

2003 SENATE BILL 440

February 9, 2004 – Introduced by Senators KEDZIE, KANAVAS and COWLES, cosponsored by Representatives NISCHKE, RICHARDS, HAHN, TOWNS, ALBERS, OTT, HINES, MCCORMICK and KRAWCZYK. Referred to Committee on Environment and Natural Resources.

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

Analysis by the Legislative Reference Bureau

This bill makes several changes in the laws governing public inland lake protection and rehabilitation districts (lake districts). These changes include:

1. Removing one of the conditions that a county board must consider when determining if a lake district will be established. Currently, the county board, in response to a petition for the establishment of a lake district, may after a hearing and committee deliberations create a lake district if the county board finds that the petition and proposed lake district meet a number of conditions. One of those conditions is that the establishment of the proposed district will not cause or contribute to long-range environmental pollution. This bill removes that condition from the county board’s consideration.

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2. Adding to the duties of the board of commissioners of the lake district the scheduling of the district's annual meeting and the preparing of the annual budget for presentation at the annual meeting of the lake district.

3. Requiring the proposed annual budget to include existing indebtedness, revenues and expenditures from the previous year, and estimated revenues and expenditures for the current year.

4. Requiring the secretary of the board of commissioners to prepare and send notices of the annual meeting, any special meeting, and meetings of the board.

5. Specifying what has to be included in the notice of the annual meeting, including the proposed annual budget and a list of items for consideration at that meeting.

6. Specifying that no absentee ballots or proxies are permitted at the annual meeting.

7. Allowing the electors and property owners at the annual meeting to consider and vote on amendments to the annual budget.

8. Limiting the amount of special charges for services provided to members of the lake district to not more than \$2.50 per \$1,000 of assessed valuation.

The bill also allows the Department of Natural Resources to enter into contracts with public and private persons to create and support a statewide lake monitoring network that will include the training and equipment necessary for water quality sampling, laboratory analysis of water samples, and the creation of a statewide database regarding water quality.

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

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

2 **33.26 (3)** The committee shall report to the county board within 3 months after
3 the date of the hearing. Within 6 months after the date of the hearing, the board shall
4 issue its order under this subsection. If the board finds, after consideration of the
5 committee's report and any other evidence submitted to the board, that the petition
6 is signed by the requisite owners as provided in s. 33.25, that the proposed district
7 is necessary, that the public health, comfort, convenience, necessity or public welfare
8 will be promoted by the establishment of the district, and that the property to be
9 included in the district will be benefited by the establishment thereof, ~~and that~~
10 ~~formation~~ of the proposed district ~~will not cause or contribute to long range~~

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1 ~~environmental pollution as defined in s. 299.01 (4)~~, the board, by order, shall declare
2 its findings, shall establish the boundaries and shall declare the district organized
3 and give it a corporate name by which it shall be known. Thereupon the district shall
4 be a body corporate with the powers of a municipal corporation for the purposes of
5 carrying out this chapter. If the board does not so find, the board, by order, shall
6 declare its findings and deny the petition.

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

8 33.29 (1) (f) Scheduling the annual meeting of the district.

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

10 33.29 (1) (g) Preparing the proposed annual budget for presentation at the
11 annual meeting of the district. The proposed annual budget shall include all of the
12 following:

13 1. A list of all existing indebtedness and all anticipated revenue from all sources
14 during the ensuing year.

15 2. A list of all proposed appropriations for each department, activity, and
16 reserve account during the ensuing year.

17 3. The actual revenues and expenditures for the preceding year.

18 4. The actual revenues and expenditures for not less than the first 6 months
19 of the current year.

20 5. The estimated revenues and expenditures for the balance of the current year.

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

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

24 33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and
25 hearings held by it, ~~and shall annually notify the department of the continued~~

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1 ~~existence of the district. The secretary shall prepare and send the notices required~~
2 ~~for the annual meeting, any special meeting, and any meeting of the board.~~

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

5 33.30 (2) (a) The annual meeting shall be preceded by written notice mailed at
6 least 10 14 days in advance of the meeting to all electors within the district and
7 ~~owners of property within the district~~, whose address is known or can be ascertained
8 with reasonable diligence, to all owners of property within the district at the owner's
9 address as listed in the tax roll, and to the department. The district board of
10 commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending
11 written notice to electors residing within the district.

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

13 33.30 (2) (b) No absentee ballots or proxies are permitted at the annual
14 meeting.

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

16 33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of
17 the following:

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

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

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

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

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

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

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

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

8 33.30 (3) (intro.) At the annual meeting, electors and property owners who
9 attend the meeting shall do all of the following:

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

11 33.30 (3) (b) Approve a budget for the coming year. The electors and property
12 owners may consider and vote on amendments to the budget before approving that
13 budget. The budget shall separately identify the capital costs and the costs of
14 operation of the district, shall conform with the applicable requirements under s.
15 ~~65.90~~ 33.29 (1) (g) and shall specify any item that has a cost to the district in excess
16 of \$10,000.

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

18 33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital
19 costs and for maintenance of capital equipment.

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

21 33.305 (2) Written notice of a special meeting shall be given to the same persons
22 and in the same manner required under s. 33.30 (2) (a).

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

24 33.305 (4) No absentee ballots or proxies are permitted at a special meeting.

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

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

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

7 33.32 (5) Sewerage system service charges imposed by districts with town
8 sanitary district powers shall be in conformance with s. 66.0821. Special charges
9 may be imposed for other services identified in the annual budget adopted under s.
10 33.30 (3) (b) ~~shall also be collected directly by the commissioners. The special charges~~
11 may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The special
12 charges may be certified by the district secretary to the clerk of each municipality
13 having property within the district for collection and settlement in the same manner
14 as provided under ch. 74. The commissioners shall allocate the charges to the
15 property served in a manner prescribed by them unless the manner is specified by
16 a resolution of the annual or of a special meeting. Delinquent special charges shall
17 be governed by s. 66.0627 (4).

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

19 33.33 (1) MERGER. Any district may be merged with a contiguous district by
20 resolution passed by a four-fifths vote of all the members of each board of
21 commissioners. At the next annual or special meeting, whichever occurs first, the
22 electors and property owners shall vote on whether to ratify the merger. If a majority
23 of the electors and property owners present and voting in each district endorse the
24 merger, it takes effect. Following ratification, the boards of commissioners of
25 merging districts shall act jointly until the next annual or special meeting whichever

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1 occurs first, at which time the board of the merged district shall be conformed to the
2 requirements specified in s. 33.28. The governing body of the county, town, village
3 or city having the largest portion by valuation within the district shall make the
4 appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts~~
5 ~~apply to the newly created district.~~

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

7 281.68 (1m) PURPOSES OF GRANTS AND CONTRACTS. The department shall develop
8 and administer a financial assistance program to provide lake management
9 planning grants and to award contracts under sub. (1t) for projects to provide
10 information and education on the use of lakes and natural lake ecosystems and on
11 the quality of water in lakes and the quality of natural lake ecosystems.

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

13 281.68 (1t) LAKE MONITORING CONTRACTS. The department may award contracts
14 to public groups or persons for the creation and support of a statewide lake
15 monitoring network. The contracts may include payments for the costs of all of the
16 following:

17 (a) Training, equipment, and supplies necessary for water quality sample
18 collection.

19 (b) Handling, shipping, and laboratory analysis of water samples.

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

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

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

24 281.68 (2) (title) AMOUNT OF GRANTS AND CONTRACTS.

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

