

CHAPTER 299, Laws of 1979

AN ACT to amend 33.235 (3), 33.27 (1), 33.28 (2), 33.285 and 33.30 (2) and (3) (intro.) and (d); and to repeal and recreate 33.01 (9) of the statutes, relating to voting by persons owning property within public inland lake protection and rehabilitation districts and providing for a referendum.

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

SECTION 1. 33.01 (9) of the statutes is repealed and recreated to read:

33.01 (9) "Owner", "property owner" or "landowner" means:

(a) For the purpose of petitioning and receiving notice under this chapter, the person whose name appears on the assessment roll prepared for purposes of real property taxation; and

(b) For the purpose of voting at meetings and holding office in the district, the person whose name appears on the assessment roll prepared for the purposes of real property taxation, and who is a U.S. citizen and 18 years of age or older.

SECTION 2. 33.235 (3) of the statutes is amended to read:

33.235 (3) Town sanitary districts having boundaries coterminous or contiguous to a public inland lake protection and rehabilitation district may merge into the lake district. Merger ~~shall be~~ is effected by approval of an identical merger resolution by a two-thirds vote of the commissioners of each district, followed by ratification by a majority ~~vote of the electors of each district~~ of those voting at an annual meeting of a lake district and a majority of those voting in a referendum of the town sanitary district under s. 60.303 (9) (a). Merger ~~shall may~~ not become effective unless the town board which created the sanitary district approves ~~such the~~ merger. The commissioners of each district shall act jointly until the next annual meeting of the district and selection of new commissioners under s. 33.28. Merger ~~shall does~~ not affect the preexisting rights or liabilities of the districts. All ~~such these~~ rights and liabilities ~~shall be are~~ assumed automatically by the merged district, but the method of discharging ~~such these~~ rights or obligations shall be set out in the merger resolution.

SECTION 3. 33.27 (1) of the statutes is amended to read:

33.27 (1) The county board shall, at the time of making the order establishing a district, appoint 3 ~~persons owning~~ owners of property within the district, at least one of whom is a resident of the district, to serve as commissioners until the first annual meeting of the district, and shall also make the appointment required under s. 33.28 (2).

SECTION 4. 33.28 (2) of the statutes is amended to read:

33.28 (2) The board of commissioners shall consist of a person appointed by the county board who ~~shall be is~~ is a supervisor of the county soil and water conservation district or ~~shall be is~~ is nominated by the supervisors of the soil and water conservation district and appointed by the county board, a member of the governing body of the town, village or city within which the largest portion by valuation of the district lies, appointed by the governing body and owning property within the district if possible, and 3 electors or ~~persons owning~~ owners of property within the district elected by the qualified electors and property owners within the district ~~as determined under s. 33.30 (3) (g)~~, for staggered 3-year terms. At least one of the elected commissioners shall be a resident of the district.

SECTION 5. 33.285 of the statutes is amended to read:

33.285 Property owning requirements. Any requirement under s. 33.27 (1) or 33.28 that a person own property within the district to be eligible for membership on the board of commissioners ~~shall be~~ is satisfied if a person is an official representative, officer or employe of any trust, foundation, corporation, association or organization ~~owning which is an owner of~~ property within the district.

SECTION 6. 33.30 (2) and (3) (intro.) and (d) of the statutes are amended to read:

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

(3) (intro.) ~~The~~ At the annual meeting, electors and property owners shall:

(d) Approve or disapprove all proposed projects by the district having a cost to the district in excess of \$5,000, ~~by vote of the electors and property owners within the district.~~ The annual meeting may also authorize the board of commissioners, during the succeeding year until the next annual meeting, to approve or disapprove projects having a cost to the district in excess of \$5,000, and to enter into contracts accordingly.

SECTION 7. **Effective date; applicability.** (1) This act takes effect on January 1, 1981, if approved as provided in subsection (2).

(2) (a) The question of whether this act shall take effect shall be submitted to a vote of the people of this state, in the manner provided by law for the submission of an amendment to the constitution, at the general election to be held in November 1980. If approved by a majority of all the votes cast thereon at that election as certified by the elections board this act shall take effect; otherwise it shall be of no effect. The question shall be posed and shall be submitted as follows:

Voting in public inland lake protection and rehabilitation districts - chapter 33, stats. Shall state law be amended to permit persons who own property in a public inland lake protection and rehabilitation district and who are U.S. citizens and are 18 years of age or older to vote at meetings of the district?

(b) The elections board shall within 10 days after the receipt of the returns from the county clerks canvass, certify, record and publish as in the case of a constitutional amendment, the number of ballots cast in favor of such proposed extension of suffrage and the number of ballots cast against it.
