

2003 Senate Bill 440

Date of enactment: **April 16, 2004**  
Date of publication\*: **April 30, 2004**

## 2003 WISCONSIN ACT 275

AN ACT *to renumber* 281.68 (2) and 281.68 (3); *to renumber and amend* 33.30 (2); *to amend* 33.26 (3), 33.29 (3) (b), 33.30 (3) (intro.), 33.30 (3) (b), 33.30 (4) (d), 33.305 (2), 33.31 (4), 33.32 (5), 33.33 (1), 281.68 (1m), 281.68 (2) (title) and 281.68 (3) (title); and *to create* 33.29 (1) (f), 33.29 (1) (g), 33.30 (2) (b), 33.30 (2m), 33.305 (4), 281.68 (1t), 281.68 (2) (b) and 281.68 (3) (bg) of the statutes; **relating to:** public inland lake protection and rehabilitation district meetings, duties of members of the district's board of commissioners, lake monitoring contracts, and granting rule-making authority.

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

**SECTION 1.** 33.26 (3) of the statutes is amended to read:

33.26 (3) The committee shall report to the county board within 3 months after the date of the hearing. Within 6 months after the date of the hearing, the board shall issue its order under this subsection. If the board finds, after consideration of the committee's report and any other evidence submitted to the board, that the petition is signed by the requisite owners as provided in s. 33.25, that the proposed district is necessary, that the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district, and that the property to be included in the district will be benefited by the establishment thereof, ~~and that formation of the proposed district will not cause or contribute to long-range environmental pollution as defined in s. 299.01 (4),~~ the board, by order, shall declare its findings, shall establish the boundaries and shall declare the district organized and give it a corporate name by which it shall be known. Thereupon the district shall be a body

corporate with the powers of a municipal corporation for the purposes of carrying out this chapter. If the board does not so find, the board, by order, shall declare its findings and deny the petition.

**SECTION 2.** 33.29 (1) (f) of the statutes is created to read:

33.29 (1) (f) Scheduling the annual meeting of the district.

**SECTION 3.** 33.29 (1) (g) of the statutes is created to read:

33.29 (1) (g) Preparing the proposed annual budget for presentation at the annual meeting of the district. The proposed annual budget shall include all of the following:

1. A list of all existing indebtedness and all anticipated revenue from all sources during the ensuing year.
2. A list of all proposed appropriations for each department, activity, and reserve account during the ensuing year.
3. The actual revenues and expenditures for the preceding year.
4. The actual revenues and expenditures for not less than the first 6 months of the current year.
5. The estimated revenues and expenditures for the balance of the current year.

\* Section 991.11, WISCONSIN STATUTES 2001-02 : 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].

6. For informational purposes by fund, all anticipated unexpended or unappropriated balances and surpluses.

**SECTION 4.** 33.29 (3) (b) of the statutes is amended to read:

33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and hearings held by it, ~~and shall annually notify the department of the continued existence of the district. The secretary shall prepare and send the notices required for the annual meeting, any special meeting, and any meeting of the board.~~

**SECTION 5.** 33.30 (2) of the statutes is renumbered 33.30 (2) (a) and amended to read:

33.30 (2) (a) The annual meeting shall be preceded by written notice mailed at least 40 ~~14~~ days in advance of the meeting to all electors within the district ~~and owners of property within the district, whose address is known or can be ascertained with reasonable diligence, to all owners of property within the district at the owner's address as listed in the tax roll,~~ and to the department. The district board of commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending written notice to electors residing within the district.

**SECTION 6.** 33.30 (2) (b) of the statutes is created to read:

33.30 (2) (b) No absentee ballots or proxies are permitted at the annual meeting.

**SECTION 7.** 33.30 (2m) of the statutes is created to read:

33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of the following:

(a) The proposed annual budget required under sub. (1) (g).

(b) A list of each item proposed for consideration at the annual meeting in addition to the proposed annual budget.

(c) A list of any items proposed for consideration at the annual meeting by persons eligible to vote at the annual meeting if all of the following conditions are met:

1. The item relates to an issue that is within the district's authority.

2. Each item is submitted by a petition to the board at least 30 days before the annual meeting.

3. The petition is signed by persons who are eligible to vote at the annual meeting.

4. The number of persons signing the petition equals or exceeds 20 percent of the number of parcels located in the district that are subject to the property tax.

**SECTION 8.** 33.30 (3) (intro.) of the statutes is amended to read:

33.30 (3) (intro.) At the annual meeting, electors and property owners who attend the meeting shall do all of the following:

**SECTION 9.** 33.30 (3) (b) of the statutes is amended to read:

33.30 (3) (b) Approve a budget for the coming year. The electors and property owners may consider and vote

on amendments to the budget before approving that budget. The budget shall separately identify the capital costs and the costs of operation of the district, shall conform with the applicable requirements under s. ~~65.90~~ 33.29 (1) (g) and shall specify any item that has a cost to the district in excess of \$10,000.

**SECTION 10.** 33.30 (4) (d) of the statutes is amended to read:

33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital costs and for maintenance of capital equipment.

**SECTION 11.** 33.305 (2) of the statutes is amended to read:

33.305 (2) Written notice of a special meeting shall be given to the same persons and in the same manner required under s. 33.30 (2) (a).

**SECTION 12.** 33.305 (4) of the statutes is created to read:

33.305 (4) No absentee ballots or proxies are permitted at a special meeting.

**SECTION 13.** 33.31 (4) of the statutes is amended to read:

33.31 (4) At an annual or special meeting, the district may not consider or approve any borrowing or any tax to pay the indebtedness incurred under sub. (1) or (2) unless the meeting notice under s. 33.30 (2) (a) or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

**SECTION 14.** 33.32 (5) of the statutes is amended to read:

33.32 (5) Sewerage system service charges imposed by districts with town sanitary district powers shall be in conformance with s. 66.0821. Special charges may be imposed for other services identified in the annual budget adopted under s. 33.30 (3) (b) ~~shall also be collected directly by the commissioners. The special charges may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The special charges may be certified by the district secretary to the clerk of each municipality having property within the district for collection and settlement in the same manner as provided under ch. 74.~~ 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 or of a special meeting. Delinquent special charges shall be governed by s. 66.0627 (4).

**SECTION 15.** 33.33 (1) of the statutes is amended to read:

33.33 (1) MERGER. Any district may be merged with a contiguous district by resolution passed by a four-fifths vote of all the members of each board of commissioners. At the next annual or special meeting, whichever occurs first, the electors and property owners shall vote on whether to ratify the merger. If a majority of the electors and property owners present and voting in each district endorse the merger, it takes effect. Following ratifica-

tion, the boards of commissioners of merging districts shall act jointly until the next annual or special meeting whichever occurs first, at which time the board of the merged district shall be conformed to the requirements specified in s. 33.28. The governing body of the county, town, village or city having the largest portion by valuation within the district shall make the appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts apply to the newly created district.~~

**SECTION 16.** 281.68 (1m) of the statutes is amended to read:

281.68 (1m) **PURPOSES OF GRANTS AND CONTRACTS.** The department shall develop and administer a financial assistance program to provide lake management planning grants and to award contracts under sub. (1t) for projects to provide information and education on the use of lakes and natural lake ecosystems and on the quality of water in lakes and the quality of natural lake ecosystems.

**SECTION 17.** 281.68 (1t) of the statutes is created to read:

281.68 (1t) **LAKE MONITORING CONTRACTS.** The department may award contracts to public groups or persons for the creation and support of a statewide lake monitoring network. The contracts may include payments for the costs of all of the following:

- (a) Training, equipment, and supplies necessary for water quality sample collection.
- (b) Handling, shipping, and laboratory analysis of water samples.

(c) Developing, maintaining, and managing a statewide database system for entering, tracking, evaluating, and reporting water quality results.

(d) Producing and distributing water quality results and reports.

**SECTION 18.** 281.68 (2) (title) of the statutes is amended to read:

281.68 (2) (title) **AMOUNT OF GRANTS AND CONTRACTS.**

**SECTION 19.** 281.68 (2) of the statutes is renumbered 281.68 (2) (a).

**SECTION 20.** 281.68 (2) (b) of the statutes is created to read:

281.68 (2) (b) The total amount of lake monitoring contracts for each fiscal year may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar).

**SECTION 21.** 281.68 (3) (title) of the statutes is amended to read:

281.68 (3) (title) **RULES FOR GRANTS AND CONTRACTS.**

**SECTION 22.** 281.68 (3) of the statutes is renumbered 281.68 (3) (a).

**SECTION 23.** 281.68 (3) (bg) of the statutes is created to read:

281.68 (3) (bg) The department shall promulgate rules for the administration of the lake monitoring contracts program, which shall specify the eligible activities and qualifications for participation in the statewide lake monitoring network.