

2003 DRAFTING REQUEST

Bill

Received: 10/14/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Dan Johnson

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact: See attached

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kedzie@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Lake monitoring contracts and public inland lake protection and rehabilitation district procedures

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	rnelson2 11/13/2003	jdyer 12/16/2003 jdyer 12/16/2003	rschluet 12/16/2003	_____	lemery 12/16/2003		
/P2	rnelson2	jdyer	pgreensl	_____	mbarman		

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	12/19/2003	12/19/2003 jdyer 12/22/2003	12/22/2003	_____	12/22/2003		
/P3	rnelson2 01/08/2004	jdyer 01/08/2004 jdyer 01/08/2004	pgreensl 01/09/2004	_____	sbasford 01/09/2004		
/1	rnelson2 01/30/2004	jdyer 02/04/2004	rschluet 02/04/2004	_____	lnorthro 02/04/2004	lnorthro 02/04/2004	

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/1	rnelson2 01/30/2004	jdyer 02/04/2004	rschlue 02/04/2004	_____	Inorthro 02/04/2004		

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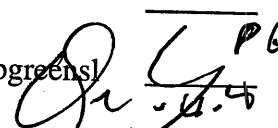
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/P2	rnelson2	jdyer 12/16/2003	pgreensl	<u> </u>	mbarman		
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Handwritten notes and signatures:

- 1/3/04 jlw
- 1/9/04 [Signature]
- 1/9/04 [Signature]

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/P1	rnelson2 11/13/2003	jdyer 12/16/2003	rschluet 12/16/2003		lemery 12/16/2003		

Handwritten notes and signatures:

- Under 'Reviewed' (jdyer 12/16/2003): /P2 12/22 jld
- Under 'Typed' (rschluet 12/16/2003): 12/22 ps
- Under 'Proofed': 12/22 ps/10

12/16/2003 01:55:10 PM

Page 2

FE Sent For:

<END>

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/?	rnelson2	1/1 12/16 JLD					

FE Sent For:

Handwritten notes and signatures:

- Large scribbles over the "Typed" and "Proofed" columns.
- Signature "JLD" near the "Reviewed" column.
- Signature "JLD" near the "Typed" column.
- Signature "JLD" near the "Proofed" column.
- Signature "JLD" near the "Submitted" column.
- Text "<END>" written in the middle of the table.

Various Revisions to ss. 33, Wis. Stats.

1. Amend s. 33.29(1) to clarify that the Board of Commissioners is responsible to schedule the Annual Meeting.
2. Amend s. 33.29(1) to clarify that the Board of Commissioners are responsible for preparation of a Proposed Annual Budget for consideration by the Annual Meeting.
3. Amend s. 33.30(3)(b) to clarify that the Proposed Annual Budget must be in the form specified in s. 65.90(2), but that no other provisions of s. 65.90 applies to a Lake District budget.
4. Confirm that the Open Meetings law applies to meetings of the Board of Commissioners.
5. Require that the notice of the Annual Meeting include the Annual Budget proposed by the Board of Commissioners and list each item proposed for consideration by the electors and property owners. Require the Board of Commissioners to include in the notice items for consideration at the Annual or any special meeting that are within the powers of the meeting if a petition is submitted to the District at least 30 days before the annual or special meeting that is signed by a number of persons qualified to vote at the annual meeting equal to 20 percent of the tax parcels within the District. Prohibit the Annual Meeting from acting on items not listed in the notice of the meeting.
6. Amend s. 33.30(2) to require that notice of the annual meeting be mailed to each owner of property at least 14 days prior to the meeting.
7. Amend s. 33.29(3)(b) to clarify that the District Secretary is responsible for notices of the Annual Meeting and Meetings of the Board of Commissioners.
8. Amend s. 33.30 to clarify that the electors and property owners at the Annual Meeting may amend the budget proposed by the Board of Commissioners.
9. Amend s. 33.30 to clarify that voting at the Annual Meeting is limited to electors and property owners who are physically present at the meeting and that no absentee ballot or proxy is permitted.
10. Amend s. 33.30 to clarify that no person may cast more than one vote on any item considered at the Annual Meeting.
11. Define "elector" in s. 33.001 by reference to ch. 6.
12. Delete the reference to "bylaws" in 33.33.

not needed - JTK

[

see 33.30 (3)

take out of (2) & put in 33.30(3)(B)

not under 1981 (2), so not added

305 → at least

- add 33.31(4)?

No - not needed JTK

No - not needed JTK

13. Delete requirement in s. 33.26(3) that county (or municipality) establishing a lake district find that "the formation of the district will not cause or contribute to long-range environmental pollution as defined in s. 299.01(4)."
14. Amend s. 33.32 to clarify that special charges may be used to provide revenue for the items approved in the Annual Budget.
15. Amend s. 33.32 to cap special charges at the "equivalent" of 2.5 mills.
16. Amend s. 33.32 to provide that special charges may be certified by the Lake District Secretary to the clerk of each municipality having property within the district for collection and settlement in the same manner ~~as a tax~~ *or provided under*
17. Amend s. 33.30(4)(d) to permit nonlapsible fund to provide for maintenance of capital equipment. *ch. 74*



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3489/P1

RPN:.....

D - Note

WEP 12/17

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: public inland lake protection and rehabilitation district
2 meetings and duties of members of the district's board of commissioners. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 33.26 (3) of the statutes is amended to read:
4 33.26 (3) The committee shall report to the county board within 3 months after
5 the date of the hearing. Within 6 months after the date of the hearing, the board shall
6 issue its order under this subsection. If the board finds, after consideration of the
7 committee's report and any other evidence submitted to the board, that the petition
8 is signed by the requisite owners as provided in s. 33.25, that the proposed district
9 is necessary, that the public health, comfort, convenience, necessity or public welfare
10 will be promoted by the establishment of the district, and that the property to be

1 included in the district will be benefited by the establishment thereof, and that
 2 ~~formation~~ of the proposed district ~~will not cause or contribute to long range~~
 3 ~~environmental pollution as defined in s. 299.01 (4)~~, the board, by order, shall declare
 4 its findings, shall establish the boundaries and shall declare the district organized
 5 and give it a corporate name by which it shall be known. Thereupon the district shall
 6 be a body corporate with the powers of a municipal corporation for the purposes of
 7 carrying out this chapter. If the board does not so find, the board, by order, shall
 8 declare its findings and deny the petition.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227.

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

10 33.29 (1) (f) Scheduling the annual meeting of the district.

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

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

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

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

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

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

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

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

****NOTE: I was asked to use the provisions of s. 65.90 (2) as a model for what the proposed budget must include, but I am not sure that all of these provisions fit with a lake district. Please check this Section carefully.

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

2 33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and
3 hearings held by it, and shall annually notify the department of the continued
4 existence of the district. The secretary shall prepare and send the notices required
5 for the annual meeting, any special meeting, and any meeting of the board.

6 History: 1973 c. 301; 1989 a. 159, 359.

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

8 to read:

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

15 History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 ~~c. 299~~; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349.

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

17 33.30 (2) (b) No absentee ballots or proxies are permitted at the annual
18 meeting.

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

20 33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of
21 the following:

22 (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.

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

- 4 1. The item relates to an issue that is within the district's authority.
- 5 2. Each item is submitted by a petition to the board at least 30 days before the
 6 annual meeting.
- 7 3. The petition is signed by persons who are eligible to vote at the annual
 8 meeting.
- 9 4. The number of persons signing the petition equals or exceeds 20 percent of
 10 the number of parcels located in the district that are subject to the property tax.

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

12 33.30 (3) (intro.) At the annual meeting, electors and property owners who
 13 attend the meeting shall do all of the following:

14 History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 c. 299; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349.

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

15 33.30 (3) (b) Approve a budget for the coming year. The electors and property
 16 owners may consider and vote on amendments to the budget before approving that

17 budget. The budget shall separately identify the capital costs and the costs of
 18 operation of the district, shall conform with the applicable requirements under s.
 19 ~~65.90~~ 33.29 (1) (g) and shall specify any item that has a cost to the district in excess
 20 of \$10,000.

21 History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 c. 299; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349.

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

22 33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital
 23 costs and for maintenance of capital equipment.

24 History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 c. 299; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349.

24 **SECTION 11.** 33.305 (4) of the statutes is created to read:

Insert
4-23

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

SECTION 12. 33.32 (5) ^x of the statutes is amended to read:

3 33.32 (5) Sewerage system service charges imposed by districts with town
 4 sanitary district powers shall be in conformance with s. 66.0821. Special charges
 5 may be imposed for other services identified in the annual budget adopted under s.
 6 33.30 (3) (b) and shall also be collected directly by the commissioners. The special
 7 charges may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The
 8 special charges may be certified by the district secretary to the clerk of each
 9 municipality having property within the district for collection and settlement in the
 10 same manner as provided under ch. 74. ✓ The commissioners shall allocate the charges
 11 to the property served in a manner prescribed by them unless the manner is specified
 12 by a resolution of the annual or of a special meeting. Delinquent special charges shall
 13 be governed by s. 66.0627 (4).

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 27 ✓ 302 (45); 1989 a. 159; 1991 a. 316; 1993 a. 167; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 30.

SECTION 13. 33.33 (1) of the statutes is amended to read:

15 33.33 (1) MERGER. Any district may be merged with a contiguous district by
 16 resolution passed by a four-fifths vote of all the members of each board of
 17 commissioners. At the next annual or special meeting, whichever occurs first, the
 18 electors and property owners shall vote on whether to ratify the merger. If a majority
 19 of the electors and property owners present and voting in each district endorse the
 20 merger, it takes effect. Following ratification, the boards of commissioners of
 21 merging districts shall act jointly until the next annual or special meeting whichever
 22 occurs first, at which time the board of the merged district shall be conformed to the
 23 requirements specified in s. 33.28. The governing body of the county, town, village
 24 or city having the largest portion by valuation within the district shall make the

1 appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts~~
2 ~~apply to the newly created district.~~ ✓

3 History: 1973 c. 301; 1975 c. 197; 1981 c. 20; 1989 a. 159.

(END)

d-note
↓

Insert 4-23:

Section #. 33.305 (2) ^x 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) ✓}

History: 1989 a. 159; 1995 a. 349.

(end ins 4-23)

Insert 5-1

Section #. 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) ^{ca} or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 207; 1989 a. 159; 1993 a. 167.

(end insert 5-1)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3489/P1dn

RPN:.....

Jed

Please review this draft carefully to ensure that it is consistent with your intent.

I did not add a definition of "elector" because ~~chapter 6~~ ^{stats.} includes numerous criteria to determine if a person is eligible to vote in an election, so trying to create a definition is impossible. In addition, that term is used almost 400 times in the statutes without being defined and without being misunderstood. ^{stats.}

* I did not add language saying that the board meeting ^s are subject to the open meetings law because current law, ~~section~~ 19.81 (2) clearly says that the all meetings of governmental bodies are subject to the open meetings law. Adding this requirement in this subchapter and not in all of the other ~~100s~~ ^{hundreds} of places where governmental bodies are created would call into question whether those other governmental bodies are not subject to the open meetings requirements.

I did not add language saying that no person may cast more than one vote on any item for the same reason as given above. If there is a specific problem that has occurred resulting in one person attempting to vote more than once on a item, please let me know and perhaps we can address that specific problem.

Ⓣ Some of the language in subchapter ~~III~~ ^{III} of chapter ~~33~~ ³³ about who can vote at meeting and how you count possible voters is confusing because of the use of "or" in some places and "and" in other places when referring to electors and property owners. Use of "and" could mean that you have to be both an elector, i.e. be eligible to vote in that district, and a property owner in the district, but I think the intent is that you be either an elector, a property owner, or an elector who is a property owner.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3489/P1dn
RPN:jld:rs

December 16, 2003

Please review this draft carefully to ensure that it is consistent with your intent.

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Some of the language in subch. III of ch. 33 about who can vote at meeting and how you count possible voters is confusing because of the use of "or" in some places and of "and" in other places when referring to electors and property owners. Use of "and" could mean that you have to be both an elector, i.e. be eligible to vote in that district, and a property owner in the district, but I think the intent is that you be either an elector, a property owner, or an elector who is a property owner.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 2, 2003

Legislative Reference Bureau
Attn: Mary Gibson-Glass, Managing Attorney
100 N. Hamilton, 5th Floor

Dear Mary,

Please accept this correspondence as a formal request for a draft proposal to revise specific sections in Chapter 281 and Chapter 33. The draft is at the request of the Department of Natural Resources (DNR) and the Wisconsin Association of Lakes (WAL) thus I hereby authorize Jeff Bode of the DNR and Bill O'Connor of the WAL to have access to this draft.

If you have any questions, please contact Dan Johnson in my office. Thank you for your attention to my request.

Sincerely,

A handwritten signature in cursive script that reads "Neal Kedzie".

Neal Kedzie
State Senator
11th Senate District

NJK: dj

Enclosure: Lake District revisions drafting instructions

Various Revisions to ss. 33, Wis. Stats.

1. Amend s. 33.29(1) to clarify that the Board of Commissioners is responsible to schedule the Annual Meeting.
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3. Amend s. 33.30(3)(b) to clarify that the Proposed Annual Budget must be in the form specified in s. 65.90(2), but that no other provisions of s. 65.90 applies to a Lake District budget.
4. Confirm that the Open Meetings law applies to meetings of the Board of Commissioners.
5. Require that the notice of the Annual Meeting include the Annual Budget proposed by the Board of Commissioners and list each item proposed for consideration by the electors and property owners. Require the Board of Commissioners to include in the notice items for consideration at the Annual or any special meeting that are within the powers of the meeting if a petition is submitted to the District at least 30 days before the annual or special meeting that is signed by a number of persons qualified to vote at the annual meeting equal to 20 percent of the tax parcels within the District. Prohibit the Annual Meeting from acting on items not listed in the notice of the meeting.
6. Amend s. 33.30(2) to require that notice of the annual meeting be mailed to each owner of property at least 14 days prior to the meeting.
7. Amend s. 33.29(3)(b) to clarify that the District Secretary is responsible for notices of the Annual Meeting and Meetings of the Board of Commissioners.
8. Amend s. 33.30 to clarify that the electors and property owners at the Annual Meeting may amend the budget proposed by the Board of Commissioners.
9. Amend s. 33.30 to clarify that voting at the Annual Meeting is limited to electors and property owners who are physically present at the meeting and that no absentee ballot or proxy is permitted.
10. Amend s. 33.30 to clarify that no person may cast more than one vote on any item considered at the Annual Meeting.
11. Define "elector" in s. 33.001 by reference to ch. 6.
12. Delete the reference to "bylaws" in 33.33.

13. Delete requirement in s. 33.26(3) that county (or municipality) establishing a lake district find that “the formation of the district will not cause or contribute to long-range environmental pollution as defined in s. 299.01(4).”
14. Amend s. 33.32 to clarify that special charges may be used to provide revenue for the items approved in the Annual Budget.
15. Amend s. 33.32 to cap special charges at the “equivalent” of 2.5 mills.
16. Amend s. 33.32 to provide that special charges may be certified by the Lake District Secretary to the clerk of each municipality having property within the district for collection and settlement in the same manner as a tax.
17. Amend s. 33.30(4)(d) to permit nonlapsible fund to provide for maintenance of capital equipment.

Nelson, Robert P.

From: Johnson, Dan (Legislature)
Sent: Tuesday, December 16, 2003 2:48 PM
To: Nelson, Robert P.
Subject: RE: Draft review: LRB 03-3489/P1

Bob,

The drafter's notes .pdf file did not have any text on it. Also, this draft only addresses revisions in c. 33. Our request was for revisions to c. 33 and c. 281.68.

Attached is our original request document and page 1 of this document requests revisions to c. 281.68. Thank you.

Dan Johnson
State Senator Neal Kedzie
11th Senate District
(608) 266-2635

-----Original Message-----

From: Emery, Lynn
Sent: Tuesday, December 16, 2003 1:55 PM
To: Sen.Kedzie
Subject: Draft review: LRB 03-3489/P1 Topic: Lake monitoring contracts and public inland lake protection and rehabilitation district procedures

Following is the PDF version of draft LRB 03-3489/P1 and drafter's note.

Revisions to ss. 281.68, Wis. Stats.

Amend to read:

Lake management planning grants and contracts.

281.68 (1m) PURPOSES OF GRANTS AND CONTRACTS. The department shall develop and administer a financial assistance program to provide lake management planning grants 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 and award contracts for projects under (1t).

Create to read:

(1t) CITIZEN LAKE MONITORING CONTRACTS. The department may award contracts for the support of the statewide citizen lake monitoring network. Annual contracts may include the cost of the following:

1. Citizen training, equipment and supplies necessary for quality sample collection.
2. Handling, shipping and laboratory analysis of samples.
3. The development and management of a statewide database system for entering, tracking, evaluating and reporting of results.
4. The production and distribution of reports and results.

Amend to read:

(2) AMOUNT OF GRANTS AND CONTRACTS.

(a) The department may provide a grant of 75% of the cost of a lake management planning project up to a total of \$10,000 per grant.

(b) The total amount of citizen lake monitoring contracts for each year shall not exceed 10% of the total annual lake grant appropriation under s. 20.370 (6) (ar).

(3) RULES FOR GRANTS AND CONTRACTS

Create to read:

(3)(c) Eligible activities and qualifications for participation in the statewide citizen lake monitoring network.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to renumber and amend* 33.30 (2); *to amend* 33.26 (3), 33.29 (3) (b),
 2 33.30 (3) (intro.), 33.30 (3) (b), 33.30 (4) (d), 33.305 (2), 33.31 (4), 33.32 (5) and
 3 33.33 (1); and *to create* 33.29 (1) (f), 33.29 (1) (g), 33.30 (2) (b), 33.30 (2m) and
 4 33.305 (4) of the statutes; **relating to:** public inland lake protection and
 5 rehabilitation district meetings, ~~and~~ *and* duties of members of the district's board of
 6 commissioners, *lake monitoring contracts, and*
granting rule-making authority ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

7 SECTION 1. 33.26 (3) ✓ of the statutes is amended to read:
 8 33.26 (3) The committee shall report to the county board within 3 months after
 9 the date of the hearing. Within 6 months after the date of the hearing, the board shall
 10 issue its order under this subsection. If the board finds, after consideration of the

1 committee's report and any other evidence submitted to the board, that the petition
2 is signed by the requisite owners as provided in s. 33.25, that the proposed district
3 is necessary, that the public health, comfort, convenience, necessity or public welfare
4 will be promoted by the establishment of the district, and that the property to be
5 included in the district will be benefited by the establishment thereof, ~~and that~~
6 ~~formation of the proposed district will not cause or contribute to long range~~
7 ~~environmental pollution as defined in s. 299.01 (4),~~ the board, by order, shall declare
8 its findings, shall establish the boundaries and shall declare the district organized
9 and give it a corporate name by which it shall be known. Thereupon the district shall
10 be a body corporate with the powers of a municipal corporation for the purposes of
11 carrying out this chapter. If the board does not so find, the board, by order, shall
12 declare its findings and deny the petition.

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

14 33.29 (1) (f) Scheduling the annual meeting of the district.

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

16 33.29 (1) (g) Preparing the proposed annual budget for presentation at the
17 annual meeting of the district. The proposed annual budget shall include all of the
18 following:

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

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

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

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

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

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

****NOTE: I was asked to use the provisions of s. 65.90 (2) as a model for what the proposed budget must include, but I am not sure that all of these provisions fit with a lake district. Please check this SECTION carefully.

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

5 33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and
6 hearings held by it, and shall annually notify the department of the continued
7 existence of the district. The secretary shall prepare and send the notices required
8 for the annual meeting, any special meeting, and any meeting of the board.

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

11 33.30 (2) (a) The annual meeting shall be preceded by written notice mailed at
12 least 10 14 days in advance of the meeting to all electors within the district and to
13 all owners of property within the district, whose address is known or can be
14 ascertained with reasonable diligence, and to the department. The district board of
15 commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending
16 written notice to electors residing within the district.

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

18 33.30 (2) (b) No absentee ballots or proxies are permitted at the annual
19 meeting.

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

21 33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of
22 the following:

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

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

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

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

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

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

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

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

14 33.30 (3) (intro.) At the annual meeting, electors and property owners who
15 attend the meeting shall do all of the following:

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

17 33.30 (3) (b) Approve a budget for the coming year. The electors and property
18 owners may consider and vote on amendments to the budget before approving that
19 budget. The budget shall separately identify the capital costs and the costs of
20 operation of the district, shall conform with the applicable requirements under s.
21 ~~65.90~~ 33.29 (1) (g) and shall specify any item that has a cost to the district in excess
22 of \$10,000.

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

24 33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital
25 costs and for maintenance of capital equipment.

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

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

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

5 33.305 (4) No absentee ballots or proxies are permitted at a special meeting.

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

7 33.31 (4) At an annual or special meeting, the district may not consider or
8 approve any borrowing or any tax to pay the indebtedness incurred under sub. (1)
9 or (2) unless the meeting notice under s. 33.30 (2) (a) or 33.305 (2) includes a
10 statement that borrowing or a tax levy to pay the indebtedness will be considered at
11 the meeting.

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

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

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

1 33.33 (1) MERGER. Any district may be merged with a contiguous district by
2 resolution passed by a four-fifths vote of all the members of each board of
3 commissioners. At the next annual or special meeting, whichever occurs first, the
4 electors and property owners shall vote on whether to ratify the merger. If a majority
5 of the electors and property owners present and voting in each district endorse the
6 merger, it takes effect. Following ratification, the boards of commissioners of
7 merging districts shall act jointly until the next annual or special meeting whichever
8 occurs first, at which time the board of the merged district shall be conformed to the
9 requirements specified in s. 33.28. The governing body of the county, town, village
10 or city having the largest portion by valuation within the district shall make the
11 appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts~~
12 ~~apply to the newly created district.~~

13

(END)

insert 6-12 ✓

1 insert 6-12:

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

3 281.68 (1m) PURPOSES OF GRANTS AND CONTRACTS. The department shall develop
4 and administer a financial assistance program to provide lake management
5 planning grants and to award contracts under sub. (1t) for projects to provide
6 information and education on the use of lakes and natural lake ecosystems and on
7 the quality of water in lakes and the quality of natural lake ecosystems.

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

8 **SECTION 2.** 281.68 (1t) of the statutes is created to read:

9 281.68 (1t) LAKE MONITORING CONTRACTS. The department may award contracts
10 to public groups or persons for the creation and support of a statewide lake
11 monitoring network. The contracts may include payments for the costs of all of the
12 following:

13 (a) Training, equipment, and supplies necessary for water quality sample
14 collection.

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

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

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

19 **SECTION 3.** 281.68 (2) (title) of the statutes is amended to read:

20 281.68 (2) (title) AMOUNT OF GRANTS AND CONTRACTS.

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

21 **SECTION 4.** 281.68 (2) of the statutes is renumbered 281.68 (2) (a).

22 **SECTION 5.** 281.68 (2) (b) of the statutes is created to read:



1 281.68 (2) (b) The total amount of lake monitoring contracts ✓ for each fiscal year
2 may not exceed 10% ^{percent} of the total amount appropriated under s. 20.370 (6) (ar). ✓

3 SECTION 6. 281.68 (3) (title) ✓ of the statutes is amended to read:

4 281.68 (3) (title) RULES FOR GRANTS AND CONTRACTS. ✓

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

5 SECTION 7. 281.68 (3) (intro.) of the statutes is renumbered 281.68 (3) (a)

6 ~~intro.~~

7 SECTION 8. 281.68 (3) (bg) ✓ of the statutes is created to read:

8 281.68 (3) (bg) The department shall promulgate ✓ rules for the administration
9 of the lake monitoring contracts program, which shall specify the eligible activities
10 and qualifications for participation in the statewide lake monitoring network. ○

11 (end of insert)

348⁹

Revisions to ss. 281.68, Wis. Stats.

Water Quality?

Amend to read:

Title →

Lake management planning grants and contracts.

281.68 (1m) PURPOSES OF GRANTS AND CONTRACTS. The department shall develop and administer a financial assistance program to provide lake management planning grants 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 and award contracts for projects under (1t).

Create to read:

(1t) ~~CITIZEN~~ LAKE MONITORING CONTRACTS. The department may award contracts for the support of the statewide ~~citizen~~ lake monitoring network. Annual contracts may include the cost of the following:

1. Citizen training, equipment and supplies necessary for quality sample collection.
2. Handling, shipping and laboratory analysis of samples.
3. The development and management of a statewide database system for entering, tracking, evaluating and reporting of results.
4. The production and distribution of reports and results.

Amend to read:

(2) AMOUNT OF GRANTS AND CONTRACTS.

(a) The department may provide a grant of 75% of the cost of a lake management planning project up to a total of \$10,000 per grant.

(b) The total amount of citizen lake monitoring contracts for each year shall not exceed 10% of the total annual lake grant appropriation under s. 20.370 (6) (ar).

(3) RULES FOR GRANTS AND CONTRACTS

Create to read:

AR 13 (intro)

(3)(c) Eligible activities and qualifications for participation in the statewide citizen lake monitoring network.

Nelson, Robert P.

From: Johnson, Dan (Legislature)
Sent: Wednesday, January 07, 2004 3:28 PM
To: Nelson, Robert P.
Subject: RE: LRB 03-3489/P2 drafting changes

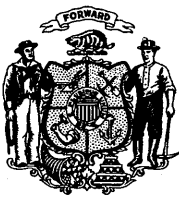
Hi Bob,

Please make the following changes to LRB 3489/P2, which is attached:

- ✓ 1. Page 3, lines 8-9; Delete, "and shall annually notify the department of the continued existence of the district."
- ✓ 2. Page 3, lines 13-16. Revise it to read:
 3. 33.30 (2) (a) "The annual meeting shall be preceded by written notice mailed at least 14 days in advance of the meeting to all electors 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 on the tax roll, and to the department."
 - ✓ "on the tax roll" could be revised or reworded if that is not the proper terminology.
- ✓ 4. Page 5, line 19; Delete, "and shall also be collected directly by the commissioners."
5. And finally, the Wisconsin Association of Lakes believes that associations of local governments, i.e. Wisconsin Towns Association, Alliance of Cities, etc., may, by law, request for opinions of the Attorney General. If that were the case, they would like that ability extended to associations of lake districts.

Thank you very much Bob.

Dan Johnson
State Senator Neal Kedzie
11th Senate District
(608) 266-2635



D-N

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

1 issue its order under this subsection. If the board finds, after consideration of the
2 committee's report and any other evidence submitted to the board, that the petition
3 is signed by the requisite owners as provided in s. 33.25, that the proposed district
4 is necessary, that the public health, comfort, convenience, necessity or public welfare
5 will be promoted by the establishment of the district, and that the property to be
6 included in the district will be benefited by the establishment thereof, ~~and that~~
7 ~~formation of the proposed district will not cause or contribute to long-range~~
8 ~~environmental pollution as defined in s. 299.01 (4), the board, by order, shall declare~~
9 its findings, shall establish the boundaries and shall declare the district organized
10 and give it a corporate name by which it shall be known. Thereupon the district shall
11 be a body corporate with the powers of a municipal corporation for the purposes of
12 carrying out this chapter. If the board does not so find, the board, by order, shall
13 declare its findings and deny the petition.

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

15 33.29 (1) (f) Scheduling the annual meeting of the district.

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

17 33.29 (1) (g) Preparing the proposed annual budget for presentation at the
18 annual meeting of the district. The proposed annual budget shall include all of the
19 following:

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

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

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

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

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

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

****NOTE: I was asked to use the provisions of s. 65.90 (2) as a model for what the proposed budget must include, but I am not sure that all of these provisions fit with a lake district. Please check this SECTION carefully.

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

7 33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and
8 hearings held by it, ~~and shall annually notify the department of the continued~~ *strike*
9 ~~existence of the district.~~ *score* The secretary shall prepare and send the notices required
10 for the annual meeting, any special meeting, and any meeting of the board. *plain*

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

13 33.30 (2) (a) The annual meeting shall be preceded by written notice mailed at
14 least 10 ~~14~~ days in advance of the meeting to all electors within the district ~~and to~~ *and to*
15 ~~owners of property within the district,~~ *strike* whose address is known or can be *address as listed in the tax rolls*
16 ascertained with reasonable diligence, and to the department. *to all owners of property within the district at the owner's* The district board of
17 commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending
18 written notice to electors residing within the district.

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

20 33.30 (2) (b) No absentee ballots or proxies are permitted at the annual
21 meeting.

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

1 33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of
2 the following:

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

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

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

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

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

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

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

CS
(or owners?)
~~XXXX~~ *Note: should this read "... number of persons ... represents 20 percent*
16 SECTION 8. 33.30 (3) (intro.) of the statutes is amended to read: *or more of the*
number of parcels...?"

17 33.30 (3) (intro.) At the annual meeting, electors and property owners who
18 attend the meeting shall do all of the following:

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

20 33.30 (3) (b) Approve a budget for the coming year. The electors and property
21 owners may consider and vote on amendments to the budget before approving that
22 budget. The budget shall separately identify the capital costs and the costs of
23 operation of the district, shall conform with the applicable requirements under s.
24 65.90 33.29 (1) (g) and shall specify any item that has a cost to the district in excess
25 of \$10,000.

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

2 33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital
3 costs and for maintenance of capital equipment.

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

5 33.305 (2) Written notice of a special meeting shall be given to the same persons
6 and in the same manner required under s. 33.30 (2) (a).

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

8 33.305 (4) No absentee ballots or proxies are permitted at a special meeting.

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

10 33.31 (4) At an annual or special meeting, the district may not consider or
11 approve any borrowing or any tax to pay the indebtedness incurred under sub. (1)
12 or (2) unless the meeting notice under s. 33.30 (2) (a) or 33.305 (2) includes a
13 statement that borrowing or a tax levy to pay the indebtedness will be considered at
14 the meeting.

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

16 33.32 (5) Sewerage system service charges imposed by districts with town
17 sanitary district powers shall be in conformance with s. 66.0821. Special charges
18 may be imposed for other services identified in the annual budget adopted under s.

19 33.30 (3) (b) ~~and shall also be collected directly by the commissioners.~~ ^{score period} The special
20 charges may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The
21 special charges may be certified by the district secretary to the clerk of each
22 municipality having property within the district for collection and settlement in the
23 same manner as provided under ch. 74. ^{plain}

24 to the property served in a manner prescribed by them unless the manner is specified

1 by a resolution of the annual or of a special meeting. Delinquent special charges shall
2 be governed by s. 66.0627 (4).

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

4 33.33 (1) MERGER. Any district may be merged with a contiguous district by
5 resolution passed by a four-fifths vote of all the members of each board of
6 commissioners. At the next annual or special meeting, whichever occurs first, the
7 electors and property owners shall vote on whether to ratify the merger. If a majority
8 of the electors and property owners present and voting in each district endorse the
9 merger, it takes effect. Following ratification, the boards of commissioners of
10 merging districts shall act jointly until the next annual or special meeting whichever
11 occurs first, at which time the board of the merged district shall be conformed to the
12 requirements specified in s. 33.28. The governing body of the county, town, village
13 or city having the largest portion by valuation within the district shall make the
14 appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts~~
15 ~~apply to the newly created district.~~

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

17 281.68 (1m) PURPOSES OF GRANTS AND CONTRACTS. The department shall develop
18 and administer a financial assistance program to provide lake management
19 planning grants and to award contracts under sub. (1t) for projects to provide
20 information and education on the use of lakes and natural lake ecosystems and on
21 the quality of water in lakes and the quality of natural lake ecosystems.

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

23 281.68 (1t) LAKE MONITORING CONTRACTS. The department may award contracts
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4 collection.

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14 may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar).

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

19 281.68 (3) (bg) The department shall promulgate rules for the administration
20 of the lake monitoring contracts program, which shall specify the eligible activities
21 and qualifications for participation in the statewide lake monitoring network.

22

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3489/P3dn

RPN:jld:pg

↑
stays

Dan:

I did not add any language regarding asking for an opinion of the Attorney General (AG) because I could not find a statute that gave the other groups you mentioned authority to ask for and receive an opinion of the AG. Sections 19.39 and 19.98 give any person the authority to ask for advice from the Attorney General about matters relating to open records and open meetings, respectfully. Section 59.42 gives corporation counsels the same authority as district attorneys have under s. 165.25 (3) to ask for advice and counsel of the AG. Finally, s. 165.015 (1) allows the legislature and heads of state agencies to ask for written AG opinions.

If the groups you mentioned could refer me to a specific statute that I missed, I would amend that statute to include lake district associations.

It may be that anyone can ask for an AG opinion, but the AG has the discretion to not answer requests other than from those persons mentioned above.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3489/P3dn
RPN:jld:pg

January 9, 2004

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Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Nelson, Robert P.

From: Johnson, Dan (Legislature)

Sent: Wednesday, January 28, 2004 9:33 AM

To: Nelson, Robert P.

Subject: LRB 03-3489/P3 Topic: Lake monitoring contracts and public inland lake protection and rehabilitation district procedures

Please draft the attached LRB as a /1 as we are preparing to introduce it. Thank you very much.

Dan Johnson

State Senator Neal Kedzie

11th Senate District

(608) 266-2635

01/28/2004



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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 is a preliminary draft. An analysis will be provided in a later version.~~

insert and →

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

9 SECTION 1. 33.26 (3) of the statutes is amended to read:
 10 33.26 (3) The committee shall report to the county board within 3 months after
 11 the date of the hearing. Within 6 months after the date of the hearing, the board shall

1 issue its order under this subsection. If the board finds, after consideration of the
2 committee's report and any other evidence submitted to the board, that the petition
3 is signed by the requisite owners as provided in s. 33.25, that the proposed district
4 is necessary, that the public health, comfort, convenience, necessity or public welfare
5 will be promoted by the establishment of the district, and that the property to be
6 included in the district will be benefited by the establishment thereof, ~~and that~~
7 ~~formation of the proposed district will not cause or contribute to long range~~
8 ~~environmental pollution as defined in s. 299.01 (4),~~ the board, by order, shall declare
9 its findings, shall establish the boundaries and shall declare the district organized
10 and give it a corporate name by which it shall be known. Thereupon the district shall
11 be a body corporate with the powers of a municipal corporation for the purposes of
12 carrying out this chapter. If the board does not so find, the board, by order, shall
13 declare its findings and deny the petition.

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

15 33.29 (1) (f) Scheduling the annual meeting of the district.

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

17 33.29 (1) (g) Preparing the proposed annual budget for presentation at the
18 annual meeting of the district. The proposed annual budget shall include all of the
19 following:

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

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

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

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

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

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

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

7 33.29 (3) (b) The secretary shall keep minutes of all meetings of the board and
8 hearings held by it, ~~and shall annually notify the department of the continued~~
9 ~~existence of the district.~~ The secretary shall prepare and send the notices required
10 for the annual meeting, any special meeting, and any meeting of the board.

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

13 33.30 (2) (a) The annual meeting shall be preceded by written notice mailed at
14 least ~~10~~ 14 days in advance of the meeting to all electors within the district ~~and~~
15 ~~owners of property within the district~~, whose address is known or can be ascertained
16 with reasonable diligence, to all owners of property within the district at the owner's
17 address as listed in the tax roll, and to the department. The district board of
18 commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending
19 written notice to electors residing within the district.

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

21 33.30 (2) (b) No absentee ballots or proxies are permitted at the annual
22 meeting.

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

24 33.30 (2m) The notice of the annual meeting under sub. (2) shall include all of
25 the following:

- 1 (a) The proposed annual budget required under sub. (1) (g).
- 2 (b) A list of each item proposed for consideration at the annual meeting in
3 addition to the proposed annual budget.
- 4 (c) A list of any items proposed for consideration at the annual meeting by
5 persons eligible to vote at the annual meeting if all of the following conditions are
6 met:
- 7 1. The item relates to an issue that is within the district's authority.
- 8 2. Each item is submitted by a petition to the board at least 30 days before the
9 annual meeting.
- 10 3. The petition is signed by persons who are eligible to vote at the annual
11 meeting.
- 12 4. The number of persons signing the petition equals or exceeds 20 percent of
13 the number of parcels located in the district that are subject to the property tax.

****NOTE: Should this read "... number of persons... represents (or owns?) 20 percent or more of the number of parcels...?"

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

15 33.30 (3) (intro.) At the annual meeting, electors and property owners who
16 attend the meeting shall do all of the following:

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

18 33.30 (3) (b) Approve a budget for the coming year. The electors and property
19 owners may consider and vote on amendments to the budget before approving that
20 budget. The budget shall separately identify the capital costs and the costs of
21 operation of the district, shall conform with the applicable requirements under s.
22 ~~65.90~~ 33.29 (1) (g) and shall specify any item that has a cost to the district in excess
23 of \$10,000.

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

2 33.30 (4) (d) Create a nonlapsible fund to finance specifically identified capital
3 costs and for maintenance of capital equipment.

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

5 33.305 (2) Written notice of a special meeting shall be given to the same persons
6 and in the same manner required under s. 33.30 (2) (a).

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

8 33.305 (4) No absentee ballots or proxies are permitted at a special meeting.

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

10 33.31 (4) At an annual or special meeting, the district may not consider or
11 approve any borrowing or any tax to pay the indebtedness incurred under sub. (1)
12 or (2) unless the meeting notice under s. 33.30 (2) (a) or 33.305 (2) includes a
13 statement that borrowing or a tax levy to pay the indebtedness will be considered at
14 the meeting.

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

16 33.32 (5) Sewerage system service charges imposed by districts with town
17 sanitary district powers shall be in conformance with s. 66.0821. Special charges
18 may be imposed for other services identified in the annual budget adopted under s.
19 33.30 (3) (b) shall also be collected directly by the commissioners. The special charges
20 may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The special
21 charges may be certified by the district secretary to the clerk of each municipality
22 having property within the district for collection and settlement in the same manner
23 as provided under ch. 74. The commissioners shall allocate the charges to the
24 property served in a manner prescribed by them unless the manner is specified by

1 a resolution of the annual or of a special meeting. Delinquent special charges shall
2 be governed by s. 66.0627 (4).

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

4 33.33 (1) **MERGER.** Any district may be merged with a contiguous district by
5 resolution passed by a four-fifths vote of all the members of each board of
6 commissioners. At the next annual or special meeting, whichever occurs first, the
7 electors and property owners shall vote on whether to ratify the merger. If a majority
8 of the electors and property owners present and voting in each district endorse the
9 merger, it takes effect. Following ratification, the boards of commissioners of
10 merging districts shall act jointly until the next annual or special meeting whichever
11 occurs first, at which time the board of the merged district shall be conformed to the
12 requirements specified in s. 33.28. The governing body of the county, town, village
13 or city having the largest portion by valuation within the district shall make the
14 appointments under s. 33.28 (2). ~~The bylaws of the larger of the merging districts~~
15 ~~apply to the newly created district.~~

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

17 281.68 (1m) **PURPOSES OF GRANTS AND CONTRACTS.** The department shall develop
18 and administer a financial assistance program to provide lake management
19 planning grants and to award contracts under sub. (1t) for projects to provide
20 information and education on the use of lakes and natural lake ecosystems and on
21 the quality of water in lakes and the quality of natural lake ecosystems.

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

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21 and qualifications for participation in the statewide lake monitoring network.

22 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3489/1ins
RPN:jld:pg

insert anl:

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

1. Remove ^{is} one of the conditions that a county board [✓] must consider when determining if a lake district ~~may~~ 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 ~~the~~ 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 ^{board's} county consideration.

2. Add ^{ing} 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. Require ^{ing} the proposed annual budget to include existing indebtedness, ~~proposed spending,~~ revenues and expenditures from the previous year, and estimated revenues and expenditures for the current year.

4. Require ^{ing} 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. ~~Specify~~ ^{ing} 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. ~~Specify~~ ^{ing} that no absentee ballots or proxies are permitted at the annual meeting.

7. Allow ^{ing} the electors and property owners at the annual meeting to consider and vote on amendments to the annual budget.

8. Limit ^{ing} 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.

will ✓

Specifying

Northrop, Lori

From: Johnson, Dan (Legislature)
Sent: Wednesday, February 04, 2004 4:34 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3489/1 Topic: Lake monitoring contracts and public inland lake protection and rehabilitation district procedures

It has been requested by <Johnson, Dan (Legislature)> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3489/1 Topic: Lake monitoring contracts and public inland lake protection and rehabilitation district procedures