bonds, or to sell, execute or deliver the ~~same~~ bonds, and

notwithstanding any defects or irregularities, however patent, other than constitutional, in the proceeding or in the sale, execution or delivery of bonds issued ~~prior to~~ before July 25, 1980. All ~~such~~ bonds issued before July 25, 1980, are binding, legal obligations in accordance with their terms.

(13) (b) (intro.) This section may be used to finance all or any part of the cost, tangible or intangible, whenever incurred, of providing an industrial project under this section, whether or not ~~such~~ the industrial project is in existence on the date of adoption of the initial resolution or of issuance of the bonds; whether new or previously used; whether or not previously owned by the eligible participant, the eligible participant's designee or a party affiliated with either; and notwithstanding that this section was not in effect or did not permit ~~such~~ the financing on the date of ~~such~~ adoption of the resolution or at the time ~~such~~ ownership was acquired, except as follows:

1. (intro.) No part of the costs of constructing or acquiring personal property owned by the eligible participant, the eligible participant's designee or a party affiliated with either at any time ~~prior to~~ before the date of adoption of the initial resolution may be so financed except ~~such~~ costs for:

b. Personal property which will either be substantially reconstructed, rehabilitated, rebuilt or repaired in connection with the financing or which represents less than 10% of the entire financing. Personal property ~~shall be deemed is considered~~ is considered owned only after 50% of the acquisition cost ~~thereof~~ of the personal property has been paid and ~~such~~ the property has been delivered and installed.

2. (intro.) No part of the costs of acquiring real property or of acquiring or constructing improvements ~~thereto~~ to the real property may be so financed except ~~such~~ costs:

**SECTION 498.** 66.526 of the statutes is renumbered 62.57 and amended to read:

**62.57 Uniform salaries in first 1st class cities.** The common council of any city of the first a 1st class, however incorporated, city may at any regular or special meeting, at any time during the calendar year, adopt a uniform and comprehensive salary or wage ordinance, or both, based on a classification of officers, employments and positions in the city service and of and including any and all offices and positions whatsoever in the employment of such city, whether previously so classified or not, provided if provision has been made in the budget of the current year for the total sum of money required for the payment of the salaries and wages for such employment and a tax levied to include the same, with the following exception: ~~That fund the wages and salaries. Wages under this section may be fixed at any such time by resolution alone and that the.~~ The common council may, at any time during the calendar year, at any such meeting, determine a cost-of-living increment or deduction, to be

paid in addition to such wages or salaries under this section, based on a proper finding of the United States bureau of labor statistics. ~~Any such~~ The common council may, at any such meeting, provide for overtime pay and compensatory time under s. 103.025 for employees who work in excess of 40 hours per week.

**SECTION 499.** 66.527 (title) of the statutes is renumbered 66.0123 (title).

**SECTION 500.** 66.527 (1) to (3) of the statutes are renumbered 66.0123 (2) to (4) and amended to read:

66.0123 (2) ~~Funds for the establishment, operation and maintenance of a department of recreation may be provided by the governing body of any town or school district~~ A governmental unit may, after compliance with s. 65.90, provide funds for the establishment, operation and maintenance of a department of public recreation.

(3) (a) ~~Any such~~ A governmental unit may delegate the power to establish, maintain and operate a department of public recreation to a ~~board of recreation~~ board, which shall consist of 3 members and shall be appointed by the chairperson or other presiding officer of the governing body governmental unit. The first appointments shall be made so that one member ~~will serve~~ serves one year, one ~~for~~ serves 2 years and one ~~for~~ serves 3 years; thereafter appointments ~~shall be for terms of.~~ After the first appointments, terms are 3 years.

(b) When 2 or more of the aforesaid governing governmental units desire to conduct, jointly, a department of public recreation, the joint recreation board shall consist of not less than 3 members ~~who shall be~~ selected by the presiding officers of ~~such~~ the governmental units acting jointly. Appointments shall be made for terms as provided in par. (a).

(c) The members of ~~any such~~ a recreation board shall serve gratuitously.

(d) ~~Such~~ A recreation board is ~~authorized to may~~ conduct the activities of ~~such public recreation~~ the department, ~~to of public recreation,~~ expend funds therefor, ~~to~~ employ a supervisor of recreation, ~~to~~ employ assistants, ~~to~~ purchase equipment and supplies, and generally ~~to~~ supervise the administration, maintenance and operation of ~~such~~ the department of public recreation and recreational activities authorized by the recreation board.

(4) (a) ~~The public~~ A recreation board ~~has the right to~~ may conduct public recreation activities on property purchased or leased by ~~any such governing a governmental~~ unit for recreational purposes and under its own custody, on other public property under the custody of any other public authority, body or board with the consent of ~~such~~ the public authority, body or board, or on private property with the consent of its owner, ~~and such.~~ The recreation board, with the approval of the appointing ~~board~~ authority, may accept gifts and bequests of land, money or other personal property, and use the ~~same gifts and bequests~~ in whole or in part, of the income therefrom from the gifts and bequests or the proceeds from the sale of any such

property in the establishment, maintenance and operation of recreational activities.

(b) ~~The~~ A recreation board shall annually submit to the governing body governmental unit a report of ~~its~~ the board's activities ~~and showing, including~~ receipts and expenditures. ~~Such reports~~ The report shall be submitted not less than 15 days ~~prior to~~ before the annual meeting of ~~such~~ the governmental unit.

(c) An audit shall be made of the accounts of ~~such recreational~~ the recreation board in the same manner as provided for audits for towns or school districts as the case may be.

(d) The persons selected by the recreation board shall furnish a surety bond in ~~such an~~ amount as ~~shall be~~ fixed by the governing body governmental unit.

**SECTION 501.** 66.53 of the statutes is renumbered 66.0733 (intro.) and amended to read:

**66.0733 Repayment of assessments in certain cases.** (intro.) ~~If in any city or town any a~~ contract for improvements entered into by a governmental unit authorized to levy special assessments is declared void by ~~any a~~ court of last resort ~~on the following grounds:~~ want of power to make such contract; made contrary to a prohibition against contracting in any other than a specified way; or forbidden by statute, and if the governing body of the city or town has not adopted the resolution referred to in s. 66.295 (1) relating to payment of any person who has furnished any benefits under the void contract, the governing body of the city or town may provide that all persons who have paid all or any part of any assessment levied against the abutting property owners by reason because of the improvement may be reimbursed the amount of the assessment, paid from the fund, as that the governing body may determine. determines. This section applies to contracts for improvements that are void for any of the following reasons:

(1) There was insufficient authority to make the contract.

(2) The contract was made contrary to a prohibition against contracting in other than a specified way.

(3) The contract was prohibited by statute.

NOTE: Expands the scope of the provision to include any governmental entity authorized to levy special assessments.

Reflects the repeal of s. 66.295 by SECTION 336.

**SECTION 502.** 66.54 (title) of the statutes is renumbered 66.0713 (title) and amended to read:

**66.0713 (title) Special improvement bonds; Contractor's certificates; general obligation-local improvement bonds; special assessment B bonds.**

**SECTION 503.** 66.54 (1) of the statutes is renumbered 66.0713 (1), and 66.0713 (1) (intro.), (c) and (d), as renumbered, are amended to read:

66.0713 (1) DEFINITIONS. (intro.) ~~Wherever used or referred to in~~ In this section, unless a different meaning clearly appears from the context:

(c) "Municipality" "Local governmental unit" means county, city, village, town, farm drainage board, sanitary districts, utility districts, public inland lake protection and rehabilitation districts, and all other public boards, commissions or districts, except 1st class cities, authorized by law to levy special assessments for public improvements against the property benefited by the special improvements.

(d) "Public improvement" means the result of the performance of work or the furnishing of materials or both, for which special assessments are authorized to be levied against the property benefited ~~thereby~~ by the work or materials.

**SECTION 504.** 66.54 (2) of the statutes is repealed.

NOTE: Repealed as unnecessary. The repealed subsection provides a noninclusive list of methods of funding public improvements by municipalities. Independent authority exists for these funding methods.

**SECTION 505.** 66.54 (3) (title) of the statutes is repealed.

**SECTION 506.** 66.54 (3) of the statutes is renumbered 66.0709 (2) and amended to read:

66.0709 (2) ~~Whenever~~ If it is determined that the cost of any a public improvement about to be made is to be paid, wholly in whole or in part, by special assessments against the property to be benefited by the improvement, the resolution authorizing ~~such the~~ public improvement shall provide ~~and require~~ that the whole, or any stated proportion, or no part of the estimated aggregate cost of ~~such the~~ public improvement, which is to be levied as special assessments, shall be paid into the ~~municipal treasury of the local governmental unit~~ in cash. ~~No such~~ The public improvement shall ~~may not~~ be commenced nor any contract for the improvement let therefor ~~unless and until such the~~ payment, if any, required by ~~said the~~ resolution, is paid into the treasury of the municipality local governmental unit by the owner or persons having an interest in the property to be benefited, ~~which. The~~ payment shall be credited ~~on against~~ the amount of the special assessments levied or to be levied against benefited property designated by the payer. ~~In the event that~~ If a preliminary payment is required by ~~said the~~ resolution, the refusal of one or more owners or persons having an interest in the property to be benefited to pay ~~such any~~ preliminary payments shall does not prevent the making of ~~such the~~ improvement, if the entire specified sum is obtained from the remaining owners or interested parties.

**SECTION 507.** 66.54 (4) (title) of the statutes is renumbered 66.0711 (title) and amended to read:

**66.0711** (title) **Discount on contract price cash payments for public improvements.**

**SECTION 508.** 66.54 (4) of the statutes is renumbered 66.0711 (2) and amended to read:

66.0711 (2) Every bid hereafter received for any public improvement which is not to be paid wholly in cash shall contain a provision that all payments made in cash

by the municipality local governmental unit as provided by contract or made on special assessments ~~as hereinafter provided shall be~~ are subject to a specified rate of discount. The ~~municipal treasurer of the local governmental unit~~ shall issue a receipt for every ~~such~~ payment made on any special assessment, stating the date and amount of the cash payment, the discount and the total credit including ~~such the~~ discount, on a specified special assessment ~~or assessments~~. The treasurer shall on the same day deliver a duplicate of ~~such the~~ receipt to the clerk, who shall credit the specified assessments accordingly. All moneys so received shall be paid to the contractor as provided by the contract.

**SECTION 509.** 66.54 (5) of the statutes is renumbered 66.0713 (9) and amended to read:

66.0713 (9) **PAYMENT BY MUNICIPALITY LOCAL GOVERNMENTAL UNIT.** ~~Whenever any such~~ If a public improvement has been paid for by the municipality local governmental unit, contractor's certificates ~~as provided for in under~~ sub. (6), ~~or (2),~~ general obligation-local improvement bonds ~~as provided for in sub. (9) under s. 67.16,~~ or special assessment B bonds ~~as provided for in under~~ sub. (10) (4) may be issued to the municipality local governmental unit as the owner thereof ~~of the certificates or bonds~~. All of the provisions of subs. (6), (9) and (10) (2) and (4) and s. 67.16 applicable to the contractor or to the owner of ~~such the~~ contractor's certificates ~~or to such the~~ general obligation-local improvement bonds or ~~to such the~~ special assessment B bonds shall be deemed to include the municipality local governmental unit which has paid for ~~such the~~ improvement and to which ~~such the~~ contractor's certificates, general obligation-local improvement bonds or special assessment B bonds have been issued, except as otherwise provided in this section ~~otherwise provided~~.

**SECTION 510.** 66.54 (6) (title) of the statutes is renumbered 66.0713 (2) (title).

**SECTION 511.** 66.54 (6) (a) and (b) of the statutes are renumbered 66.0713 (2) (a) and (b) and amended to read:

66.0713 (2) (a) ~~Whenever any~~ If a public improvement has been made and has been accepted by the governing body of the municipality local governmental unit, it may ~~cause to be issued~~ issue to the contractor for ~~such the~~ public improvement, a contractor's certificate as to each parcel of land against which special assessments have been levied for the unpaid balance of the amount chargeable ~~thereto to the parcel~~, describing each parcel. ~~Such The~~ certificate shall be substantially in the following form:

\$.... No. ....  
(name of municipality local governmental unit)  
CONTRACTOR'S CERTIFICATE  
FOR CONSTRUCTION OF ....  
(name of municipality local governmental unit)  
ISSUED PURSUANT TO

SECTION 66.54 (6) 66.0713 (2), WIS. STATS.

We, the undersigned officers of the (name of municipality), hereby local governmental unit, certify that (name and address of contractor) has performed the work of constructing .... in .... benefiting the following premises, to-wit: (insert legal description) in the (name of municipality local governmental unit) .... County, Wisconsin, pursuant to a contract entered into by said (name of municipality local governmental unit) with the said .... (name of contractor), dated ....., and that .... entitled to the sum of .... dollars, being the unpaid balance due for said the work chargeable to the property hereinabove described above.

Now, therefore, If the said sum shall unpaid balance due is not be paid to the treasurer of (name of municipality local governmental unit) before the first day of the following December, next, the same that amount shall be extended upon the tax roll of the (name of municipality local governmental unit) against the property above described as listed therein in the tax roll, and collected for, as provided by law.

This certificate is transferable by indorsement but such an assignment or transfer shall be by indorsement is invalid unless the same shall be recorded in the office of the clerk of the (name of municipality local governmental unit) and the fact of such the recording is indorsed on this certificate. THE HOLDER OF THIS CERTIFICATE SHALL HAVE HAS NO CLAIM UPON THE (Name of municipality) IN ANY EVENT local governmental unit, EXCEPT FROM THE PROCEEDS OF THE SPECIAL ASSESSMENTS LEVIED FOR SAID THE WORK AGAINST THE ABOVE DESCRIBED LAND.

This certificate shall bear interest from its date to the following January 1 next succeeding.

Given under our hands at (name of municipality local governmental unit), this .... day of ....., .... (year)

.... ....

(Mayor, President, Chairperson)

Countersigned:

.... ....

Clerk, (name of municipality local governmental unit)

ASSIGNMENT RECORD

Assigned by .... (Original Contractor) to .... (Name of Assignee) of .... (Address of Assignee) .... (Date and signature of clerk)

(b) Such certificate shall in no event be a municipal A contractor's certificate is not a liability of a local governmental unit and shall so state in boldface type printed on the face thereof of the certificate. Upon issuance of said a certificate, the clerk of the municipality local governmental unit shall at once immediately deliver to the municipal treasurer of the local governmental unit a schedule of each such certificate showing the date, amount, number, date of maturity, person to whom issued and parcel of land against which the assessment is made. The treasurer shall thereupon notify, by mail, the owner

of said the parcel, as the same owner appears on the last assessment roll, that payment is due on said the certificate at the office of said the treasurer, and if such the owner shall pay such pays the amount or part thereof so due, said the clerk shall cause the same to be paid pay that amount to the registered holder of said the certificate, and shall indorse such the payment on the face of said the certificate and on the clerk's record thereof of the certificate. The clerk shall keep a record of the names of the persons, firms or corporations to whom such contractor's certificates shall be are issued and of the assignees thereof of certificates when the fact of assignment is made known to such the clerk. Assignments of such contractor's certificates shall be are invalid unless recorded in the office of the clerk of the municipality local governmental unit and the fact of such recording be is indorsed on said the certificate. Upon final payment of the certificate, the same certificate shall be delivered to the treasurer of the municipality local governmental unit and by the treasurer delivered to such the clerk. On the first of each month, to and including December 1, the treasurer shall certify to the clerk a detailed statement of all payments made on such certificates.

SECTION 512. 66.54 (6) (c) of the statutes is renumbered 66.0713 (10) and amended to read:

66.0713 (10) After the expiration of 90 days from the date of such a contractor's certificate or any general obligation local improvement bond or special assessment B bond hereinafter provided for, the same shall be certificate or bond is conclusive evidence of the legality of all proceedings up to and including the issue thereof of the certificate or bond and prima facie evidence of the proper construction of the improvement.

SECTION 513. 66.54 (6) (d) of the statutes is renumbered 66.0713 (2) (c) and amended to read:

66.0713 (2) (c) If said certificates are a contractor's certificate is not paid before December 1 in the year in which they are issued, the comptroller or clerk of the municipality local governmental unit shall thereupon include in the statement of special assessments to be placed in the next tax roll an amount sufficient to pay such certificates the certificate, with interest thereon from the date of such certificates the certificate to the following January 1 next succeeding, and thereafter the same proceedings for the collection of that amount shall be the same as the proceedings shall be had as in the case for the collection of general property taxes, except as otherwise provided in this section otherwise provided. Such. The delinquent taxes shall be returned to the county treasurer in trust for collection and not for credit. All moneys collected by the municipal treasurer of the local governmental unit or by the county treasurer and remitted to the municipal treasurer of the local governmental unit on account of such the special assessments shall be delivered to the owner of the contractor's certificate on demand.

**SECTION 514.** 66.54 (7) of the statutes is renumbered 66.0715 (3), and 66.0715 (3) (title), (a) to (f), (fm) 2. b. and 3. and (g), as renumbered, are amended to read:

66.0715 (3) (title) ANNUAL INSTALMENTS OF SPECIAL ASSESSMENTS. (a) The governing body of any municipality a local governmental unit may provide that special assessments levied to defray the cost of any a public improvement or a project constituting part of a general public improvement, except sprinkling or oiling streets, may be paid in annual instalments.

(b) The first instalment shall include a proportionate part of the principal of the special assessment, determined by the number of instalments, together with interest on the whole assessment from ~~such a date, not prior to before~~ the date of the notice hereinafter provided for under par. (e), and to ~~such that~~ date, not later than December 31, in the year in which ~~same~~ the instalment is to be collected as shall be determined by the governing body, and each. Each subsequent instalment shall include a like the same proportion of the principal and one year's interest ~~upon~~ on the unpaid portion of ~~such the~~ assessment.

(c) The first instalment shall be entered in the first tax roll prepared after ~~said the~~ instalments shall have been determined as a special tax on the property upon which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other municipal tax of a local governmental unit, except as otherwise provided in this section otherwise provided. ~~One of the subsequent instalments.~~ Each subsequent instalment shall be entered in a like manner and with like effect in each of the subsequent annual tax rolls thereafter until all instalments are levied.

(d) If any instalment so entered in the tax roll shall ~~is~~ not be paid to the municipal treasurer of the local governmental unit with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate, except as otherwise provided in this section otherwise provided.

(e) ~~Whenever~~ If the governing body determines to permit any special assessments for any a local improvements improvement to be paid in instalments it shall publish a class 1 notice, under ch. 985. ~~Such The~~ notice shall be substantially in the following form:

#### INSTALMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvement) and that the amount of the special assessment ~~therefor~~ for the improvement has been determined as to each parcel of real estate affected ~~thereby~~ and a statement of the same assessment is on file with the.... clerk; it is proposed to collect the ~~same~~ special assessment in.... instalments, as provided for by section 66.54 ~~66.0715~~ of the Wisconsin statutes Statutes, with interest ~~thereon~~ at.... per cent per cent per year; that all assessments will be collected in instalments as provided above ~~provided~~ except such

assessments on property where the owner ~~of the same~~ shall file files with the.... clerk within 30 days from date of this notice a written notice that the owner elects to pay the special assessment on the owner's property, describing the ~~same~~ property, to the.... treasurer on or before the ~~next succeeding following~~ following November 1, unless the election is revoked. If, after making ~~such the~~ election, ~~said the~~ property owner fails to make the payment to the.... treasurer, the.... clerk shall place the entire assessment on the ~~next succeeding following~~ following tax roll.

Dated....

.... [Clerk of (name of municipality local governmental unit)]

(f) After the time for making an initial election to pay the special assessment in full under par. (e) expires, any the assessment may be paid in full before due, ~~only~~ upon the payment of ~~such that~~ portion of the interest to become due ~~thereon~~ as the governing body shall ~~determine~~ determine.

(fm) 2. b. Interest on that amount at the rate used by the municipality local governmental unit for instalment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the instalment is paid.

3. If the first instalment has not been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who revoked his or her initial election to make a lump sum payment shall be an amount calculated under par. (b) plus interest on that amount at the rate used by the municipality local governmental unit for instalment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the instalment is paid.

(g) A schedule of the assessments and assessment instalments ~~thereof~~ shall be recorded in the office of the clerk of the municipality ~~forthwith~~ local governmental unit as soon as practicable.

**SECTION 515.** 66.54 (8) of the statutes is repealed.

NOTE: Repealed as unnecessary. Authority to issue general obligation-local improvement bonds and special assessment B bonds is provided independently in other provisions of renumbered s. 66.54.

**SECTION 516.** 66.54 (9) (title) of the statutes is renumbered 66.0713 (3) (title).

**SECTION 517.** 66.54 (9) (a) of the statutes is renumbered 66.0713 (3) and amended to read:

66.0713 (3) For the purpose of anticipating the collection of special assessments payable in instalments as provided in ~~this section s. 66.0621 (3)~~ and after ~~such the~~ instalments have been determined, the governing body may issue general obligation-local improvement bonds as ~~more particularly described in this subsection under s. 67.16.~~



**SECTION 518.** 66.54 (9) (b) and (c) of the statutes are renumbered 67.16 (2) (b) and (c) and amended to read:

67.16 (2) (b) The issue of ~~such general obligation-local improvement~~ bonds shall be in an amount not to exceed ~~exceeding~~ the aggregate unpaid special assessments levied for the public improvement ~~which such that~~ the issue is to finance. A single issue of ~~such the~~ bonds may be used to finance one or more different local improvements for which special assessments are authorized to be made in the same year. Sections 67.035, 67.06, 67.07, 67.08 and 67.11, where not contrary to the provisions of this section, ~~shall be applicable to such apply to the~~ bonds. ~~Such The~~ bonds shall mature in the same number of instalments as ~~said the underlying~~ special assessments, but the date of maturity of each instalment of ~~said the~~ bonds shall be fixed in October, November or December. The first maturity of ~~such the~~ bonds may be in the ~~second 2nd~~ year following the date of levy of the first instalment of the underlying special assessment. At the time of ~~that~~ the authorization of ~~such bonds are authorized,~~ the governing body of the ~~municipality local governmental unit~~ shall levy a tax upon all the taxable property of ~~said municipality the local governmental unit~~ sufficient to provide for the payment of the principal and interest of ~~said the~~ bonds at maturity, ~~which. The~~ tax levy ~~shall be is~~ irrevocable. All collections of instalments of the special assessments levied to pay for ~~such the~~ public improvement, either before or after delinquency ~~thereof,~~ shall be placed by the ~~municipal treasurer of the local governmental unit~~ in a special debt service fund, designated and identified for ~~such the~~ issue of ~~such the~~ bonds, and shall be used only for the payment of ~~said the~~ bonds and interest of ~~such the~~ issue. The annual instalment of the irrevocable tax levied for the purpose of payment of ~~such the~~ bonds and interest ~~thereon,~~ ~~on the bonds~~ shall be diminished by the amount on hand in ~~such the~~ debt service fund on November 1 of each tax levy year after deducting any unpaid interest and principal due in that year, and ~~said the~~ amount so on hand in ~~said the~~ fund shall be applied to the payment of the next succeeding instalment of principal and interest named on ~~said the~~ bonds. Any deficiency in the debt service fund for the payment of ~~such the~~ bonds and interest ~~thereon~~ at maturity shall be paid out of the general fund of the ~~municipality local governmental unit~~ and ~~such the~~ general fund shall be reimbursed from the collection of ~~such that~~ part of the ~~aforsaid~~ irrevocable tax as ~~that~~ is actually levied. Any surplus in ~~said the~~ debt service fund after all bonds and interest ~~thereon~~ are fully paid, shall be paid into the general fund.

(c) If any instalment of the ~~aforsaid~~ special assessment so ~~that is~~ entered in the tax roll ~~shall is~~ not be paid to the ~~municipal treasurer of the local governmental unit~~ with the other taxes, it shall be returned to the county treasurer as delinquent in trust for collection.

NOTE: Provisions of s. 66.54 relating to general obligation-local improvement bonds are relocated to ch. 67, relating to general obligation debt. See, also, SECTION 623 of this bill.

**SECTION 519.** 66.54 (10) and (11) of the statutes are renumbered 66.0713 (4) and (5) and amended to read:

66.0713 (4) SPECIAL ASSESSMENT B BONDS. (a) For the purpose of anticipating the collection of special assessments payable in instalments, as provided in ~~this section s. 66.0715 (3)~~ and after ~~said the~~ instalments have been determined, the governing body may issue special assessment B bonds payable out of the proceeds of ~~such the~~ special assessments as provided in this section. ~~Such The~~ bonds shall in no event be ~~are not~~ a general ~~municipal liability of the local governmental unit.~~

(b) The issue of ~~such special assessment B~~ bonds shall be in an amount not to exceed ~~exceeding~~ the aggregate unpaid special assessments levied for the public improvement ~~which such that the~~ issue is to finance. A separate bond shall be issued for each separate assessment and ~~said the~~ bond shall be secured by and be payable out of only the assessment against which it is issued. ~~Such The~~ bonds shall mature in the same number of instalments as ~~said the underlying~~ special assessments. ~~Such The~~ bonds shall carry coupons equal in number to the number of special assessments, ~~which. The~~ coupons shall be detachable and entitle the owner ~~thereof of the bond~~ to the payment of principal and interest collected on the underlying special assessments. ~~Such The~~ bond shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. Each bond shall include a statement that it is payable only out of the special assessment on the particular property against which it is issued and the purpose for which ~~same the assessment~~ was levied and ~~such other provisions as that~~ the governing body ~~shall deem proper to insert inserts.~~

(ba) Payments of principal and interest shall conform as nearly as ~~may be possible~~ to the payments to be made on the instalments of the assessment, and the principal and interest to be paid on the bonds shall not exceed the principal and interest to be received, on the assessment. All collections of instalments of the special assessments levied to pay for ~~such the~~ public improvement, either before or after delinquency ~~thereof,~~ shall be placed by the ~~municipal treasurer of the local governmental unit~~ in a special debt service fund designated and identified for ~~such the bond~~ issue of bonds and shall be used only for the payment of ~~said the~~ bonds and interest of ~~such the~~ issue. Any surplus in ~~said the~~ debt service fund after all bonds and interest ~~thereon~~ are fully paid, shall be paid into the general fund.

(c) ~~Such Special assessment B~~ bonds ~~must shall~~ be registered in the name of the owner ~~thereof~~ on the records of the clerk of the ~~municipality by which said bonds were local governmental unit that issued the bonds.~~ Upon

transfer of the ownership of ~~such~~ the bonds the fact of ~~such~~ transfer must shall be noted upon the bond and on the record of the clerk of ~~such~~ municipality the local governmental unit. Any transfer not so recorded ~~shall be null and is void~~ and the clerk of the ~~municipality~~ shall be entitled to local governmental unit may make payments of principal and interest to the owner of the bond as registered on the books of the ~~municipality~~ local governmental unit.

(d) Principal and interest collected on the underlying special assessments ~~as well as~~ and interest collected on the delinquent special assessments and on delinquent tax certificates issued ~~therefor~~ for the delinquent assessments shall be paid by the treasurer of the ~~municipality~~ local governmental unit out of the debt service fund created for the issue of ~~such~~ the bonds to the registered holder ~~thereof~~ of the bonds upon the presentation and surrender of the coupons due attached to ~~said~~ the bonds. If any instalment of the ~~aforsaid~~ special assessment entered in the tax roll ~~shall is~~ not be paid to the ~~municipal~~ treasurer of the local governmental unit with the other taxes, it shall be returned to the county treasurer as delinquent in trust for collection.

(e) If the tax certificate resulting from the delinquent special assessment is redeemed by any person, ~~firm or corporation~~ other than the county, the county treasurer shall pay to the ~~municipality~~ local governmental unit the full amount received ~~therefor~~ for the tax certificate, including interest, and the ~~municipal~~ treasurer of the local governmental unit shall ~~thereupon~~ then pay the amount of ~~such~~ the remittance into a special debt service fund created for the payment of ~~such~~ the special assessment B bonds.

(5) ~~AREA-GROUPING OF AREA-GROUPED SPECIAL ASSESSMENTS ASSESSMENT B BONDS.~~ (a) ~~Whenever~~ If the governing body determines to issue special assessment B bonds pursuant to subs. (9) and (10) under sub. (4), it may group the special assessments levied against benefited lands and issue ~~such of the~~ bonds against ~~such the~~ special assessments ~~so~~ grouped as a whole. All ~~such of the~~ bonds shall be equally secured by ~~such the~~ assessments without priority one over the other.

(b) ~~The~~ All of the following provisions shall be applicable apply to area-grouped special assessment B bonds issued under this section:

1. For the purpose of anticipating the collection of special assessments payable in instalments under this section and after ~~said~~ the instalments have been determined, the governing body may issue area-grouped special assessment B bonds payable out of the proceeds of ~~such the~~ special assessments as provided herein. ~~Such~~ under sub. (4). The bonds shall in no event be are not a general ~~municipal~~ liability of the local governmental unit.

2. The issue of ~~such the~~ bonds shall be in an amount not to ~~exceed~~ exceeding the aggregate unpaid special

assessments levied for the public improvement or projects which ~~such the~~ issue is to finance. ~~Such~~ The bonds shall mature over substantially the same period of time in which the special assessment instalments are to be paid. ~~Such~~ The bonds shall be bearer bonds or may be registered bonds under s. 67.09. The bonds shall be executed as provided in s. 67.08 (1) and shall include a statement that they are payable only from the special debt service fund provided for in subd. 4. and a fund created under sub. (15) (7) for the collection and payment of ~~such the~~ special assessment and ~~such any~~ other provisions as ~~that~~ the governing body deems proper to insert.

4. All collections of principal and interest on the underlying special assessments and instalments ~~thereof~~, either before or after delinquency and after issuance of a tax certificate under s. 74.57, shall be placed by the ~~municipal~~ treasurer of the local governmental unit in a special debt service fund created, designated and identified for the issue of ~~such the~~ bonds and used only for payment of ~~said the~~ bonds and interest ~~thereon~~ on the bonds to the holders of the bonds or coupons in accordance with the terms of the issue. Any surplus in the debt service fund, after all bonds and interest ~~thereon~~ on the bonds are fully paid, shall be paid into the general fund.

5. If the tax certificate is redeemed by any person other than the county, the county treasurer shall pay to the ~~municipality~~ local governmental unit the full amount received ~~therefor~~ for the certificate, including interest, and the ~~municipal~~ treasurer of the local governmental unit shall ~~thereupon~~ pay the amount of ~~such the~~ remittance into the special debt service fund created for the payment of ~~such the~~ bonds.

7. A holder of the bonds or of any coupons attached thereto shall have to the bonds has a lien against the special debt service fund created under subd. 4. for payment of ~~said the~~ bonds and interest ~~thereon~~ on the bonds and against any reserve fund created under sub. (15) (7) and may either at law or in equity protect and enforce ~~such the~~ lien and compel performance of all duties required by this section of the ~~municipality~~ local governmental unit issuing ~~said the~~ bonds.

**SECTION 520.** 66.54 (12) (title) of the statutes is renumbered 66.0719 (title).

**SECTION 521.** 66.54 (12) of the statutes is renumbered 66.0719 (2) and amended to read:

66.0719 (2) If a special assessment is levied for any public improvement, any amount collected on that special assessment or received from the county shall be deposited in the general fund of the ~~municipality~~ local governmental unit if the payment for the improvement was made out of its general fund, deposited in the funds and accounts of a public utility established under s. 66.066 66.0621 (2) (c) if ~~such the~~ improvement was paid out of the proceeds of revenue obligations of the ~~municipality~~ local governmental unit or deposited in the debt service fund required for the payment of bonds or notes

issued under ch. 67 if ~~such the~~ improvement was paid out of the proceeds ~~thereof of the bonds or notes~~. That special assessment, when delinquent, shall be returned in trust for collection and the ~~municipality shall have~~ local governmental unit has the same rights as provided in ~~sub. (9) (e)~~ s. 66.0713 (3) (c).

**SECTION 522.** 66.54 (15) and (15m) of the statutes are renumbered 66.0713 (7) and (8) and amended to read:

66.0713 (7) RESERVE FUND FOR SPECIAL ASSESSMENT B BONDS AND REFUNDING B BONDS. If the governing body determines to issue special assessment B bonds under sub. ~~(10) (4)~~ or refunding B bonds under sub. ~~(16) (6)~~, it may establish in its treasury a fund to be designated as a reserve fund for the particular bond issue, to be maintained until ~~such the~~ obligation is paid or otherwise extinguished. Any surplus in the reserve fund after all the bonds have been paid or canceled shall be carried into the general fund of the ~~municipal~~ local governmental unit's treasury. The source of ~~said the~~ fund shall be established either from proceeds of the bonds, the general fund of the ~~municipal~~ local governmental unit's treasury or by the levy of an irrevocable and irrevocable general tax. ~~Such The bonds shall in no event be are not~~ a general ~~municipal~~ liability of the local governmental unit.

(8) PAYMENT OF B BONDS FROM TAX LEVY. Any ~~municipality~~ local governmental unit authorized to issue special assessment B bonds, in addition to the special assessments or bond proceeds or other sources, may appropriate funds out of its annual tax levy for the payment of the bonds. The payment of ~~such the~~ bonds out of funds from a tax levy, ~~however,~~ may not be construed as constituting an obligation of ~~such municipality~~ the local governmental unit to make any other such appropriation.

**SECTION 523.** 66.54 (16) of the statutes is renumbered 66.0713 (6) and amended to read:

66.0713 (6) REFUNDING B BONDS. Any ~~municipality~~ A local governmental unit may issue refunding B bonds to refund any outstanding special assessment B bonds issued under sub. ~~(10) or (11)~~. ~~These (4) or (5)~~. The refunding B bonds shall be secured by and payable only from the special assessments levied to pay for the public improvements financed by the bonds to be refunded, and ~~shall are~~ not be a general ~~municipal~~ liability of the local governmental unit. If bonds issued under sub. ~~(10) (4)~~ are to be refunded, the provisions of sub. ~~(10) (4)~~ (b) to (e) shall apply to the refunding B bonds; if bonds issued under sub. ~~(11) (5)~~ are to be refunded, the provisions of sub. ~~(11) (5)~~ (b) shall apply to the refunding B bonds. If the governing body determines that it is necessary to amend the prior assessments in connection with the issuance of refunding B bonds under this section, it may reconsider and reopen the assessments under s. ~~66.60 66.0703~~ (10). The notice and hearing ~~provided for~~ under s. ~~66.60 66.0703~~ (10) may be waived under s. ~~66.60 (18) 66.0703~~ (7) (b) by the owners of the property affected. If the assessments are amended, the refunding B bonds

shall be secured by and payable from the special assessments as amended. If the assessments are amended, all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed. If the governing body determines to issue refunding B bonds, it may create a reserve fund for the issue under sub. ~~(15) (7)~~.

**SECTION 524.** 66.55 of the statutes is renumbered 66.0617.

**SECTION 525.** 66.60 (title) of the statutes is renumbered 66.0703 (title) and amended to read:

**66.0703** (title) **Special assessments and charges, generally.**

**SECTION 526.** 66.60 (1), (2), (3) and (4) of the statutes are renumbered 66.0703 (1), (4), (5) and (6), and 66.0703 (1), (4), (5) (intro.), (c) (intro.) and 3. and (d) and (6), as renumbered, are amended to read:

66.0703 (1) (a) Except as provided in ~~sub. (6m) s. 66.0721~~, as a complete alternative to all other methods provided by law, any city, town or village may, by resolution of its governing body, levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon ~~such the~~ property by any municipal work or improvement; and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of ~~such the~~ special assessments.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall may not exceed the value of the benefits accruing to the property ~~therefrom, and for those representing~~. If an assessment represents an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the governing body of the city, town or village.

(4) ~~Prior to~~ Before the exercise of any powers conferred by this section, the governing body shall declare by preliminary resolution its intention to exercise ~~such the~~ powers for a stated municipal purpose. ~~Such The~~ resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of instalments in which the special assessments may be paid, or that the number of instalments will be determined at the hearing required under sub. (7), and direct the proper municipal officer or employe to make a report ~~thereon~~. Such on the proposal. The resolution may limit the proportion of the cost to be assessed.

(5) (intro.) The report required by sub. ~~(2) (4)~~ shall consist of:

(c) (intro.) ~~An~~ Except as provided in par. (d), an estimate, as to each parcel of property affected, of:

3. The net amount of ~~such the~~ benefits over damages or the net amount of ~~such the~~ damages over benefits.

(d) A statement that the property against which the assessments are proposed is benefited, ~~where if~~ the work or improvement constitutes an exercise of the police

power. ~~In such case~~ If this paragraph applies, the estimates required under par. (c) shall be replaced by a schedule of the proposed assessments.

(6) A copy of the report when completed shall be filed with the municipal clerk for public inspection. If property of the state may be subject to assessment under s. ~~66.64 66.0705~~, the municipal clerk shall file a copy of the report with the state agency which manages the property. If the assessment to the property of the state for a project, as defined under s. ~~66.64 66.0705~~ (2), is \$50,000 or more, the state agency shall submit a request for approval of the assessment, with its recommendation, to the building commission. The building commission shall review the assessment and shall determine within 90 days of the date on which the commission receives the report if the assessment is just and legal and if the proposed improvement is compatible with state plans for the facility which is the subject of the proposed improvement. If the building commission so determines, it shall approve the assessment. No project in which the property of the state is assessed at \$50,000 or more may be commenced and no contract on ~~such the~~ project may be let without approval of the assessment by the building commission under this subsection. The building commission shall submit a copy of its determination under this subsection to the state agency ~~which that~~ manages the property which is the subject of the determination.

**SECTION 527.** 66.60 (5) of the statutes is renumbered 66.0703 (2) and amended to read:

66.0703 (2) The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost ~~thereof~~, the resulting damages ~~occasioned thereby~~, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the city, town or village and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost ~~which that~~ may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for ~~any such the~~ proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the governing body.

**SECTION 528.** 66.60 (6) of the statutes is renumbered 66.0703 (1) (c) and amended to read:

66.0703 (1) (c) If any property ~~deemed that is~~ benefited ~~shall is~~ by ~~reason of any provision of law~~ be exempt from assessment ~~therefor, such, the~~ assessment shall be computed and shall be paid by the city, town or village.

**SECTION 529.** 66.60 (6a) of the statutes is renumbered 66.0703 (3) and amended to read:

66.0703 (3) A parcel of land against which ~~has been~~ levied a special assessment has been levied for the sanitary sewer or water main laid in one of the streets ~~upon which it that the parcel~~ abuts, ~~shall be is~~ entitled to such a deduction or exemption as that the governing body

determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street ~~upon which such that the~~ corner lot abuts. The governing body may allow a similar deduction or exemption from special assessments levied for any other public improvement.

**SECTION 530.** 66.60 (6m) of the statutes is renumbered 66.0721, and 66.0721 (1) (intro.) and (b), (2) and (3) (b) and (c), as renumbered, are amended to read:

66.0721 (1) (intro.) In this ~~subsection~~ section:

(b) "Eligible farmland" means a parcel of 35 or more acres of contiguous land which is devoted exclusively to agricultural use which during the year preceding the year in which the land is subject to a special assessment under this ~~subsection~~ section produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding the year in which the land is subject to a special assessment under this ~~subsection~~ section, produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000.

(2) Except as provided in ~~par. (e)~~ sub. (3), no town sanitary district or town may levy any special assessment on eligible farmland for the construction of a sewerage or water system.

(3) (b) If after an initial special assessment for the construction of a sewerage or water system is levied in a service area any eligible farmland subject to ~~subd. 1, par. (a)~~ or exempted from a special assessment under ~~par. (b)~~ sub. (2) is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, the town sanitary district or town may levy on each parcel on which it has either levied a special assessment under ~~subd. 1, par. (a)~~ or has not levied a special assessment for the construction of a sewerage or water system a special assessment for that purpose that does not exceed the amount of the special assessment for that purpose that would have been levied on the parcel if the parcel had not been exempt under ~~par. (b)~~ sub. (2) or that has already been levied under ~~subd. 1, par. (a)~~. The special assessment shall be apportioned among the parcels resulting from the division in proportion to their area. The town sanitary district or town may also charge interest, from the date the eligible farmland is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland under this ~~subdivision~~ paragraph. This ~~subdivision~~ paragraph does not apply to any eligible farmland unless the town sanitary district or town records a lien on that eligible farmland in the office of the register of deeds within

90 days after it first levies a special assessment for the construction of a sewerage or water system for the service area in which the eligible farmland is located, describing either the applicability of ~~subd. 1. par. (a)~~ or the exemption under ~~par. (b) sub. (2)~~ and the potential for a special assessment under this ~~subdivision paragraph~~.

(c) If, after a town sanitary district or town first levies a special assessment for the construction of a sewerage or water system in a service area, the eligible farmland in that service area exempted from the special assessment under ~~par. (b) sub. (2)~~ is not devoted exclusively to agricultural use for a period of one year or more, the town sanitary district or town may levy on that eligible farmland the special assessment for the construction of a sewerage or water system that it would have levied if the eligible farmland had not been exempt under ~~par. (b) sub. (2)~~. The town sanitary district or town may also charge interest, from the date the eligible farmland has not been devoted exclusively to agricultural use for a period of at least one year, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland. This ~~subdivision paragraph~~ does not apply to any land unless the town or special purpose district records a lien on that eligible farmland in the office of the register of deeds within 90 days after it first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located, describing the exemption under ~~par. (b) sub. (2)~~ and the potential for a special assessment under this ~~subdivision paragraph~~.

**SECTION 531.** 66.60 (7) of the statutes is renumbered 66.0703 (7) (a) and amended to read:

66.0703 (7) (a) Upon the completion and filing of the report required by sub. (3) (4), the city, town or village clerk shall ~~cause prepare a notice to be given~~ stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district including, in the discretion of the governing body, a small map thereof, the place and time at which the report may be inspected, and the place and time at which all interested persons interested, or their agents or attorneys, may appear before the governing body ~~or a committee thereof of the governing body~~ or the board of public works and be heard concerning the matters contained in the preliminary resolution and the report. ~~Such~~ The notice shall be published as a class 1 notice, under ch. 985, in the city, town or village and a copy of ~~such the~~ notice shall be mailed, at least 10 days before the hearing or proceeding, to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

The hearing shall commence not less than 10 ~~and not~~ nor more than 40 days after ~~such~~ publication.

**SECTION 532.** 66.60 (8) to (12) and (15) of the statutes are renumbered 66.0703 (8) to (12) and (13) and amended to read:

66.0703 (8) (a) After the hearing upon any proposed work or improvement, the governing body may approve, disapprove or modify, or it may rerefer the report prepared ~~pursuant to under~~ subs. (2) (4) and (3) (5) to the designated officer or employe with ~~such~~ directions as ~~it deems necessary~~ to change the plans and specifications and to accomplish a fair and equitable assessment.

(b) If an assessment of benefits ~~be is~~ made against any property and an award of compensation or damages ~~be is~~ made in favor of the same property, the governing body shall assess against or award in favor ~~thereof of the property~~ only the difference between ~~such the~~ assessment of benefits and the award of damages or compensation.

(c) When the governing body finally determines to proceed with the work or improvement, it shall approve the plans and specifications ~~therefor~~ and adopt a resolution directing that ~~such the~~ work or improvement be carried out and paid for in accordance with the report as finally approved ~~and that payment therefor be made as therein provided~~.

(d) The city, town or village clerk shall publish the final resolution as a class 1 notice, under ch. 985, in the assessment district and a copy of ~~such the~~ resolution shall be mailed to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

(e) When the final resolution is published, all work or improvements ~~therein~~ described in the resolution and all awards, compensations and assessments arising ~~therefrom from the resolution~~ are ~~deemed legally then~~ authorized and made, subject to the right of appeal under sub. (12).

(9) ~~Where~~ If more than a single type of project is undertaken as part of a general improvement affecting any property, the governing body may finally combine the assessments for all purposes as a single assessment on each property affected, ~~provided that if~~ each property owner ~~shall be enabled to~~ may object to ~~any such the~~ assessment for any single purpose or for more than one purpose.

(10) If the actual cost of any project ~~shall~~, upon completion or after the receipt of bids, ~~be is~~ found to vary materially from the estimates, ~~or if~~ any assessment is void or invalid ~~for any reason~~, or if the governing body ~~shall determine~~ decides to reconsider and reopen any assessment, it is ~~empowered~~ may, after giving notice as provided in sub. (7) (a) and after a public hearing, ~~to amend, cancel or confirm any such the~~ prior assessment, ~~and thereupon, A~~ notice of the resolution amending, canceling or confirming ~~such the~~ prior assessment shall be

given by the clerk as provided in sub. (8) (d). If the assessments are amended to provide for the refunding of special assessment B bonds under s. 66.54(16) 66.0713 (6), all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed.

(11) If the cost of the project ~~shall be~~ is less than the special assessments levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately and ~~where if~~ any assessments or instalments ~~thereof~~ have been paid the excess over cost shall be applied to reduce succeeding unpaid instalments, ~~where if~~ the property owner has elected to pay in instalments, or refunded to the property owner.

(12) (a) ~~If any~~ A person having an interest in ~~any~~ a parcel of land affected by ~~any~~ a determination of the governing body, ~~pursuant to~~ under sub. (8) (c), (10) or (11), feels aggrieved ~~thereby~~ that person may, within 90 days after the date of the notice or of the publication of the final resolution ~~pursuant to~~ under sub. (8) (d), appeal ~~therefrom~~ from the determination to the circuit court of the county in which ~~such~~ the property is ~~situated by~~ causing located. The person appealing shall serve a written notice of appeal ~~to be served~~ upon the clerk of ~~such~~ the city, town or village and ~~by executing~~ execute a bond to the city, town or village in the sum of \$150 with 2 sureties or a bonding company to be approved by the city, town or village clerk, conditioned for the faithful prosecution of ~~such~~ the appeal and the payment of all costs that may be adjudged against that person. The clerk, ~~in case such~~ if ~~an~~ appeal is taken, shall ~~make~~ prepare a brief statement of the proceedings ~~had~~ in the matter before the governing body, with its decision ~~thereon~~ on the matter, and shall transmit the ~~same~~ statement with the original or certified copies of all the papers in the matter to the clerk of the circuit court.

(b) ~~Such~~ The appeal shall be tried and determined in the same manner as cases originally commenced in ~~such~~ circuit court, and costs awarded as provided in s. 893.80.

(c) ~~In case any~~ If a contract has been made for making the improvement ~~such~~ the appeal ~~shall~~ does not affect ~~such~~ the contract, and certificates or bonds may be issued in anticipation of the collection of the entire assessment for ~~such~~ the improvement, including the assessment on any property represented in ~~such~~ the appeal as if ~~such~~ the appeal had not been taken.

(d) Upon appeal ~~pursuant to~~ under this subsection, the court may, based ~~upon~~ on the improvement as actually constructed, render a judgment affirming, annulling or modifying and affirming, as modified, the action or decision of the governing body. If the court finds that any assessment or any award of damages is excessive or insufficient, ~~such~~ the assessment or award need not be annulled, but the court may reduce or increase the assessment or award of damages and affirm the ~~same~~ assessment or award as so modified.

(e) An appeal under this subsection ~~shall be~~ is the sole remedy of any person aggrieved by a determination of the governing body, whether or not the improvement was made according to the plans and specifications ~~therefor~~, and shall raise any question of law or fact, stated in the notice of appeal, involving the making of ~~such~~ the improvement, the assessment of benefits or the award of damages or the levy of any special assessment ~~therefor~~. The limitation ~~provided for~~ in par. (a) ~~shall~~ does not apply to appeals based ~~upon~~ on fraud or ~~upon~~ on latent defects in the construction of the improvement discovered after ~~such~~ the period of limitation.

(f) ~~It shall be~~ is a condition to the maintenance of ~~such~~ an appeal that any assessment appealed from shall be paid ~~as and~~ when the ~~same~~ assessment or any instalments ~~thereof~~ become due and payable, and ~~upon~~. If there is a default in making such a payment, any such the appeal shall be dismissed.

(13) Every special assessment levied under this section ~~shall be~~ is a lien on the property against which it is levied on behalf of the municipality levying ~~same~~ the assessment or the owner of any certificate, bond or other document issued by public authority, evidencing ownership of or any interest in ~~such~~ the special assessment, from the date of the determination of ~~such~~ the assessment by the governing body. The governing body shall provide for the collection of ~~such~~ the assessments and may establish penalties for payment after the due date. The governing body shall provide that all assessments or instalments ~~thereof~~ which that are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to ~~such~~ the special assessment, except as otherwise provided by statute.

**SECTION 533.** 66.60 (16) of the statutes is repealed.

NOTE: Restated as a separate section. See SECTION 170 of this bill.

**SECTION 534.** 66.60 (17) of the statutes is renumbered 66.0703 (14) and amended to read:

66.0703 (14) ~~If any~~ a special assessment ~~or special charge~~ levied ~~pursuant to~~ under this section ~~shall be~~ is held invalid because ~~such~~ statutes ~~shall be~~ this section is found to be unconstitutional, the governing body ~~of such~~ municipality may thereafter reassess ~~such~~ the special assessment ~~or special charge~~ pursuant to the provisions ~~of~~ under any applicable law.

**SECTION 535.** 66.60 (18) of the statutes is renumbered 66.0703 (7) (b) and amended to read:

66.0703 (7) (b) ~~The governing body of any city, town or village may, without any notice or hearing, levy and assess the whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing~~ requirements under par. (a) do not apply if they are waived, in writing, by all the

owners of property affected by ~~such~~ the special assessment.

**SECTION 536.** 66.604 of the statutes is renumbered 66.0717 and amended to read:

**66.0717 Lien of special assessment.** A special assessment levied under any authority ~~whatsoever shall be~~ is a lien on the property against which it is levied on behalf of the municipality levying the ~~same~~ assessment or the owner of any certificate, bond or other document issued by the municipality, evidencing ownership of any interest in ~~such~~ the special assessment, from the date of the levy, to the same extent as a lien for a tax levied upon real property.

**SECTION 537.** 66.605 of the statutes is renumbered 66.0715 (2) and amended to read:

66.0715 (2) ~~SPECIAL ASSESSMENTS DEFERRAL.~~ (a) Notwithstanding any other statute, the due date of any special assessment levied against property abutting on or benefited by a public improvement may be deferred on ~~such~~ the terms and in ~~such~~ the manner as prescribed by ~~its~~ the governing body while no use of the improvement is made in connection with the property. ~~Such a deferred~~ A deferred special assessment may be paid in instalments within the time prescribed by the governing body. ~~Any such a deferred special assessment shall be~~ is a lien against the property from the date of the levy.

(b) If a tax certificate is issued under s. 74.57 for property which is subject to a special assessment that is deferred under this ~~section~~ subsection, the governing body may provide that the amounts of any deferred special assessments are due on the date that the tax certificate is issued and are payable as are other delinquent special assessments from any moneys received under s. 75.05 or 75.36.

(c) The lien of any unpaid amounts of special assessments deferred under this ~~section~~ subsection with respect to which a governing body has not taken action under ~~sub. (2) par. (b)~~ is not merged in the title to property taken by the county under ch. 75.

NOTE: This section is combined with s. 66.54 (7), relating to annual instalments of special assessments. See SECTIONS 204, 205 and 514 of this bill. Note that the definitions for the newly combined and renumbered section provided in SECTION 205 of this bill, which previously applied only to the provisions of renumbered s. 66.0715 that related to instalment payments, will now apply to deferral of special assessments as well.

**SECTION 538.** 66.606 of the statutes is renumbered 287.093.

**SECTION 539.** 66.608 of the statutes is renumbered 66.1109, and 66.1109 (3) (d), as renumbered, is amended to read:

66.1109 (3) (d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, ~~shall have~~ has all powers necessary or convenient to implement the operating plan, including the power to contract.

**SECTION 540.** 66.609 of the statutes is renumbered 66.1007.

**SECTION 541.** 66.610 of the statutes is renumbered 62.71, and 62.71 (title), (1), (2) (intro.), (a), (b), (e), (i) and (n), (3) (a) to (c), (4), (5) (b) (intro.) and 4. and (c) to (e), (6) (intro.), (b) and (c), (7) to (11) and (13), as renumbered, are amended to read:

**62.71 (title) Pedestrian malls in cities of the 1st class cities.** (1) PURPOSE. The purpose of this section is to authorize ~~any city of the~~ a 1st class city to undertake, develop, finance, construct and operate pedestrian malls as local improvements.

(2) DEFINITIONS. (intro.) ~~As used in~~ In this section:

(a) “Annual pedestrian mall improvement” includes, ~~without limitation because of enumeration,~~ any reconstruction, replacement or repair of trees, plantings, furniture, shelters or other pedestrian mall facilities.

(b) “Annual pedestrian mall improvement cost” includes, ~~without limitation because of enumeration,~~ planning consultant fees, public liability and property damage insurance premiums, reimbursement of the city’s reasonable and necessary costs incurred in operating and maintaining a pedestrian mall, levying and collecting special assessments and taxes, publication costs, and any other costs related to annual improvements and the operation and maintenance of a pedestrian mall.

(e) “City” means a ~~city of the~~ 1st class city.

(i) “Intersecting street” means, unless the council declares otherwise, any street which meets or intersects a pedestrian mall, but includes only those portions ~~thereof~~ of the intersecting street which lay between the mall or mall intersection and the first intersection of ~~such~~ the intersecting street with a street open to general vehicular traffic.

(n) “Pedestrian mall improvement” ~~means, without limitation because of enumeration,~~ includes any construction or installation of pedestrian thoroughfares, perimeter parking facilities, public seating, park areas, outdoor cafes, skywalks, sewers, shelters, trees, flower or shrubby plantings, sculptures, newsstands, telephone booths, traffic signs, sidewalks, traffic lights, kiosks, water pipes, fire hydrants, street lighting, ornamental signs, ornamental lights, graphics, pictures, paintings, trash receptacles, display cases, marquees, awnings, canopies, overhead or underground radiant heating pipes or fixtures, walls, bollards, chains and all ~~such~~ other fixtures, equipment, facilities and appurtenances which, in the council’s judgment, will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the city and the affected property owners.

(3) (a) Upon petition of ~~any~~ a community development advisory body or upon its own motion, the council may by resolution designate lands to be acquired, improved and operated as pedestrian malls or may by ordinance designate streets, including a federal, state,

county or any other highway system with the approval of the jurisdiction responsible for maintaining that highway system, in or adjacent to business districts to be improved for primarily pedestrian uses. The council may acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights-of-way for inclusion in a pedestrian mall district or for use in connection with pedestrian mall purposes. The council may also make improvements on mall intersections, intersecting streets or upon facilities acquired for parking and other related purposes, if such the improvements are necessary or convenient to the operation of the mall.

(b) In establishing or improving a pedestrian mall, the council may narrow any street designated a part of a pedestrian mall, reconstruct or remove any street vaults or hollow sidewalks existing by virtue of a permit issued by the city, construct crosswalks at any point on the pedestrian mall, or cause the roadway to curve and meander within the limits of the street without regard to the uniformity of width of the street or curve or absence of curve in the center line of such the street.

(c) 1. Subject to subd. 2., the council may authorize the payment of the entire cost of any pedestrian mall improvement established under this section by appropriation from the general fund, by taxation or special assessments, and by the issuance of municipal bonds, general or particular special improvement bonds, revenue bonds, mortgages or certificates, or by any combination of such these financing methods.

2. If such a pedestrian mall improvement is financed by special assessments and special improvement bonds are not issued, such the special assessments, when collected, shall be applied to the payment of the principal and interest on any general obligation bonds issued or to the reduction of general taxes if such general obligation bonds or the general tax levy are is used to finance the improvement.

(4) PRELIMINARY FINDINGS. No pedestrian mall may be established under sub. (3) unless the council finds that all of the following:

(a) ~~The~~ That the proposed pedestrian mall will be located primarily in or adjacent to a business district.

(b) ~~There~~ That there exist reasonably convenient alternate routes for private vehicles to other parts of the city and state.

(c) ~~The~~ That the continued unlimited use by private vehicles of all or part of the streets or ~~parts thereof~~ in the proposed mall district endangers pedestrian safety.

(d) ~~Properties~~ That properties abutting the proposed mall can be reasonably and adequately provided with emergency vehicle services and delivery and receiving of merchandise or materials either from other streets or alleys or by the limited use of the pedestrian mall for such these purposes.

(e) ~~It That~~ it is in the public interest to use such all or part of the street or ~~portions thereof~~ in the proposed mall district primarily for pedestrian purposes.

(5) (b) (intro.) Upon receiving the authority under par. (a) and upon completion of the public hearing, the commissioner of public works shall prepare a report which shall include all of the following:

4. A description of the property necessary to be acquired or interfered with and the identity of the owner of each such parcel if the same owner can be readily ascertained by the commissioner.

(c) In preparing such the report under par. (b), the commissioner of public works shall consult with any community development advisory body which has been organized in the proposed pedestrian mall district.

(d) After referring the report described in par. (b) to the city plan commission for review and recommendations, the commissioner of public works shall submit such the report, with the city plan commission's recommendations, if any, to the council and shall file a copy in the office of the city clerk. The council may ~~then~~ refer the report and recommendations, with any necessary modifications ~~it deems necessary~~, to the board of assessment for action pursuant to subch. II of ch. 32.

(e) Notwithstanding any other provision of this section, if a petition protesting the establishment of a pedestrian mall or a pedestrian mall improvement, duly signed and acknowledged by the owners of 51% or more of the front footage of lands abutting all or part of a street or ~~part thereof~~ proposed as a pedestrian mall, is filed with the city clerk at any time prior to the conclusion of all proceedings required under this section, the council shall terminate its proceedings, and no proposal for the establishment of the same pedestrian mall or substantially the same pedestrian mall may be introduced or adopted within one year after such termination of proceedings under this paragraph.

(6) ORDINANCES; REQUIRED PROVISIONS. (intro.) ~~Any~~ An ordinance establishing a pedestrian mall shall accomplish all of the following:

(b) Designate the streets, including intersecting streets, or parts ~~thereof~~ of streets to be used as a pedestrian mall.

(c) Limit the use of the surface of such all or part of a street or ~~part thereof~~ used as a pedestrian mall to pedestrian users and to emergency, public works, maintenance and utility transportation vehicles during such times as that the council determines appropriate to enhance the purposes and function of the pedestrian mall.

(7) USE BY PUBLIC CARRIERS. If the council finds that all or part of a street or ~~part thereof~~ which is designated as a pedestrian mall is served by a common carrier engaged in mass transportation of persons within the city and that continued use of such all or part of the street or



part thereof by such the common carrier will benefit the city, the public and adjacent property, the council may permit such the carrier to use such all or part of the street ~~or part thereof~~ for such these purposes to the same extent and subject to the same obligations and restrictions ~~which~~ that are applicable to such the carrier in the use of other streets of the city. Upon like findings, the council may permit use of such all or part of the street ~~or part thereof~~ by taxicabs or other public passenger carriers.

(8) PERMITS. (a) If, at the time an ordinance establishing a pedestrian mall is ~~adopted~~ enacted, any property abutting such all or part of the pedestrian mall ~~or part thereof~~ does not have access to some other street or alley for the delivery or receiving of merchandise or materials, such the ordinance shall provide for ~~either one of the following~~:

1. The issuance of special access permits to the affected owners for such these purposes; ~~or~~.

2. The designation of the hours or days on which such the pedestrian mall may be used for such these purposes without unreasonable interference with the use of all or part of the mall ~~or part thereof~~ by pedestrians and other authorized vehicles.

(b) The council may issue temporary permits for closing all or part of a pedestrian mall ~~or any part thereof~~ to all vehicular traffic for the promotion and conduct of sidewalk art fairs, sidewalk sales, craft shows, entertainment programs, special promotions and for such other special activities consistent with the ordinary purposes and functions of the pedestrian mall.

(9) EXCESS ESTIMATED COST; ASSESSMENT ADJUSTMENTS. (a) If, after the completion of any pedestrian mall improvement, the commissioner of public works certifies that the actual cost is less than the estimated cost upon which any aggregate assessment is based, such the aggregate assessment shall be reduced, subject to par. (c), by a percentage amount of the excess estimated cost which is equal to the percentage of the estimated cost financed by such the aggregate assessment. The city comptroller shall certify to the city treasurer the amount that is refundable under this subsection.

(b) If such the aggregate assessment described in par. (a) has been fully collected, the city treasurer shall refund the excess assessment to the affected property owners on a proportional basis.

(c) If such the aggregate assessment described in par. (a) has not been fully collected, the amount of the refundable assessment shall be reduced by a sum determined by the council to be sufficient to cover anticipated assessment collection deficiencies, and the balance, if any, shall be refunded to the affected owners on a proportional basis. The treasurer shall deduct the appropriate amount from instalments due after the receipt of the certificate from the city comptroller.

(10) ANNUAL COSTS; SPECIAL ACCOUNT. (a) Concurrently with the submission of the plan, and annually

thereafter by June 15 of each year, the city comptroller and the commissioner of public works, with the assistance of a community development advisory body, if any, shall furnish the council with a report estimating the cost of improving, operating and maintaining any pedestrian mall district for the next fiscal year. Under the plan in effect, such the report shall include itemized cost estimates of any proposed changes in the plan under consideration by the council and also a detailed summary of the estimated costs chargeable to all of the following categories:

1. The amount of the annual costs chargeable to the general fund. Such The amount may not exceed that amount which the city normally allocates from the general fund for maintenance and operation of a street of similar size and location not improved as a pedestrian mall.

2. The amount of the annual costs chargeable to owners of property in the district who are benefited by such annual mall improvements. The aggregate amount assessed against such the owners may not exceed the aggregate benefits accruing to all such assessable property.

3. The amount of the annual costs, if any, to be specially taxed against taxable property in the district. Such The amount shall be determined by deducting from the estimated annual costs the amounts under subds. 1. and 2. and the amount of anticipated rentals received from vendors using pedestrian mall facilities.

(b) Moneys appropriated and collected for annual pedestrian mall improvement costs shall be credited to a special account. The council may incur such necessary annual costs ~~as it deems necessary~~, whether or not they have been included in the budget for that fiscal year, except that such nonbudgeted expenditures shall be included in the estimate required under par. (a) for the next following fiscal year. Any unexpended balances in such the special account remaining at the end of a fiscal year shall be carried over to the appropriate category of the estimate required under par. (a) for the ~~next~~ following fiscal year.

(11) NUISANCES; LIMITATION OF LIABILITY. (a) The installation of any furniture, structure or facility or the permitting of any use in a pedestrian mall district under a final plan adopted under this section ~~may~~ is not be deemed a nuisance or unlawful obstruction or condition by reason of the location of such the installation or use.

(b) Such ~~installation or use may not cause the~~ The city or any person acting under permit ~~to be~~ is not liable for injury to persons or property in the absence of negligence in the construction, maintenance, operation or conduct of such the installation or use under par. (a).

(13) SUBSTANTIAL COMPLIANCE; VALIDITY. Substantial compliance with the requirements of this section is sufficient to give effect to any proceedings ~~hereunder~~ conducted under this section and any error, irregularity or

informality not affecting substantial justice does not affect the validity of ~~such~~ the proceedings.

**SECTION 542.** 66.615 of the statutes is renumbered 66.0907, and 66.0907 (1), (2), (3) (a), (c) (intro.), 1. and 2., (d), (e) and (f), (5), (6), (7) and (10) (intro.), as renumbered, are amended to read:

66.0907 (1) PART OF STREET; OBSTRUCTIONS. Streets shall provide a right-of-way for vehicular traffic and, where the council so requires, a sidewalk on either or both sides thereof; ~~the of the street.~~ The sidewalk shall be for the use of persons on foot, and no person shall be allowed to may encumber the same sidewalk with boxes or other material; ~~but such.~~ The sidewalk shall be kept clear for the uses ~~specified herein~~ use of persons on foot.

(2) GRADE. ~~In all cases where~~ If the grades of sidewalks shall are not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

(3) (a) *Authority of council.* The council may ~~from time to time~~ by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks, ~~and the.~~ The standard so fixed may be different for different streets, ~~and.~~ The council may order by ordinance or resolution sidewalks to be laid as provided in this subsection.

(c) *Notice.* (intro.) A copy of the ordinance, resolution or order directing ~~such~~ the laying, removal, replacement or repair of sidewalks shall be served upon the owner, or an agent, of each lot or parcel of land in front of which ~~such~~ the work is ordered. The board of public works, or either the street commissioner or the city engineer if so requested by the council, may serve the notice. Service of the notice may be made by any of the following methods:

1. Personal delivery;
2. Certified or registered mail; ~~or.~~

(d) *Default of owner.* ~~Whenever any such owner shall neglect~~ If the owner neglects for a period of 20 days after ~~such~~ service of notice under par. (c) to lay, remove, replace or repair ~~any such~~ the sidewalk the city may cause ~~such~~ the work to be done at the expense of ~~such~~ the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in s. 62.15 (1).

(e) *Minor repairs.* If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of \$100, the board of public works, street commissioner or city engineer, if so required by the council, may immediately repair ~~such~~ the sidewalk, without notice ~~or letting the work by contract,~~ and charge the cost ~~thereof of the repair~~ to the owner of ~~such~~ the lot or parcel of land, as provided in this section.

(f) *Expense.* The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land,

whether the work is done by contract or otherwise, and report the ~~same~~ expenses to the comptroller ~~who.~~ The comptroller shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the ~~same~~ amount to the city clerk, ~~and the.~~ The amount ~~therein~~ charged to each lot or parcel of land shall be entered by ~~such~~ the clerk in the tax roll as a special tax against ~~said~~ the lot or parcel of land, and ~~the same shall~~ be collected ~~in all respects~~ like other taxes upon real estate. The council by resolution or ordinance may provide that the expense so incurred may be paid in up to 10 annual instalments and ~~upon such determination,~~ the comptroller shall prepare the expense statement ~~as herein required in such manner and with such frequency as the improved~~ to reflect the instalment payment schedule allows. If annual instalments for ~~such expense~~ sidewalk expenses are authorized, the city clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against ~~such~~ the lot or parcel each year until all instalments have been entered, and the ~~same~~ amount shall be collected ~~in all respects~~ like other taxes upon real estate. The council may provide that the street commissioner or city engineer shall perform the duties imposed by this section on the board of public works.

(5) SNOW AND ICE. The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense of ~~so doing~~ clearing in front of any lot or parcel of land shall be included in the statement to the comptroller required by sub. (3) (f), ~~and~~ in the comptroller's statement to the city clerk and in the special tax to be levied ~~as therein provided.~~ The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.

(6) REPAIR AT CITY EXPENSE. ~~Whenever the~~ The council ~~shall by resolution or ordinance so determine,~~ may provide that sidewalks shall be kept in repair by and at the expense of the city, or ~~the council~~ may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the city and the balance by abutting property owners.

(7) RULES. The council may ~~from time to time make all needful rules and regulations~~ by ordinance ~~for carrying the aforesaid implement the provisions into effect, for regulating of this section,~~ regulate the use of the sidewalks of the city and ~~preventing~~ prevent their obstruction.

(10) APPLICATION OF SECTION; DEFINITIONS. (intro.) The provisions of this section shall do not apply to 1st class cities but shall be applicable apply to towns and villages, and when applied to towns and villages:

**SECTION 543.** 66.616 of the statutes is renumbered 66.0909, and 66.0909 (1), as renumbered, is amended to read:

66.0909 (1) The standard for construction of curbs and sidewalks on each side of ~~any a~~ city or village street,

or ~~any a~~ connecting highway or town road for which curbs and sidewalks have been prescribed by the governing body of the town, city or village having jurisdiction ~~thereover~~, shall include curb ramping providing access to crosswalks at intersections and other designated locations. Curb ramping includes the curb opening, the ramp and that part of the sidewalk or apron leading to and adjacent to the curb opening. Any person constructing new curbs or sidewalks or replacing curbs or sidewalks within 5 feet of a legal crosswalk in any city street, village street, connecting highway or town road shall comply with the standards for curb ramping under this section.

**SECTION 544.** 66.62 of the statutes is renumbered 66.0701 and amended to read:

**66.0701 Special assessments by local ordinance.**

(1) Except as provided in s. ~~66.60 (6m)~~ 66.0721, in addition to other methods provided by law, the ~~common council governing body of any a town, village or 2nd, 3rd or 4th class city, a village board or a town board~~ may, by ordinance, provide that the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited thereby, and to make an assessment against ~~such the~~ property benefited in ~~such the~~ manner as such council or board that the governing body determines. ~~Such The~~ special assessment shall be is a lien against the property from the date of the levy.

(2) Every ~~such~~ ordinance under this section shall contain provisions for reasonable notice and hearing. Any person against whose land a special assessment is levied under ~~any such the~~ ordinance shall have the right to may appeal ~~therefrom~~ in the manner prescribed in s. ~~66.60 66.0703~~ (12) within 40 days of the date of the final determination of the governing body.

**SECTION 545.** 66.625 of the statutes is renumbered 66.0911 and amended to read:

**66.0911 Laterals and service pipes.** Whenever ~~If~~ the governing body shall by resolution ~~require~~ requires water, heat, sewer and gas laterals or service pipes to be constructed from the lot line or near the lot line to the main or from the lot line to the building to be serviced, or both, it may provide that when the work is done by the city, village or town or under a city, village or town contract, a record of the cost of constructing ~~such the~~ laterals or service pipes shall be kept and ~~such the~~ cost, or the average current cost of laying such the laterals or service pipes, shall be charged and be a lien against the lot or parcel served.

**SECTION 546.** 66.63 of the statutes is renumbered 66.0725 and amended to read:

**66.0725 Assessment of condemnation benefits. (1)**

As a complete alternative to any other method provided by law, for the purpose of payment of the expenses, including ~~such the~~ excess of damages and all other expenses and costs, incurred for the taking of private property for the purpose set forth in ss. 32.02 (1), 61.34 (3) and

62.22, the governing body of the ~~a~~ town, city or village may, by resolution, levy and assess the whole or any part of ~~such the~~ expenses, as a special assessment upon such the property as they determine that the governing body determines is specially benefited thereby, ~~and they by the taking. The governing body shall include in said the~~ levy the whole or any part of the excess of benefits over total damages, if any, ~~making therein and make~~ a list of every lot or parcel of land so assessed, the name of the owner thereof, if known, and the amount levied thereon on the property.

(2) ~~Such The~~ resolution under sub. (1) shall be published as a class 2 notice, under ch. 985, ~~and with~~ a notice therewith that at a ~~the~~ time and place stated therein, the governing body will meet at ~~their usual place of meeting and hear all objections which may be made to such the~~ assessment or to any part thereof. If such the resolution levies an assessment against property outside the corporate limits, notice ~~as provided herein~~ shall be given by mailing a copy of the resolution and the notice by registered mail to the last-known address of the owner of ~~such the~~ property. A copy of ~~such the~~ resolution shall be filed with the clerk of the town in which the property is located.

(3) At the time so fixed the governing body shall meet and hear ~~all such~~ objections, and for that purpose may adjourn to a date set by the governing body, until the hearing is completed, and shall by resolution confirm or modify ~~such the~~ assessment in whole or in part. At any time before the first day of ~~the next~~ November thereafter any party liable may pay ~~any such the~~ assessment to the town, city or village treasurer. On ~~such first day of~~ November 1, if ~~any such the~~ assessment remains unpaid, the treasurer shall make a certified statement showing what assessments ~~so levied under this section~~ remain unpaid, and file the same statement with the clerk, who shall ~~extend the same upon place the unpaid assessments on~~ the tax roll of such municipality, in addition to and as part of all other taxes therein levied on such land, to be collected therewith for collection.

(4) At the time of making out the tax roll, next after the filing of ~~any assessment to pay the expenses incurred in proceedings for the condemnation of lands outside the corporate limits, the~~ The town clerk shall enter ~~in said on~~ the tax roll the benefits not offset by damages or an excess of benefits over damages which shall be ~~are~~ levied on the land described as a special assessment under this section by a city or village on land in the town and shall be collected the same collect the assessment in the same manner as other taxes. Such amounts when The assessments collected shall be paid over to the city or village treasurer to be applied in payment of any damages or excess of damages over benefits awarded by ~~such the~~ assessment; and in case, If the amount of ~~such special assessments are~~ is insufficient to pay all damages or excess of damages over benefits so awarded, ~~then~~ the difference shall be paid by the city or village. Any such damages Damages

or excess of damages over benefits may be paid out of such ~~the fund prior to~~ before the collection of such ~~the special assessments, to be~~ and reimbursed ~~therefrom~~ when collected.

(5) Any person against whose land an assessment of benefits is made pursuant to under this section may appeal ~~therefrom~~ as prescribed in s. 32.06 (10) within 30 days of the adoption of the resolution required under sub. (3).

**SECTION 547.** 66.635 of the statutes is renumbered 66.0731 and amended to read:

**66.0731 Reassessment of invalid condemnation and public improvement assessments.** (1) If in any an action, other than an action pursuant to s. 66.60 (12), for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provision of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any under s. 66.0703 (12), involving a special assessment, special assessment certificate, bond or note or tax certificate based upon ~~such~~ on the special assessment, the court determines that ~~such the~~ assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings, frame an issue ~~therein~~ and summarily try the ~~same~~ issue and determine the amount which ~~that~~ the plaintiff justly ought to pay or which should be justly assessed against the property in question. ~~Such That~~ amount shall be ordered to be paid into court for the benefit of the parties entitled ~~thereto~~ to the amount within a fixed time to be fixed. Upon compliance with ~~said the~~ order judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with ~~such the~~ order the action shall be dismissed with costs.

(2) If the common council, village board or town board determines that any special assessment is invalid for any reason, it may reopen and reconsider ~~such the~~ assessment as provided in s. 66.60 66.0703 (10).

**SECTION 548.** 66.64 of the statutes is renumbered 66.0705 and amended to read:

**66.0705 Special Property of public and private entities subject to special assessments for local improvements.** (1) (a) The property of the this state, except that held for highway right-of-way purposes or acquired and held for purposes under s. 85.09, and the property of every county, city, village, town, school district, sewerage district or commission, sanitary or water district or commission, or any public board or commission within this state, and of every corporation, company or individual operating any railroad, telegraph, telecommunications, electric light or power system, or doing any of the business mentioned in ch. 76, and of every other corporation or company ~~whatever, shall be~~ is in all respects subject to all special assessments for local improvements.

(b) Certificates and improvement bonds ~~therefor~~ for special assessments may be issued and the lien ~~thereof~~ of the special assessments enforced against such property described in par. (a), except property of the state, in the same manner and to the same extent as the property of individuals. ~~Such assessments shall~~ Special assessments on property described in par. (a) may not extend to the right, easement or franchise to operate or maintain railroads, telegraph, telecommunications or electric light or power systems in streets, alleys, parks or highways. The amount represented by any certificate or improvement bond issued as aforesaid ~~shall be~~ under this paragraph is a debt due personally from ~~such the~~ corporation, company or individual, payable in the case of a certificate when the taxes for the year of its issue are payable, and in the case of a bond according to the terms ~~thereof~~ of the bond.

(2) In this subsection, "assessment" means a special assessment on property of ~~the~~ this state and "project" means any continuous improvement within overall project limits regardless of whether small exterior segments are left unimproved. If the assessment of a project is less than \$50,000, or if the assessment of a project is \$50,000 or more and the building commission approves the assessment under s. 66.60 (4) 66.0703 (6), the state agency which manages the property shall pay the assessment from the revenue source which supports the general operating costs of the agency or program against which the assessment is made.

**SECTION 549.** 66.645 of the statutes is repealed.

NOTE: Repealed as unnecessary. The provision, which refers to special assessments levied under s. 66.64, provides for the collection and enforcement of those assessments. Collection and enforcement of special assessments are provided elsewhere in the statutes; for example, ss. 66.0701, 66.0703 (13), 66.0717 and 74.53.

**SECTION 550.** 66.65 (title) and (1) of the statutes are renumbered 66.0707 (title) and (1) and amended to read:

**66.0707 (title) Assessment or special charge against city, village or town property abutting on improvement in adjacent city, village or town.** (1) A city, village or town may levy special assessments for municipal work or improvement under s. 66.60 ~~upon~~ 66.0703 on property in an adjacent city, village or town, if ~~such the~~ property abuts ~~upon~~ and benefits from ~~such the~~ work or improvement and if the governing body of the municipality where the property is located, by resolution approves ~~such the~~ levy. ~~In any such case the~~ by resolution. The owner of ~~such the~~ property shall be is entitled to the use of the work or improvement ~~upon~~ on which ~~such the~~ assessment is based ~~upon~~ on the same conditions as the owner of property within the city, village or town.

**SECTION 551.** 66.65 (2) of the statutes is renumbered 66.0707 (3) and amended to read:

66.0707 (3) A special assessment or special charge under this section shall be is a lien against the benefited property and shall be collected by the treasurer in the

same manner as the taxes of the municipality and paid over by the treasurer to the treasurer of the municipality levying ~~such~~ the assessment.

NOTE: The scope of this provision is expanded to include special charges. See SECTION 192 of this bill.

**SECTION 552.** 66.694 of the statutes is renumbered 66.0727 and amended to read:

**66.0727 Special assessments against railroad for street improvement.** (1) (a) If ~~any~~ a city, village or town causes ~~any~~ improves a street, alley or public highway within its corporate limits ~~to be improved, including~~ by grading, curbing, or paving ~~or otherwise improving~~ the street, alley or public highway, ~~where, if~~ the entire or partial cost of the improvement is assessed against abutting property, and if the street, alley or public highway is crossed by the track of ~~any~~ a railroad engaged as a common carrier, the common council or board of public works of the city, or the village or town board, shall, at any time after the completion and acceptance of the improvement by the municipality, file with the local agent of the railroad corporation operating the railroad a statement showing the amount chargeable to the railroad corporation for the improvement.

(b) The amount chargeable to the railroad corporation ~~shall be an~~ is the amount equal to the cost of constructing the improvement along the street, alley or public highway immediately in front of and abutting its right-of-way on each side of the street, alley or public highway at the point where the track crosses the street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of the improvement.

(2) The amount charged against ~~any~~ a railroad corporation for improving the street, alley or public highway, fronting or abutting its right-of-way, shall may not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on the improved street, alley or public highway ~~so improved~~. The amount calculated under sub. (1) and contained in the statement ~~shall be is~~ due and payable by the railroad corporation to the municipality, ~~causing fil-~~ ing the statement ~~to be filed~~ within 30 days of the date when the statement ~~shall be is~~ presented to the local representative of the railroad corporation.

**SECTION 553.** 66.695 (title) of the statutes is repealed.

**SECTION 554.** 66.695 of the statutes is renumbered 66.0727 (3) and amended to read:

66.0727 (3) If ~~any~~ a railroad corporation fails or refuses to pay ~~to any~~ a city, village or town the amount set forth in any statement or claim for ~~the making of~~ street, alley or public highway improvements, ~~as provided in s. 66.694, under this section~~ within the time specified in the statement, the city, village or town ~~shall have a valid~~ has a claim for ~~such~~ that amount against the railroad corpora-

tion, and may maintain an action in any circuit court within this state to recover the amount in the statement.

**SECTION 555.** 66.696 (title) of the statutes is renumbered 66.0729 (title).

**SECTION 556.** 66.696 of the statutes is renumbered 66.0729 (1) and amended to read:

66.0729 (1) If the track of ~~any~~ a railroad is laid upon or along ~~any~~ a street, alley or public highway within any city, village or town, the corporation operating the railroad shall maintain and improve the portion of the street, alley or public highway that is occupied by its tracks. The railroad corporation shall grade, pave or otherwise improve the portion of the street, alley or public highway ~~or portion thereof in such~~ the manner and with ~~such~~ the materials as that the common council of the city or the village or town board determines. The railroad corporation is not required to pave or improve that portion of the street, alley or public highway occupied by it with different material or in a different manner from that in which the remainder of the street is paved or improved. The railroad corporation ~~shall be is~~ liable to pay for paving, grading or otherwise improving a street, alley or public highway only to the extent that the actual cost of the improvement exceeds the estimated cost of the improvement were the street, alley or public highway not occupied by the tracks of the railroad.

**SECTION 557.** 66.697 (title) of the statutes is repealed.

**SECTION 558.** 66.697 (1) and (2) of the statutes are renumbered 66.0729 (2) and (3) and amended to read:

66.0729 (2) If ~~any~~ a city, village or town orders ~~any~~ a street, alley or public highway to be paved, graded, curbed or improved, as provided in ~~s. 66.696 sub. (1), the~~ clerk of the city, village or town shall ~~cause to be served upon~~ serve the local agent of the railroad corporation, a notice setting forth the action taken by the city, village or town relative to the improvement of the street, alley or public highway.

(3) If the railroad corporation elects to construct the street, alley or public highway improvement, it shall within 10 days of the receipt of the notice from the clerk of the city, village or town, file with the clerk a notice of its intention to construct the street, alley or public highway improvement, and it shall be allowed until the fol- lowing June 30 ~~thereafter~~ to complete the work, unless the work is ordered after May 20 of any year, and in that case the railroad corporation shall be allowed 40 days from the time the clerk of the municipality presents the notice to the railroad agent, in which to complete the work.

**SECTION 559.** 66.698 (title) of the statutes is repealed.

**SECTION 560.** 66.698 (1) and (2) of the statutes are renumbered 66.0729 (4) and (5) and amended to read:

66.0729 (4) If ~~any a~~ city, village or town orders ~~any a~~ street, alley or public highway improved, ~~as provided in s. 66.696, under sub. (1) and serves notice on the railroad corporation, as provided in s. 66.697, under sub. (2) and the railroad corporation elects not to construct the improvement or elects to construct the improvement but fails to construct the improvement within the time provided in s. 66.697 under sub. (3), the city, village or town shall proceed to let a contract for the construction of the improvement, and cause improve the street, alley or public highway to be improved as determined under s. 66.696, and when sub. (1). When the improvement is completed and accepted by the city, village or town, the clerk of the city, village or town shall present to the local agent of the railroad corporation a statement of the actual cost of the improvement, and the railroad corporation shall, within 20 days of its receipt of the statement, pay to the treasurer of the city, village or town the amount shown by the statement.~~

(5) If ~~any a~~ railroad corporation fails to pay the cost of constructing any pavement or other street improvement as provided under sub. (1), the city, village or town causing ~~responsible for the improvement to be constructed shall have the right to~~ may enforce collection of the amount by an action at law against the railroad corporation as provided in s. ~~66.695~~ 66.0727 (3).

**SECTION 561.** 66.699 of the statutes is repealed.

NOTE: Restated in renumbered ss. 66.0727 (4) and 66.0729 (6). See SECTIONS 209 and 210 of this bill.

**SECTION 562.** 66.70 of the statutes is renumbered 66.0611 and amended to read:

**66.0611 Political subdivisions prohibited from levying tax on incomes.** No county, city, village, town, or other unit of government authorized to levy taxes shall may assess, levy or collect any tax on income, or measured by income, and any ~~such~~ tax so assessed or levied is void.

**SECTION 563.** 66.73 of the statutes is repealed.

NOTE: Repeals s. 66.73, which authorizes a county, municipal or school board to annually provide for and appropriate funds for a program of citizenship education, including a ceremony of the induction to citizenship for those who have been enfranchised within the past year.

**SECTION 564.** 66.74 of the statutes is renumbered 66.0613.

**SECTION 565.** 66.75 (title), (1) and (1m) (a) to (e) and (f) 1. and 2. of the statutes are renumbered 66.0615 (title), (1) and (1m) (a) to (e) and (f) 1. and 2., and 66.0615 (1) (dm) and (1m) (a) and (b) 2., as renumbered, are amended to read:

66.0615 (1) (dm) "Sponsoring municipality" means ~~any a~~ city, village or town that creates a district either separately or in combination with another city, village, town or county.

(1m) (a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of fur-

nishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. ~~Any A~~ tax imposed under this paragraph is not subject to the selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). ~~Any A~~ tax imposed under this paragraph by a municipality shall be paid to the municipality and may be forwarded to a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), ~~any a~~ tax imposed under this paragraph by a municipality may not exceed 8%. Except as provided in par. (am), if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

(b) 2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. ~~66.30~~ 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.

**SECTION 566.** 66.75 (1m) (f) 3. of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0615 (1m) (f) 3.

**SECTION 567.** 66.75 (1m) (f) 4. and 5., (2) and (3) of the statutes are renumbered 66.0615 (1m) (f) 4. and 5., (2) and (3), and 66.0615 (2) (a) and (c), as renumbered, are amended to read:

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

(c) Determine the tax under sub. (1m) according to its best judgment if ~~any a~~ person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

**SECTION 568.** 66.77 of the statutes is renumbered 59.605.

**SECTION 569.** 66.80 (title) of the statutes is renumbered 62.63 (title) and amended to read:

**62.63 (title) Benefit funds for officers and employees of first 1st class cities.**

**SECTION 570.** 66.80 (1) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by SECTION 15 of this bill.

**SECTION 571.** 66.80 (2) of the statutes is renumbered 62.63 (2) and amended to read:

62.63 (2) RETIREMENT BOARD. ~~Upon approval by~~ By a majority vote of the ~~its~~ members of the common council of ~~such a 1st class city the common council shall may~~ create a retirement board, ~~the members of which shall serve without compensation, which board shall have full power and authority to administer such an annuity and benefit fund, and to under this section. The retirement board may make such rules and regulations under which all participants shall contribute to and receive benefits from such the fund. Members of the board shall serve without compensation.~~ Members of the board shall serve without compensation. Three members of the retirement board shall be city employes elected by the members of the retirement system and shall serve 4-year terms and 5 members shall be appointed under s. ~~66.146 62.51~~ and shall serve 3-year terms. The common council may provide for contribution by the city to ~~such the~~ annuity and benefit fund. The executive director of the retirement board shall be appointed under s. ~~66.146 62.51~~.

**SECTION 572.** 66.80 (3) of the statutes is repealed.

NOTE: Restated as part of s. 62.63 (1), created by SECTION 15 of this bill.

**SECTION 573.** 66.805 of the statutes is renumbered 62.65 and amended to read:

**62.65 Death benefit payments to foreign beneficiaries.** ~~A retirement system of any~~ The common council of a 1st class city of the first class may provide by appropriate enactment of the local legislative body that under the city's retirement system no beneficiary may be designated for the payment of any retirement allowance, pension or proceeds of a member of ~~such the~~ retirement system if ~~such the~~ beneficiary is not a resident of either the United States or Canada. If a beneficiary is designated who is neither a resident of the United States nor Canada, any contributions or retirement allowance which would have been paid to the beneficiary had the beneficiary been a resident of either the United States or Canada ~~shall be deemed is~~ payable to the estate of the deceased member of ~~such the~~ retirement system. ~~The local legislative body of the city of the first class common council may also provide by appropriate enactment that if a death benefit would be payable because of the death of a member of the retirement system and the designated beneficiary of such the death benefit is not a resident of either the United States or Canada, the death benefit which would have been paid had the designated beneficiary been a resident of either the United States or Canada, shall be deemed is~~ payable to the estate of the deceased member.

**SECTION 574.** 66.81 of the statutes is renumbered 62.63 (4) and amended to read:

62.63 (4) EXEMPTION OF FUNDS AND BENEFITS FROM TAXATION, EXECUTION AND ASSIGNMENT. Except as provided in s. 49.852 and subject to s. 767.265, all moneys and assets of ~~any a~~ retirement system of ~~any a 1st class city of the first class~~ and all benefits and allowances ~~and every portion thereof, both before and after payment to any beneficiary, granted under any such the retirement system shall be are~~ exempt from any state, county or municipal tax or from attachment or garnishment process, ~~and shall.~~ The benefits and allowances may not be seized, taken, detained or levied upon by virtue of any executions, or any process or proceeding ~~whatsoever~~ issued out of or by any court of this state, for the payment and ratification in whole or in part of any debt, claim, damage, demand or judgment against any member of or beneficiary under ~~any such the~~ retirement system, ~~and no.~~ No member of or beneficiary under ~~any such the~~ retirement system ~~shall have any right to may~~ assign any benefit or allowance, ~~or any part thereof, either by way of mortgage or otherwise; however, this.~~ The prohibition shall against assigning a benefit or allowance does not apply to assignments made for the payment of insurance premiums. The exemption from taxation ~~contained herein shall under this section does~~ not apply with respect to any tax on income.

**SECTION 575.** 66.82 of the statutes is renumbered 62.63 (3) and amended to read:

62.63 (3) INVESTMENT OF RETIREMENT FUNDS ~~IN 1ST CLASS CITIES.~~ The board of ~~any a~~ retirement system ~~in of~~ of a 1st class city, whose funds are independent of control by the investment board, ~~shall have the power in addition to others provided to may~~ invest funds from the system, in excess of the amount of cash required for current operations, in loans, securities and any other investments authorized for investment of funds of the public employe trust fund under s. 25.17 (3) (a) and (4). The independent retirement system board ~~shall be then is~~ subject to the conditions imposed on the investment board in making the investments under s. 25.17 (3) (e) to (g), (4), (7), (8) and (15) but is exempt from the operation of ch. 881. In addition to all other authority for the investment of funds granted to the board of ~~any a~~ retirement system of a 1st class city whose funds are independent of the control of the investment board, the retirement system board of the city may invest its funds in accordance with s. 206.34, 1969 stats. In making investments under this ~~section subsection,~~ the board of a retirement system of a 1st class city may invest in shares of investments authorized under this ~~section subsection.~~

**SECTION 576.** 66.88 of the statutes is renumbered 200.21, and 200.21 (intro.), (3), (4), (6), (7) and (10), as renumbered, are amended to read:

**200.21 Definitions.** (intro.) In ~~ss. 66.88 to 66.918~~ this subchapter:

(3) "Commission" means the metropolitan sewerage commission created under s. ~~66.882~~ 200.23.

(4) "District" means the metropolitan sewerage district created under s. ~~66.882~~ 200.23.

(6) "Local sewer" means any sewer constructed, operated or maintained by any municipality. "Local sewer" does not include any sewer that has been incorporated into the sewerage system under s. ~~66.896~~ 200.37 (2). If the classification of any sewer is unclear, the presumption shall be that the sewer is local.

(7) "Municipality" means any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 200.01 to 66.26 200.15~~ that is located wholly or partially within the district or that contracts for services under s. ~~66.898~~ 200.39.

(10) "Sewerage service area" means the area of the district and the area for which service is provided by contract under s. ~~66.898~~ 200.39.

**SECTION 577.** 66.882 of the statutes is renumbered 200.23, and 200.23 (1) (a) and (b) 1. and (2) (a) (intro.) and (b), as renumbered, are amended to read:

200.23 (1) (a) Except as provided in par. (b), a commission is established under ~~ss. 66.88 to 66.918~~ this subchapter if the common council of any 1st class city passes a resolution of necessity by a majority vote of the members-elect.

(b) 1. On April 27, 1982, each metropolitan sewerage district organized under s. 59.96, 1979 stats., is reorganized as a district under ~~ss. 66.88 to 66.918~~ this subchapter and a commission is created under ~~ss. 66.88 to 66.918~~ this subchapter.

(2) (a) (intro.) Except as provided in s. ~~66.884~~ 200.25 (7), the mayor of the 1st class city shall appoint 7 individuals as members of the commission, each of whom shall have his or her principal residence in the 1st class city. Three of the commissioners appointed under this paragraph shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment, pending confirmation or rejection by a majority of the members-elect of the common council. An appointee whose confirmation is pending may act within the scope of authority of a commissioner until the mayor withdraws the appointment or the common council rejects the appointment, whichever is earlier. The mayor shall withdraw any appointment that the common council rejects and may only resubmit the appointment for confirmation after at least one subsequent appointment is rejected. For the purposes of this paragraph, "elected official" means:

(b) Except as provided in s. ~~66.884~~ 200.25 (7), an executive council composed of the elected executive officer of each city, village and town that is wholly or partly within the boundaries of the district under s.

~~66.888~~ 200.29 (1), except a 1st class city, shall appoint 4 members of the commission by a majority vote of the members of the executive council. Each of these members shall have his or her principal residence within the district but outside the 1st class city. Three of these members shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment.

**SECTION 578.** 66.884 of the statutes is renumbered 200.25, and 200.25 (1) (a) 1. to 3. and (c), (2), (3), (4), (7) (a) and (8), as renumbered, are amended to read:

200.25 (1) (a) 1. Each commissioner appointed by the mayor of the 1st class city under s. ~~66.882~~ 200.23 (2) (a) who is not an elected officer serves for a 3-year term or until a successor is appointed, whichever is later.

2. Each commissioner appointed by the mayor of the 1st class city under s. ~~66.882~~ 200.23 (2) (a) who is an elected officer serves for a one-year term or until a successor is appointed, whichever is later.

3. Each commissioner appointed by the executive council under s. ~~66.882~~ 200.23 (2) (b) serves for a 3-year term or until a successor is appointed, whichever is later.

(c) Of the initial commissioners who are not elected officers appointed by the mayor of the 1st class city under s. ~~66.882~~ 200.23 (2) (a), one commissioner has a term of one year, one commissioner has a term of 2 years and 2 commissioners have a term of 3 years. One of the initial commissioners appointed by the executive council under s. ~~66.882~~ 200.23 (2) (b) has a term of one year, one of the initial commissioners has a term of 2 years and 2 of the initial commissioners have terms of 3 years.

(2) SUCCESSORS. The mayor shall appoint successors to commissioners appointed under s. ~~66.882~~ 200.23 (2) (a) and the executive council shall appoint successors to commissioners appointed under s. ~~66.882~~ 200.23 (2) (b), as provided in s. ~~66.882~~ 200.23. Each successor shall be appointed at least 6 weeks before the expiration of the preceding commissioner's term.

(3) CHANGE OF RESIDENCE OR LOSS OF ELECTED STATUS. Any commissioner appointed under s. ~~66.882~~ 200.23 (2) (a) who moves his or her principal residence outside the 1st class city and any commissioner appointed under s. ~~66.882~~ 200.23 (2) (b) who moves his or her principal residence outside the district or into the 1st class city shall resign. Any commissioner who is an elected official and who is not reelected or who otherwise leaves the elected office may serve not more than an additional 90 days after leaving office or until a successor is appointed, whichever occurs first.

(4) VACANCIES. Vacancies occurring during the term of any commissioner shall be filled as provided under s. ~~66.882~~ 200.23, but only for the balance of the unexpired term. All vacancies shall be filled within 90 days. The balance of the unexpired term constitutes one term for the commissioner appointed to fill the vacancy. A commis-



sioner appointed to fill a vacancy may be reappointed for subsequent full terms, as provided in sub. (1) (a).

(7) (a) Commencing in 1990, in the year immediately following the date when the federal decennial census of population becomes available in printed form, the commission shall reapportion the allocation of appointments between s. ~~66.882~~ 200.23 (2) (a) and (b) to reflect as nearly as possible the proportionate populations within the district of the 1st class city and of the cities, villages and towns that are represented on the executive council. As part of its reapportionment the commission may increase the number of seats to not more than 13 and may decrease the number of seats to not less than 9.

(8) REMOVAL FROM OFFICE. Any commissioner appointed by the mayor under s. ~~66.882~~ 200.23 (2) (a) may be removed by the mayor. Any commissioner appointed by the executive council under s. ~~66.882~~ 200.23 (2) (b) may be removed by the same process as is used for appointment.

**SECTION 579.** 66.886 of the statutes is renumbered 200.27, and 200.27 (1), (2) (a) 1. and (b), (3) and (4), as renumbered, are amended to read:

200.27 (1) QUORUM. Six commissioners constitute a quorum for the transaction of business. If after reapportionment under s. ~~66.884~~ 200.25 (7) the number of commissioners is increased to 12 or 13, 7 commissioners constitute a quorum. If after reapportionment under s. ~~66.884~~ 200.25 (7) the number of commissioners is reduced to 9 or 10, 5 commissioners constitute a quorum.

(2) (a) 1. No resolution adopted by the commission under s. ~~66.94~~ 200.55 (1), (3) (c) or (6), 67.05 (1) or 67.12 (12), no schedule of charges under s. ~~66.076~~ 66.0821, ~~66.898~~ 200.39 (4), ~~66.899~~ 200.41 or ~~66.94~~ 200.55 (5) (b) 3., no decision to borrow against taxes under s. 67.12 (1) and no decision to borrow under s. 24.61 (3) (a) 7. is valid unless adopted by an affirmative vote of at least a two-thirds majority of all commissioners.

(b) If one or more resolutions authorizing full financing of the capital budget adopted under s. ~~66.908~~ 200.53 are not adopted on or before October 15 succeeding the annual adoption of the budget, the commission may by a vote of a simple majority of all commissioners annually levy taxes under s. ~~66.94~~ 200.55 (6) (a) 4. or otherwise appropriate a sum from any source for the purpose of financing the capital budget. The total levy and appropriation may not exceed \$40,000,000.

(3) CHAIRPERSON. The commission shall elect one commissioner as chairperson of the commission, for a term specified by rule by the commission. The chairperson is removable at pleasure by the commission. The chairperson shall preside over the meetings of the commission and shall perform other duties imposed upon the chairperson by ~~ss. 66.88 to 66.918~~ this subchapter or assigned by the commission. The commission may also appoint a vice chairperson who may exercise the powers

and shall perform the duties of the chairperson in the absence or disability of the chairperson.

(4) SECRETARY. The commission shall appoint a secretary who is not a member of the commission. The secretary is removable at pleasure by the commission and shall receive the compensation the commission determines. The compensation shall be paid at the time and in the same manner that the salaries of other employees of the district are paid. The secretary shall maintain all records concerning the district and shall perform the other duties that are imposed upon the secretary by ~~ss. 66.88 to 66.918~~ this subchapter or that are assigned by the commission.

**SECTION 580.** 66.888 of the statutes is renumbered 200.29, and 200.29 (1) (b) and (c) 3. and (2) (b), as renumbered, are amended to read:

200.29 (1) (b) The initial boundary of a district created under s. ~~66.882~~ 200.23 (1) (b) is the same as the boundary of the district created under s. 59.96 (5), 1979 stats.

(c) 3. Within 90 days after all commissioners have been appointed under s. ~~66.882~~ 200.23, the commission shall adopt rules concerning the factors to be considered in determining the redefined boundary of the district under subd. 2. The commission may also establish conditions by rule that shall apply if an area is not within the district after the boundary is redefined but is subsequently added to the district under par. (d). When adopting rules under this subdivision the commission shall consider, among other considerations:

(2) (b) The name of a district created under s. ~~66.882~~ 200.23 (1) (b) is the Milwaukee metropolitan sewerage district.

**SECTION 581.** 66.89 of the statutes is renumbered 200.31, and 200.31 (intro.), as renumbered, is amended to read:

**200.31 General duties of the commission.** (intro.) Subject to ~~ss. 66.88~~ 200.21 to ~~66.918~~ 200.65, the commission shall:

**SECTION 582.** 66.892 of the statutes is renumbered 200.33, and 200.33 (1) (b), as renumbered, is amended to read:

200.33 (1) (b) Except as provided in sub. (2), ~~ss. 66.88~~ 200.21 to ~~66.918~~ 200.65 do not authorize the commission to operate, maintain, rehabilitate or preserve local sewers or appurtenant local facilities constructed by a municipality or to separate combined storm and sanitary sewers.

**SECTION 583.** 66.894 of the statutes is renumbered 200.35, and 200.35 (1) (intro.), (2) (b), (5) (a) and (11) (a) and (c), as renumbered, are amended to read:

200.35 (1) GENERAL POWERS OF THE COMMISSION. (intro.) To the extent necessary to carry out its duties under s. ~~66.89~~ 200.31, the commission may project, plan, design, adopt, construct, operate and maintain:

(2) (b) Nothing in ~~ss. 66.88 to 66.918~~ this subchapter authorizes the commission to lay or construct any part of the sewerage system after April 27, 1982, over, upon or under any land covered by any outlying waters, as defined in s. 29.001 (63), unless the commission first obtains the prior consent of both houses of the legislature and the governor.

(5) (a) In its actions under ~~ss. 66.88 to 66.918~~ this subchapter, the commission shall comply with local zoning and land use ordinances unless it finds that, in carrying out its responsibilities under ~~ss. 66.88 to 66.918~~ this subchapter, deviation from these ordinances meets the test of public necessity, as that term is used for the purposes of ch. 32. The commission may only make determinations of public necessity by resolution. This paragraph does not authorize the commission to deviate from floodplain or shoreland zoning ordinances.

(11) (a) The commission may enter upon any land or water in the district for the purpose of making examinations, test borings, tests or surveys in the performance of its responsibilities under ~~ss. 66.88 to 66.918~~ this subchapter. The commission shall compensate for damage caused by its examinations, test borings, tests or surveys. The commission may examine any sewer or sewerage system to determine if the sewer or sewerage system is defective in operation, construction, design or supervision.

(c) If the consent of the owner cannot be obtained, the district shall obtain a special entry warrant prior to entry onto the land. To obtain a special entry warrant, the district shall petition the circuit court for the county in which the land to be entered is located and shall mail a copy of the petition by registered mail to the owner's last-known address, if any. If the court determines that entry onto the land is reasonably related to the performance of the district's responsibilities under ~~ss. 66.88 to 66.918~~ this subchapter, the court shall issue the warrant on the district's affidavit that the district intends to enter the land under this subsection, that the district has mailed, at least 5 days prior to the affidavit, a copy of the petition for the warrant to the owner as required in this paragraph and that the district has been otherwise unable to obtain the owner's consent.

**SECTION 584.** 66.896 of the statutes is renumbered 200.37, and 200.37 (2) (a) and (3), as renumbered, are amended to read:

200.37 (2) (a) The commission may temporarily use any public sewer or drain, including any storm sewer or drain, in the district for the purposes of ~~ss. 66.88 to 66.918~~ this subchapter. The commission may incorporate with the sewerage system for use as an outfall sewer into a channeled watercourse or as an interceptor sewer any public sewer or drain, including any storm sewer or drain, and any of their appurtenances, either in their existing condition or with repairs or modifications as the commission may determine. The commission may condemn,

close up, abolish, destroy, alter the functions or increase the flow of any of those public sewers and drains incorporated with the sewerage system as it deems necessary to carry out the purposes of ~~ss. 66.88 to 66.918~~ this subchapter. If the commission decides to incorporate or utilize a sewer or drain under this subsection, it shall use the procedures specified in par. (b).

(3) POWER TO REQUIRE CONNECTION. The commission may compel any owner or occupant of any premises located along the line of any interceptor sewer or along the line of any sewer of a municipality that is discharging sewage, refuse or industrial wastes of any kind into any river or canal within the drainage area of the district to change or rebuild any outlet, drain or sewer so as to discharge all the sewage, refuse or industrial wastes into the sewers of the town, city or village or into the district's interceptor sewer under rules adopted by the commission under s. ~~66.902~~ 200.45.

**SECTION 585.** 66.898 of the statutes is renumbered 200.39, and 200.39 (1) to (3), (4) (a) and (b) and (5) (a) (intro.) and 2., as renumbered, are amended to read:

200.39 (1) GENERAL POWER OF THE COMMISSION. Subject to subs. (2) to (6), the commission may contract with any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26~~ subch. I wholly or partially outside the boundaries of the district, but wholly or partially within the same general drainage area as the district for the transmission, treatment or disposal of sewage from any territory located in the city, town, village, sanitary district or metropolitan sewerage district. Each contract executed under this section shall specify the terms of payment of sewerage service charges by the contracting party.

(2) PRIOR APPROVALS. Before permitting any city, town, village, sanitary district or metropolitan sewerage district to connect its sewers with or use any of the district's interceptor sewers under this section, the sewers shall be approved as provided in s. ~~66.896~~ 200.37 (1). The governing body of the city, town, village, sanitary district or metropolitan sewerage district may enter into a contract under this section only by a vote of three-fourths of its members.

(3) SERVICE CHARGES FOR OPERATION AND MAINTENANCE. As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party with respect to operating and maintenance costs. These charges shall be established in accordance with s. ~~66.912~~ 200.59 and are subject to review under s. ~~66.912~~ 200.59. The schedule of service charges may, but need not, be uniform with any other schedule of charges established by the commission.

(4) (a) As part of any contract executed under this section, the commission may assess reasonable and just sewerage service charges against the contracting party

with respect to capital costs. These sewerage service charges are subject to review under s. ~~66.912~~ 200.59. The schedule of sewerage service charges with respect to capital costs used in contracts executed under this section shall be uniform with the system used to recover capital costs within the district.

(b) Except as provided in par. (c), the charges assessed under this subsection shall be established in accordance with s. ~~66.076~~ 66.0821 or ~~66.91~~ 200.55 (5). In computing the schedule of charges under this subsection, the commission may consider the factors specified in s. ~~66.076~~ 66.0821 (5) or ~~66.91~~ 200.55 (5). In computing the schedule of charges under this subsection, the commission may also consider the fact that sewerage service may not be available to or may be available to but not utilized by a part of the property located within the territorial limits of a contracting party at the time of computing the schedule.

(5) (a) (intro.) Any city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~ that contracts under this subsection may provide for the payment of charges from any available source, including:

2. Assessments upon and assessments of charges against the whole city, town, village, sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~ or upon or against any part thereof that the governing body determines to be benefited by the service.

**SECTION 586.** 66.899 of the statutes is renumbered 200.41, and 200.41 (1) to (3), as renumbered, are amended to read:

200.41 (1) Notwithstanding ~~ss. 66.076~~ 66.0821 and ~~66.91~~ 200.55 (5), if the commission establishes a system to recover capital costs within the district on the basis of the value of property in the area to be served, as equalized under s. 70.57, the commission shall establish a system of sewerage service charges to recover capital costs which shall be used with respect to any area which is served by the district and which is outside the boundaries of the district and outside of any municipality which has contracted with the district under s. ~~66.898~~ 200.39. The charges shall be equal to the amount the commission would be authorized to levy as taxes upon the area served if the area were within the district's boundaries.

(2) Any charge made by the district under this section is reviewable under s. ~~66.912~~ 200.59 (5) if the charge has been paid.

(3) Section ~~66.91~~ 200.55 (5) (b) and (d) apply to charges assessed under this section.

**SECTION 587.** 66.90 of the statutes is renumbered 200.43, and 200.43 (1), as renumbered, is amended to read:

200.43 (1) GENERAL POWER OF THE COMMISSION. The commission may acquire by gift, purchase, lease or other

methods of acquisition or by condemnation, any real property situated in the state and all tenements, hereditaments and appurtenances belonging or in any way appertaining to, or in any interest, franchise, easement, right or privilege therein, that may be needed for the purpose of projecting, planning, constructing and maintaining the sewerage system, that may be needed for the collection, transmission or disposal of all sewage or drainage of the district or that may be needed for improving any river or stream within the district under s. ~~66.894~~ 200.35 (8) (a) or (b).

**SECTION 588.** 66.902 of the statutes is renumbered 200.45, and 200.45 (1) (b), as renumbered, is amended to read:

200.45 (1) (b) The rules shall apply throughout the territory served by the sewerage system and, except as provided in s. ~~66.894~~ 200.35 (5), shall have precedence over any conflicting ordinance, code or regulation of or permit issued by any municipality within the territory.

**SECTION 589.** 66.904 (title), (1) and (2) (title) of the statutes are renumbered 200.47 (title), (1) and (2) (title), and 200.47 (1), as renumbered, is amended to read:

200.47 (1) GENERAL POWERS OF THE COMMISSION. The commission may enter into contracts, agreements or stipulations necessary to perform its duties and exercise its powers under ~~ss. 66.88 to 66.918 this subchapter~~, including contracts to purchase, lease or otherwise obtain the use of all necessary equipment, supplies and labor.

**SECTION 590.** 66.904 (2) (a) of the statutes, as affected by [1999 Wisconsin Act 9](#), is renumbered 200.47 (2) (a) and amended to read:

200.47 (2) (a) Except as provided in par. (b), all work done and all purchases of supplies and materials by the commission shall be by contract awarded to the lowest responsible bidder complying with the invitation to bid, if the work or purchase involves an expenditure of \$20,000 or more. If the commission decides to proceed with construction of any sewer after plans and specifications for the sewer are completed and approved by the commission and by the department of natural resources under ch. 281, the commission shall advertise by a class 2 notice under ch. 985 for construction bids. All contracts and the awarding of contracts are subject to s. ~~66.29~~ 66.0901.

**SECTION 591.** 66.904 (2) (b) to (e) and (3) to (5) of the statutes are renumbered 200.47 (2) (b) to (e) and (3) to (5), and 200.47 (2) (cm) 1. and (e), as renumbered, are amended to read:

200.47 (2) (cm) 1. Except as provided under subd. 4., in determining the lowest responsible bid for any contract awarded prior to December 31, 1993, the commission may evaluate the multiplier effect on state revenues and tax receipts of contract moneys which will be spent in this state under the contract. The commission shall promulgate by rule any condition and evaluation criterion which it applies to a bid evaluated under this subdivision. If the

commission accepts a bid evaluated under this subdivision, it shall file with the secretary of the commission a written report detailing the reasons for its acceptance. The secretary shall make the report available for public inspection. The commission shall include in the annual report prepared under s. ~~66.886~~ 200.27 (9) a summary of all bids accepted after an evaluation under this subdivision.

(e) Paragraphs (a) to (d) do not apply to contracts awarded under s. ~~66.905~~ 200.49.

**SECTION 592.** 66.905 of the statutes is renumbered 200.49.

**SECTION 593.** 66.906 of the statutes is renumbered 200.51, and 200.51 (1), as renumbered, is amended to read:

200.51 (1) GENERAL POWERS OF THE COMMISSION. The commission may appoint or employ professional or technical advisers and experts and other personnel the commission requires for the proper execution of its duties under ~~ss. 66.88 to 66.918~~ this subchapter, fix their compensations and remove or discharge the employees at pleasure.

**SECTION 594.** 66.908 of the statutes is renumbered 200.53.

**SECTION 595.** 66.91 of the statutes is renumbered 200.55, and 200.55 (1) (a) to (c), (d) 1. (intro.) and 3., (e) (intro.) and (f) to (g), (1m), (3) (intro.) and (c), (5) (a), (c) 2. and (d), (6) (a) 1. and (6m), as renumbered, are amended to read:

200.55 (1) (a) The district may issue bonds, notes or certificates for the purposes provided in s. ~~66.066~~ 66.0621. Except as provided in pars. (b) to (fa), the procedure for issuance of these bonds, notes or certificates is as specified in s. ~~66.066~~ 66.0621.

(b) The commission has the powers and duties specified for a board or council in s. ~~66.066~~ 66.0621. The district has the powers and duties specified for a municipality in s. ~~66.066~~ 66.0621. If s. ~~66.066~~ 66.0621 specifies that a board, council or municipality shall act by ordinance, the commission shall act by resolution.

(c) District bonds issued under s. ~~66.066~~ 66.0621 (2) (a) shall be executed by the chairperson and secretary of the commission rather than by a chief executive and clerk.

(d) 1. (intro.) Section ~~66.066~~ 66.0621 (2) (a) 2. does not apply to district bonds. District bonds shall either mature:

3. Notwithstanding s. ~~66.066~~ 66.0621 (2) (a) 1., district bonds shall be made payable within 50 years from the date of the bonds, whether the bonds mature serially or within a specified term of years.

(e) (intro.) Notwithstanding s. ~~66.066~~ 66.0621 (2) (c):

(f) Deeds or mortgages that secure principal and interest of bonds under s. ~~66.066~~ 66.0621 shall be exe-

cuted by the commission chairperson and secretary rather than by a chief executive and clerk.

(fa) Notwithstanding any contrary provision of s. ~~66.066~~ 66.0621, the district may issue bond anticipation notes under s. ~~66.066~~ 66.0621 (2) (m) in the form of commercial paper. If the district issues such commercial paper, the district may borrow to pay the interest on such paper, may obtain credit and liquidity facilities and may delegate authority to any person to sell, execute, determine the interest rates, maturities and amounts of such paper and to conduct the issuance of such paper as provided by the commission in the resolution under s. ~~66.066~~ 66.0621 (2) (m) authorizing the issuance. Such issuance under a single resolution shall be deemed a single issue of securities issued as of the date of the sale of the first such paper and not as a series of refundings. A resolution authorizing the issuance of commercial paper under this paragraph and any taxes levied or any pledge made on such issuance is irrevocable as specified in the authorizing resolution.

(g) User charges and service charges established by the commission under sub. (5) or s. ~~66.076~~ 66.0821 to comply with any covenant concerning the sufficiency of the charges contained in a resolution or ordinance providing for the issuance of revenue bonds or notes under s. ~~66.066~~ 66.0621 shall be presumed reasonable in any review of the charges by the public service commission under s. ~~66.912~~ 200.59 (5).

(1m) INVESTMENT OF FUNDS. Notwithstanding any of the limits or restrictions in ss. ~~66.066~~ 66.0621 (2) (d) and (f), ~~66.069~~ (1)-(e) 66.0811 (2) and 67.11 (2) on the debt instruments in which the district or commission may invest any of its funds that are not immediately needed, the district may invest any such funds in a debt instrument listed under s. ~~66.04~~ (2) 66.0605 (1).

(3) MARKETING REVENUE BONDS. (intro.) To enhance the marketability of district bonds or notes issued under s. ~~66.066~~ 66.0621, the commission may:

(c) Levy a direct, irrevocable, annual, general tax in an amount sufficient to provide for the payment of all the principal and interest on the issue as it matures. The amount of the levy entered on the tax roll and collected each year shall be reduced by the amount in the special redemption fund provided under s. ~~66.066~~ 66.0621 or in any similar fund that is available for payment of principal and interest on the issue during the ensuing year. The portion of the principal of the issue not paid or provided for is a debt of the district and shall be included in determining its debt limit under article XI, section 3, of the constitution.

(5) (a) For service provided to any user, the commission may establish, assess and collect service charges under s. ~~66.076~~ 66.0821 or under this subsection. For service to any user outside the district and not located in a municipality which has contracted with the district under

s. ~~66.898 200.39~~, the commission may establish, assess and collect service charges under s. ~~66.899 200.41~~. Except as provided under s. ~~66.899 200.41~~ (2), any charge made by the district under this subsection is reviewable under s. ~~66.912 200.59~~ (5). The sewerage service charges established under s. ~~66.076 66.0821~~ or under this subsection with respect to capital costs for service to any user shall be uniform.

(c) 2. The commission may classify users on the basis of uses and may establish separate charges for separate classes. In computing charges, the commission may consider any reasonable factor, including wastewater flow or drainage, delivery flow characteristics, water consumption, type and number of sewerage connections or plumbing fixtures, population served, lot size, portion of lot improved and assessed value of property served. The commission may also compute its fee schedules as needed to meet the requirements of s. ~~66.076 66.0821~~ or of title II of the water pollution control act, [33 USC 1251](#) et seq.

(d) 1. Each sanitary district organized under subch. IX of ch. 60 and each metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~ that is billed by the commission under par. (b) shall, within 5 days of receipt of a bill from the commission, in turn bill each city, town or village served by the sanitary district or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~. Each city, town or village located within the district and billed under this paragraph or billed by the commission under par. (b) or under s. ~~66.076 66.0821~~ shall, within 45 days of receiving the bill, pay the full amount billed to the district. Each municipality may levy a reasonable penalty for late payment by the user to the municipality. Each municipality may provide for the payment of charges to it by any means specified in s. ~~66.898 200.39~~ (5).

2. Any city, town or village may collect and tax charges made by it to users in the same manner as water rates are taxed and collected under s. ~~66.069 (1) or 66.071 (1)-(e) 62.69 (2) (f) or 66.0809~~. Charges taxed under this subdivision are a lien upon the property served, as provided in s. ~~66.091 (1) or 66.071 (1)-(e) 62.69 (2) (f) or 66.0809~~.

NOTE: Corrects an apparent incorrect cross-reference in the last sentence. The cross-reference to s. 66.091 (1) [renumbered s. 893.81] is to a provision dealing with local liability for mob damage, not with liens on property. It appears the correct cross-reference is to s. 66.0809 [former s. 66.069 (1)], which is also cross-referenced earlier in the sentence.

(6) (a) 1. To make payments to a county as provided in s. ~~66.882 200.23~~ (1) (b) 2.;

(6m) TAX STABILIZATION FUND. The commission may establish a tax stabilization fund for any purpose authorized by ~~ss. 66.88 to 66.918~~ this subchapter.

**SECTION 596.** 66.911 of the statutes is renumbered 200.57.

**SECTION 597.** 66.912 of the statutes is renumbered 200.59, and 200.59 (4) and (5), as renumbered, are amended to read:

200.59 (4) COLLECTION OF FEES BY MUNICIPALITIES. Every sanitary district organized under subch. IX of ch. 60 or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~ billed by a district under sub. (2) shall in turn bill every city, town or village served by the sanitary district or metropolitan sewerage district organized under ~~s. 66.20 to 66.26 subch. I~~. Every city, town and village billed by a district under sub. (2), by a sanitary district or metropolitan sewerage district organized under ~~ss. 66.20 to 66.26 subch. I~~ under this subsection shall collect such charges from the individual sewer system users in the city, town or village and shall promptly remit the same to the district. The district may adopt rules for the establishment and administration of collection procedures and the settlement of such collections with the district as required by this section. Under such rules the district may provide for reimbursement of the municipality for the expense of collecting late payments of charges. Each municipality shall pay the district in full within 45 days after receiving a bill from the district. The district or, if the district does not act, every municipality is empowered to levy a penalty for late payment by the user to the municipality. Any city, town or village may collect under s. ~~66.076 66.0821~~ (7) any charge which is due under this section and which is delinquent. In the event that any municipality does not remit such charges to the district within 45 days of the billing date, the district may borrow moneys, repayable in not longer than 18 months, sufficient to offset such uncollected charges.

(5) REVIEW BY PUBLIC SERVICE COMMISSION. Except as provided under s. ~~66.899 200.41~~ (2), upon complaint to the public service commission by any user that charges, rules and practices under this section are unreasonable or unjustly discriminatory, according to the standards and criteria which the commission is required to follow under state or federal law, including, without limitation because of enumeration, this section, [33 USC 1251](#) et seq. and ch. 283, or upon complaint of a holder of a revenue bond or other evidence of debt, secured by a mortgage on the sewerage system or any part thereof or pledge of the income of sewerage service charges, that charges are inadequate, the public service commission shall investigate the complaint. If sufficient cause therefor appears, the public service commission shall set the matter for a public hearing upon 10 days' notice to the complainant and the commission. After the hearing, if the public service commission determines that the charges, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable charges, rules and practices and shall make such other order respecting such complaint as may be just and reasonable. The proceedings under this subsection



shall be governed, as far as applicable, by ss. 196.26 to 196.40. The commission may submit the factual data, reports and analyses considered by it in establishing the charges, rules or practices subject to a complaint under this subsection. The public service commission shall give due weight to such data, reports and analyses. Judicial review of the determination of the public service commission may be had by any person aggrieved in the manner prescribed under ch. 227. If any user pays a charge and the public service commission or court, on appeal from the public service commission, finds such charge, after reviewing a complaint filed under this subsection, to be excessive, the district shall refund to the user the excess plus the interest thereon computed at the rate then paid by the district for borrowing funds for a term of one year or less.

**SECTION 598.** 66.914 of the statutes is renumbered 200.61.

**SECTION 599.** 66.916 of the statutes is renumbered 200.63 and amended to read:

**200.63 Construction.** Nothing in ss. ~~66.88~~ 200.21 to ~~66.914~~ 200.61 in any way limits or takes away any of the powers of any municipality located in the district, relating to the construction, extension or repair of local or sanitary sewers or drains except that all plans and specifications for the construction of any local or sanitary sewers or extensions thereof shall be submitted to and approved in writing by the district before the sewers are constructed.

**SECTION 600.** 66.918 of the statutes is renumbered 200.65.

**SECTION 601.** 66.92 of the statutes is repealed.

NOTE: Repealed as no longer necessary. Furthermore, housing authorities may carry out housing projects for veterans. See s. 66.0807 (9) (r), as renumbered. [Current s. 66.04 (9) (s).] Section 66.92 authorizes counties, cities, villages and towns to promote and provide housing for veterans and directs the department of veterans affairs (DVA) and the Wisconsin housing and economic development authority to provide information and assistance for the local efforts.

**SECTION 602.** 66.925 of the statutes is renumbered 66.1013.

**SECTION 603.** 66.93 of the statutes is renumbered 45.051.

**SECTION 604.** 66.935 of the statutes is renumbered 66.0625, and 66.0625 (title) and (2), as renumbered, are amended to read:

**66.0625 (title) Mass Joint issuance of mass transit bonding.**

(2) In addition to the provisions of any other statutes specifically authorizing cooperation between political subdivisions or public transit bodies, unless such those statutes specifically exclude action under this section, any political subdivision or public transit body may, for mass transit purposes, issue bonds or, with any other

political subdivision or public transit body, jointly issue bonds.

**SECTION 605.** 66.94 of the statutes, as affected by 1999 Wisconsin Act 9, is repealed.

NOTE: Section 66.94, relating to metropolitan transit authorities, is repealed. The statute, originally intended to apply to Milwaukee County and its municipalities, apparently has never been utilized nor does it appear likely to be utilized in the future.

**SECTION 606.** 66.943 of the statutes is renumbered 66.1021, and 66.1021 (1) (a), (5) (a), (7) (b), (9) and (10) to (12), as renumbered, are amended to read:

66.1021 (1) (a) ~~Any A~~ city, village or town may enact an ordinance for the establishment, maintenance and operation of a comprehensive unified local transportation system, the major portion of which is ~~or is to be~~ located within, or the major portion of the service of which is ~~or is to be~~ supplied to the inhabitants of ~~such, the~~ city, village or town, and which system is used ~~or to be~~ used for the transportation of persons or freight.

(5) (a) The first members of the transit commission shall be appointed for staggered 3-year terms. The term of office of each member ~~thereafter~~ appointed after the first members of the transit commission shall be 3 years.

(7) (b) For the purpose of receiving, considering and acting upon any complaints or applications that may be presented to it or for the purpose of conducting investigations or hearings on its own motion the transit commission shall hold regular meetings at least once a week except in the months of July and August and special meetings on the call of the chairperson or at the request of the city common council or village or town board.

(9) ~~Initial~~ The initial acquisition of the properties for the establishment of, and to comprise, the comprehensive unified local transportation system ~~shall be is~~ subject to s. ~~66.065~~ 66.0803 or ch. 197.

(10) (a) Any city, village, town or federally recognized Indian tribe or band may by contract under s. ~~66.30~~ 66.0301 establish a joint municipal transit commission with the powers and duties of city, village or town transit commissions under this section. Membership on ~~such a~~ the joint transit commission shall be as provided in the contract established under s. ~~66.30~~ 66.0301.

(b) Notwithstanding any other provision of this section, no joint municipal transit commission under par. (a) may provide service outside the corporate limits of the parties to the contract under s. ~~66.30~~ 66.0301 which establish the joint municipal transit commission unless the joint municipal transit commission receives financial support for the service ~~pursuant to~~ under a contract with a public or private organization for ~~such the~~ service. This paragraph does not apply to service provided by a joint municipal transit commission outside the corporate limits of the parties to the contract under s. ~~66.30~~ 66.0301 which establish the joint municipal transit commission if

the joint municipal transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such~~ the service.

(11) (a) In lieu of providing transportation services, a city, village or town may contract with a private organization for ~~such~~ the services.

(b) Notwithstanding any other provision of this section, no municipality may contract with a private organization to provide service outside the corporate limits of ~~such~~ the municipality unless the municipality receives financial support for the service ~~pursuant to~~ under a contract with a public or other private organization for ~~such~~ the service. This paragraph does not apply to service provided under par. (a) outside the corporate limits of a municipality if a private organization is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and the municipality elects to continue ~~such~~ the service.

(12) Notwithstanding any other provision of this section, no transit commission may provide service outside the corporate limits of the city which establishes the transit commission unless the transit commission receives financial support for the service ~~pursuant to~~ under a contract with a public or private organization for ~~such~~ the service. This subsection does not apply to service provided by a transit commission outside the corporate limits of the city which establishes the transit commission if the transit commission is providing the service on April 28, 1994, without receiving financial support from a public or private organization for the service, and elects to continue ~~such~~ the service.

**SECTION 607.** 66.944 of the statutes is renumbered 66.1023, and 66.1023 (1) (c), as renumbered, is amended to read:

66.1023 (1) (c) Notwithstanding ~~s. 66.94 (29)~~ or any other law, no city, city transit commission or metropolitan transit authority may be required to contribute to more than one retirement fund for an affected employee.

**SECTION 608.** 66.945 (title), (1) to (7) and (8) (title) of the statutes are renumbered 66.0309 (title), (1) to (7) and (8) (title), and 66.0309 (2) (a) and (c), (2m), (3) (a) 2. and (b) (intro.), (5) and (7), as renumbered, are amended to read:

66.0309 (2) (a) A regional planning commission may be created by the governor, or ~~such~~ a state agency or official as the governor designates, upon petition in the form of a resolution by the governing body of a local governmental unit and the holding of a public hearing on ~~such~~ the petition. If the petition is joined in by the governing bodies of all the local units in the proposed region, including the county board of any county, part or all of which is in the proposed region, the governor may dispense with the hearing. Notice of any public hearing shall be given by the governor by mail at least 10 days in

advance to the clerk of each local unit in the proposed region.

(c) Territory included within a regional planning commission that consists of one county or less in area also may be included in the creation of a multicounty regional planning commission. ~~Such~~ The creation does not require that the existing regional planning commission consisting of one county or less in area be terminated or altered, but upon creation of the multicounty commission, the existing commission shall cease to have authority to make charges upon participating local governmental units ~~pursuant to~~ under sub. (14) and shall adopt a name other than "regional planning commission".

(2m) LIMITATION ON TERRITORY. No regional planning commission may be created to include territory located in 3 or more uniform state districts as established by 1970 executive order 22 dated August 24, 1970. Any existing regional planning commission which includes territory located in 3 or more ~~such~~ uniform state districts shall be dissolved no later than December 31, 1972.

(3) (a) 2. Two members from each participating county shall be appointed by the governor. At least one ~~such~~ appointee shall be a person, selected from a list of 2 or more persons nominated by the county board, who has experience in local government in elective or appointive offices or who is professionally engaged in advising local governmental units in the fields of land-use planning, transportation, law, finance, engineering or recreation and natural resources development. The governor in making appointments ~~hereunder~~ under this subdivision shall give due weight to the place of residence of the appointees within the various counties encompassed by the region.

(b) (intro.) For any region which does not include a city of the first class 1st class city, the membership composition of a regional planning commission shall be in accordance with resolutions approved by the governing bodies of a majority of the local units in the region, and these units shall have in the aggregate at least half the population of the region. For the purposes of this determination a county, part or all of which is within the region, shall be counted as a local unit, but the population of an approving county shall not be counted. In the absence of the necessary approval by the local units, the membership composition of a commission shall be determined as follows:

(5) CHAIRPERSON; RULES OF PROCEDURE; RECORDS. Each regional planning commission shall elect its own chairperson and executive committee and shall establish its own rules of procedure, and may create and fill ~~such~~ other offices as it may determine necessary. The commission may authorize the executive committee to act for it on all matters ~~pursuant to~~ under rules adopted by it. The commission shall meet at least once each year. It shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(7) ADVISORY COMMITTEES OR COUNCILS; APPOINTMENT. The regional planning commission may appoint advisory committees or councils whose membership may consist of individuals whose experience, training or interest in the program may qualify them to lend valuable assistance to the regional planning commission by acting in an advisory capacity in consulting with the regional planning commission on all phases of the commission's program. Members of such advisory bodies shall receive no compensation for their services but may be reimbursed for actual expenses incurred in the performance of their duties.

**SECTION 609.** 66.945 (8) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 66.0309 (8) (a) and amended to read:

66.0309 (8) (a) 1. The regional planning commission may ~~conduct~~ take any of the following actions:

a. Conduct all types of research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties; ~~it may, consistent,~~

b. Consistent with the elements specified in s. ~~66.0295 66.1001~~, make plans for the physical, social and economic development of the region, and ~~may, consistent with the elements specified in s. 66.0295 66.1001,~~ adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region; ~~it may publicize,~~

c. Publicize and advertise its purposes, objectives and findings, and ~~may distribute reports thereon; it may provide concerning these items.~~

d. Provide advisory services on regional planning problems to the local government units within the region and to other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such local units and agencies as they relate to its objectives.

2. All public officials shall, upon request, furnish to the regional planning commission, within a reasonable time, such available information as it requires for its work. In general, the regional planning commission shall have all powers necessary to enable it to perform its functions and promote regional planning. The functions of the regional planning commission shall be solely advisory to the local governments and local government officials comprising the region.

**SECTION 610.** 66.945 (8) (b) of the statutes is renumbered 66.0309 (8) (b).

**SECTION 611.** 66.945 (9) and (10) of the statutes, as affected by 1999 Wisconsin Act 9, are renumbered 66.0309 (9) and (10) and amended to read:

66.0309 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning commission shall have the function and duty of making and adopting a master plan for the physical development of the region. The master plan, with the accompanying maps, plats, charts,

programs and descriptive and explanatory matter, shall show the commission's recommendations for such physical development and shall contain at least the elements described in s. ~~66.0295 66.1001~~. The regional planning commission may amend, extend or add to the master plan or carry any part or subject matter into greater detail.

(10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. The regional planning commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may by resolution adopt a part or parts ~~thereof of the master plan~~, any such part to correspond with one or more of the elements specified in s. ~~66.0295 66.1001~~. The resolution shall refer expressly to the maps, plats, charts, programs and descriptive and explanatory matter, and other matters intended by the regional planning commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part ~~thereof of the adopted plan~~ by the identifying signature of the chairperson of the regional planning commission and a copy of the plan or part ~~thereof of the adopted plan~~ shall be certified to the legislative bodies of the local governmental units within the region. The purpose and effect of adoption of the master plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties.

**SECTION 612.** 66.945 (11) to (16) of the statutes are renumbered 66.0309 (11) to (16), and 66.0309 (11), (12) (b) (intro.) and 1., (13), (14) (a) to (c), (d) (intro.) and 1., (e) and (f), (15) and (16), as renumbered, are amended to read:

66.0309 (11) MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public body of a local governmental unit within the region having final authority ~~thereon~~ may refer to the regional planning commission, for its consideration and report, the ~~following matters:~~ The location of or acquisition of land for any of the items or facilities which are included in the adopted regional master plan. Within 20 days after the matter is referred to the regional planning commission or such a longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body. The report and recommendations of the commission shall be advisory only. ~~State agencies~~ A state agency may authorize the regional planning commission with the consent of the commission to act for such ~~the~~ agency in approv-



ing, examining or reviewing plats, under s. 236.12 (2) (a). ~~Regional planning commissions~~ A regional planning commission authorized by a local unit on November 1, 1980 to act for the local unit in approving plats may continue to so act until the commission withdraws its consent or the local unit its approval. A local unit may authorize a regional planning commission, with the consent of the commission, to conduct an advisory review of plats.

(12) (b) (intro.) In addition to the other powers specified in this section a regional planning commission may enter into a contract with any local unit within the region under s. ~~66.30~~ 66.0301 to make studies and offer advice on any of the following topics:

1. Land use, thoroughfares, community facilities, and public improvements;

(13) AID FROM GOVERNMENTAL AGENCIES; GIFTS AND GRANTS. Aid, in any form, for the purpose of accomplishing the objectives of the regional planning commission may be accepted from all governmental agencies whether local, state or federal, if the conditions under which ~~such~~ aid is furnished are not incompatible with the other provisions of this section. The regional planning commission may accept gifts and grants from public or private individuals or agencies if the conditions under which ~~such~~ the grants are made are in accordance with the accomplishment of the objectives of the regional planning commission.

(14) (a) For the purpose of providing funds to meet the expenses of a regional planning commission, the commission shall annually on or before October 1 prepare and approve a budget reflecting the cost of its operation and services to the local governmental units within the region. The amount of the budget charged to any local governmental unit shall be in the proportion of the equalized value for tax purposes of the land, buildings and other improvements ~~thereon of such~~ on the land of the local governmental unit, within the region, to the total ~~such~~ equalized value within the region. The amount charged to a local governmental unit shall not exceed .003 per cent of ~~such~~ equalized value under its jurisdiction and within the region, unless the governing body of ~~such~~ the unit expressly approves the amount in excess of ~~such~~ that percentage. All tax or other revenues raised for a regional planning commission shall be forwarded by the treasurer of the local unit to the treasurer of the commission on written order of the treasurer of the commission.

(b) Where one-half or more of the land within a county is within a region, the chairperson of the regional planning commission shall certify to the county clerk, ~~prior to~~ before August 1 of each year, the proportionate amount of the budget charged to the county for the services of the regional planning commission. Unless the county board finds ~~such~~ the charges unreasonable, and institutes the procedures ~~set forth below for such a con-~~

~~tingency under par. (d)~~, it shall take ~~such necessary~~ legislative action as necessary to provide the funds called for in the certified statement.

(c) Where less than one-half of the land within a county is within a region, the chairperson of the regional planning commission shall before August 1 of each year certify to the clerk of the local governmental unit involved a statement of the proportionate charges assessed to that local governmental unit. ~~Such~~ The clerk shall extend the amount shown in ~~such~~ the statement as a charge on the tax roll under s. 281.43 (2).

(d) (intro.) If any local governmental unit makes a finding by resolution within 20 days of the certification to its clerk that the charges of the regional planning commission are unreasonable, it may take any of the following actions:

1. Submit the issue to arbitration by 3 arbitrators, one to be chosen by the local governmental unit, one to be chosen by the regional planning commission and the third to be chosen by the first 2 arbitrators. If the arbitrators are unable to agree, the vote of 2 shall be the decision. They may affirm or modify the report, and shall submit their decision in writing to the local governmental unit and the regional planning commission within 30 days of their appointment unless the time be extended by agreement of the commission and the local governmental unit. The decision shall be binding. Election to arbitrate shall be waiver of right to proceed by action. Two-thirds of the expenses of arbitration shall be paid by the party requesting arbitration and the balance by the other, ~~or~~.

(e) By agreement between the regional planning commission and a local governmental unit, special compensation to the commission for unique and special services provided to ~~such~~ the local governmental unit may be arranged.

(f) The regional planning commission may accept from any local governmental unit supplies, the use of equipment, facilities and office space and the services of personnel as part or all of the financial support assessed against ~~such~~ the local governmental unit.

(15) DISSOLUTION OF REGIONAL PLANNING COMMISSIONS. Upon receipt of certified copies of resolutions recommending the dissolution of a regional planning commission adopted by the governing bodies of a majority of the local units in the region, including the county board of any county, part or all of which is within the region, and upon a finding that all outstanding indebtedness of the commission has been paid and all unexpended funds returned to the local units which supplied them, or that adequate provision has been made ~~therefor~~ for the outstanding indebtedness or unexpended funds, the governor shall issue a certificate of dissolution of the commission which shall ~~thereupon~~ then cease to exist.

(16) WITHDRAWAL. Within 90 days of the issuance by the governor of an order creating a regional planning commission, any local unit of government within the

boundaries of ~~such~~ the region may withdraw from the jurisdiction of ~~such~~ the commission by a two-thirds vote of the members-elect of the governing body after a public hearing. Notice ~~thereof~~ of withdrawal shall be given to the commission by registered mail not more than 3 nor less than 2 weeks ~~prior thereto~~ before withdrawal and by publication of a class 2 notice, under ch. 985. A local unit may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the members-elect of the governing body taken at least 6 months ~~prior to~~ before the effective date of ~~such~~ the withdrawal. However, ~~such~~ the local unit shall be responsible for its allocated share of the contractual obligations of the regional planning commission continuing beyond the effective date of its withdrawal.

**SECTION 613.** 66.948 of the statutes is renumbered 66.0411.

**SECTION 614.** 66.949 of the statutes is renumbered 66.0133, and 66.0133 (1) (c) and (3), as renumbered, are amended to read:

66.0133 (1) (c) "Performance contract" means a contract for the evaluation and recommendation of energy conservation and facility improvement measures, and for the implementation of one or more ~~such of these~~ measures.

(3) NOTICE. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9) (a), 59.52 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155, ~~66.24 (5) (d), 66.299 (2), 66.431 (5) (a) 2., 66.47 (11), 66.505 (10), 66.508 (10) and 66.904 (2)~~ 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a) 2., 200.11 (5) (d) and 200.47 (2), before entering into a performance contract under this section, a local governmental unit shall solicit bids or competitive sealed proposals from qualified providers. A local governmental unit may only enter into a performance contract if the contract is awarded by the governing body of the local governmental unit. The governing body shall give at least 10 days' notice of the meeting at which the body intends to award a performance contract. The notice shall include a statement of the intent of the governing body to award the performance contract, the names of all potential parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract. At the meeting, the governing body shall review and evaluate the bids or proposals submitted by all qualified providers and may thereafter award the performance contract to the qualified provider that best meets the needs of the local governmental unit, which need not be the lowest cost provider.

**SECTION 615.** 66.95 of the statutes is renumbered 66.0431 and amended to read:

**66.0431 Prohibiting operators from leaving keys in parked motor vehicles.** The governing body of any a city, village or town may by ordinance require every

passenger motor vehicle to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system; prohibit any person from permitting a motor vehicle in the person's custody from standing or remaining unattended on any street, road, or alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for that lock is removed from the vehicle; and provide forfeitures for ~~such~~ violations. ~~The foregoing provisions shall of the ordinance.~~ This section does not apply to motor vehicles operated by common carriers of passengers under ch. 194.

**SECTION 616.** 66.955 of the statutes is renumbered 23.235, and 23.235 (3), as renumbered, is amended to read:

23.235 (3) The department of ~~natural resources~~ may conduct research on the control of nuisance weeds. The secretaries of natural resources and of agriculture, trade and consumer protection may authorize any person to plant or cultivate nuisance weeds for the purpose of controlled experimentation.

**SECTION 617.** 66.96 (title) and (1) of the statutes are renumbered 66.0407 (title) and (1) (intro.), and 66.0407 (1) (intro.), as renumbered, are amended to read:

66.0407 (1) (intro.) ~~The term "destroy"~~ In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at ~~such a~~ such a time and in ~~such a~~ such a manner as will effectually prevent ~~such the weed~~ the weed plants from maturing to the bloom or flower stage.

**SECTION 618.** 66.96 (2) of the statutes is renumbered 66.0407 (1) (b) and amended to read:

66.0407 (1) (b) ~~The term "noxious weeds" as used in this chapter includes the following:~~ "Noxious weed" means Canada thistle, leafy spurge and field bindweed (creeping Jenny) and any other ~~such weeds as weed~~ weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

**SECTION 619.** 66.96 (3) to (5) of the statutes are renumbered 66.0407 (3) to (5), and 66.0407 (3), as renumbered, is amended to read:

66.0407 (3) ~~Every A person owning, occupying or controlling land shall destroy all noxious weeds on all lands which the person shall own, occupy or control the land.~~ Every A person owning, occupying or controlling land shall destroy all noxious weeds on all lands which the person shall own, occupy or control the land. The person having immediate charge of any public lands shall destroy all noxious weeds on ~~such the~~ the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board ~~shall cause to be destroyed is~~

responsible for the destruction of all noxious weeds on the town highways.

**SECTION 620.** 66.97 to 66.99 of the statutes are repealed.

NOTE: Restated as s. 66.0517, with minor amendments.  
See SECTION 154.

**SECTION 621.** 67.01 (9) (h) of the statutes is amended to read:

67.01 (9) (h) To contractor's certificates, ~~general obligation-local improvement bonds~~ or special assessment B bonds issued pursuant to s. 66.54 under s. 66.0713 except as ~~therein specified~~ provided in that section or to general obligation-local improvement bonds issued under s. 67.16, except as provided in that section.

**SECTION 622.** 67.05 (5) (b) of the statutes is amended to read:

67.05 (5) (b) No city or village may issue ~~any~~ bonds for any purposes other than for water systems, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells ~~thereon~~, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. ~~66.38~~ 62.237, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. ~~66.405, 66.1105, 66.1301 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46~~ 66.1329 and 66.1331 to 66.1337 or for university ~~University of Wisconsin system~~ System college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose ~~thereof~~ has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of ~~any~~ a city or the village board of ~~any~~ a village declares its purpose to raise money by issuing bonds for any purpose other than those ~~above specified~~ in this subsection, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city

or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low-interest mortgage loans under s. ~~66.38~~ 62.237 without calling a special election to submit the question of bonding to the city or village electors for their approval.

**SECTION 623.** 67.16 of the statutes is created to read:

**67.16 General obligation-local improvement bonds.** (1) In this section:

(a) "Debt service fund" means the fund, however derived, set aside for the payment of principal and interest on bonds issued under this section.

(b) "Governing body" means the body or board vested by statute with the power to levy special assessments for public improvement.

(c) "Local governmental unit" means a county, city, village, town, farm drainage board, sanitary district, utility district, public inland lake protection and rehabilitation district or any other public board, commission or district, except a 1st class city, authorized by law to levy special assessments for public improvements against the property benefited by the special improvements.

(d) "Public improvement" means the result of the performance of work or the furnishing of materials or both, for which special assessments are authorized to be levied against the property benefited by the special assessment.

(2) (a) For the purpose of anticipating the collection of special assessments payable in instalments under s. 66.0621 (3), the governing body of a local governmental unit, after the instalments have been determined, may issue general obligation-local improvement bonds under this section.

(3) After the expiration of 90 days from the date of a general obligation-local improvement bond, the bond is conclusive evidence of the legality of all proceedings up to and including the issue of the bond and prima facie evidence of the proper construction of the improvement.

NOTE: Provisions of s. 66.54 relating to general obligation-local improvement bonds are relocated to ch. 67, relating to general obligation debt. See ALSO SECTION 518 of this bill.

**SECTION 624.** 70.11 (18) of the statutes is amended to read:

70.11 (18) HOUSING. Property of housing authorities exempt from taxation under ss. ~~66.39 (9) and 66.40 (22)~~ s. 66.1201 (22).

**SECTION 625.** 74.53 (1) (b) of the statutes is amended to read:

74.53 (1) (b) The cost of razing and removing property and restoring the site to a dust-free and erosion-free condition incurred under s. ~~66.05 (2), (5), (8) (bg) or (10)~~

66.0413 (1) (br) 2., (f), (g) or (i), (2) (d) or (4) or of filling an excavation incurred under s. ~~66.05 (6)~~ 66.0427 if the person owned the property when the property was razed and removed and the site restored or the excavation was filled.

**SECTION 626.** 85.20 (3) (b) 4. of the statutes is amended to read:

85.20 (3) (b) 4. The eligible applicant complies with any applicable provisions of ss. 59.58 (2) (j) 2., (k) 2. and (L) and (3) (h) 2. and (j), ~~66.94 (30m)~~ and ~~66.943~~ 66.1021 (10) (b), (11) (b) and (12) with respect to limitation on service.

**SECTION 627.** 87.01 (7) of the statutes is amended to read:

87.01 (7) "Public service corporation" means any corporation specified in s. ~~200.01~~ 201.01.

**SECTION 628.** 103.49 (1) (d), (3) (a) and (b), (4r), (5) (a) and (b), (6m) (a) to (e) and (7) (a) and (d) of the statutes are amended to read:

103.49 (1) (d) "Prevailing 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing or demolition of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly for a majority of the hours worked in the trade or occupation on projects in the area, ~~or if~~

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, then the "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing or demolition of any project of public works in any area ~~shall be~~ means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51% of hours worked in that trade or occupation.

(3) (a) Before bids are asked for any work to which this section applies, the state agency having the authority to prescribe the specifications shall apply to the department to determine the prevailing wage rate and prevailing hours of labor for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall make ~~such~~ investigations and hold ~~such~~ public hearings as ~~may be~~ necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself as to the prevailing wage rates and prevailing hours of labor in all areas of the state for those trades or occupations, with a view to ascertaining the prevailing wage rate and prevailing hours of labor for

each ~~such~~ trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the ~~same~~ determination with the requesting state agency ~~applying therefor~~. For the information of the employees working on the project, the prevailing wage rates and prevailing hours of labor determined by the department and the provisions of subs. (2) and (6m) shall be kept posted by the state agency in at least one conspicuous and easily accessible place on the site of the project.

(b) Any person may request a recalculation of any portion of a determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate or prevailing hours of labor for any given trade or occupation included in the initial determination does not represent the prevailing wage rate or prevailing hours of labor for that trade or occupation in the area. ~~Such~~ The evidence shall include wage rate and hours of labor information for work performed in the contested trade or occupation in the area within the previous 12 months. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

**(4r) COMPLIANCE.** (a) When the department finds that a state agency has not requested a determination under sub. (3) (a) or that a state agency, contractor or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2), the department shall notify the state agency, contractor or subcontractor of ~~such~~ the noncompliance and shall file the determination with the state agency, contractor or subcontractor within 30 days after such notice.

(b) Upon completion of a project and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until ~~such an~~ the affidavit is filed in proper form and order.

(c) Upon completion of a project and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A state agency may not authorize a final payment until ~~such an~~ the affidavit is filed in proper form and order. If a state agency authorizes a final payment before ~~such~~ an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person specified in sub. (2m) has been

or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

(5) (a) Each contractor, subcontractor or contractor's or subcontractor's agent thereof performing work on a project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person described in sub. (2m) and an accurate record of the number of hours worked by each of those persons and the actual wages paid ~~therefor~~ for the hours worked.

(b) It shall be the duty of the department to enforce this section. To this end it may demand and examine, and ~~it shall be the duty of every contractor, subcontractor and contractor's and subcontractor's agent thereof to shall~~ keep, and furnish ~~to~~ upon request by the department, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter and chs. 104 to 106. Every contractor, subcontractor or agent performing work on a project that is subject to this section is subject to the requirements of ch. 101 relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

(6m) (a) Except as provided in pars. (b), (d) and (f), any contractor, subcontractor or contractor's or subcontractor's agent thereof who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that ~~any such a~~ violation continues ~~shall be considered is~~ a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project, or who reduces the hourly basic rate of pay normally paid to an employe for work on a project that is not subject to this section during a week in which the employe works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from ~~such employment~~ or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any person employed on a project that is subject to this section who knowingly permits a contractor, subcontractor or contractor's or subcontractor's agent thereof to pay him or her less than the prevailing wage rate set forth in the contract governing ~~such the~~ project, who gives up, waives or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives or returns any part of the com-

ensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

(e) Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing ~~such the~~ project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(7) (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies and to the University of Wisconsin Hospitals and Clinics Authority a list of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3) at any time in the preceding 3 years. The department shall include with any ~~such~~ name the address of ~~such the~~ person and shall specify when ~~such the~~ person failed to pay the prevailing wage rate and when ~~such the~~ person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency or the University of Wisconsin Hospitals and Clinics Authority may not award any contract to ~~such the~~ person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(d) Any person submitting a bid on a project that is subject to this section shall ~~be required~~, on the date the person submits the bid, ~~to~~ identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor determined under sub. (3).

NOTE: For consistency, s. 103.49 (prevailing wage rates for state building projects) is amended to make editorial changes that parallel those made to current s. 66.293 (prevailing wage rates for municipalities) by SECTION 335.

**SECTION 629.** 103.50 (1) (d), (7) (a) to (e) and (8) of the statutes are amended to read:

103.50 (1) (d) ~~“Prevailing~~ 1. Except as provided in subd. 2., “prevailing wage rate” for any trade or occupation in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation in the area, ~~or if,~~

2. If there is no rate at which a majority of the hours worked in the trade or occupation in the area is paid, then the prevailing wage rate shall be “prevailing wage rate” means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51% of hours worked in that trade or occupation in that area.

(7) (a) Except as provided in pars. (b), (d) and (f), any contractor, subcontractor or contractor’s or subcontractor’s agent thereof who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that ~~any such a~~ violation continues ~~shall be considered is~~ a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive or return any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project, or who reduces the hourly basic rate of pay normally paid to an employe for work on a project that is not subject to this section during a week in which the employe works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from ~~such~~ employment or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any person employed on a project that is subject to this section who knowingly permits a contractor, subcontractor or contractor’s or subcontractor’s agent thereof to pay him or her less than the prevailing wage rate set forth in the contract governing ~~such the~~ project, who gives up, waives or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the individual is entitled under the contract governing ~~such the~~ project to be deducted from the individual’s pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

(e) Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing ~~such the~~ project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 276c.

**(8) ENFORCEMENT AND PROSECUTION.** The department of transportation shall require adherence to subs. (2) and (6). The department of transportation may demand and examine, and ~~it shall be the duty of~~ every contractor, subcontractor and contractor’s or subcontractor’s agent thereof to shall keep and furnish to upon request by the department of transportation, copies of payrolls and other records and information relating to the wages paid to persons described in sub. (2m) for work to which this section applies. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall ~~make such investigation investigate~~ as necessary and prosecute violations in a court of competent jurisdiction. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

NOTE: For consistency, s. 103.50 (prevailing wage rates for state highway projects) is amended to make editorial changes that parallel those made to current s. 66.293 (prevailing wage rates for municipalities) by SECTION 335.

**SECTION 630.** 117.132 (1m) (a) of the statutes is amended to read:

117.132 (1m) (a) “Annexed” means annexed or attached under s. ~~66.021, 66.022, 66.023, 66.024, 66.025 or 66.027~~ 66.0217, 66.0219, 66.0221, 66.0223, 66.0225, 66.0227 or 66.0307.

**SECTION 631.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77 and 1999 Wisconsin Act 9, is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to

(26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and, 120.14 and 120.25 are applicable to a 1st class city school district and board.

**SECTION 632.** 120.25 (title) of the statutes is created to read:

**120.25 (title) School board cooperation in acquiring school facilities.**

**SECTION 633.** 182.025 (1) of the statutes is amended to read:

182.025 (1) Any domestic corporation formed to furnish water, heat, light, power, telegraph or telecommunications service or signals by electricity may, subject to the provisions of ch. ~~200~~ 201 and by an affirmative vote of at least two-thirds of its outstanding shares entitled to vote thereon, or any cooperative association organized under ch. 185 to furnish water, heat, light, power, telegraph or telecommunications service to its stockholders or members only may, by a vote of a majority of a quorum of its stockholders or members present at any regular or special meeting held upon due notice as to the purpose of the meeting or when authorized by the written consent of the holders of a majority of its capital stock outstanding and entitled to vote or of a majority of its members, mortgage or trust deed any or all of the property, rights and privileges and franchises that it may then own or thereafter acquire, to secure the payment of its bonds or notes to a fixed amount or in amounts to be from time to time determined by the board of directors, and may, in and by such mortgage or deed of trust, provide for the disposal of any of its property and the substitution of other property in its place. Every such mortgage or deed of trust may be recorded in the office of the register of deeds of the county in which such corporation is located at the time of such recording, and such record shall have the same effect as if the instrument were filed in the proper office as a chattel mortgage or financing statement, and so remain until satisfied or discharged without any further affidavit, continuation statement or proceeding whatever. For this purpose the location of such corporation shall be deemed to be: as to a corporation or a cooperative association not at the time subject to either s. 180.0501 or 185.08, the location designated in its articles as then in effect; as to a corporation subject to s. 180.0501, the location of its registered office; and as to a cooperative association subject to s. 185.08, the location of its principal office or registered agent as designated thereunder.

**SECTION 634.** 182.031 (2) of the statutes is amended to read:

182.031 (2) **POWERS; PLACE OF BUSINESS.** Every such corporation shall possess all the rights and powers conferred upon corporations by chs. 180 and ~~200~~ 201. It may have its principal place of business without the state. If its principal place of business is outside the state, process in actions against it may be served as provided in s.

180.1510 for service on a foreign stock corporation authorized to transact business in this state.

**SECTION 635.** 182.70 (9) (a) of the statutes is amended to read:

182.70 (9) (a) The company may, after certification from the commission according to the procedures under ss. ~~200.03 and 200.04~~ 201.03 and 201.04, issue bonds or other obligations secured by pledge, assignment, mortgage or trust deed of its property.

**SECTION 636.** 182.71 (7) (c) of the statutes is amended to read:

182.71 (7) (c) The company may, after certification from the commission according to the procedures under ss. ~~200.03 and 200.04~~ 201.03 to 201.04, issue capital stock or negotiable bonds. The money received by the company upon account of capital stock or sale of its negotiable bonds shall be used to pay the original cost of purchase, construction or improvement of the reservoir system. All tolls collected under sub. (5) shall be applied only to the payment of cost of maintenance and operation of the system and payment of the net return on capital so that the capital stock and bonds of the corporation shall be maintained at par value at all times.

**SECTION 637.** 195.60 (2) of the statutes is amended to read:

195.60 (2) The office shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties relating to railroads. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the office and 10% of the expenditures so determined shall be expenditures for state government operations. The office shall deduct therefrom all amounts chargeable to railroads under sub. (1) and s. ~~200.10~~ 201.10 (3). A sum equal to the remainder plus 10% of the remainder shall be assessed by the office to the several railroads in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. Such assessment shall be paid within 30 days after the bill has been mailed to the several railroads, which bill shall constitute notice of assessment and demand of payment thereof. The total amount which may be assessed to the railroads under authority of this subsection shall not exceed 1.75% of the total gross operating revenues of such railroads, during such calendar year, derived from intrastate operations. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (2) (g). The railroads shall furnish such financial information as the office requires.

**SECTION 638.** 196.02 (7) of the statutes is amended to read:

196.02 (7) **COMMISSION INITIATIVE.** In any matter within its jurisdiction, including, but not limited to, chs. 197 and ~~200~~ 201 and this chapter, the commission may



initiate, investigate and order a hearing at its discretion upon such notice as it deems proper.

**SECTION 639.** 196.195 (1) of the statutes is amended to read:

196.195 (1) **REGULATION IMPOSED.** Except as provided in this section and ss. 196.202, 196.203, 196.215 and 196.219, a telecommunications utility is subject to every applicable provision of this chapter and ch. ~~200 201~~.

**SECTION 640.** 196.195 (5) of the statutes is amended to read:

196.195 (5) **COMMISSION ACTION.** If after the proceedings under subs. (2), (3) and (4) the commission has determined that effective competition exists in the market for the telecommunications service which justifies a lesser degree of regulation and that lesser regulation in that market will serve the public interest, the commission may, by order, suspend any of the following provisions of law, except as provided under subs. (7) and (8): ch. ~~200 201~~ and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s. 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s. 196.78; s. 196.79; and s. 196.805.

**SECTION 641.** 196.202 (2) of the statutes is amended to read:

196.202 (2) **SCOPE OF REGULATION.** A commercial mobile radio service provider is not subject to ch. ~~200 201~~ or this chapter, except a commercial mobile radio service provider is subject to s. 196.218 (3) to the extent not preempted by federal law. If the application of s. 196.218 (3) to a commercial mobile radio service provider is not preempted, a commercial mobile radio service provider shall respond, subject to the protection of the commercial mobile radio service provider's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to administer the universal service fund.

**SECTION 642.** 196.203 (1) of the statutes, as affected by 1997 Wisconsin Act 140, is amended to read:

196.203 (1) Except as provided in this section, alternative telecommunications utilities are exempt from all provisions of ch. ~~200 201~~ and this chapter.

**SECTION 643.** 196.203 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 140, is amended to read:

196.203 (3) (a) In response to a petition from any interested person, or upon its own motion, the commission shall determine whether the public interest requires that any provision of ch. ~~200 201~~ or this chapter be imposed on a person providing or proposing to provide service as an alternative telecommunications utility in a relevant market. In making this determination, the commission may consider factors including the quality of service, customer complaints, concerns about the effect on

customers of local exchange telecommunications utilities and the extent to which similar services are available from alternative sources.

**SECTION 644.** 196.203 (4) of the statutes is amended to read:

196.203 (4) The commission may impose any provision of ch. ~~200 201~~ or this chapter on one or more, but not necessarily all, alternative telecommunications utilities providing service in a relevant market.

**SECTION 645.** 196.795 (5) (a) of the statutes is amended to read:

196.795 (5) (a) No holding company which is not a public utility and no nonutility affiliate is subject to any regulatory power of the commission except under this section, ss. 196.52, 196.525 and 196.84 and except under ch. ~~200 201~~ if the commission has made a determination under sub. (7) (a) which makes such holding company a public service corporation, as defined under s. ~~200.04 201.01~~ (2).

**SECTION 646.** 196.795 (5) (b) of the statutes is amended to read:

196.795 (5) (b) The commission has full access to any book, record, document or other information relating to a holding company system to the extent that such information is relevant to the performance of the commission's duties under ch. ~~200 201~~, this chapter or any other statute applicable to the public utility affiliate. The commission may require a holding company to keep any record or document which is necessary for the commission to perform its duties under this section and which is consistent with generally accepted accounting and record-keeping practices of the particular type of business involved. Any information obtained under this paragraph is subject to sub. (9), when applicable.

**SECTION 647.** 196.80 (1m) (d) of the statutes is amended to read:

196.80 (1m) (d) Consolidate or merge with any Wisconsin corporation if substantially all of the assets of the corporation consist of the entire stock of the public utility. The total of the resulting securities outstanding of the possessor corporation which have not been authorized previously under ch. ~~200 201~~ shall require authorization under ch. ~~200 201~~ as a condition precedent to the merger or consolidation.

**SECTION 648.** 196.85 (1) of the statutes is amended to read:

196.85 (1) If the commission in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make appraisals of the property of any public utility, power district or sewerage system or to render any engineering or accounting services to any public utility, power district or sewerage system, the public utility, power district or sewerage system shall pay the expenses attributable to the investiga-



tion, including the cost of litigation, appraisal or service. The commission shall mail a bill for the expenses to the public utility, power district or sewerage system either at the conclusion of the investigation, appraisal or services, or during its progress. The bill constitutes notice of the assessment and demand of payment. The public utility, power district or sewerage system shall, within 30 days after the mailing of the bill pay to the commission the amount of the special expense for which it is billed. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g). The total amount in any one calendar year for which any public utility, power district or sewerage system is liable, by reason of costs incurred by the commission within the calendar year, including charges under s. ~~200.10~~ 201.10 (3), may not exceed four-fifths of one percent of its gross operating revenues derived from intrastate operations in the last preceding calendar year. Nothing in this subsection shall prevent the commission from rendering bills in one calendar year for costs incurred within a previous year. For the purpose of calculating the costs of investigations, appraisals and other services under this subsection, 90% of the costs determined shall be costs of the commission and 10% of the costs determined shall be costs of state government operations.

**SECTION 649.** 196.85 (2) of the statutes is amended to read:

196.85 (2) The commission shall annually, within 90 days of the commencement of each fiscal year, calculate the total of its expenditures during the prior fiscal year which are reasonably attributable to the performance of its duties relating to public utilities, sewerage systems and power districts under this chapter and chs. 66, 198 and ~~200~~ 201 and expenditures of the state for state government operations to support the performance of such duties. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the commission and 10% of the expenditures so determined shall be expenditures for state government operations. The commission shall deduct from this total all amounts chargeable to public utilities, sewerage systems and power districts under sub. (1) and s. ~~200.10~~ 201.10 (3). The commission shall assess a sum equal to the remainder plus 10% of the remainder to the public utilities and power districts in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. If, at the time of payment, the prior year's expenditures made under this section exceeded the payment made under this section in the prior year, the commission shall charge the remainder to the public utilities and power districts in proportion to their gross operating revenues during the last calendar year. If, at the time of payment it is determined that the prior year's expenditures made under this section were less than the payment made under this section in the prior year, the commission shall credit the difference to the

current year's payment. The assessment shall be paid within 30 days after the bill has been mailed to the public utilities and power districts. The bill constitutes notice of the assessment and demand of payment. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g).

**SECTION 650.** Chapter 200 (title) of the statutes is renumbered chapter 201 (title).

**SECTION 651.** Chapter 200 (title) of the statutes is created to read:

**CHAPTER 200  
METROPOLITAN  
SEWERAGE DISTRICTS**

**SECTION 652.** Subchapter I (title) of chapter 200 [precedes 200.01] of the statutes is created to read:

**CHAPTER 200  
SUBCHAPTER I  
DISTRICTS GENERALLY**

**SECTION 653.** 200.01 to 200.05 of the statutes, as affected by [1999 Wisconsin Act 9](#), are renumbered 201.01 to 201.05.

**SECTION 654.** 200.06 (title) and (1) of the statutes are renumbered 201.06 (title) and (1).

**SECTION 655.** 200.06 (2) of the statutes is renumbered 201.06 (2) and amended to read:

201.06 (2) The commission may attach to the issuance of any certificate under this chapter such terms, conditions or requirements as in its judgment are reasonably necessary to protect the public interest. Any public service corporation dissatisfied with any of the terms or conditions so imposed by the commission in such certificate of authority shall be limited in its remedy to an action to modify or set aside the commission order authorizing a certificate of authority, as provided by s. ~~200.08~~ 201.08. Any public service corporation issuing securities pursuant to any certificate of authority, not having brought any such action to set aside such order shall be deemed thereby to have waived any and all objections to the terms, conditions and requirements contained in such certificate of authority.

**SECTION 656.** 200.07 to 200.11 of the statutes, as affected by [1997 Wisconsin Act 283](#), are renumbered 201.07 to 201.11.

**SECTION 657.** 200.12 of the statutes is renumbered 201.12 and amended to read:

**201.12 Judicial sale of corporation, reorganization.** Whenever the rights, powers, privileges and franchises of any domestic public service corporation shall be sold at judicial sale or pursuant to the foreclosure of a mortgage, the purchaser shall, within 60 days after the sale, organize a new corporation pursuant to the laws respecting corporations for similar purposes and shall convey to the new corporation the rights, privileges and franchises which the former corporation had, or was entitled to have, at the time of the sale and which are provided by the statutes applicable to domestic public ser-

vice corporations. The amount of securities that may be issued by the new corporation for the purpose of acquiring the property of the former corporation shall be determined in accordance with ss. ~~200.04, 200.05 and 200.06~~ 201.04, 201.05 and 201.06.

**SECTION 658.** 200.13 of the statutes is renumbered 201.13.

**SECTION 659.** 200.14 of the statutes is renumbered 201.14 and amended to read:

**201.14 Validation of securities issued without certificate.** Securities issued by any such corporation, for the issuance of which a certificate should have been, but through excusable neglect or mistake was not, applied for, may be validated by the commission upon application of such corporation, signed and verified by the president and secretary, and setting forth the information required by s. ~~200.05~~ 201.05 (1), and in addition thereto a concise statement of the reasons why such application was not made at the time such securities were issued. If the commission shall find and determine that such failure to make application was due to excusable neglect or mistake, and was not occasioned by any design to evade compliance with the law, and that such issue was otherwise in accordance with law, the commission shall issue to the corporation a validating certificate.

**SECTION 660.** 200.15 of the statutes is renumbered 201.15.

**SECTION 661.** Subchapter II (title) of chapter 200 [precedes 200.21] of the statutes is created to read:

**CHAPTER 200**  
**SUBCHAPTER II**  
**DISTRICTS INCLUDING**  
**1ST CLASS CITIES**

**SECTION 662.** 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22)

and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, ~~66.01, 66.052, 66.24~~ (8) 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

**SECTION 663.** 632.103 (2) (a) 1. of the statutes is amended to read:

632.103 (2) (a) 1. Costs incurred in the course of enforcing s. ~~66.05~~ ss. 66.0413 and 66.0427 or a local ordinance relating to demolition, with respect to the building or other structure for which the funds are withheld.

**SECTION 664.** 755.045 (2) of the statutes is amended to read:

755.045 (2) A municipal judge may issue civil warrants to enforce matters which are under the jurisdiction of the municipal court. Municipal judges are also authorized to issue inspection warrants under ss. ~~66.122 and 66.123~~ s. 66.0119.

**SECTION 665.** 823.21 of the statutes is amended to read:

**823.21 Dilapidated buildings declared nuisances.** Any building which, under s. ~~66.05 (1m)~~ 66.0413 (1) (b) 1., has been declared so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or has been determined to be unreasonable to repair under s. ~~66.05 (1m)~~ 66.0413 (1) (b) 1. is a public nuisance and may be proceeded against under this chapter.

**SECTION 666.** 823.215 of the statutes is amended to read:

**823.215 Dilapidated wharves and piers in navigable waters declared nuisances.** Any wharf or pier in navigable waters which is declared so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use under s. ~~66.0495 (1) (b)~~ 30.15 (5m) (a) 2. or repair is determined unreasonable under that section is a public nuisance and may be proceeded against under this chapter.

**SECTION 667.** 893.33 (5) of the statutes is amended to read:

893.33 (5) This section bars all claims to an interest in real property, whether rights based on marriage, remainders, reversions and reverter clauses in covenants restricting the use of real estate, mortgage liens, old tax deeds, death and income or franchise tax liens, rights as heirs or under will, or any claim of any nature, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within the 30-year period provided by sub. (2) there has been recorded in the office of the register of deeds some instrument expressly referring to the existence of the claim, or a notice pursuant to this section. This section

does not apply to any action commenced or any defense or counterclaim asserted, by any person who is in possession of the real estate involved as owner at the time the action is commenced. This section does not apply to any real estate or interest in real estate while the record title to the real estate or interest in real estate remains in a railroad corporation, a public service corporation as defined in s. ~~200.01~~ 201.01, an electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of a railroad corporation, a public service corporation or an electric cooperative, or to claims or actions founded upon mortgages or trust deeds executed by that cooperative or corporation, or trustees or receivers of that cooperative or corporation. This section also does not apply to real estate or an interest in real estate while the record title to the real estate or interest in real estate remains in the state or a political subdivision or municipal corporation of this state.

**SECTION 668.** 893.76 of the statutes is amended to read:

**893.76 Order to repair or remove building or restore site; contesting.** An application under s. ~~66.05 (3)~~ 66.0413 (1) (h) to a circuit court for an order restraining the inspector of buildings or other designated officer from razing and removing a building or part of a building and restoring a site to a dust-free and erosion-free condition shall be made within 30 days after service of the order issued under s. ~~66.05 (1m)~~ 66.0413 (1) (b) or be barred.

**SECTION 669.** 893.765 of the statutes is amended to read:

**893.765 Order to remove wharves or piers in navigable waters; contesting.** An application under s. ~~66.0495 (3)~~ 30.15 (5m) (c) to circuit court for a restraining order prohibiting the removal of a wharf or pier shall be made within 30 days after service of the order issued under s. ~~66.0495 (1)~~ 30.15 (5m) (a) or be barred.

**SECTION 670.** 946.15 of the statutes is amended to read:

**946.15 Public construction contracts at less than full rate.** (1) Any employer, or any agent or employe of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. ~~66.29~~ 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. ~~66.293~~ 66.0903 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. ~~66.293~~ 66.0903 (1) (d), under s. ~~66.293~~ 66.0903 (6) to give up, waive or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employe for work on a project on which a prevailing wage rate determination has not been issued

under s. ~~66.293~~ 66.0903 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the employe works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class E felony.

(2) Any person employed pursuant to a public contract as defined in s. ~~66.29~~ 66.0901 (1) (c) or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. ~~66.293~~ 66.0903 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. ~~66.293~~ 66.0903 (1) (d), under s. ~~66.293~~ 66.0903 (6) who gives up, waives or returns to the employer or agent of the employer any part of the compensation to which the employe is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. ~~66.293~~ 66.0903 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works part-time on a project on which a prevailing wage rate determination has been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employe of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. ~~66.293~~ 66.0903 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. ~~66.293~~ 66.0903 (1) (d), under s. ~~66.293~~ 66.0903 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class E felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. ~~66.293~~ 66.0903 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. ~~66.293~~ 66.0903 (1) (d), under s. ~~66.293~~ 66.0903 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

**SECTION 671.** 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, ~~200.09~~ 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or

(2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

**SECTION 672. Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in column C:

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
5.01 (4) (a)	66.23 (11) (am)	200.09 (11) (am)
5.58 (2m)	66.23 (11) (am)	200.09 (11) (am)
5.60 (1) (b)	66.23 (11) (am)	200.09 (11) (am)
5.60 (4m)	66.23 (11) (am)	200.09 (11) (am)
6.50 (5)	66.05 (2)	66.0413 (1) (j)
7.10 (1) (a)	66.23 (11) (am)	200.09 (11) (am)
7.21 (2)	66.146	62.51
7.60 (4) (a)	66.23 (11) (am)	200.09 (11) (am)
7.60 (5)	66.23 (11) (am)	200.09 (11) (am)
7.70 (3) (d)	66.23 (11) (am)	200.09 (11) (am)
8.10 (6) (a)	66.23 (11) (am)	200.09 (11) (am)
8.11 (1) (b)	66.01	66.0101
13.48 (2) (f)	66.51	66.0913
13.48 (2) (g)	66.60 (4)	66.0703 (6)
13.48 (14) (b)	66.60 (4)	66.0703 (6)
16.30 (2) (a)	66.395 or 66.40	66.1201 or 66.1213
16.30 (2) (b)	66.431 (5) (a) 9.	66.1333 (3)
16.30 (2) (b)	66.4325 (4)	66.1335 (4)
16.528 (1) (b)	66.29 (1) (d)	96.0901 (1) (d)
16.73 (1)	66.29	66.0901
16.73 (4) (a)	66.29	66.0901
16.855 (12)	66.29	66.0901
16.971 (4) (c) 2.	66.29 (1) (b)	66.0901 (1) (a)

17.12 (1)	66.146 (1) (b)	62.51 (1) (b)
17.27 (1m)	66.23 (11) (am)	200.09 (11) (am)
19.21 (8)	66.88 to 66.918	200.21 to 200.65
20.285 (1) (ep), as created by 1999 Wis. Act 9	66.034	66.1027
20.370 (2) (dv)	66.365	283.87 (4)
20.556 (1) (gg)	66.75 (1m) (a) and (b)	66.0615 (1m) (a) and (b)
20.835 (4) (gg)	66.75 (1m) (a) and (b)	66.0615 (1m) (a) and (b)
20.866 (2) (tc)	66.905 (2) (b)	200.49 (2) (b)
20.866 (2) (to)	66.905	200.49
24.60 (2)	66.22	200.05
24.60 (2)	66.882	200.23
24.61 (3) (a) 6.	66.22	200.05
24.61 (3) (a) 7.	66.882	200.23
24.66 (2p)	66.22	200.05
24.66 (2p)	66.882	200.23
24.66 (2p)	66.882 (2) (a)	200.23 (2) (a)
24.66 (5) (b)	66.072	66.0827
24.67 (1) (i)	66.22	200.05
24.67 (1) (j)	66.882	200.23
24.67 (2) (c)	66.22	200.05
24.67 (2) (f)	66.882	200.23
27.065 (4) (b)	66.615	66.0907
27.065 (9) (h)	66.54	66.0713
27.10 (1) (b)	66.042	66.0607
27.10 (4) (g)	66.635	66.0731
30.126 (6) (d)	66.32	66.0105
30.126 (7) (c)	66.32	66.0105
30.16 (2)	66.0495	30.13 (5m)
30.30 (3) (c)	66.60	66.0703
30.30 (6)	66.45	66.0315
30.31 (5)	66.30	66.0301
30.31 (6)	66.60	66.0703

30.31 (6)	66.60 (8) (d)	66.0703 (8) (d)
30.34 (3) (a)	66.066 (4)	66.0621 (5)
30.34 (3) (a)	66.521	66.1103
30.34 (3) (c)	66.066	66.0621
30.34 (3) (c)	66.066 (2) (b)	66.0621 (4) (b)
30.35 (2m)	66.066 (2) (a)	66.0621 (4) (a)
30.35 (2m)	66.066 (2) (i) and (m)	66.0621 (4) (i) and (L)
30.38 (13) (a)	66.521	66.1103
30.72 (2)	66.30 (5)	66.0303
30.77 (3) (dm) 1. b., as affected by 1999 Wis. Act 9	66.299 (1) (a)	66.0131 (1) (a)
30.772 (3) (f)	66.0495	30.13 (5m)
30.78 (3) (b)	66.32	66.0105
30.92 (1) (b)	66.299 (1) (a)	66.0131 (1) (a)
31.14 (2) (a)	66.60	66.0703
31.36 (2)	66.60	66.0703
31.38 (4)	66.60	66.0703
31.38 (6)	66.60	66.0703
32.01 (1)	66.40 to 66.404	66.1201 to 66.1211
32.01 (1)	66.30	66.0301
32.01 (1)	66.431	66.1333
32.01 (11)	66.431	66.1333
32.02 (1)	66.30	66.0301
32.02 (11)	66.40 to 66.404	66.1201 to 66.1211
32.02 (11)	66.4325	66.1335
32.05 (intro.)	66.40 to 66.404	66.1201 to 66.1211
32.05 (intro.)	66.431	66.1333
32.05 (1) (a)	66.0375	66.0823
32.05 (1) (a)	66.22	200.05
32.05 (1) (a)	66.30	66.0301
32.05 (1) (a)	66.40 to 66.404	66.1201 to 66.1211
32.05 (1) (a)	66.431	66.1333
32.05 (1) (a)	66.4325	66.1335

32.05 (1) (a)	66.88 to 66.918	200.21 to 200.65
32.05 (3) (i)	66.40 to 66.404	66.1201 to 66.1211
32.05 (3) (i)	66.431	66.1333
32.05 (3) (i)	66.4325	66.1335
32.05 (9) (a) (intro.)	66.40 to 66.404	66.1201 to 66.1211
32.05 (9) (a) (intro.)	66.431	66.1333
32.05 (9) (a) (intro.)	66.4325	66.1335
32.07 (2)	66.0735	66.0823
32.07 (2)	66.30	66.0301
32.07 (2)	66.40 to 66.404	66.1201 to 66.1211
32.07 (2)	66.431	66.1333
32.22 (1) (b)	66.40 to 66.404	66.1201 to 66.1211
32.22 (1) (b)	66.431	66.1333
32.22 (1) (b)	66.4325	66.1335
32.57 (2) (c)	66.610	62.71
32.57 (2) (c)	66.64 (2)	66.0705 (2)
32.58 (2) (a) 2. a.	66.079	66.0829
33.01 (9m)	66.88 (1)	200.21 (1)
33.22 (4)	66.30	66.0301
33.32 (1) (b)	66.60	66.0703
33.32 (2)	66.54 (7)	66.0715 (3)
33.32 (2m)	66.60 (15) or (16) (b)	66.0627 (4) or 66.0703 (13)
33.32 (5)	66.076	66.0821
34.05 (1)	66.04 (2)	66.0603 (1)
34.105 (1)	66.042 (1) to (5)	66.0607 (1) to (5)
34.105 (2)	66.042 (6)	66.0607 (6)
38.12 (2)	66.042 (6)	66.0607 (6)
38.20 (2) (d)	66.04 (2)	66.0603 (1)
38.20 (2) (e)	66.04 (2)	66.0603 (1)
40.22 (2) (j)	66.944	66.1023
44.42 (1) (intro.)	66.037 (4)	66.1111 (4)
44.42 (2)	66.037 (4)	66.1111 (4)

44.60 (1) (b)	66.4325 (1)	66.1335 (1)
44.60 (1) (c)	66.405 (3) (s)	66.1301 (3) (s)
44.60 (1) (c)	66.431 (3)	66.1333 (3)
46.28 (1) (e) 6.	66.395, 66.40 or 66.4325	66.1201, 66.1213 or 66.1335
46.30 (2) (a) 3.	66.433	66.0125
46.30 (2) (b) 2.	66.433	66.0125
59.10 (2) (c)	66.196	66.0505
59.25 (3) (L)	66.12 (3) (c)	66.0317 (3) (c)
59.28 (2)	66.305	66.0313
59.28 (2)	66.315	66.0513
59.40 (3) (b)	66.04 (2)	66.0603 (1)
59.52 (6) (d) 2.	66.066	66.0621
59.52 (7)	66.30	66.0301
59.52 (29) (a)	66.29, 66.29 (2)	66.0901, 66.0901 (2)
59.53 (22) (a)	66.40 to 66.404	66.1201 to 66.1211
59.53 (22) (b)	66.40 to 66.404	66.1201 to 66.1211
59.53 (23) (b)	66.40 to 66.404	66.1201 to 66.1211
59.53 (23) (c)	66.40 to 66.404	66.1201 to 66.1211
59.56 (3) (h)	66.30	66.0301
59.58 (1) (b)	66.066	66.0621
59.58 (2) (i)	66.065	66.0803
59.58 (2) (j) 1.	66.30	66.0301
59.58 (2) (j) 2.	66.30	66.0301
59.58 (3) (h) 1.	66.30	66.0301
59.58 (3) (h) 1.	66.30 (1)	66.0301 (1) (b)
59.58 (3) (h) 2.	66.30	66.0301
59.58 (6) (e) 4.	66.945	66.0309
59.692 (4) (a)	66.30	66.0301
59.692 (4) (a)	66.945	66.0309
59.692 (7) (ad) (intro.)	66.012, 66.014, 66.018 or 66.019	66.0203, 66.0211, 66.0213 or 66.0215
59.693 (9) (a)	66.30	66.0301
59.693 (9) (b)	66.945	66.0309



59.693 (9) (c)	66.30	66.0301
59.70 (13) (a) 10.	66.30 (5)	66.0303
59.70 (13) (c) 2.	66.299 (2)	66.0131 (2)
59.79 (9) (a)	66.91 (5)	200.55 (5)
59.79 (9) (a)	66.912	200.59
60.05 (5)	66.03	66.0235
60.079 (2) (c)	66.03	66.0235
60.23 (1)	66.30	66.0301
60.23 (2)	66.072	66.0827
60.23 (3) (g)	66.505	66.0923
60.23 (3) (g)	66.508	66.0925
60.23 (15)	66.296	66.1003
60.23 (20)	66.30	66.0301
60.23 (23)	66.051 (3)	66.0107 (3)
60.23 (27)	66.40 to 66.404	66.1201 to 66.1211
60.23 (27)	66.40 (10)	66.1201 (10)
60.23 (28)	66.508	66.0925
60.24 (1) (c) 2.	66.042	66.0607
60.24 (3) (i)	66.072 (2)	66.0827 (2)
60.32 (1) (a)	66.199	66.0507
60.34 (1) (a)	66.042	66.0607
60.307 (3) (a)	66.19 (2) (b)	66.0509 (2) (b)
60.43 (1)	66.041	66.0605
60.44 (2) (a) (intro.)	66.042	66.0607
60.45	66.042	66.0607
60.47 (3)	66.29	66.0901
60.47 (4)	66.30 (1) (a)	66.0301 (1) (a)
60.50 (3)	66.615	66.0907
60.53	66.625	66.0911
60.627 (8) (a)	66.30	66.0301
60.627 (8) (b)	66.945	66.0309
60.627 (8) (c)	66.30	66.0301

60.72 (6)	66.072	66.0827
60.77 (5) (e)	66.069	66.0809
60.77 (5) (e)	66.076	66.0821
60.77 (5) (f)	66.60	66.0703
60.77 (5) (f)	66.60 (6m)	66.0721
60.77 (6) (a)	66.29	66.0901
60.78	66.066	66.0621
60.78	66.54	66.0713
60.79 (1) (b)	66.066	66.0621
60.79 (4) (c)	66.066	66.0621
60.79 (4) (d)	66.54 (9)	67.16
60.79 (4) (d)	66.54 (10)	66.0713 (4)
60.79 (4) (d)	66.60	66.0703
61.189 (4)	66.015	66.0205
61.189 (4)	66.016	66.0207
61.195	66.01	66.0101
61.197 (1) (e)	66.19	66.0509
61.197 (2)	66.01	66.0101
61.24	66.042	66.0607
61.354 (8) (a)	66.30	66.0301
61.354 (8) (b)	66.945	66.0309
61.354 (8) (c)	66.30	66.0301
61.55	66.29	66.0901
62.071 (3)	66.021	66.0217
62.075 (1)	66.03	66.0235
62.09 (1) (a)	66.018 (1)	66.0211 (1)
62.09 (1) (b)	66.01	66.0101
62.09 (3) (b) 5.	66.19	66.0509
62.09 (3) (b) 6.	66.01	66.0101
62.09 (3) (c)	66.01	66.0101
62.09 (11) (d)	66.042	66.0607
62.12 (6) (a)	66.042	66.0607

62.15 (10)	66.29 (9) (b)	66.0901 (9) (b)
62.175 (1)	66.916	200.63
62.23 (6) (am) 1. b.	66.31	62.1009
62.23 (7a) (a)	66.32	66.0105
62.23 (14)	66.54	66.0713
62.234 (8) (a)	66.30	66.0301
62.234 (8) (b)	66.945	66.0309
62.234 (8) (c)	66.30	66.0301
63.27	66.146	62.51
64.01 (1)	66.01	66.0101
64.01 (3)	66.01	66.0101
64.11 (8)	66.19	66.0509
64.25	66.01	66.0101
65.07 (1) (c)	66.51 (1)	66.0913 (1)
66.949 (3)	66.299 (2)	66.0131 (2)
67.01 (1)	66.886 (4)	200.27 (4)
67.01 (2)	66.88 to 66.918	200.21 to 200.65
67.01 (5)	66.20 to 66.26	200.01 to 200.15
67.01 (5)	66.88 to 66.918	200.21 to 200.65
67.01 (9) (g)	66.059	66.0619
67.01 (9) (g)	66.06 to 66.078	62.69, 66.0621 and 66.0801 to 66.0827
67.01 (9) (g)	66.066 (2) (b)	66.0621 (4) (b)
67.01 (9) (g)	66.91 (1) (fa)	200.55 (1) (fa)
67.015	66.39 to 66.404	66.1201 to 66.1213
67.025	66.066, 66.46 (9) (b), 66.521 and 66.54	66.0621, 66.0713, 66.1103 and 66.1105 (9) (b)
67.04 (2) (b)	66.38	62.237
67.045 (1) (b)	66.77 (1) (b)	59.605 (1) (b)
67.045 (2) (a)	66.77 (1) (b)	59.605 (1) (b)
67.05 (5) (a)	66.38	62.237
67.05 (5) (b)	66.38	62.237
67.05 (6)	66.20 to 66.26	200.01 to 200.15

67.05 (6)	66.88 to 66.918	200.21 to 200.65
67.05 (7) (f)	66.30	66.0301
67.08 (1)	66.88 to 66.918	200.21 to 200.65
67.10 (3)	66.04 (2)	66.0603 (1)
67.12 (12) (g)	66.30 (6)	120.25
67.25	66.431 (13)	66.1333 (13)
67.25	66.43	66.1331
67.25	66.431	66.1333
67.25	66.435	66.1337
70.043 (1)	66.058 (1) (d)	66.0435 (1) (d)
70.043 (2)	66.058 (1) (d)	66.0435 (1) (d)
70.105 (3) (a) 2.	66.40	66.1201
70.105 (3) (a) 2.	66.431	66.1333
70.11 (2)	66.0735	66.0823
70.111 (19) (b)	66.058	66.0435
70.112 (4)	66.64	66.0705
70.112 (7)	66.058	66.0435
70.27 (1)	66.60	66.0703
70.99 (3) (a)	66.30	66.0301
71.07 (9) (a) 3.	66.058 (3) (c)	66.0435 (3) (c)
71.07 (9) (a) 4.	66.40 (22)	66.1201 (22)
71.26 (1) (b)	66.0735	66.0823
71.26 (1m) (b)	66.40	66.1201
71.26 (1m) (c)	66.431	66.1333
71.26 (1m) (d)	66.4325	66.1335
71.26 (1m) (g)	66.066	66.0621
71.36 (1m)	66.066	66.0621
71.36 (1m)	66.40	66.1201
71.36 (1m)	66.431	66.1333
71.36 (1m)	66.4325	66.1335
71.45 (1t) (b)	66.40	66.1201
71.45 (1t) (c)	66.431	66.1333

71.45 (1t) (d)	66.4325	66.1335
71.45 (1t) (g)	66.066	66.0621
71.52 (2)	66.058 (3) (c)	66.0435 (3) (c)
71.52 (7)	66.058 (3) (c)	66.0435 (3) (c)
71.53 (2) (e)	66.40 (22)	66.1201 (22)
71.54 (2) (c) 2.	66.40 (22)	66.1201 (22)
73.028	66.77	59.605
74.01 (5)	66.606 (1) (a) 2.	287.093 (1) (a) 2.
74.01 (5)	66.606 (2)	287.093 (2)
74.10	66.30	66.0301
74.67	66.03	66.0235
74.87 (4)	66.88 to 66.918	200.21 to 200.65
74.87 (8)	66.88 to 66.918	200.21 to 200.65
75.36 (1)	66.605	66.0715 (2)
75.36 (1)	66.605 (3)	66.0715 (2) (c)
75.61 (1)	66.635	66.0731
76.28 (1) (e) (intro.)	66.069 (2)	66.0813
77.10 (2) (c)	66.299 (1) (a)	66.0131 (1) (a)
77.16 (11m)	66.299 (1) (a)	66.0131 (1) (a)
77.52 (2) (a) 1.	66.058 (1) (d)	66.0435 (1) (d)
77.54 (9a) (c)	66.47	66.0927
77.54 (9a) (d)	66.20 to 66.26	200.01 to 200.15
77.54 (9a) (d)	66.88 to 66.918	200.21 to 200.65
77.54 (9a) (em)	66.0735	66.0823
77.54 (36)	66.058 (1) (d)	66.0435 (1) (d)
77.88 (8)	66.299 (1) (a)	66.0131 (1) (a)
77.994 (1) (intro.)	66.307	66.113
79.02 (2) (b)	66.77 (4)	59.605 (4)
79.02 (3)	66.77 (4)	59.605 (4)
79.03 (3) (b) 3.	66.46	66.1105
79.03 (3) (b) 3.	66.462	66.1106
79.03 (3) (b) 4. a.	66.46	66.1105

79.03 (3) (b) 4. a.	66.462	66.1106
79.03 (4b)	66.77 (4)	59.605 (4)
79.04 (1) (intro.)	66.069 (2)	66.0813
79.04 (1) (intro.)	66.073	66.0736
79.04 (2) (a)	66.069 (2)	66.0813
79.04 (2) (a)	66.073	66.0736
79.05 (1) (a)	66.46	66.1105
79.05 (1) (c) 1.	66.46	66.1105
79.05 (1) (c) 2.	66.46	66.1105
80.12	66.60	66.0703
83.013 (1) (a)	66.0485	66.0141
84.07 (3)	66.96	66.0407
84.295 (4m) (d)	66.24 (5) (b)	200.11 (5) (b)
84.295 (4m) (e) 2.	66.20 to 66.26	200.01 to 200.15
84.40 (3)	66.29	66.0901
85.08 (2) (i)	66.30	66.0301
85.08 (2) (i)	66.943	66.1021
85.08 (4m) (b) 1.	66.30	66.0301
85.08 (4m) (b) 1.	66.943	66.1021
85.20 (1) (d)	66.30	66.0301 or 66.0303
85.243 (1) (b)	66.30	66.0301 or 66.0303
85.52 (1) (ag)	66.943	66.1021
86.13 (1)	66.694	66.0727
86.18 (4)	66.60	66.0703
86.18 (4)	66.60 (12)	66.0703 (12)
86.19 (1)	66.046	66.0429
86.21 (2) (b)	66.066	66.0621
86.21 (2) (b)	66.068	66.0805
86.25 (3)	66.60	66.0703
86.25 (4)	66.29	66.0901
86.30 (2) (dm) 1.	66.77 (4) (b)	59.605 (4) (b)
86.305	66.046 (3)	66.0429 (3)

87.076 (1)	66.60	66.0703
91.59 (3)	66.945	66.0309
101.055 (5) (b)	66.122	66.0119
101.65 (1) (b)	66.30	66.0301
101.76 (1) (b)	66.30	66.0301
101.86 (1) (b)	66.30	66.0301
103.49 (3) (ar)	66.293	66.0903
103.49 (3g)	66.293 (5)	66.0903 (5)
103.50 (4m)	66.293	66.0903
106.04 (1)	66.432 and 66.433	66.0125 and 66.1011
106.04 (1m) (h)	66.058 (1) (d)	66.0435 (1) (d)
107.25 (1) (b)	66.43 (3) (i)	66.1331 (3) (i)
109.09 (1)	66.293	66.0903
111.322 (2m) (c)	66.293	66.0903
111.70 (5)	66.11 (2)	66.0501 (2)
115.86 (7) (b)	66.03	66.0235
117.09 (5) (d)	66.03 (2c) (a) 1.	66.0235 (2c) (a) 1.
117.10 (4)	66.03 (2c) (a) 1.	66.0235 (2c) (a) 1.
117.25 (2) (a)	66.03	66.0235
118.40 (3) (c)	66.30	66.0301
119.04 (1)	66.03 (3) (c)	66.0235 (3) (c)
119.49 (1) (a)	66.30 (6)	120.25
119.50 (3)	66.042 (5)	66.0607 (5)
120.10 (11)	66.527	66.0123
120.12 (3) (b)	66.03	66.0235
120.12 (7)	66.04 (2)	66.0603 (1)
120.13 (24)	66.30 (6)	120.25
120.16 (2)	66.042	66.0607
120.16 (2)	66.042 (3)	66.0607 (3)
120.16 (6)	66.042	66.0607
120.16 (6)	66.042 (3)	66.0607 (3)
121.004 (2)	66.46	66.1105

121.004 (2)	66.462	66.1106
121.54 (5)	66.30	66.0301
125.26 (1)	66.053 (1)	66.0433 (1)
125.27 (1) (a)	66.053 (1)	66.0433 (1)
125.27 (2) (b)	66.053 (1)	66.0433 (1)
134.42 (1) (a)	66.082 (2) (b)	66.0419 (2) (b)
134.42 (1) (b)	66.082 (2) (c)	66.0419 (2) (c)
145.20 (2) (h)	66.036	145.195
145.20 (4)	66.60	66.0703
145.245 (13)	66.122	66.0119
157.11 (9g) (a) 1. (intro.)	66.04 (2) (c)	66.0603 (1) (c)
157.12 (2) (c) 2.	66.057 (2)	157.129 (2)
157.128 (3) (a)	66.057	157.129
157.70 (2) (a)	66.122	66.0119
157.70 (6m) (a)	66.066 (1) (a)	66.0621 (1) (a)
165.55 (10) (intro.)	66.123	66.0119 (3)
165.755 (4)	66.12 (1) (b)	66.0114 (1) (b)
166.03 (7) (a)	66.30	66.0301
182.0175 (2) (am) 5.	66.047	66.0831
196.01 (5) (b) 5.	66.0735	66.0823
196.04 (4) (a) 1., as created by 1999 Wis. Act 9	66.082 (2) (b)	66.0419 (2) (b)
196.04 (4) (a) 2. a., as created by 1999 Wis. Act 9	66.076	66.0821
196.04 (4) (a) 2. d., as created by 1999 Wis. Act 9	66.24 (2) or 66.89 (1)	200.11 (2) or 200.31 (1)
196.491 (2) (b) 7.	66.945	66.0309
196.50 (1) (c)	66.082	66.0419
196.52 (3) (b) 1.	66.0735	66.0823
196.80 (2)	66.06 to 66.078	62.69, 66.0621 and 66.0801 to 66.0827
196.85 (1m) (b)	66.082 (2) (b)	66.0419 (2) (b)
198.14 (4)	66.07	66.0817
198.14 (10)	66.066	66.0621



198.22 (12)	66.069 (1) (c)	66.0811 (2)
219.06 (1)	66.88 to 66.918	200.21 to 200.65
219.06 (1)	66.91	200.55
219.07	66.431	66.1333
224.77 (5) (b)	66.432	66.1011
227.01 (13) (t)	66.293	66.0903
229.21 (7)	66.51	66.0913
229.42 (1) (a) 5.	66.75 (1m) (a)	66.0615 (1m) (a)
229.42 (8)	66.75 (1m) (b)	66.0615 (1m) (b)
229.44 (5)	66.30	66.0301
229.44 (6)	66.30	66.0301
229.44 (15)	66.75 (1m) (a)	66.0615 (1m) (a)
229.44 (15)	66.75 (1m)	66.0615 (1m)
229.46 (1) (a)	66.905 (1) (a)	200.49 (1) (a)
229.47	66.75 (1m)	66.0615 (1m)
229.48 (1m)	66.75 (1m) (a) and (b)	66.0615 (1m) (a) and (b)
229.50 (1) (b) (intro.)	66.75 (1m) (b)	66.0615 (1m) (b)
229.65 (2)	66.066	66.0621
229.68 (5)	66.30	66.0301
229.68 (6)	66.30	66.0301
229.68 (8) (intro.)	66.066	66.0621
229.682 (2)	66.293	66.0903
229.74 (1) (intro.)	66.066 (2) (e)	66.0621 (4) (e)
231.17	66.04 (2) (a)	66.0603 (1) (a)
234.01 (9) (b)	66.395 or 66.40	66.1201 or 66.1213
234.49 (1) (f) 2.	66.465	66.1107
234.49 (1) (i)	66.395 or 66.40	66.1201 or 66.1213
234.49 (2) (a) 4.	66.395 or 66.40	66.1201 or 66.1213
234.622 (7)	66.058	66.0435
234.65 (6) (a) 1.	66.905 (1) (a)	200.49 (1) (a)
234.76 (1) (e) 1.	66.43 (3) (a)	66.1331 (3) (a)
234.76 (2) (b) 1.	66.43 (3) (a)	66.1331 (3) (a)

236.10 (2)	66.32	66.0105
236.10 (4)	66.30	66.0301
236.10 (4)	66.945 (11)	66.0309 (11)
236.13 (2) (b)	66.54 (3)	66.0709
236.292 (2)	66.032 (1) (m)	66.0403 (1) (m)
236.445	66.296	66.1003
250.045 (2)	66.122	66.0119
251.09	66.30	66.0301
252.02 (1)	66.122	66.0119
254.11 (13)	66.184	66.0137 (4)
254.58	66.052	66.0415
281.19 (7)	66.076	66.0821
281.19 (7)	66.20 to 66.26	200.01 to 200.15
281.35 (1) (i)	66.072	66.0827
281.43 (4) (e)	66.076	66.0821
281.43 (1m)	66.024	66.0219
281.43 (1m)	66.024 (2)	66.0219 (2)
281.43 (1m)	66.024 (4)	66.0219 (4)
281.57 (8) (c) 2.	66.88 to 66.918	200.21 to 200.65
281.58 (8) (d)	66.30	66.0301
281.58 (13m) (a)	66.905 (2) (b)	200.49 (2) (b)
281.58 (14) (b) 7.	66.88 to 66.918	200.21 to 200.65
281.59 (9) (am)	s. 66.36	sub. (13f)
281.63 (4) (b)	66.905	200.49
281.65 (2) (am)	66.20 to 66.26	200.01 to 200.15
281.65 (2) (am)	66.88 to 66.918	200.21 to 200.65
281.68 (3) (a)	66.299 (1) (a)	66.0131 (1) (a)
281.69 (3) (a)	66.299 (1) (a)	66.0131 (1) (a)
281.77 (4) (c)	66.60	66.0703
283.13 (4) (c)	66.88 to 66.918	200.21 to 200.65
283.91 (2)	66.902 (1) or (2)	200.45 (1) or (2)
287.01 (5m)	66.299 (1) (a)	66.0131 (1) (a)

287.03 (1) (am)	66.35	285.54
287.09 (1) (d)	66.30	66.0301
292.11 (9) (e) 1.	66.431	66.1333
292.11 (9) (e) 1.	66.435 (4)	66.1337 (4)
292.35 (1) (bm)	66.431	66.1333
292.35 (1) (bm)	66.435 (4)	66.1337 (4)
292.35 (2g) (b) (intro.)	66.122	66.0119
302.336 (1)	66.30	66.0301
302.336 (4)	66.30	66.0301
302.44	66.30	66.0301
345.05 (4)	66.09	66.0117
346.42	66.046 (2)	66.0429 (2)
346.655 (2) (b)	66.12 (1) (b)	66.0114 (1) (b)
349.02 (2) (b) 4.	66.051 (1) (bm)	66.0107 (1) (bm)
349.03 (2)	66.046 (1) and (3)	66.0429 (1) and (3)
452.17 (4) (b)	66.432	66.1011
560.03 (15) (intro.)	66.521	66.1103
560.034 (1)	66.521 (4m) (a) 1.	66.1103 (4m) (a) 1.
560.034 (1)	66.521 (4m) (b)	66.1103 (4m) (b)
560.034 (2)	66.521 (4m) (a)	66.1103 (4m) (a)
560.036 (2) (a)	66.911	200.57
560.097	66.521 (6m)	66.1103 (6m)
560.60 (6)	66.943	66.1021
562.05 (3r)	66.01	66.0101
601.41 (1)	66.184	66.0137 (4)
632.102 (3) (b) 6. a.	66.05	66.0413
632.103 (1) (a) 1.	66.05	66.0413
632.103 (2) (a) 1.	66.05	66.0413
632.895 (10) (a)	66.184	66.0137 (4)
700.41 (2) (e)	66.032	66.0403 (1) (k)
700.41 (2) (g)	66.032	66.0403 (1) (L)
700.41 (2) (h)	66.032 (1) (m)	66.0403 (1) (m)

706.11 (1) (e)	66.521	66.1103
706.11 (1) (e)	66.521 (2) (n)	66.1103 (2) (n)
707.02 (4)	66.058 (1) (e)	66.0435 (1) (e)
709.02	66.073 (3) (h)	66.0825 (3) (h)
709.07	66.073 (3) (h)	66.0825 (3) (h)
710.15 (1) (b)	66.058 (1) (d)	66.0435 (1) (d)
755.01 (4)	66.30	66.0301
757.05 (1) (c), as affected by 1999 Wis. Act 9	66.12 (1) (b)	66.0114 (1) (b)
801.50 (5m)	66.882	200.23
802.10 (1)	66.12	66.0317
815.18 (6) (b) 2.	66.81	62.63 (4)
815.18 (13) (h)	66.81	62.63 (4)
823.02	66.20 to 66.26	200.01 to 200.15
823.02	66.88 to 66.918	200.21 to 200.65
823.07	66.052 (1)	66.0415 (1)
823.215	66.0495	30.13 (5) (a) 2.
844.22	66.032 (1) (m)	66.0403 (1) (m)
893.73 (2) (b)	66.021 (10) (a)	66.0217 (11)
893.765	66.0495 (3)	30.13 (5) (c)
893.765	66.0495 (1)	30.13 (5) (a)
938.237 (1)	66.119	66.0113
938.237 (2)	66.119	66.0113
938.237 (2)	66.119 (3) (c) and (d), 66.12 (1)	66.0113 (3) (c) and (d), 66.0317 (1)
943.014 (2)	66.05	66.0413
946.13 (8)	66.521	66.1103
973.055 (2) (b)	66.12 (1) (b)	66.0114 (1) (b)
992.20 (1)	66.30 (1) (a)	66.0301 (1) (a)

**SECTION 673. Initial applicability.**

(1) The treatment of sections 60.23 (20) and 66.0627 of the statutes first applies to costs for removal and disposition of dead animals, conservation work and snow removal incurred on the effective date of this subsection.

(2) The treatment of sections 66.021 (3) (b) and 66.0217 (4) (a) 6. of the statutes first applies to notices of

intent to circulate an annexation petition submitted for publication on the effective date of this subsection.

(3) The treatment of section 66.021 (4) (a) of the statutes first applies to annexation petitions first circulated on the effective date of this subsection.

(4) The treatment of section 66.025 of the statutes first applies to:

- (a) Annexation ordinances enacted on the effective date of this paragraph.
- (b) Actions to contest the validity of an annexation commenced on the effective date of this paragraph.
- (5) The treatment of section 66.045 (3) of the statutes first applies to privileges applied for on the effective date of this subsection.
- (6) The treatment of section 66.0707 (2) of the stat-

utes first applies to costs incurred on the effective date of this subsection.

(7) The treatment of section 66.296 (2) (a) and (c) of the statutes first applies to discontinuance resolutions introduced on the effective date of this subsection.

**SECTION 674. Effective date.**

(1) This act takes effect on January 1, 2001.

NOTE: The following list shows the general treatment of provisions of ch. 66 by this bill. The left-hand column ("Current Section") lists the current provisions of ch. 66. The right-hand column ("Treatment") shows the general treatment of each provision by this bill.

<i>Current Section</i>	<i>Treatment</i>
66.01 (1) to (3)	Renumbered s. 66.0101 (1) to (3)
66.01 (3a)	Renumbered s. 66.0101 (12)
66.01 (4) to (8)	Renumbered s. 66.0101 (4) to (8)
66.01 (9) to (11)	Renumbered s. 66.0101 (9) (a), (b) and (d)
66.01 (12)	Renumbered s. 66.0101 (10)
66.01 (14)	Repealed
66.01 (15)	Renumbered s. 66.0101 (11)
66.01 (16)	Renumbered s. 61.188
66.012	Renumbered s. 66.0215
66.013	Renumbered s. 66.0201
66.014	Renumbered s. 66.0203
66.015	Renumbered s. 66.0205
66.016	Renumbered s. 66.0207
66.017	Renumbered s. 66.0209
66.018	Renumbered s. 66.0211
66.019	Renumbered s. 66.0213 and substantively amended
66.02	Renumbered s. 66.0229
66.021 (1) (intro.) and (a)	Renumbered s. 66.0217 (1) (intro.) and (a)
66.021 (1) (am) to (e)	Renumbered s. 66.0217 (1) (c) to (g)
66.021 (2)	Renumbered s. 66.0217 (3)
66.021 (2m)	Renumbered s. 66.0217 (10) (b)
66.021 (3)	Renumbered s. 66.0217 (4) and substantively amended
66.021 (4)	Renumbered s. 66.0217 (5) and substantively amended
66.021 (5)	Renumbered s. 66.0217 (7)
66.021 (6)	Renumbered s. 66.0217 (10) (a)
66.021 (7)	Renumbered s. 66.0217 (8)
66.021 (8)	Renumbered s. 66.0217 (9)
66.021 (9)	Renumbered s. 66.0217 (12)
66.021 (10)	Renumbered s. 66.0217 (11)
66.021 (11)	Renumbered s. 66.0217 (6) and substantively amended
66.021 (12)	Renumbered s. 66.0217 (2)
66.021 (13)	Repealed

66.021 (15)	Renumbered s. 66.0221
66.021 (16)	Renumbered s. 66.0217 (13)
66.022	Renumbered s. 66.0227
66.023	Renumbered s. 66.0307
66.024	Renumbered s. 66.0219
66.025	Renumbered s. 66.0223 and substantively amended
66.026	Renumbered s. 66.0231
66.027	Renumbered s. 66.0225
66.028	Renumbered s. 66.0305
66.029	Renumbered s. 66.0233
66.0295	Renumbered s. 66.1001
66.03	Renumbered s. 66.0235
66.031	Renumbered s. 66.0401 (1)
66.032	Renumbered s. 66.0403
66.033	Combined with s. 66.031 and renumbered s. 66.0401 (2)
66.034	Renumbered s. 66.1027
66.035	Repealed; restated as s. 66.0103
66.036	Renumbered s. 145.195
66.037	Renumbered s. 66.1111
66.038	Repealed
66.04	Renumbered ss. 66.0601 and 66.0603
66.041	Renumbered s. 66.0605
66.042	Renumbered s. 66.0607
66.044	Renumbered s. 66.0609
66.045	Renumbered s. 66.0425; sub. (3) substantively amended
66.046	Renumbered s. 66.0429
66.047	Renumbered s. 66.0831
66.048	Renumbered s. 66.0915
66.0485	Renumbered s. 66.0141
66.049	Renumbered s. 66.0405 and substantively amended
66.0495	Renumbered s. 30.13 (5m)
66.05 (1g)	Repealed; restated as s. 66.0413 (1) (a) 1.
66.05 (1m) (a)	Repealed; restated as s. 66.0413 (1) (a) 2., (b) and (d)
66.05 (1m) (b)	Renumbered s. 66.0413 (1) (c)
66.05 (1m) (c)	Renumbered s. 66.0413 (1) (L) 1.
66.05 (1m) (d)	Renumbered s. 66.0413 (1) (e)
66.05 (2) (a)	Renumbered s. 66.0413 (1) (f) and (j)
66.05 (2) (b)	Renumbered s. 66.0413 (1) (g)
66.05 (2) (c)	Renumbered s. 66.0413 (1) (br) 2.
66.05 (3) and (5)	Renumbered s. 66.0413 (1) (h) and (i)
66.05 (5m)	Renumbered s. 66.0413 (1) (L) 2.
66.05 (6)	Renumbered s. 66.0427

66.05 (8) (a) to (bm)	Renumbered s. 66.0413 (2) (a) to (e)
66.05 (8) (d)	Repealed; restated as s. 66.0413 (2) (a) 2.
66.05 (9) and (10)	Renumbered s. 66.0413 (3) and (4)
66.051	Renumbered s. 66.0107
66.052	Renumbered s. 66.0415
66.053	Renumbered s. 66.0433
66.057	Renumbered s. 157.129
66.058	Renumbered s. 66.0435
66.0585	Combined with s. 66.058; renumbered s. 66.0435 (9)
66.059	Renumbered s. 66.0619
66.06	Repealed; replaced by s. 66.0801
66.061	Renumbered s. 66.0815; sub. (1) (a) substantively amended
66.064	Renumbered s. 66.0807 and substantively amended
66.065	Renumbered s. 66.0803
66.066	Renumbered s. 66.0621; sub. (2) (j) repealed
66.067	Repealed; substance included in renumbered s. 66.0621 (1) (b)
66.068 (1)	Repealed; restated as s. 66.0805 (1) and partially restated in renumbered s. 66.0805 (3)
66.068 (2) to (4)	Renumbered s. 66.0805 (2) to (4)
66.068 (5)	Repealed; restated in s. 66.0805 (4) (a)
66.068 (6) and (7)	Renumbered s. 66.0805 (5) and (6)
66.069 (1) (a) to (bn)	Renumbered s. 66.0809 (1) to (4)
66.069 (1) (c) and (d)	Renumbered s. 66.0811 (2) and (3)
66.069 (1) (e)	Renumbered s. 66.0811 (1)
66.069 (2)	Renumbered s. 66.0813
66.07	Renumbered s. 66.0817
66.071 (intro.)	Repealed; restated as s. 62.69 (1)
66.071 (1) (a)	Renumbered s. 62.69 (2) (c)
66.071 (1) (b)	Renumbered s. 62.69 (2) (a) and partially repealed; repealed portion restated as s. 62.69 (2) (b)
66.071 (1) (c) to (j)	Renumbered s. 62.69 (2) (d) to (L)
66.071 (2)	Renumbered s. 62.69 (3)
66.072	Renumbered s. 66.0827
66.073	Renumbered s. 66.0825
66.0735	Renumbered s. 66.0823
66.074	Repealed
66.075	Repealed
66.076 (1)	Renumbered s. 66.0821 (2) (a); portion repealed, restated as s. 66.0821 (3) (a)
66.076 (1m)	Renumbered s. 66.0821 (1) (intro.) and (a)
66.076 (2)	Renumbered s. 66.0821 (3) (b)
66.076 (3)	Renumbered s. 66.0821 (6)
66.076 (4) and (5)	Renumbered s. 66.0821 (4) (a) and (b)

66.076 (6)	Renumbered s. 66.0821 (3) (c)
66.076 (7)	Renumbered s. 66.0821 (4) (c)
66.076 (8)	Renumbered s. 66.0821 (2) (b)
66.076 (9) and (10)	Renumbered s. 66.0821 (5) (a) and (b)
66.076 (11)	Renumbered s. 66.0821 (1) (b)
66.076 (12)	Renumbered s. 66.0821 (7)
66.077	Renumbered s. 66.0819
66.078	Renumbered s. 66.0623
66.079	Renumbered s. 66.0829
66.08	Renumbered s. 66.0723
66.081	Repealed
66.082	Renumbered s. 66.0419
66.083	Renumbered s. 66.0423
66.085	Renumbered s. 66.0421
66.09	Renumbered s. 66.0177
66.091	Renumbered s. 893.81
66.092	Renumbered s. 66.0409
66.10	Repealed
66.11	Renumbered s. 66.0501; s. 66.0501 (2) substantively amended
66.111	Repealed
66.113	Renumbered s. 66.0515; substantively amended
66.114	Renumbered s. 66.0111
66.115	Renumbered s. 66.0109
66.117	Renumbered s. 66.0115
66.119	Renumbered s. 66.0119
66.12	Renumbered s. 66.0114
66.121	Renumbered s. 75.377
66.122	Renumbered s. 66.0119
66.123	Combined with s. 66.122 and renumbered s. 66.0119 (3)
66.124	Renumbered s. 66.0417
66.125	Renumbered s. 66.0121
66.13	Repealed
66.14	Renumbered s. 62.09 (4) (d)
66.144	Renumbered s. 62.53
66.145	Renumbered s. 62.55
66.146	Renumbered s. 62.51
66.18	Renumbered s. 66.0137 (2)
66.182	Combined with s. 66.18 and renumbered s. 66.0137 (3)
66.184	Combined with s. 66.18 and renumbered s. 66.0137 (4)
66.185	Combined with s. 66.18 and renumbered s. 66.0137 (5)



66.186	Renumbered s. 62.61
66.187	Renumbered s. 62.59
66.189	Renumbered s. 62.67
66.19	Renumbered s. 66.0509
66.192	Renumbered s. 66.0503
66.196	Renumbered s. 66.0505
66.197	Repealed
66.199	Renumbered s. 66.0507
66.20	Renumbered s. 200.01
66.21	Renumbered s. 200.03
66.22	Renumbered s. 200.05
66.225	Renumbered s. 200.07
66.23	Renumbered s. 200.09
66.24	Renumbered s. 200.11
66.25	Renumbered s. 200.13
66.26	Renumbered s. 200.15
66.27	Renumbered s. 66.1025
66.28	Renumbered s. 66.0319
66.285	Renumbered s. 66.0135
66.286	Combined with s. 66.285 and renumbered s. 66.0135 (7)
66.29	Renumbered s. 66.0901
66.293	Renumbered s. 66.0903
66.295	Repealed
66.296	Renumbered s. 66.1003 and substantively amended
66.297	Renumbered s. 62.73
66.298	Renumbered s. 66.0905
66.299	Renumbered s. 66.0131
66.30 (1) and (2)	Renumbered s. 66.0301 (1) and (2)
66.30 (2g)	Renumbered s. 66.0311
66.30 (2m)	Renumbered s. 36.11 (19)
66.30 (3) and (3m)	Renumbered s. 66.0301 (3) and (4)
66.30 (3n) and (3p)	Consolidated, renumbered s. 66.0301 (5)
66.30 (4)	Repealed [substance placed in renumbered s. 66.0301 (2)]
66.30 (5)	Renumbered s. 66.0303
66.30 (6)	Renumbered s. 120.25
66.301	Renumbered s. 66.1019 (1)
66.302	Combined with s. 66.301 and renumbered s. 66.1019 (2)
66.303	Combined with s. 66.301 and renumbered s. 66.1019 (3)
66.304	Renumbered s. 66.1017
66.305	Renumbered s. 66.0313
66.307	Renumbered s. 66.1113

66.31	Renumbered s. 66.1009
66.312	Renumbered s. 66.0511
66.315	Renumbered s. 66.0513
66.32	Renumbered s. 66.0105
66.325	Renumbered s. 166.23
66.33	Renumbered s. 281.695
66.34	Renumbered s. 92.115
66.345	Repealed
66.35	Renumbered s. 285.54
66.36	Renumbered s. 281.59 (13f)
66.365	Renumbered s. 283.87 (4)
66.37	Repealed
66.375	Renumbered s. 66.1015
66.38	Renumbered s. 62.237
66.39	Repealed [sub. (1) relocated to s. 66.1201 (9) (x), as renumbered]
66.395	Renumbered s. 66.1213
66.40	Renumbered s. 66.1201
66.401	Renumbered s. 66.1203
66.402	Renumbered s. 66.1205
66.4025	Renumbered s. 66.1207
66.403	Renumbered s. 66.1209
66.404	Renumbered s. 66.1211; s. 66.1211 (4) substantively amended
66.405	Renumbered s. 66.1301
66.406	Renumbered s. 66.1303
66.407	Renumbered s. 66.1305
66.408	Renumbered s. 66.1307
66.41	Renumbered s. 66.1307 (2) (b)
66.411	Renumbered s. 66.1329
66.412	Renumbered s. 66.1309
66.413	Renumbered s. 66.1311
66.414	Renumbered s. 66.1313
66.415	Renumbered s. 66.1315
66.416	Renumbered s. 66.1317
66.417	Renumbered s. 66.1319
66.418	Renumbered s. 66.1321
66.419	Renumbered s. 66.1323 (1)
66.42	Renumbered s. 66.1325
66.421	Combined with s. 66.419; renumbered s. 66.1323 (2)
66.422	Renumbered s. 66.1327 (1)
66.424	Combined with s. 66.422; renumbered s. 66.1327 (2)

66.425	Combined with s. 66.422; renumbered s. 66.1327 (3)
66.43	Renumbered s. 66.1331
66.431	Renumbered s. 66.1333
66.432	Renumbered s. 66.1011
66.4325	Renumbered s. 66.1335
66.433	Renumbered s. 66.0125
66.434	Renumbered s. 46.30 (5)
66.435	Renumbered s. 66.1337
66.436	Renumbered s. 66.1339
66.437	Renumbered s. 66.1341
66.44	Repealed
66.45	Renumbered s. 66.0315
66.46	Renumbered s. 66.1105
66.462	Renumbered s. 66.1106
66.465	Renumbered s. 66.1107
66.47	Renumbered s. 66.0927; sub. (6) repealed
66.48	Renumbered s. 66.0917
66.49	Renumbered s. 66.0919
66.50	Renumbered s. 66.0127; sub. (1) (f) substantively amended
66.501	Renumbered s. 66.0129
66.504	Renumbered s. 66.0921
66.505	Renumbered s. 66.0923
66.508	Renumbered s. 66.0925
66.51	Renumbered s. 66.0913; sub. (4) repealed
66.52	Renumbered s. 66.1101
66.521	Renumbered s. 66.1103
66.526	Renumbered s. 62.57
66.527	Renumbered s. 66.0123
66.53	Renumbered s. 66.0733 and substantively amended
66.54 (1)	Renumbered s. 66.0713 (1)
66.54 (2)	Repealed
66.54 (3)	Renumbered s. 66.0709
66.54 (4)	Renumbered s. 66.0711
66.54 (5)	Renumbered s. 66.0713 (9)
66.54 (6) (a) and (b)	Renumbered s. 66.0713 (2) (a) and (b)
66.54 (6) (c)	Renumbered s. 66.0713 (10)
66.54 (6) (d)	Renumbered s. 66.0713 (2) (c)
66.54 (7)	Combined with s. 66.605 and renumbered s. 66.0715 (3)
66.54 (8)	Repealed
66.54 (9) (a)	Renumbered s. 66.0713 (3)
66.54 (9) (b) and (c)	Renumbered s. 67.16 (2) (b) and (c)
66.54 (10) and (11)	Renumbered s. 66.0713 (4) and (5)

66.54 (12)	Renumbered s. 66.0719
66.54 (15) and (15m)	Renumbered s. 66.0713 (7) and (8)
66.54 (16)	Renumbered s. 66.0713 (6)
66.55	Renumbered s. 66.0617
66.60 (1) to (4)	Renumbered s. 66.0703 (1), (4), (5) and (6)
66.60 (5)	Renumbered s. 66.0703 (2)
66.60 (6)	Renumbered s. 66.0703 (1) (c)
66.60 (6a)	Renumbered s. 66.0703 (3)
66.60 (6m)	Renumbered s. 66.0721
66.60 (7)	Renumbered s. 66.0703 (7) (a)
66.60 (8) to (12) and (15)	Renumbered s. 66.0703 (8) to (13)
66.60 (16)	Repealed; restated as s. 66.0627 and substantively amended
66.60 (17)	Renumbered s. 66.0703 (14)
66.60 (18)	Renumbered s. 66.0703 (7) (b)
66.604	Renumbered s. 66.0717
66.605	Combined with s. 66.54 (7) and renumbered s. 66.0715 (2)
66.606	Renumbered s. 287.093
66.608	Renumbered s. 66.1109
66.609	Renumbered s. 66.1007
66.610	Renumbered s. 62.71
66.615	Renumbered s. 66.0907
66.616	Renumbered s. 66.0909
66.62	Renumbered s. 66.0701
66.625	Renumbered s. 66.0911
66.63	Renumbered s. 66.0725
66.635	Renumbered s. 66.0731
66.64	Renumbered s. 66.0705
66.645	Repealed
66.65	Renumbered s. 66.0707 and substantively amended
66.694	Renumbered s. 66.0727
66.695	Combined with s. 66.694 and renumbered s. 66.0727 (3)
66.696	Renumbered s. 66.0729 (1)
66.697	Combined with s. 66.696 and renumbered s. 66.0729 (2) and (3)
66.698	Combined with ss. 66.696 and 66.697 and renumbered s. 66.0729 (4) and (5)
66.699	Repealed; substance included in renumbered ss. 66.0727 (4) and 66.0729 (6)
66.70	Renumbered s. 66.0611
66.73	Repealed
66.74	Renumbered s. 66.0613
66.75	Renumbered s. 66.0615
66.77	Renumbered s. 59.605

66.80 (1)	Repealed; restated as part of s. 62.63 (1)
66.80 (2)	Renumbered s. 62.63 (2)
66.80 (3)	Repealed; restated as part of s. 62.63 (1)
66.805	Renumbered s. 62.65
66.81	Combined with s. 66.80 and renumbered s. 62.63 (4)
66.82	Combined with s. 66.80 and renumbered s. 62.63 (3)
66.88	Renumbered s. 200.21
66.882	Renumbered s. 200.23
66.884	Renumbered s. 200.25
66.886	Renumbered s. 200.27
66.888	Renumbered s. 200.29
66.89	Renumbered s. 200.31
66.892	Renumbered s. 200.33
66.894	Renumbered s. 200.35
66.896	Renumbered s. 200.37
66.898	Renumbered s. 200.39
66.899	Renumbered s. 200.41
66.90	Renumbered s. 200.43
66.902	Renumbered s. 200.45
66.904	Renumbered s. 200.47
66.905	Renumbered s. 200.49
66.906	Renumbered s. 200.51
66.908	Renumbered s. 200.53
66.91	Renumbered s. 200.55; cross-reference in sub. (5) (d) 2. corrected
66.911	Renumbered s. 200.57
66.912	Renumbered s. 200.59
66.914	Renumbered s. 200.61
66.916	Renumbered s. 200.63
66.918	Renumbered s. 200.65
66.92	Repealed
66.925	Renumbered s. 66.1013
66.93	Renumbered s. 45.051
66.935	Renumbered s. 66.0625
66.94	Repealed
66.943	Renumbered s. 66.1021
66.944	Renumbered s. 66.1023
66.945	Renumbered s. 66.0309
66.948	Renumbered s. 66.0411
66.949	Renumbered s. 66.0133
66.95	Renumbered s. 66.0431
66.955	Renumbered s. 23.235
66.96	Renumbered s. 66.0407 and substantively amended

66.97	Repealed. Substance in new s. 66.0517
66.98	Repealed. Substance in new s. 66.0517
66.99	Repealed. Substance in new s. 66.0517

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