

2007 DRAFTING REQUEST

Bill

Received: **04/11/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Kim Hixson (608) 266-9650**

By/Representing: **Patrick Singer**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hixson@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Annexation of property into public inland lake districts

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>
/?				_____			Local
/1	mglass 04/12/2007	csicilia 06/04/2007	pgreensl 06/05/2007	_____	sbasford 06/05/2007		Local
/2	mglass 07/16/2007	csicilia 07/17/2007	pgreensl 07/17/2007	_____	lparisi 07/17/2007	cduerst 01/14/2008	

FE Sent For:

*at
intro*

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/?				_____			Local
/1	mglass 04/12/2007	csicilia 06/04/2007	pgreensl 06/05/2007	<u>7/17</u> PR/MH	sbasford 06/05/2007		

FE Sent For:

12/25/07
7/17/07
7/17/07
PR/MH
<END>

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/?	mglass	1 ejs	6/4	6/5			
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		07	PF	PF	MM		
--	--	----	----	----	----	--	--

FE Sent For:

<END>

Kite, Robin

From: Shovers, Marc
Sent: Monday, April 09, 2007 3:41 PM
To: Gibson-Glass, Mary; Kite, Robin
Subject: FW: Drafting Request

I think that this belongs to one of you fine drafters.

From: Singer, Patrick
Sent: Monday, April 09, 2007 3:34 PM
To: Shovers, Marc
Subject: Drafting Request

Hi Marc –

I do not know if lake management districts fall under your area but I figured you were a good place to start.

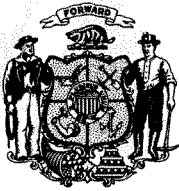
Representative Hixson wants to draft a piece of legislation at the request of some constituents. It deals with annexation of additional properties into an existing district.

Wis. Stat. 33.25 (1) states that before a lake district can form, a petition must be signed by a majority of property owners showing they support the district's formation. The process specified in 33.25 (1) is quite democratic and demonstrates the community is sincere in governing themselves for the protection of the lake. However, once the district forms, Wis. Stat. 33.33 (2) enables the district to annex contiguous properties into the district's taxing authority without the consent of a majority of these property owners. We recommend the legislation be **modified so that the standards for annexation under 33.33 (2) are the same as the standards for district formation under 33.25 (1); i.e., a majority of property owners in the annexation area show support for being part of the district.**

If you have any questions or there is a different drafter I should contact please let me know.

Thanks,

Patrick Singer
Legislative Assistant
Office of Rep. Kim Hixson
43rd Assembly District
4 West State Capitol
(608) 266-9650



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2413/8
MGG:.....
cjs

D-N
The meeting
4/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P.W.F

SA 12
x-reb 12
new CR 12

Gen Cat

INS
ANL

INS
ANL

1 AN ACT...; relating to: attachment of territory to public inland lake protection
2 and rehabilitation districts.

parties follow

proposed

Analysis by the Legislative Reference Bureaus

proposed

Current law requires that certain procedures be followed to establish a public inland lake protection and rehabilitation districts (lake district). These include having a petition signed by 51 percent of the persons owning land in the lake district or by owners of 51 percent of the land in the lake district (51 percent requirement) and having the county board conduct a hearing on the petition. If the county board finds that the establishment of the lake district will promote a public goal such as public health, convenience, or welfare and that the land to be included in the lake district will benefit from its establishment, the county board must approve the establishment of the lake district.

Current law requires that a different procedure be followed to annex territory to a lake district. Under current law, an owner of land in a lake district may petition the board of commissioners for the lake district (district board) to annex the territory. If the petition is approved by a majority vote of the members of the district board, the territory is annexed. Alternatively, the district board may begin the procedure by notifying the owners of land that is proposed to be annexed and the county board. Under this alternative procedure, a procedure similar to the one described above for the establishment of a lake district applies.

This bill eliminates the procedure under which an owner of land in the lake district may petition the district board and eliminates the authority of a district board to begin an annexation proceeding. Therefore, any petition for annexation

requires a petition that meets

Under the bill,

Not

→

→

→

land

must meet the 51 percent requirement and the county board must hold a hearing on the petition.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 33.21 of the statutes is amended to read:

2 **33.21 Public inland lake protection and rehabilitation districts;**
3 **purposes.** Districts may be ~~created~~ [✓] established for the purpose of undertaking a
4 program of lake protection and rehabilitation of a lake or parts thereof within the
5 district.

6 History: 1973 c. 301; 1995 a. 349.

6 **SECTION 2.** 33.235 (2) of the statutes is amended to read:

7 **33.235 (2)** The commissioners of a town sanitary district that does not
8 encompass all the frontage of a lake within its boundaries may, with approval of the
9 town board, petition under s. 33.25 for the formation of a restructured district to
10 include the territory of the existing sanitary district and any additional frontage on
11 the lake that is deemed appropriate by the commissioners. The commissioners may
12 sign the petition for the landowners in the sanitary district. If necessary to meet the
13 requirements of s. 33.25, signatures of owners of land lying outside the sanitary
14 district shall be obtained. Formation of a restructured district that includes such
15 additional territory shall not affect any preexisting rights or liabilities of the town
16 sanitary district, and all these rights and liabilities shall be assumed automatically
17 by the restructured district. The method by which these rights and liabilities are
18 apportioned within the restructured district shall be determined by the county

1 board, and set out in the order issued under s. 33.26 (3) (a) forming the restructured
2 district.

districts in the county,

3 History: 1975 c. 197; 1979 c. 299; 1983 a. 532 s. 36; 1989 a. 159; 1995 a. 349.

SECTION 3. 33.24 (2) of the statutes is amended to read:

4 33.24 (2) The county board of any county may establish districts within the
5 county and may attach contiguous territory to existing if the conditions stated in s. 33.26 are found to exist. Before a district that
6 includes any portion of a city or village may be ~~formed~~ established under authority
7 of this section, the city council or village board must have previously approved the
8 inclusion of its territory within the boundaries of a proposed district.

9 History: 1973 c. 301; 1995 a. 349.

SECTION 4. 33.25 (title) of the statutes is amended to read:

10 **33.25 (title) Petition for establishment or attachment.**

11 History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

SECTION 5. 33.25 (1) (title) of the statutes is repealed and recreated to read:

12 33.25 (1) (title) FILING OF PETITION.

under s. 33.24

13 **SECTION 6.** 33.25 (1) (a) of the statutes is amended to read:

14 33.25 (1) (a) Before a county board may establish a district under s. 33.235 or
15 33.24 or before a county board may approve the attachment of contiguous territory
16 to an existing district, a petition requesting the establishment or attachment shall
17 be filed with the county clerk, addressed and presented to the county board and. For
18 a petition to establish a district, the petition shall ^{be} signed by persons constituting 51%
19 51 percent of the landowners or the owners of 51% 51 percent of the lands within the
20 proposed district. For a petition to attach territory to an existing district, the petition
21 shall be signed by persons constituting 51 percent of the landowners or the owners
22 of 51 percent of the lands within the existing district. Governmental subdivisions,
23 other than the state or federal governments, owning lands within the proposed
24 district are eligible as landowners to sign such a petition. A city council or village

(A)

(For)

(A)

(A)

1 or town board may by resolution represent persons owning lands within the proposed
2 district who are within its jurisdiction and who are eligible to sign a petition, and may
3 sign for all such landowners.

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

4 SECTION 7. 33.25 (2) (intro.) of the statutes is amended to read:

5 33.25 (2) CONTENTS FOR PETITION TO ESTABLISH. (intro.) The A petition filed
6 under sub. (1) to establish a district shall set forth all of the following:

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

7 SECTION 8. 33.25 (2) (a) of the statutes is amended to read:

8 33.25 (2) (a) The proposed name of the district; ☉

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

9 SECTION 9. 33.25 (2) (b) of the statutes is amended to read:

10 33.25 (2) (b) The necessity for the proposed district; ☉

11 SECTION 10. 33.25 (2) (c) of the statutes is amended to read:

12 33.25 (2) (c) That the A statement that public health, comfort, convenience,
13 necessity, or public welfare will be promoted by the establishment of the district and
14 that the lands territory to be included therein in the district will be benefited by such
15 its establishment.

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349. ^

16 SECTION 11. 33.25 (2m) of the statutes is created to read:

17 33.25 (2m) CONTENTS FOR PETITION TO ATTACH. A petition filed under sub. (1) to
18 attach contiguous territory to an existing district shall set forth all of the following:

19 (a) The necessity for the attachment to the existing district.

20 (b) A statement that the public health, comfort, convenience, necessity, or welfare
21 will be promoted by the attachment and that both the lands contained in the existing
22 district and the territory to be attached will be benefited by the attachment.

23 (c) The boundaries of the territory to be attached to the existing district.

fix component
(intro.)
renumbered 33.25 (3) (intro.) and

1 SECTION 12. 33.25 (3) of the statutes is amended to read:

2 33.25 (3) VERIFICATION, PLAT. ~~The petition~~ A petition filed under sub. (1) shall
3 be verified by one of the petitioners, and shall be accompanied by a one of the
4 following:

5 (a) For the establishment of a district, a plat or sketch indicating the
6 approximate area and boundaries of the proposed district.

7 History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349. ^

7 SECTION 13. 33.25 (3) (b) of the statutes is created to read:

8 33.25 (3) (b) For the attachment of contiguous territory to an existing district,
9 a plat or sketch indicating the approximate area and boundaries of the territory to
10 be attached.

11 SECTION 14. 33.25 (4) of the statutes is amended to read:

12 33.25 (4) PRESUMPTION. ~~Every~~ Each petition filed under sub. (1) is presumed
13 to have been signed by the persons whose signatures appear thereon, until proved
14 otherwise.

15 History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

15 SECTION 15. 33.26 (1) of the statutes is amended to read:

16 33.26 (1) Upon receipt of the a petition for establishment of a proposed district
17 or for attachment of contiguous territory to an existing district under s. 33.25, the
18 county board shall ~~arrange~~ set a hearing to be held not later than 30 days from the
19 date of presentation of the petition, and shall appoint a committee to conduct the
20 hearing. At the hearing all interested persons may offer objections, criticisms, or
21 suggestions as to the necessity of the ~~proposed district~~ establishment or attachment
22 as outlined and as to the question of whether their property land will be benefited
23 by the establishment of such district or attachment. Any person wishing to object
24 to the ~~organization of such district~~ establishment or attachment may, before the date

*or of the territory
to be attached to an existing district*

1 set for the hearing, file objections to the formation of such district with the county
2 clerk.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

3 SECTION 16. 33.26 (2) of the statutes is renumbered 33.26 (2) (a) and amended
4 to read:

5 33.26 (2) (a) Notice announcing the hearing and stating the boundaries of the
6 proposed district set under sub. (1) shall be published in a paper of general
7 circulation in the county in which the proposed district is located as a class 1 notice,
8 under ch. 985, and.

9 (b) For a petition to establish a district, the notice shall be published in a paper
10 of general circulation in each county in which the proposed district is located and
11 shall be mailed by the county board to the last-known address of each landowner
12 within the proposed district.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

13 SECTION 17. 33.26 (2) (c) of the statutes is created to read:

14 33.26 (2) (c) For a petition to attach territory to an existing district, the notice
15 shall be published in a paper of general circulation in each county in which the
16 existing district is located and in which the territory to be attached is located and
17 shall be mailed by the county board to the last-known address of each landowner
18 within the existing district and to each landowner of land located in the area
19 proposed for attachment.

20 SECTION 18. 33.26 (3) of the statutes is renumbered 33.26 (3) (a) amended to
21 read:

22 33.26 (3) (a) The A committee appointed under sub. (1) shall report to the
23 county board within 3 months after the date of the hearing. Within 6 months after
24 the date of the hearing, the county board shall issue its order under this subsection.

to establish a district

1 (b) If the county board finds, after consideration of the committee's report and
 2 any other evidence submitted to the county board, that ^athe petition is signed by the
 3 requisite owners as provided in s. 33.25, that the proposed district is necessary, that
 4 the public health, comfort, convenience, necessity, or ~~public~~ welfare will be promoted
 5 by the establishment of the district, and that the ~~property~~ territory to be included in
 6 the district will be benefited by the establishment of the proposed district, the county
 7 board, by order, shall declare its findings, shall establish the boundaries and shall
 8 declare the district organized and give it a corporate name by which it shall be
 9 known. Thereupon the district shall be a body corporate with the powers of a
 10 municipal corporation for the purposes of carrying out this chapter. If the county
 11 board does not so find, the county board, by order, shall declare its findings and deny
 12 the petition. ~~This paragraph does not apply to a petition to attach contiguous~~
 13 ~~territory to an existing district.~~

SECTION 19. 33.26 (3) (c) of the statutes is created to read:

15 33.26 (3) (c) If the county board finds, after consideration of the committee's
 16 report and any other evidence submitted to the county board, that a petition to attach
 17 contiguous territory to an existing district is signed by the requisite owners as
 18 provided in s. 33.25, that the attachment to the district is necessary, that the public
 19 health, comfort, convenience, necessity, or welfare will be promoted by the
 20 attachment, and that both the territory included in the district and the territory to
 21 be attached to the district will be benefited by the attachment, the county board, by
 22 order, shall declare its findings and shall establish the boundaries of the territory to
 23 be attached. If the county board does not so find, the county board, by order, shall
 24 declare its findings and deny the petition.

1 SECTION 20. 33.26 (5) of the statutes is amended to read:

2 33.26 (5) The department shall be notified in writing of the a hearing for the
3 creation of the district under sub. (1) at the time the hearing date is set. ✓

4 History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

5 SECTION 21. 33.26 (6) of the statutes is renumbered 33.26 (6) (a) and amended
6 to read:

7 33.26 (6) (a) In establishing the a district, the county board may change the
8 boundaries from those originally proposed. However, lands territory not originally
9 proposed for inclusion may not be included until a public hearing is held under this
10 section. ✓

11 SECTION 22. 33.26 (6) (b) of the statutes is created to read:

12 33.26 (6) (b) In attaching contiguous territory to an existing district, the county
13 board may change the boundaries from those originally proposed. However, territory
14 not originally proposed for attachment may not be attached until a public hearing
15 is held under this section. ✓

16 History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

17 SECTION 23. 33.26 (7) of the statutes is amended to read:

18 33.26 (7) Any person aggrieved by the action of the county board may petition
19 the circuit court for judicial review. A verified petition shall be presented to the court
20 not more than 30 days after the decision of the county board, and shall specify the
21 grounds upon which the appeal is based. ✓

△...△ [revisor inserts date] ✓

22 History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

23 SECTION 24. 33.25 (8) of the statutes is created to read:

24 33.25 (8) Petitions requesting attachment and motions for attachment
25 proceedings under s. 33.33 (2), 2005 stats., that are filed or initiated before the
26 effective date of this subsection shall comply with the applicable procedures and
27 requirements under s. 33.33 (2), 2005 stats. ✓

1 SECTION 25. 33.265 of the statutes is amended to read:

2 33.265 Notice, filing and recording requirements. If a district is created
3 established or its boundaries altered, the board of commissioners shall record the
4 authorizing document, including a legal description of the boundary, with the
5 register of deeds in each county where the district is situated, and file the document
6 and legal description with the department of natural resources and the department
7 of revenue.

8 History: 1981 c. 20; 1993 a. 301.

8 SECTION 26. 33.33 (2) of the statutes is repealed. ✓

WNS 9-7
WEP(+14)

9 SECTION 27. 33.35 of the statutes is amended to read:

10 33.35 Dissolution of districts. A petition to dissolve an existing district
11 ~~created~~ established under this chapter may not be considered at an annual meeting
12 of the district unless an elector within the district or a property owner within the
13 district notifies the district board of commissioners in writing at least 90 days before
14 the annual meeting that the elector or property owner intends to petition for
15 dissolution at that annual meeting. The notice of the annual meeting must include
16 a statement that a petition to dissolve the district will be considered. The district
17 may be dissolved upon a two-thirds vote of the electors and property owners present
18 at the annual meeting. The county board shall by order dissolve the district following
19 receipt of the petition if the county board finds that one or more of the standards for
20 the ~~creation~~ establishment of a district under s. 33.26 (3) are not met. The order for
21 dissolution shall be conditioned upon proper petition to the circuit court and
22 appointment of a receiver to administer the winding up of the district under the
23 supervision of the court and a final order of the court. The attorney general shall

1 represent the state and shall be a party to every dissolution proceeding where state
2 money is involved.

3 History: 1973 c. 301; 1989 a. 159.

SECTION 28. 33.37 (1) of the statutes is amended to read:

4 33.37 (1) ~~Where the~~ If a proposed district is in more than one county, the county
5 board of the county within which the largest portion, by valuation, of the proposed
6 district lies shall have jurisdiction under ss. 33.24 to 33.28.

7 History: 1977 c. 391.

SECTION 29. 33.37 (1m) of the statutes is created to read:

8 33.37 (1m) If an existing district is in more than one county, the county board
9 of the county within which the largest portion, by valuation, of the existing district
10 lies shall have jurisdiction on petitions for attachment under s. 33.25.

board of
the county

11 **SECTION 30.** 33.37 (2) of the statutes is amended to read:

12 33.37 (2) The If an existing district is in more that one county, the county within
13 which the largest portion, by valuation, of a district lies shall have jurisdiction on
14 ~~motions for attachment under s. 33.33 (2) (b) and on petitions for dissolution under~~
15 s. 33.35.

16 History: 1977 c. 391.

SECTION 31. Initial applicability.

17 (1) ~~This act~~ ^{STET} first applies to petitions to attach territory that are filed on the
18 effective date of this subsection.

19 (END)

INS 10-19

The treatment of sections 33.24(2), 33.25(1)(a),
(2m), (3) (intro.) and (b)

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

LRB-2413/7dn
MGG:.....

gjs

1. Please review what is authorized in s. 33.235 concerning restructured districts. I think this section may well need amending to meet your concerns. ✓
2. In s. 33.26 (2) I changed the publication requirement to apply to each county in which a lake district may be located since they may be located in more than one district. See also s. 33.37. ✓
3. The current language in ch. 33 leaves a lot to be desired as to the use of consistent terms. I therefore took this opportunity to make technical changes to clean it up a bit. Where appropriate I changed "create" or "creation" to "establish" or "establishment" changed the wording so the use of "territory" is consistent, and inserted "county" in front of "board" because there are quite a few different types of boards referred to in this chapter (county boards, district boards, and county boards). ✓
4. Under this draft, landowners in an area to be attached may not sign the petition for attachment. OK? ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2413/lins
MGG:.....

Ohio
Not enacted

a county

Insert ANL

Under current law, counties may establish public inland lake protection and rehabilitation districts (lake districts). A city, village, or town may also create a lake district if all the frontage of the lake is within its boundaries.

Current law requires that certain procedures be followed by counties to establish lake districts.

Insert 9-7

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

33.33 (title) Merger, attachment,; detachment.

History: 1973 c. 301; 1975 c. 197; 1981 c. 20; 1989 a. 159; 2003 a. 275.

Insert 10-19

SECTION 2. Initial applicability.

(1) The treatment of sections 33.24 (2), 33.25 (title), (1) (a), (2m), (3) (b), and (4), 33.26 (1), (2), (3) (c), (5), and (6) (b), 33.33 (title) and (2) and 33.37 (1m) first applies to petitions to attach territory that are filed on the effective date of this subsection.

establishing a

a county
in

of the
statutes

the renumbering and amendment of sections 33.25(3) and 33.26(2) of the statutes, and the creation of sections 33.25(3)(b), 33.26(2)(c), and 33.26(6)(b) of the statutes

apply



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2413/1
MGG:cjs:pg

Stays

2007 BILL

1 AN ACT *to repeal* 33.33 (2); *to renumber and amend* 33.25 (3), 33.26 (2), 33.26
2 (3) and 33.26 (6); *to amend* 33.21, 33.235 (2), 33.24 (2), 33.25 (title), 33.25 (1)
3 (a), 33.25 (2) (intro.), 33.25 (2) (a), 33.25 (2) (b), 33.25 (2) (c), 33.25 (4), 33.26 (1),
4 33.26 (5), 33.26 (7), 33.265, 33.33 (title), 33.35, 33.37 (1) and 33.37 (2); *to repeal*
5 *and recreate* 33.25 (1) (title); and *to create* 33.25 (2m), 33.25 (3) (b), 33.26 (2)
6 (c), 33.26 (3) (c), 33.26 (6) (b), 33.26 (8) and 33.37 (1m) of the statutes; **relating**
7 **to:** attachment of territory to public inland lake protection and rehabilitation
8 districts.

Analysis by the Legislative Reference Bureau

Under current law, ^acounties may establish public inland lake protection and rehabilitation districts (lake districts). A city, village, or town may also create a lake district if all the frontage of the lake is within its boundaries.

ing a

Current law requires that certain procedures be followed by ^acounties ~~to~~ ⁱⁿ establish lake districts. These include having a petition signed by 51 percent of the persons owning land in the proposed lake district or by owners of 51 percent of the land in the proposed lake district (51 percent requirement) and having the county board conduct a hearing on the petition. If the county board finds that the establishment of the lake district will promote a public goal such as public health,

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convenience, or welfare and that the land to be included in the lake district will benefit from its establishment, the county board must approve the establishment of the lake district.

Current law requires that a different procedure be followed to annex territory to a lake district. Under current law, an owner of land may petition the board of commissioners for the lake district (district board) to annex the land. If the petition is approved by a majority vote of the members of the district board, the territory is annexed. Alternatively, the district board may begin the procedure by notifying the owners of land that is proposed to be annexed and the county board. Under this alternative procedure, a procedure similar to the one described above for the establishment of a lake district applies.

This bill eliminates the procedure under which an owner of land may petition the district board and eliminates the authority of a district board to begin an annexation proceeding. Under the bill, annexation requires a petition that meets the 51 percent requirement, and the county board must hold a hearing on the petition.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 33.21 of the statutes is amended to read:

2 **33.21 Public inland lake protection and rehabilitation districts;**
3 **purposes.** Districts may be ~~created~~ established for the purpose of undertaking a
4 program of lake protection and rehabilitation of a lake or parts thereof within the
5 district.

6 **SECTION 2.** 33.235 (2) of the statutes is amended to read:

7 **33.235 (2)** The commissioners of a town sanitary district that does not
8 encompass all the frontage of a lake within its boundaries may, with approval of the
9 town board, petition under s. 33.25 for the formation of a restructured district to
10 include the territory of the existing sanitary district and any additional frontage on
11 the lake that is deemed appropriate by the commissioners. The commissioners may
12 sign the petition for the landowners in the sanitary district. If necessary to meet the
13 requirements of s. 33.25, signatures of owners of land lying outside the sanitary

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1 district shall be obtained. Formation of a restructured district that includes such
2 additional territory shall not affect any preexisting rights or liabilities of the town
3 sanitary district, and all these rights and liabilities shall be assumed automatically
4 by the restructured district. The method by which these rights and liabilities are
5 apportioned within the restructured district shall be determined by the county
6 board, and set out in the order issued under s. 33.26 (3) (a) forming the restructured
7 district.

8 **SECTION 3.** 33.24 (2) of the statutes is amended to read:

9 33.24 (2) The county board of any county may establish districts within the
10 county, and may attach contiguous territory to existing districts in the county, if the
11 conditions stated in s. 33.26 are found to exist. Before a district that includes any
12 portion of a city or village may be ~~formed~~ established under authority of this section,
13 the city council or village board must have previously approved the inclusion of its
14 territory within the boundaries of a proposed district.

15 **SECTION 4.** 33.25 (title) of the statutes is amended to read:

16 **33.25 (title) Petition for establishment or attachment.**

17 **SECTION 5.** 33.25 (1) (title) of the statutes is repealed and recreated to read:

18 33.25 (1) (title) FILING OF PETITION.

19 **SECTION 6.** 33.25 (1) (a) of the statutes is amended to read:

20 33.25 (1) (a) Before a county board may establish a district under s. 33.235 or
21 33.24 or before a county board may approve the attachment of contiguous territory
22 to an existing district under s. 33.24, a petition requesting the establishment or
23 attachment shall be filed with the county clerk, ~~addressed and presented~~ to the
24 county board and. A petition to establish a district shall be signed by persons
25 constituting 51% 51 percent of the landowners or the owners of 51% 51 percent of the

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1 lands within the proposed district. A petition to attach territory to an existing
2 district shall be signed by persons constituting 51 percent of the landowners or the
3 owners of 51 percent of the lands within the existing district. Governmental
4 subdivisions, other than the state or federal governments, ~~owning lands within the~~
5 ~~proposed district~~ are eligible as landowners to sign such a petition. A city council or
6 village or town board may by resolution represent persons ~~owning lands within the~~
7 ~~proposed district~~ who are within its jurisdiction and who are eligible to sign a
8 petition, and may sign for all such landowners.

9 **SECTION 7.** 33.25 (2) (intro.) of the statutes is amended to read:

10 33.25 (2) CONTENTS OF PETITION TO ESTABLISH. (intro.) The A petition filed under
11 sub. (1) to establish a district shall set forth all of the following:

12 **SECTION 8.** 33.25 (2) (a) of the statutes is amended to read:

13 33.25 (2) (a) The proposed name of the district;

14 **SECTION 9.** 33.25 (2) (b) of the statutes is amended to read:

15 33.25 (2) (b) The necessity for the proposed district;

16 **SECTION 10.** 33.25 (2) (c) of the statutes is amended to read:

17 33.25 (2) (c) That A statement that the public health, comfort, convenience,
18 necessity, or public welfare will be promoted by the establishment of the district and
19 that the lands territory to be included therein in the district will be benefited by such
20 its establishment; and.

21 **SECTION 11.** 33.25 (2m) of the statutes is created to read:

22 33.25 (2m) CONTENTS OF PETITION TO ATTACH. A petition filed under sub. (1) to
23 attach contiguous territory to an existing district shall set forth all of the following:

24 (a) The necessity for the attachment to the existing district.

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1 (b) A statement that the public health, comfort, convenience, necessity, or
2 welfare will be promoted by the attachment and that both the lands contained in the
3 existing district and the territory to be attached will be benefited by the attachment.

4 (c) The boundaries of the territory to be attached to the existing district.

5 **SECTION 12.** 33.25 (3) of the statutes is renumbered 33.25 (3) (intro.) and
6 amended to read:

7 33.25 (3) VERIFICATION, PLAT. (intro.) ~~The petition~~ A petition filed under sub.
8 (1) shall be verified by one of the petitioners, and shall be accompanied by a one of
9 the following:

10 (a) For the establishment of a district, a plat or sketch indicating the
11 approximate area and boundaries of the proposed district.

12 **SECTION 13.** 33.25 (3) (b) of the statutes is created to read:

13 33.25 (3) (b) For the attachment of contiguous territory to an existing district,
14 a plat or sketch indicating the approximate area and boundaries of the territory to
15 be attached.

16 **SECTION 14.** 33.25 (4) of the statutes is amended to read:

17 33.25 (4) PRESUMPTION. ~~Every~~ Each petition filed under sub. (1) is presumed
18 to have been signed by the persons whose signatures appear thereon, until proved
19 otherwise.

20 **SECTION 15.** 33.26 (1) of the statutes is amended to read:

21 33.26 (1) Upon receipt of the a petition for establishment of a district or for
22 attachment of contiguous territory to an existing district under s. 33.25, the county
23 board shall arrange set a hearing to be held not later than 30 days from the date of
24 presentation of the petition, and shall appoint a committee to conduct the hearing.
25 At the hearing all interested persons may offer objections, criticisms, or suggestions

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1 as to the necessity of the proposed district establishment or attachment as outlined
2 and as to the question of whether their property land will be benefited by the
3 establishment of ~~such district~~ or attachment. Any person wishing to object to the
4 ~~organization of such district~~ establishment or attachment may, before the date set
5 for the hearing, file objections to the ~~formation of such district~~ with the county clerk.

6 **SECTION 16.** 33.26 (2) of the statutes is renumbered 33.26 (2) (a) and amended
7 to read:

8 33.26 (2) (a) Notice announcing the hearing set under sub. (1) and stating the
9 boundaries of the proposed district or of the territory to be attached to an existing
10 district shall be published in a paper of general circulation in the county in which the
11 ~~proposed district is located~~ as a class 1 notice, under ch. 985, ~~and~~.

12 (b) For a petition to establish a district, the notice shall be published in a paper
13 of general circulation in each county in which the proposed district is located and
14 shall be mailed by the county board to the last-known address of each landowner
15 within the proposed district.

16 **SECTION 17.** 33.26 (2) (c) of the statutes is created to read:

17 33.26 (2) (c) For a petition to attach contiguous territory to an existing district,
18 the notice shall be published in a paper of general circulation in each county in which
19 the existing district is located and in which the territory to be attached is located and
20 shall be mailed by the county board to the last-known address of each landowner
21 within the existing district and to each owner of land located in the area proposed
22 for attachment.

23 **SECTION 18.** 33.26 (3) of the statutes is renumbered 33.26 (3) (a) amended to
24 read:

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1 33.26 (3) (a) The A committee appointed under sub. (1) shall report to the
2 county board within 3 months after the date of the hearing. Within 6 months after
3 the date of the hearing, the county board shall issue its order under this subsection.

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

16 **SECTION 19.** 33.26 (3) (c) of the statutes is created to read:

17 33.26 (3) (c) If the county board finds, after consideration of the committee's
18 report and any other evidence submitted to the county board, that a petition to attach
19 contiguous territory to an existing district is signed by the requisite owners as
20 provided in s. 33.25, that the attachment to the district is necessary, that the public
21 health, comfort, convenience, necessity, or welfare will be promoted by the
22 attachment, and that both the territory included in the district and the territory to
23 be attached to the district will be benefited by the attachment, the county board, by
24 order, shall declare its findings and shall establish the boundaries of the territory to

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1 be attached. If the county board does not so find, the county board, by order, shall
2 declare its findings and deny the petition.

3 **SECTION 20.** 33.26 (5) of the statutes is amended to read:

4 33.26 (5) The department shall be notified in writing of the a hearing ~~for the~~
5 ~~creation of the district~~ under sub. (1) at the time the hearing date is set.

6 **SECTION 21.** 33.26 (6) of the statutes is renumbered 33.26 (6) (a) and amended
7 to read:

8 33.26 (6) (a) In establishing ~~the~~ a district, the county board may change the
9 boundaries from those originally proposed. However, ~~lands~~ territory not originally
10 proposed for inclusion may not be included until a public hearing is held under this
11 section.

12 **SECTION 22.** 33.26 (6) (b) of the statutes is created to read:

13 33.26 (6) (b) In attaching contiguous territory to an existing district, the county
14 board may change the boundaries from those originally proposed. However, territory
15 not originally proposed for attachment may not be attached until a public hearing
16 is held under this section.

17 **SECTION 23.** 33.26 (7) of the statutes is amended to read:

18 33.26 (7) Any person aggrieved by the action of the county board may petition
19 the circuit court for judicial review. A verified petition shall be presented to the court
20 not more than 30 days after the decision of the county board, and shall specify the
21 grounds upon which the appeal is based.

22 **SECTION 24.** 33.26 (8) of the statutes is created to read:

23 33.26 (8) Petitions requesting attachment and motions for attachment
24 proceedings under s. 33.33 (2), 2005 stats., that are filed or initiated before the

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1 effective date of this subsection [revisors inserts date], shall comply with the
2 applicable procedures and requirements under s. 33.33 (2), 2005 stats.

3 **SECTION 25.** 33.265 of the statutes is amended to read:

4 **33.265 Notice, filing and recording requirements.** If a district is created
5 established or its boundaries altered, the board of commissioners shall record the
6 authorizing document, including a legal description of the boundary, with the
7 register of deeds in each county where the district is situated, and file the document
8 and legal description with the department of natural resources and the department
9 of revenue.

10 **SECTION 26.** 33.33 (title) of the statutes is amended to read:

11 **33.33 (title) Merger, attachment,; detachment.**

12 **SECTION 27.** 33.33 (2) of the statutes is repealed.

13 **SECTION 28.** 33.35 of the statutes is amended to read:

14 **33.35 Dissolution of districts.** A petition to dissolve an existing district
15 ~~created~~ established under this chapter may not be considered at an annual meeting
16 of the district unless an elector within the district or a property owner within the
17 district notifies the district board of commissioners in writing at least 90 days before
18 the annual meeting that the elector or property owner intends to petition for
19 dissolution at that annual meeting. The notice of the annual meeting must include
20 a statement that a petition to dissolve the district will be considered. The district
21 may be dissolved upon a two-thirds vote of the electors and property owners present
22 at the annual meeting. The county board shall by order dissolve the district following
23 receipt of the petition if the county board finds that one or more of the standards for
24 the ~~creation~~ establishment of a district under s. 33.26 (3) are not met. The order for
25 dissolution shall be conditioned upon proper petition to the circuit court and

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1 appointment of a receiver to administer the winding up of the district under the
2 supervision of the court and a final order of the court. The attorney general shall
3 represent the state and shall be a party to every dissolution proceeding where state
4 money is involved.

5 **SECTION 29.** 33.37 (1) of the statutes is amended to read:

6 33.37 (1) ~~Where the~~ If a proposed district is in more than one county, the county
7 board of the county within which the largest portion, by valuation, of the proposed
8 district lies shall have jurisdiction under ss. 33.24 to 33.28.

9 **SECTION 30.** 33.37 (1m) of the statutes is created to read:

10 33.37 (1m) If an existing district is in more than one county, the county board
11 of the county within which the largest portion, by valuation, of the existing district
12 lies shall have jurisdiction on petitions for attachment under s. 33.25.

13 **SECTION 31.** 33.37 (2) of the statutes is amended to read:

14 33.37 (2) The If an existing district is in more than one county, the county board
15 of the county within which the largest portion, by valuation, of a district lies shall
16 have jurisdiction ~~on motions for attachment under s. 33.33 (2) (b) and on petitions~~
17 for dissolution under s. 33.35.

18 **SECTION 32. Initial applicability.**

19 (1) The treatment of sections 33.24 (2), 33.25 (title), (1) (a), (2m), ~~(3) (b)~~ and (4),
20 33.26 (1), (2), (3) (c), ^{and} (5), and (6) (b), 33.33 (title) and (2), and 33.37 (1m) of the statutes
21 first applies to petitions to attach territory that are filed on the effective date of this
22 subsection. ^{apply}

23 (END)

33.25(3)(b)

the renumbering and amendment of sections 33.25(3) and 33.26(2) of the statutes, and the creation of sections 33.26(2)(c) and 33.26(6)(b) of the statutes

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

LRB-2413/1dn
MGG:cjs:pg

May 31, 2007

1. Please review what is authorized in s. 33.235 concerning restructured districts. I think this section may well need amending to meet your concerns.
2. In s. 33.26 (2) I changed the publication requirement to apply to each county in which a lake district may be located since they may be located in more than one county. See also s. 33.37.
3. The current language in ch. 33 leaves a lot to be desired as to the use of consistent terms. I therefore took this opportunity to make technical changes to clean it up a bit. Where appropriate I changed "create" or "creation" to "establish" or "establishment," changed the wording so the use of "territory" is consistent, and inserted "county" in front of "board" because there are quite a few different types of boards referred to in this chapter (county boards, district boards, and town boards).
4. Under this draft, landowners in an area to be attached may not sign the petition for attachment. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Singer, Patrick
Sent: Thursday, June 07, 2007 9:58 AM
To: Gibson-Glass, Mary
Subject: LRB-2413 Updates

Hi Mary,

I have contacted the constituents who were interested in this legislation and I wanted to convey so of their requested modifications to LRB-2413.

Under 33.25(1)(a) there was a concern that the existing district would be approving the annexation and there would be no input from the proposed territory attachment. They had suggested the modification below:

"A petition to attach territory to an existing district shall be signed by persons constituting 51 percent of the landowners or the owners of 51 percent of the lands within the ~~existing district~~ **proposed territory attachment.**"

The intent is to put the attachment petition control under the landowners who would be attached not those already within the district. Do you see this change as providing this? *Yes, will redraft,*

51% for both owners + land
Under 33.26(6) it was suggested to eliminate (6) entirely to remain silent on the board's (lack of) authority to unilaterally modify territory. The concern was that it takes control away from those that are petitioning the district.

~~"33.26 (6) (a) In establishing the a district, the county board may change the boundaries from those originally proposed. However, lands territory not originally proposed for inclusion may not be included until a public hearing is held under this section."~~

RP, 33.26(b)

~~"SECTION 22. 33.26 (6) (b) of the statutes is created to read:
33.26 (6) (b) In attaching contiguous territory to an existing district, the county board may change the boundaries from those originally proposed. However, territory not originally proposed for attachment may not be attached until a public hearing is held under this section."~~

Regarding your questions on the Drafter's Note -

1. You said that section 33.235 may need to be amended to meet the concerns. Could you elaborate on how this would impact the intent of the legislation? *OK - did not think anything need to be done*
2. 33.26(2) seems fine on the publication requirement.
3. Technical changes look good. Kill two birds with one stone.
4. I think the question about landowners of the area to be attached not signing the petition are addressed above.

If you have any questions on the changes that we are looking at please let us know.

Thanks,

Patrick Singer

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2007 BILL

SA ✓
r-1-1-07

proposed
proposed public inland lake
protection and rehabilitation
rehabilitation districts

Repeal

1 AN ACT **to repeal** 33.33 (2); **to renumber and amend** 33.25 (3), 33.26 (2), 33.26
 2 (3) and 33.26 (6); **to amend** 33.21, 33.235 (2), 33.24 (2), 33.25 (title), 33.25 (1)
 3 (a), 33.25 (2) (intro.), 33.25 (2) (a), 33.25 (2) (b), 33.25 (2) (c), 33.25 (4), 33.26 (1),
 4 33.26 (5), 33.26 (7), 33.265, 33.33 (title), 33.35, 33.37 (1) and 33.37 (2); **to repeal**
 5 **and recreate** 33.25 (1) (title); and **to create** 33.25 (2m), 33.25 (3) (b), 33.26 (2)
 6 (c), 33.26 (3) (c), 33.26 (6) (b), 33.26 (8) and 33.37 (1m) of the statutes; **relating**
 7 **to:** attachment of territory to public inland lake protection and rehabilitation
 8 districts. and ~~also~~ changing boundaries of

Analysis by the Legislative Reference Bureau

Under current law, a county may establish public inland lake protection and rehabilitation districts (lake districts). A city, village, or town may also create a lake district if all the frontage of the lake is within its boundaries.

Current law requires that certain procedures be followed by a county in establishing a lake district. These include having a petition signed by 51 percent of the persons owning land in the proposed lake district or by owners of 51 percent of the land in the proposed lake district (51 percent requirement) and having the county board conduct a hearing on the petition. If the county board finds that the establishment of the lake district will promote a public goal such as public health,

9

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51 percent of the ~~the~~ owners of the land in the territory to be annexed or ~~the~~ the owners of 51 percent of that territory sign

convenience, or welfare and that the land to be included in the lake district will benefit from its establishment, the county board must approve the establishment of the lake district.

the annexation petition

Current law requires that a different procedure be followed to annex territory to a lake district. Under current law, an owner of land may petition the board of commissioners for the lake district (district board) to annex the land. If the petition is approved by a majority vote of the members of the district board, the territory is annexed. Alternatively, the district board may begin the procedure by notifying the owners of land that is proposed to be annexed and the county board. Under this alternative procedure, a procedure similar to the one described above for the establishment of a lake district applies.

to annex territory

This bill eliminates the procedure under which an owner of land may petition the district board, and eliminates the authority of a district board to begin an annexation proceeding. Under the bill, annexation requires a petition that meets the 51 percent requirement, and the county board must hold a hearing on the petition.

in the lake district

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1
2
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10
11
12
13

SECTION 1. 33.21 of the statutes is amended to read:

33.21 Public inland lake protection and rehabilitation districts; purposes. Districts may be ~~created~~ established for the purpose of undertaking a program of lake protection and rehabilitation of a lake or parts thereof within the district.

SECTION 2. 33.235 (2) of the statutes is amended to read:

33.235 (2) The commissioners of a town sanitary district that does not encompass all the frontage of a lake within its boundaries may, with approval of the town board, petition under s. 33.25 for the formation of a restructured district to include the territory of the existing sanitary district and any additional frontage on the lake that is deemed appropriate by the commissioners. The commissioners may sign the petition for the landowners in the sanitary district. If necessary to meet the requirements of s. 33.25, signatures of owners of land lying outside the sanitary

Under current law, a county may change the boundaries of a lake district that is being established. This bill repeals this provision.

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1 district shall be obtained. Formation of a restructured district that includes such
2 additional territory shall not affect any preexisting rights or liabilities of the town
3 sanitary district, and all these rights and liabilities shall be assumed automatically
4 by the restructured district. The method by which these rights and liabilities are
5 apportioned within the restructured district shall be determined by the county
6 board, and set out in the order issued under s. 33.26 (3) (a) forming the restructured
7 district.

8 **SECTION 3.** 33.24 (2) of the statutes is amended to read:

9 33.24 (2) The county board of any county may establish districts within the
10 county, and may attach contiguous territory to existing districts in the county, if the
11 conditions stated in s. 33.26 are found to exist. Before a district that includes any
12 portion of a city or village may be ~~formed~~ established under authority of this section,
13 the city council or village board must have previously approved the inclusion of its
14 territory within the boundaries of a proposed district.

15 **SECTION 4.** 33.25 (title) of the statutes is amended to read:

16 **33.25 (title) Petition for establishment or attachment.**

17 **SECTION 5.** 33.25 (1) (title) of the statutes is repealed and recreated to read:

18 33.25 (1) (title) **FILING OF PETITION.**

19 **SECTION 6.** 33.25 (1) (a) of the statutes is amended to read:

20 33.25 (1) (a) Before a county board may establish a district under s. 33.235 or
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22 to an existing district under s. 33.24, a petition requesting the establishment or
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owners of land in the territory

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 5 proposed district are eligible as landowners to sign such a petition. A city council or
 6 village or town board may by resolution represent persons owning lands within the
 7 proposed district who are within its jurisdiction and who are eligible to sign a
 8 petition, and may sign for all such landowners.

9 **SECTION 7.** 33.25 (2) (intro.) of the statutes is amended to read:

10 33.25 (2) CONTENTS OF PETITION TO ESTABLISH. (intro.) The A petition filed under
 11 sub. (1) to establish a district shall set forth all of the following:

12 **SECTION 8.** 33.25 (2) (a) of the statutes is amended to read:

13 33.25 (2) (a) The proposed name of the district;.

14 **SECTION 9.** 33.25 (2) (b) of the statutes is amended to read:

15 33.25 (2) (b) The necessity for the proposed district;.

16 **SECTION 10.** 33.25 (2) (c) of the statutes is amended to read:

17 33.25 (2) (c) That A statement that the public health, comfort, convenience,
 18 necessity, or public welfare will be promoted by the establishment of the district and
 19 that the lands territory to be included therein in the district will be benefited by such
 20 its establishment; and.

21 **SECTION 11.** 33.25 (2m) of the statutes is created to read:

22 33.25 (2m) CONTENTS OF PETITION TO ATTACH. A petition filed under sub. (1) to
 23 attach contiguous territory to an existing district shall set forth all of the following:

24 (a) The necessity for the attachment to the existing district.

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1 (b) A statement that the public health, comfort, convenience, necessity, or
2 welfare will be promoted by the attachment and that both the lands contained in the
3 existing district and the territory to be attached will be benefited by the attachment.

4 (c) The boundaries of the territory to be attached to the existing district.

5 **SECTION 12.** 33.25 (3) of the statutes is renumbered 33.25 (3) (intro.) and
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7 33.25 (3) VERIFICATION, PLAT. (intro.) ~~The petition~~ A petition filed under sub.
8 (1) shall be verified by one of the petitioners, and shall be accompanied by a one of
9 the following:

10 (a) For the establishment of a district, a plat or sketch indicating the
11 approximate area and boundaries of the proposed district.

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23 board shall ~~arrange~~ set a hearing to be held not later than 30 days from the date of
24 presentation of the petition, and shall appoint a committee to conduct the hearing.
25 At the hearing all interested persons may offer objections, criticisms, or suggestions

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1 as to the necessity of the ~~proposed district~~ establishment or attachment as outlined
2 and as to the question of whether their ~~property~~ land will be benefited by the
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4 ~~organization of such district~~ establishment or attachment may, before the date set
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9 boundaries of the proposed district or of the territory to be attached to an existing
10 district shall be published in a ~~paper of general circulation in the county in which the~~
11 ~~proposed district is located~~ as a class 1 notice, under ch. 985, ~~and~~.

12 (b) For a petition to establish a district, the notice shall be published in a paper
13 of general circulation in each county in which the proposed district is located and
14 shall be mailed by the county board to the last-known address of each landowner
15 within the proposed district.

16 **SECTION 17.** 33.26 (2) (c) of the statutes is created to read:

17 33.26 (2) (c) For a petition to attach contiguous territory to an existing district,
18 the notice shall be published in a paper of general circulation in each county in which
19 the existing district is located and in which the territory to be attached is located and
20 shall be mailed by the county board to the last-known address of each landowner
21 within the existing district and to each owner of land located in the area proposed
22 for attachment.

23 **SECTION 18.** 33.26 (3) of the statutes is renumbered 33.26 (3) (a) amended to
24 read:

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1 33.26 (3) (a) ~~The A~~ committee appointed under sub. (1) shall report to the
2 county board within 3 months after the date of the hearing. Within 6 months after
3 the date of the hearing, the county board shall issue its order under this subsection.

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

16 **SECTION 19.** 33.26 (3) (c) of the statutes is created to read:

17 33.26 (3) (c) If the county board finds, after consideration of the committee's
18 report and any other evidence submitted to the county board, that a petition to attach
19 contiguous territory to an existing district is signed by the requisite owners as
20 provided in s. 33.25, that the attachment to the district is necessary, that the public
21 health, comfort, convenience, necessity, or welfare will be promoted by the
22 attachment, and that both the territory included in the district and the territory to
23 be attached to the district will be benefited by the attachment, the county board, by
24 order, shall declare its findings and shall establish the boundaries of the territory to

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1 be attached. If the county board does not so find, the county board, by order, shall
2 declare its findings and deny the petition.

3 **SECTION 20.** 33.26 (5) of the statutes is amended to read:

4 33.26 (5) The department shall be notified in writing of the a hearing for the
5 creation of the district under sub. (1) at the time the hearing date is set.

6 **SECTION 21.** 33.26 (6) of the statutes is ^{repealed.} ~~renumbered 33.26 (6) (a) and amended~~
7 to read:

8 33.26 (6) (a) In establishing the a district, the county board may change the
9 boundaries from those originally proposed. However, ~~lands territory~~ not originally
10 proposed for inclusion may not be included until a public hearing is held under this
11 section.

12 **SECTION 22.** 33.26 (6) (b) of the statutes is created to read:

13 33.26 (6) (b) In attaching contiguous territory to an existing district, the county
14 board may change the boundaries from those originally proposed. However, territory
15 not originally proposed for attachment may not be attached until a public hearing
16 is held under this section.

17 **SECTION 23.** 33.26 (7) of the statutes is amended to read:

18 33.26 (7) Any person aggrieved by the action of the county board may petition
19 the circuit court for judicial review. A verified petition shall be presented to the court
20 not more than 30 days after the decision of the county board, and shall specify the
21 grounds upon which the appeal is based.

22 **SECTION 24.** 33.26 (8) of the statutes is created to read:

23 33.26 (8) Petitions requesting attachment and motions for attachment
24 proceedings under s. 33.33 (2), 2005 stats., that are filed or initiated before the

fix
component

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1 effective date of this subsection [revisors inserts date], shall comply with the
2 applicable procedures and requirements under s. 33.33 (2), 2005 stats.

3 **SECTION 25.** 33.265 of the statutes is amended to read:

4 **33.265 Notice, filing and recording requirements.** If a district is created
5 established or its boundaries altered, the board of commissioners shall record the
6 authorizing document, including a legal description of the boundary, with the
7 register of deeds in each county where the district is situated, and file the document
8 and legal description with the department of natural resources and the department
9 of revenue.

10 **SECTION 26.** 33.33 (title) of the statutes is amended to read:

11 **33.33 (title) Merger, ~~attachment,~~ detachment.**

12 **SECTION 27.** 33.33 (2) of the statutes is repealed.

13 **SECTION 28.** 33.35 of the statutes is amended to read:

14 **33.35 Dissolution of districts.** A petition to dissolve an existing district
15 ~~created~~ established under this chapter may not be considered at an annual meeting
16 of the district unless an elector within the district or a property owner within the
17 district notifies the district board of commissioners in writing at least 90 days before
18 the annual meeting that the elector or property owner intends to petition for
19 dissolution at that annual meeting. The notice of the annual meeting must include
20 a statement that a petition to dissolve the district will be considered. The district
21 may be dissolved upon a two-thirds vote of the electors and property owners present
22 at the annual meeting. The county board shall by order dissolve the district following
23 receipt of the petition if the county board finds that one or more of the standards for
24 the ~~creation~~ establishment of a district under s. 33.26 (3) are not met. The order for
25 dissolution shall be conditioned upon proper petition to the circuit court and

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1 appointment of a receiver to administer the winding up of the district under the
2 supervision of the court and a final order of the court. The attorney general shall
3 represent the state and shall be a party to every dissolution proceeding where state
4 money is involved.

5 **SECTION 29.** 33.37 (1) of the statutes is amended to read:

6 33.37 (1) ~~Where the~~ If a proposed district is in more than one county, the county
7 board of the county within which the largest portion, by valuation, of the proposed
8 district lies shall have jurisdiction under ss. 33.24 to 33.28.

9 **SECTION 30.** 33.37 (1m) of the statutes is created to read:

10 33.37 (1m) If an existing district is in more than one county, the county board
11 of the county within which the largest portion, by valuation, of the existing district
12 lies shall have jurisdiction on petitions for attachment under s. 33.25.

13 **SECTION 31.** 33.37 (2) of the statutes is amended to read:

14 33.37 (2) ~~The~~ If an existing district is in more than one county, the county board
15 of the county within which the largest portion, by valuation, of a district lies shall
16 have jurisdiction ~~on motions for attachment under s. 33.33 (2) (b) and~~ on petitions
17 for dissolution under s. 33.35.

18 **SECTION 32. Initial applicability.**

19 (1) The treatment of sections 33.24 (2), 33.25 (title), (1) (a), (2m), and (4), 33.26
20 (1), (3) (c), and (5), 33.33 (title) and (2), and 33.37 (1m) of the statutes, the
21 renumbering and amendment of sections 33.25 (3) and 33.26 (2) of the statutes, and
22 the creation of sections 33.25 (3) (b) ^{and} 33.26 (2) (c), and 33.26 (6) (b) of the statutes first
23 applies to petitions to attach territory that are filed on the effective date of this
24 subsection.

25 (END)

of the statutes
first
applies to petitions filed with county clerks on the
effective date of this subsection

Duerst, Christina

From: Singer, Patrick

Sent: Monday, January 14, 2008 3:31 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-2413/2 Topic: Annexation of property into public inland lake districts

Please Jacket LRB 07-2413/2 for the ASSEMBLY.