

State of Wisconsin



2015 Senate Bill 548

Date of enactment: **March 1, 2016**
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2015 WISCONSIN ACT 226

AN ACT *to repeal* 33.55 (1) (k), 33.55 (1) (L), 33.55 (1) (m) and 33.55 (2) (c); *to renumber* 33.55 (1) (n) and 33.55 (1) (o); *to renumber and amend* 33.53 (4); *to amend* 17.15 (3m), 33.53 (5), 33.53 (7) (intro.), 33.54, 33.55 (1) (intro.), 33.55 (2) (b), 33.55 (2) (d), 33.55 (3), 33.57 (1) (c) (intro.), 33.59 (1), 33.59 (3) (intro.), 33.60 (1) (a), 33.60 (2) and 33.60 (3); and *to create* 33.53 (7) (i), 33.53 (7) (j), 33.53 (7) (k), 33.53 (7) (L), 33.53 (7) (m), 33.53 (7) (n), 33.53 (7) (o), 33.55 (1) (bg), 33.55 (1) (br), 33.55 (1) (p), 33.55 (1) (q), 33.55 (1) (r), 33.55 (1) (s), 33.55 (1) (t), 33.55 (1) (u), 33.55 (1) (v), 33.55 (1m) and 33.57 (5) of the statutes; **relating to:** the Southeastern Wisconsin Fox River Commission for the Illinois Fox River basin.

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

SECTION 1. 17.15 (3m) of the statutes is amended to read:

17.15 (3m) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. Any commissioner of the Southeastern Wisconsin Fox River commission appointed under s. 33.55 (2) (b) ~~or~~ (e) may be removed by the appointing authority for cause.

SECTION 2. 33.53 (4) of the statutes is renumbered 33.53 (6m) and amended to read:

33.53 (6m) "County" "River county" means Kenosha County, Racine County or Waukesha County or any county in the Illinois Fox River basin that is designated by the commission under s. 33.57 (5).

SECTION 3. 33.53 (5) of the statutes is amended to read:

33.53 (5) "County board" means the county board of a river county.

SECTION 4. 33.53 (7) (intro.) of the statutes is amended to read:

33.53 (7) (intro.) "River municipality" means any of the following municipalities that is located in a river county:

SECTION 5. 33.53 (7) (i) of the statutes is created to read:

33.53 (7) (i) The village of Rochester.

SECTION 6. 33.53 (7) (j) of the statutes is created to read:

33.53 (7) (j) The town of Burlington.

SECTION 7. 33.53 (7) (k) of the statutes is created to read:

33.53 (7) (k) The city of Burlington.

SECTION 8. 33.53 (7) (L) of the statutes is created to read:

33.53 (7) (L) The town of Wheatland.

SECTION 9. 33.53 (7) (m) of the statutes is created to read:

33.53 (7) (m) The town of Salem.

SECTION 10. 33.53 (7) (n) of the statutes is created to read:

33.53 (7) (n) The village of Silver Lake.

* Section 991.11, WISCONSIN STATUTES: 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."

SECTION 11. 33.53 (7) (o) of the statutes is created to read:

33.53 (7) (o) Any city, village, or town in a river county that is designated by the commission under s. 33.57 (5).

SECTION 12. 33.54 of the statutes is amended to read:

33.54 Creation, funding. There is created a South-eastern Wisconsin Fox River Commission for the Illinois Fox River basin. For the purposes of this subchapter, the Illinois Fox River basin extends from the northern boundary of the city of Waukesha downstream to the point immediately below the Waterford Dam the Wisconsin-Illinois border, except that the commission may extend this area by an affirmative vote of the majority of voting commissioners. The board of commissioners shall govern the commission. A county or river municipality may appropriate money to the commission. The commission, a river county or a river municipality may solicit gifts, grants, and other aid for the commission to enable the commission to perform the functions in this subchapter.

SECTION 13. 33.55 (1) (intro.) of the statutes is amended to read:

33.55 (1) (intro.) The board of commissioners shall consist of the following persons, all of whom shall be residents of the river county:

SECTION 14. 33.55 (1) (bg) of the statutes is created to read:

33.55 (1) (bg) The county executive of Kenosha County or his or her designee.

SECTION 15. 33.55 (1) (br) of the statutes is created to read:

33.55 (1) (br) The county executive of any county admitted to the commission under s. 33.53 (7) (o) or his or her designee.

SECTION 16. 33.55 (1) (k) of the statutes is repealed.

SECTION 17. 33.55 (1) (L) of the statutes is repealed.

SECTION 18. 33.55 (1) (m) of the statutes is repealed.

SECTION 19. 33.55 (1) (n) of the statutes is renumbered 33.55 (1) (w).

SECTION 20. 33.55 (1) (o) of the statutes is renumbered 33.55 (1) (x).

SECTION 21. 33.55 (1) (p) of the statutes is created to read:

33.55 (1) (p) The village president of the village of Rochester or his or her designee.

SECTION 22. 33.55 (1) (q) of the statutes is created to read:

33.55 (1) (q) The town board chairperson of the town of Burlington or his or her designee.

SECTION 23. 33.55 (1) (r) of the statutes is created to read:

33.55 (1) (r) The mayor of the city of Burlington or his or her designee.

SECTION 24. 33.55 (1) (s) of the statutes is created to read:

33.55 (1) (s) The town board chairperson of the town of Wheatland or his or her designee.

SECTION 25. 33.55 (1) (t) of the statutes is created to read:

33.55 (1) (t) The town board chairperson of the town of Salem or his or her designee.

SECTION 26. 33.55 (1) (u) of the statutes is created to read:

33.55 (1) (u) The village president of the village of Silver Lake or his or her designee.

SECTION 27. 33.55 (1) (v) of the statutes is created to read:

33.55 (1) (v) The mayor, village president, or town board chairperson of any city, village, or town, respectively, designated as a river municipality by the commission under s. 33.53 (7) (o) or his or her designee.

SECTION 28. 33.55 (1m) of the statutes is created to read:

33.55 (1m) If an elected official who is a member of the commission or his or her designee, if designated, is unable to attend a meeting of the commission, the elected official may authorize another resident of the river county to attend the meeting and exercise the duties of the member.

SECTION 29. 33.55 (2) (b) of the statutes is amended to read:

33.55 (2) (b) If a commissioner listed under sub. (1) (a) to ~~(j)~~ (v) is appointed to the commission by an elected official, as the designee of an elected official, his or her term on the commission begins ~~on the 3rd Tuesday in April of the year in which the commissioner is appointed and ends on the 3rd Tuesday in April in the 3rd year following the year in which the commissioner is appointed and ends on dates determined by the appointing river county or river municipality.~~ Vacancies occurring during the term of the designee of an elected official shall be filled within 90 days of the vacancy by another designee who is appointed by the elected official, or the elected official may become the commissioner. The river county or river municipality shall inform the board of commissioners in writing that a new designee is appointed no more than 90 days after the appointment.

SECTION 30. 33.55 (2) (c) of the statutes is repealed.

SECTION 31. 33.55 (2) (d) of the statutes is amended to read:

33.55 (2) (d) The term of a commissioner appointed under sub. (1) ~~(n)~~ (w) or ~~(o)~~ (x) begins ~~on the 3rd Tuesday in April of the year in which the commissioner is appointed and ends on the 3rd Tuesday in April in the 3rd year following the year in which the commissioner is appointed and ends on dates determined by the appointing authority.~~ Vacancies occurring during the term of the appointee shall be filled by the appointing authority within 90 days of the vacancy. The appointing authority shall inform the board of commissioners in writing that

a new commissioner is appointed no more than 90 days after the appointment.

SECTION 32. 33.55 (3) of the statutes is amended to read:

33.55 (3) Nine A number equal to a majority of voting commissioners shall constitute a quorum for the transaction of business. If an elected official under sub. (1) (a) to (v) notifies the board of commissioners in writing that he or she will not participate in the commission and will not appoint a designee or authorize an alternate under sub. (1m), that person may not be included in the number of voting commissioners for purposes of determining the number that constitutes a quorum for the transaction of business.

SECTION 33. 33.57 (1) (c) (intro.) of the statutes is amended to read:

33.57 (1) (c) (intro.) Coordinate and integrate, for efficient and effective cost management, any county programs or projects for the waters of the river county that relate to any of the following:

SECTION 34. 33.57 (5) of the statutes is created to read:

33.57 (5) Designate as a river municipality or river county, by an affirmative vote of the majority of voting commissioners, a town, village, city, or county that requests through a resolution adopted by its governing body to be designated as being under the commission's jurisdiction.

SECTION 35. 33.59 (1) of the statutes is amended to read:

33.59 (1) The board of commissioners shall develop an implementation plan by April 1, 1998, and shall submit the plan to the department of natural resources, the county planning agency, the chairperson of the county board and the county executive of the river county by April 1, 1998.

SECTION 36. 33.59 (3) (intro.) of the statutes is amended to read:

33.59 (3) (intro.) Within 3 months after the implementation plan is developed and submitted under sub. (1), the department and the designated planning agencies under s. 281.51 that cover each river county shall evaluate the implementation plan to determine whether it is consistent with the criteria for water quality planning under s. 281.51 and whether the plan is adequate to:

SECTION 37. 33.60 (1) (a) of the statutes is amended to read:

33.60 (1) (a) The commission's fiscal year shall ~~be a calendar~~ commence July 1 of each year and end June 30 of the following year. Annually, the board of commissioners shall prepare a proposed budget for the commission's activities, plans, programs, or projects under this subchapter.

SECTION 38. 33.60 (2) of the statutes is amended to read:

33.60 (2) Not less than 15 days after publication of the summary of the budget and of the notices required under sub. (1) (c), the board of commissioners shall hold a public hearing at the time and place specified in the notice. At the hearing, any resident or taxpayer of a river county shall have the opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. At the hearing, the board of commissioners may adopt changes to the budget.

SECTION 39. 33.60 (3) of the statutes is amended to read:

33.60 (3) After the public hearing, the board of commissioners shall submit the proposed budget to Racine County ~~and to~~ Waukesha County, and Kenosha County for incorporation into each river county's budget to be subject to any review procedures that apply to a county budget under ss. 59.60 and 65.90.