

CHAPTER 391, Laws of 1977

AN ACT to repeal 33.31 (2), (3) and (4); to renumber 33.31 (5); to amend 30.20 (2) (a), 33.22 (1), 33.23, 33.28 (2), 33.30 (3) (c), 33.31 (1), 33.32 (title) and (1) (intro.) and (a), 60.305 (3), 66.067, 66.54 (1) (a), 67.04 (17) and 70.11 (2); and to create 33.01 (10), 33.32 (5) and 33.37 of the statutes, relating to revising the inland lake protection and rehabilitation law and exempting additional municipalities from paying the contractual fee for dredging.

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

SECTION 1. 30.20 (2) (a) of the statutes is amended to read:

30.20 (2) (a) The department, whenever consistent with public rights, may enter into contracts on behalf of the state for the removal of any material from the bed of any navigable lake or any of the outlying waters, and for the lease or sale of ~~such~~ the material. Every ~~such~~ contract shall contain such conditions as may be necessary for the protection of the public interest and the interests of the state and shall fix the compensation to be paid to the state for material so removed, except that no compensation ~~shall may~~ be paid for ~~such~~ the material if the contract is with a municipality as defined in s. 144.01 (12) and the material is to be used for a municipal purpose and not for resale. No contract entered into ~~pursuant to~~ under this paragraph ~~shall may~~ run for a longer period than 5 years.

SECTION 1. 33.01 (10) of the statutes is created to read:

33.01 (10) "Valuation" or "equalized full value" means the assessed value of the property adjusted to reflect full value as determined by the department of revenue under s. 70.57.

SECTION 2. 33.22 (1) of the statutes is amended to read:

33.22 (1) Any district organized under this chapter may sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold or dispose of ~~real or personal~~ property, disburse money, contract debt and do ~~such any~~ other acts ~~as are~~ necessary to carry out a program of lake protection and rehabilitation. All contracts in excess of \$2,500 for the performance of any work or the purchase of any materials, ~~exceeding \$500~~, shall be let by the commissioners to the lowest responsible bidder in ~~such the~~ manner as they prescribe.

SECTION 3. 33.23 of the statutes is amended to read:

33.23 Municipalities may establish district. The governing body of a municipality may by resolution establish a public inland lake protection and rehabilitation district if the municipality encompasses all the frontage of a lake within its boundaries. The governing board which forms the district shall perform the function of the board of commissioners. Creation of lake districts by towns under this section shall conform to the procedures of ss. 33.25 and 33.26 except that the town clerk shall perform the functions of the county clerk and the town board shall perform the functions of the county board and in addition shall hold the hearing. Districts created by towns under this section may adopt the form of governance provided under s. 33.28 by petition to the town board. Upon presentation of a petition requesting ~~such the~~ change and signed by at least 20% of the property owners within the district, the town board shall direct that ~~such the~~ change shall become effective at the time of the next annual meeting, and shall provide for the necessary election of commissioners at that time.

SECTION 3m. 33.28 (2) of the statutes is amended to read:

33.28 (2) The board of commissioners shall consist of a person appointed by the county board who shall be a supervisor of the county soil and water conservation district or shall be nominated by the supervisors of the soil and water conservation district and appointed by the county board, a member of the governing body of the town, village or city within which the largest portion by valuation of the district lies, appointed by the governing body and owning property within the district if possible, and 3 electors or persons owning property within the district elected by the qualified electors within the district as determined under s. 33.30 (3) (g), for staggered 3-year terms. At least one of the elected commissioners shall be a resident of the district.

SECTION 4. 33.30 (3) (c) of the statutes is amended to read:

33.30 (3) (c) Vote a tax upon all taxable property within the district for the costs of operation for the coming year, which tax shall not exceed a rate of 2.5 mills of equalized valuation. The tax shall be apportioned among the municipalities having property within the district on the basis of equalized full value, and a report of which shall be delivered by the treasurer, by October 1, by certified statement to the clerk of each municipality having property within the district for collection.

SECTION 5. 33.31 (1) of the statutes is amended to read:

33.31 (1) Every district may borrow money and use any other financing method prescribed by law, ~~including methods designated under s. 66.54 (2), which utilizes special assessments or user charges as the primary method of raising funds to repay such debt. The commission in any district about to issue bonds shall adopt a resolution stating the amount of the proposed issue, the purpose or purposes of the issue and such other information as the commission deems necessary or useful. In utilizing financing powers, the commission shall follow the procedures required by statute for the selected financing methods so far as they are applicable and not in conflict with this subchapter.~~

SECTION 6. 33.31 (2), (3) and (4) of the statutes are repealed.

SECTION 7. 33.31 (5) of the statutes is renumbered 33.31 (2).

SECTION 8. 33.32 (title), (1) (intro.) and (a) of the statutes are amended to read:

33.32 (title) Special assessments and special charges. (1) (intro.) Special assessments ~~or charges~~ for the purpose of carrying out district protection and rehabilitation projects, or for other lake management or sanitary service activities undertaken by the district, may be levied by the commissioners in the following manner:

(a) Upon approval of plans for any project work by the annual meeting of the district ~~and by the department under s. 33.14~~, the commissioners shall determine the entire cost to the district of the work to be done.

SECTION 9. 33.32 (5) of the statutes is created to read:

33.32 (5) Sewerage system service charges imposed by districts with town sanitary district powers shall be in conformance with s. 66.076. Special charges for other services identified in the annual budget adopted under s. 33.30 (3) (b) shall also be collected directly by the commissioners. The commissioners shall allocate the charges to the property served in a manner prescribed by them unless the manner is specified by a resolution of the annual meeting. Delinquent special charges shall be governed by s. 66.60 (16) (b).

SECTION 10. 33.37 of the statutes is created to read:

33.37 Districts in more than one county. (1) Where the proposed district is in more than one county, the county board of the county within which the largest portion, by valuation, of the proposed district lies shall have jurisdiction under ss. 33.24 to 33.28.

(2) The county within which the largest portion, by valuation, of a district lies shall have jurisdiction on motions for attachment under s. 33.33 (2) (b) and on petitions for dissolution under s. 33.35.

SECTION 11. 60.305 (3) of the statutes is amended to read:

60.305 (3) All contracts in excess of \$2,500 for the performance of any work or the purchase of any materials, for such the sanitary district, ~~exceeding \$500~~, shall be let by the commissioners to the lowest bidder in such the manner as they may prescribe.

SECTION 12. 66.067 of the statutes is amended to read:

66.067 Public works projects. For financing purposes, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, courthouses, jails, schools, hospitals, homes for the aged or indigent, regional projects, waste collection and disposal operations, systems of sewerage and any and all other necessary public works projects undertaken by any town, village, city, county, other municipality, public inland lake protection and rehabilitation district, or a commission created by contract under s. 66.30, are public utilities within the meaning of s. 66.066. In financing under that section, rentals and fees shall be considered as revenue. Any indebtedness created ~~pursuant to~~ under this section ~~shall may~~ not be included in arriving at the constitutional debt limitation.

SECTION 13. 66.54 (1) (a) of the statutes is amended to read:

66.54 (1) (a) "Municipality" 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 of ~~the first class~~, authorized by law to levy special assessments for public improvements against the property benefited ~~thereby by the special improvements~~.

SECTION 14. 67.04 (17) of the statutes is amended to read:

67.04 (17) By any public inland lake protection and rehabilitation district established under ch. 33, to finance ~~projects work~~ undertaken by the district.

SECTION 15. 70.11 (2) of the statutes, as affected by chapter 29, laws of 1977, effective January 1, 1979, is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by any county, city, village, town, school district, vocational, technical and adult education district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes which is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.965 (5) (d) this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance.
