

1979 Assembly Bill 312

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CHAPTER 122, Laws of 1979
(Veto Overruled)

AN ACT to amend 32.02 (1), 59.03 (4), 66.299, 66.30 (1) and 70.62 (4) (a); and to create 59.861 to 59.866 and 70.62 (4) (em) 8 of the statutes, relating to multicounty mosquito control districts.

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

SECTION 1. 32.02 (1) of the statutes is amended to read:

32.02 (1) Any county, town, village, city, including villages and cities incorporated under general or special acts, school district, soil and water conservation district, the department of health and social services, the board of regents of the university of Wisconsin system, the building commission, a commission created by contract under s. 66.30, with the approval of the municipality in which condemnation is proposed, or any public board or commission, for any lawful purpose, but in the case of city and village boards or commissions approval thereof shall have been granted by the governing body. A mosquito control commission, created under s. 59.861, may not acquire property by condemnation.

SECTION 2. 59.03 (4) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

59.03 (4) COMPATIBILITY. No county officer or employe is eligible to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed or created under s. 59.025 (3), a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18. A supervisor in a county having a population over 500,000 may not accept any compensation in addition to his or her regular salary for serving as a member of any committee, board or commission appointed under s. 59.025 (3).

SECTION 3. 59.861 to 59.866 of the statutes are created to read:

59.861 Mosquito control districts. (1) Any county or 2 or more contiguous counties may establish a district to control mosquitoes, upon a majority vote of each county board.

(2) (a) If a county establishes a district, the county board shall elect 3 county supervisors to a commission. If 2 or more contiguous counties establish a district, each county board in the district shall elect 2 county supervisors to a commission. The elected county supervisors shall serve as members of the commission until the expiration of their terms as county supervisors, as provided in s. 59.03 (1) (b), (2) (b), (3) (d) or (5). Each county board in the district shall elect supervisors as replacements when vacancies occur in the commission. The commission shall operate the mosquito control district.

(b) The commission shall elect a chairperson, vice chairperson and a secretary at its first meeting each year as provided under par. (c). The chairperson, or vice chairperson, in the chairperson's absence, shall preside at meetings and shall sign contracts and other written instruments of the commission. The secretary shall keep a record of the minutes

of each meeting that is available for public inspection at all reasonable times, and shall mail notices to all members of the time and place of meetings.

(c) The commission shall meet on the first Thursday after the first Monday in January to select officers of the commission and to conduct other organizational business. The commission shall also meet if the chairperson calls a meeting, or within 48 hours if a majority of the members of the commission request a meeting in writing, specifying the time and place for the meeting. The commission shall give adequate public notice of the time, place and purpose of each meeting. All business of the commission shall be open to the public.

(d) The county board of each county in the district shall reimburse commissioners representing that county in the manner provided in s. 59.06 for county board committee members.

59.863 Commission; powers and duties. (1) The commission may:

- (a) Adopt bylaws to regulate its own proceedings.
- (b) Employ the persons and contract for services to carry out the mosquito control program. The commission may not employ any person related to a commissioner.
- (c) Reimburse employes for expenses incurred or paid in the performance of their duties, and provide a reasonable daily reimbursement.
- (d) Purchase materials, supplies and equipment to carry out the mosquito control program.
- (e) Take measures to control mosquitoes in accordance with expert and technical plans.
- (f) Accept gifts of property to control mosquitoes.
- (g) Dispose of property of the commission or mosquito control district, if no longer needed to control mosquitoes, by selling the property on competitive bids after 2 weeks' published notice.
- (h) Obtain public liability and worker's compensation insurance.
- (i) Enter into agreements with other political subdivisions of the state outside the mosquito control district to conduct mosquito control activities within these subdivisions, to promote mosquito control in the district.
- (im) Enter into agreements with contiguous states or political subdivisions in contiguous states, as provided in s. 66.30 (5), to conduct mosquito control activities within those states or subdivisions, to promote mosquito control in the mosquito control district.
- (j) Collect from all counties in the district money for operation of the district.
- (k) Require employes of the commission who handle commission funds to furnish surety bonds, in amounts the commission may determine.
- (L) Perform other acts reasonable and necessary to carry out the functions of the commission.

(2) Members or employes of the commission may request admission onto any property within the district at reasonable times to determine if mosquito breeding is present. If the owner or occupant refuses admission, the commission member or employe shall seek a warrant to inspect the property as a potential mosquito breeding ground. Commission members or employes may enter upon property to clean up stagnant pools of water or shores of lakes or streams, and may spray mosquito breeding areas with insecticides subject to the approval of the district director and the department of natural resources. The commission shall notify the property owner of any pending action under this subsection and shall provide the property owner with a hearing prior to acting under this subsection if the owner objects to the commission's actions.

(3) The commission shall:

(a) Submit to the board of each county participating in the mosquito control district, at the end of each calendar year, a complete audit of the financial transactions concluded and a progress report indicating the actions taken to control mosquitoes.

(b) Publish a notice for general circulation in each of the counties in the district for bids at least 10 days prior to purchasing materials or services costing more than \$2,500. The notice shall state the nature of the work or purchase, the terms and conditions upon which the contract will be awarded, and the time and place where bids will be received, opened and read publicly. The commission may reject all bids after the reading or shall award the contract to the lowest responsible bidder. The commission may award the contract to any unit of government without the intervention of bidding, under s. 66.299. The district business administrator shall execute all contracts in writing, and may require the contracting party to provide a bond to ensure performance of the contract. The commission may direct the business administrator to purchase materials or services costing \$5,000 or less on the open market at the lowest price available, without securing competitive bids, if the commission declares that an emergency exists by an affirmative vote of five-sixths of the commission. In this paragraph, an "emergency" is an unforeseen circumstance that jeopardizes life or property.

(c) Employ and fix the duties and compensation of a full-time or part-time entomologist to act as director of the mosquito control program, who shall develop and supervise the execution of the program.

(d) Employ and fix the duties and compensation of a full-time or part-time business administrator, who shall administer the business affairs of the commission and shall keep an account of all receipts and disbursements by date, source and amount.

59.864 Adverse interest of commissioners. No commissioner may have any personal or financial interest in any contract made by the commission. Any violation of this section resulting in a conviction shall void the contract, and shall disqualify the commissioner convicted of the violation from membership on the commission.

59.865 Financing. On or before October 1 of each year, the commission shall require each county within the mosquito control district to contribute an amount per resident of the county to carry out the purposes of ss. 59.861 to 59.866. The commission shall determine the amount to charge per resident. The commission shall certify in writing to the county clerk of each county participating in the mosquito control district, the total amount of the county's contribution to the mosquito control district.

59.866 Dissolution of the district. (1) (a) Any county may terminate its participation in the district upon a majority vote of the county board and 12 months' notice to the chairperson of the commission. If a county terminates its participation in the district, a board of appraisers as established in par. (b) shall appraise the property of the commission.

(b) The board of appraisers shall consist of 3 members, one appointed by the terminating county, one by the commission and one by the other 2 members of the appraisal board. If the 2 appraisers cannot agree on the appointment of the 3rd appraiser within 30 days, the commission may appoint the 3rd appraiser. The commission shall pay to the treasurer of the terminating county an amount equal to that county's share in the net assets of the commission, proportionate to the county's financial contribution to the mosquito control district. The terminating county shall remain liable for its allocated share of the contractual obligations of the mosquito control district.

(2) If the district dissolves, the commission shall sell all of its property. The proceeds of the sale remaining after payment of all debts, obligations and liabilities of the district, plus any balance in the fund, shall be divided and paid to the county treasurers of the member counties in proportion to each county's financial contribution to the district. Member counties shall remain liable for unpaid debts after the dissolution of the district.

SECTION 4. 66.299 of the statutes is amended to read:

66.299 Intergovernmental purchases without bids. Notwithstanding any statute requiring bids for public purchases, any city, village, town, county, mosquito control district or other local unit of government may make purchases from another unit of government, including the state or federal government, without the intervention of bids.

SECTION 5. 66.30 (1) of the statutes is amended to read:

66.30 (1) In this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, sewer utility district, water utility district, mosquito control district or regional planning commission.

SECTION 6. 70.62 (4) (a) of the statutes is amended to read:

70.62 (4) (a) Tax levies of counties in 1975, payable in 1976, and in subsequent years for county purposes, shall not exceed the levy of the prior year by a greater percentage than the percentage of increase, if any, of the equalized value of all general property assessed in the state in 1975 and in subsequent years over the equalized value of all general property assessed in the state in 1974 and in subsequent years, respectively, except as provided in pars. (b), (e), (em), (h) and (i) and except that levies for the payment of principal and interest on general obligation bonds and notes issued for an original term of more than one year shall not be affected by this subsection. In determining the levies to be limited by this subsection, an amount equal to principal and interest on general obligation bonds and notes issued for an original term of more than one year included in the prior year's levy shall be excluded from the prior year's levy. In determining levies of 1976 and in subsequent years there shall be an additional exclusion from the prior year's levy of all nonlevy receipts for the retirement of general obligation bonds and notes issued for an original term of more than one year. After the 1977 levy, payable in 1978, and for subsequent years, "equalized value of all general property assessed in the state" shall not include property eligible for relief under s. 79.17.

SECTION 7. 70.62 (4) (em) 8 of the statutes is created to read:

70.62 (4) (em) 8. An amount equal to the increase in cost related to the provision of programs under ss. 59.861 to 59.866.

SECTION 8. **Program citation.** In the list of program citations specified for the department of natural resources under section 15.341 (intro.) of the statutes, insert reference to section "59.863 (2)".
