

1989 Assembly Bill 705

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1989 WISCONSIN ACT 159

AN ACT *to renumber* 30.78 (3); *to renumber and amend* 30.79 (1) (a), 30.79 (1) (b), 33.001 and 33.01 (9) (b); *to amend* 25.50 (1) (d), 30.72 (3), 30.77 (1) (intro.), 30.77 (3) (d), 30.78 (title), 30.78 (1) (title), 30.78 (1) (b), 30.78 (2), 30.78 (3) (title), 30.79 (title), 30.79 (2m) (a) 3, 30.79 (4), 30.79 (5), 30.81 (1), 30.81 (2), 30.81 (3), 33.22 (1), 33.22 (3), 33.23 (3), 33.235 (2), 33.235 (3), 33.29 (1) (b), 33.29 (1) (e), 33.29 (2), 33.29 (3) (a), 33.30 (1), 33.30 (3) (a), 33.30 (3) (c), 33.30 (3) (d), 33.30 (3) (g), 33.31 (2), 33.32 (1) (intro.), 33.32 (1) (a), 33.32 (1) (b), 33.32 (5), 33.33 (1), 33.35, 33.36 (1) and (2) (intro.), 60.77 (6) (a) and 66.122 (1) (a); *to repeal and recreate* 30.77 (3) (e); and *to create* 30.77 (3) (am), 30.78 (1g), 30.78 (1r), 30.78 (3) (a), 30.79 (1) (a), 30.79 (1) (b) 2, 30.81 (1m), 30.81 (4), 33.01 (9) (b) 1 and 2, 33.22 (2m), 33.22 (4m), 33.28 (7), 33.305, 33.31 (4), 33.32 (2m), 60.725 and 60.77 (5) (bm) of the statutes, **relating to:** public inland lake protection and rehabilitation districts; fees for public boat launching facilities, water safety patrol units and other recreational boating services; town sanitary districts and granting rule-making authority.

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

SECTION 1. 25.50 (1) (d) of the statutes is amended to read:

25.50 (1) (d) "Local government" means any county, town, village, city, power district, sewerage district, drainage district, town sanitary district, public inland lake protection and rehabilitation district, public library system, school district or vocational, technical and adult education district in this state, any commission, committee, board or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 231.02 or 234.02.

SECTION 1m. 30.72 (3) of the statutes is amended to read:

30.72 (3) ENFORCEMENT. In addition to the enforcement powers granted to the department under s. 30.74 (3), the rules promulgated under this section may be enforceable by officers of ~~municipal water patrols~~ safety patrol units having jurisdiction on waters of the lower St. Croix river under s. 30.79 (3). All officers so empowered by

this section may exercise reciprocal powers which may be conferred upon them by the state of Minnesota or its agencies or political subdivisions relating to enforcement of regulations governing the use or operation of boats on the lower St. Croix river.

SECTION 2. 30.77 (1) (intro.) of the statutes is amended to read:

30.77 (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. (intro.) Sections 30.50 to 30.71 shall be uniform in operation throughout the state. No municipality or public inland lake protection and rehabilitation district may:

SECTION 3. 30.77 (3) (am) of the statutes is created to read:

30.77 (3) (am) 1. A public inland lake protection and rehabilitation district may, in the interest of public health, safety or welfare, adopt and enforce local regulations applicable to a lake entirely within its boundaries if each town, village and city having jurisdiction on the lake adopts a resolution authorizing the lake district to do so.

2. A local regulation adopted under subd. 1 must not be contrary to or inconsistent with this chapter and must

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relate to the equipment, use or operation of boats or to an activity regulated by ss. 30.60 to 30.71.

3. If a public inland lake protection and rehabilitation district adopts a regulation under this paragraph, the lake district regulation supersedes all conflicting provisions of a town, village or city regulation adopted under par. (a) that are applicable to the lake.

4. If a town, village or city having jurisdiction on the lake rescinds the resolution authorizing the public inland lake protection and rehabilitation district to adopt and enforce regulations under this paragraph, the lake district regulations are void.

SECTION 4. 30.77 (3) (d) of the statutes is amended to read:

30.77 (3) (d) Local regulations pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review by the department as provided under this paragraph. Proposed local regulations subject to review under this paragraph shall be submitted by the local town, village or city clerk or by a public inland lake protection and rehabilitation district to the department at least 60 days prior to final action thereon by the town, village or city governing body. Advisory reports regarding town, village or city or lake district regulation of the equipment, use or operation of boats on inland lakes shall be based on consideration of the effect of the local regulation on the state from the standpoint of uniformity and enforcement and the effect of the local regulation on ~~the an~~ affected town, village ~~or~~ city or lake district in view of pertinent local conditions. Advisory reports shall state in what regard such regulations are deemed consistent or inconsistent with this chapter as to public health, safety or welfare and shall be accompanied by suggested changes, if any. No later than 20 days after receipt by the department of proposed local regulations, the department shall advise the town, village ~~or~~ city or lake district in writing, ~~addressed to the clerk,~~ as to the results of its advisory review under this paragraph. The department shall address the results sent to a town, village or city to its clerk.

SECTION 4m. 30.77 (3) (e) of the statutes is repealed and recreated to read:

30.77 (3) (e) Notwithstanding the prohibition in sub. (1) against local regulations that exclude any boat from the free use of the waters of the state:

1. A municipality or a public inland lake protection and rehabilitation district that has in effect a local regulation adopted under par. (am) may charge boat operators reasonable fees for any of the following:

a. Use of a public boat launching facility that the municipality or lake district owns or operates.

b. The municipality's or lake district's costs for operating or maintaining a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

c. The municipality's or lake district's costs for providing other recreational boating services.

2. A town, village or city may regulate the operation, equipment, use and inspection of those boats carrying passengers for hire that operate from a base within its jurisdiction and may charge reasonable fees for such inspection.

SECTION 5. 30.78 (title) of the statutes is amended to read:

30.78 (title) Local regulation of seaplanes.

SECTION 6. 30.78 (1) (title) of the statutes is amended to read:

30.78 (1) (title) CITY, VILLAGE AND TOWN ORDINANCES.

SECTION 7. 30.78 (1) (b) of the statutes is amended to read:

30.78 (1) (b) Prescribe the areas which may be used as a landing and take-off strip for ~~such the~~ aircraft or prohibit ~~such the~~ use of the waters altogether. ~~The department of transportation shall receive timely notice of the public hearing required under this subsection and shall have an opportunity to present testimony on the proposed ordinance. Any ordinance adopted under this paragraph shall be filed with the department of transportation.~~

SECTION 8. 30.78 (1g) of the statutes is created to read:

30.78 (1g) LAKE DISTRICT ORDINANCES. (a) A public inland lake protection and rehabilitation district may adopt by ordinance after public hearing and may enforce local regulations applicable to a lake entirely within its boundaries if each town, village and city having jurisdiction on the lake adopts a resolution authorizing the lake district to do so.

(b) Ordinances authorized under par. (a) are limited to the type of regulation authorized under sub. (1) (a) to (c).

(c) If any town, village or city having jurisdiction on the lake rescinds the resolution authorizing the public inland lake protection and rehabilitation district to adopt by ordinance and enforce regulations under this paragraph, the lake district ordinances are void.

SECTION 9. 30.78 (1r) of the statutes is created to read:

30.78 (1r) NOTICE TO DEPARTMENT OF TRANSPORTATION. The department of transportation shall receive timely notice of the public hearing required under subs. (1) and (1g) and shall have an opportunity to present testimony on the proposed ordinance. An ordinance under sub. (1) (b) or (1g) that regulates or restricts an area of surface waters for landing or take-off purposes shall be filed with the department of transportation.

SECTION 10. 30.78 (2) of the statutes is amended to read:

30.78 (2) MARKING OF REGULATED OR RESTRICTED AREAS. ~~Every such Any ordinance shall direct that the regulated or prohibited areas regulates or restricts an area of surface waters under sub. (1) or (1g) shall direct that~~

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the area be designated marked by standard marking devices.

SECTION 11. 30.78 (3) (title) of the statutes is amended to read:

30.78 (3) (title) CONFLICTING ORDINANCES.

SECTION 12. 30.78 (3) of the statutes is renumbered 30.78 (3) (b).

SECTION 13. 30.78 (3) (a) of the statutes is created to read:

30.78 (3) (a) If a public inland lake protection and rehabilitation district adopts an ordinance under sub. (1g), the lake district ordinance supersedes all conflicting provisions of a town, village or city ordinance adopted under sub. (1) that are applicable to that lake.

SECTION 13m. 30.79 (title) of the statutes is amended to read:

30.79 (title) Local water safety patrols; state aids.

SECTION 13p. 30.79 (1) (a) of the statutes is renumbered 30.79 (1) (am) and amended to read:

30.79 (1) (am) "State aid" means payment by the state to a municipality local governmental unit for or toward the cost of the operation or maintenance of a water safety patrol unit.

SECTION 13q. 30.79 (1) (a) of the statutes is created to read:

30.79 (1) (a) "Local governmental unit" means a municipality or a public inland lake protection and rehabilitation district.

SECTION 13r. 30.79 (1) (b) of the statutes is renumbered 30.79 (1) (b) (intro.) and amended to read:

30.79 (1) (b) (intro.) "Water safety patrol unit" means a one of the following:

1. A unit within an existing municipal law enforcement agency or a separate municipal agency, created by a municipality or by a number of municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50 to 30.80 and any rules and ordinances enacted under ss. 30.50 to 30.80 and for the purpose of conducting search and rescue operations.

SECTION 13t. 30.79 (1) (b) 2. of the statutes is created to read:

30.79 (1) (b) 2. A unit created by a public inland lake protection and rehabilitation district or by a number of local governmental units riparian to a single lake, at least one of which is a lake district, for the purposes specified in subd. 1.

SECTION 13u. 30.79 (2m) (a) 3. of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

30.79 (2m) (a) 3. The types and location of navigable waters on which a water safety patrol unit may operate for the municipality local governmental unit operating the water safety patrol unit to be eligible for state aid.

SECTION 13v. 30.79 (4) of the statutes is amended to read:

30.79 (4) JURISDICTION. Upon petition by any municipality local governmental unit or group of municipalities

local governmental units operating or intending to operate a water safety patrol unit, the department shall, if it finds that it is in the interest of efficient and effective enforcement to do so, by rule define the waters which may be patrolled by the unit, including waters lying within the territorial jurisdiction of some other town, village or city if the town, village or city consents to the patrol of its waters. Such consent is not required if the petitioner is a municipality local governmental unit containing a population of 5,000 or more, bordering upon the waters to be affected by the rule in counties having a population of less than 500,000. Officers patrolling the waters as part of the water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to 30.80, or rules or ordinances enacted under ss. 30.50 to 30.80 and in conducting search and rescue operations, on any of the waters so defined, whether or not the waters are within the municipality's jurisdiction of the local governmental unit for other purposes.

SECTION 13w. 30.79 (5) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

30.79 (5) PAYMENT OF AIDS. On or before January 31 of the year following the year in which a municipality local governmental unit operated a water safety patrol unit, it shall file with the department on the forms prescribed by it a detailed statement of the costs incurred by the municipality local governmental unit in the operation of the water safety patrol unit during the past calendar year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted under s. 30.77. The department shall audit the statement and determine the net costs that are directly attributable to the operation and maintenance of the water safety patrol unit, including a reasonable amount for depreciation of equipment. In calculating the net costs, the department shall deduct any fines or forfeitures imposed on persons convicted of violations of ordinances under s. 30.77 and any costs that do not comply with the rules promulgated under sub. (2m). The department shall compute the state aids on the basis of 75% of these net costs and shall cause the aids to be paid on or before April 1 of the year in which the statements are filed. If the state aids payable to municipalities local governmental units exceed the moneys available for such purpose, the department shall prorate the payments. No county or municipality local governmental unit may receive state aid amounting to more than 20% of the funds available.

SECTION 14. 30.81 (1) of the statutes is amended to read:

30.81 (1) (title) TOWN, VILLAGE AND CITY ORDINANCES. Any town, village or city may by ordinance, in the interest of public health or safety, adopt local regulations not inconsistent with this chapter, relative to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on icebound inland lakes,

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but ~~no such~~ the local regulation is not valid unless each town, village and city having jurisdiction over any portion of the lake has enacted an identical local regulation. When ~~such~~ the identical local regulations have been enacted, the regulation of any individual town, village or city is in effect on the entire lake, ~~and any law enforcement officer of any such town, village or city shall have the powers of sheriff in enforcing such regulation on any portion of the lake, whether or not such portion of the lake is within the municipality's jurisdiction for other purposes.~~

SECTION 15. 30.81 (1m) of the statutes is created to read:

30.81 **(1m)** LAKE DISTRICT ORDINANCES. (a) A public inland lake protection and rehabilitation district may, in the interest of public health or safety, adopt by ordinance and enforce local regulations applicable to a lake entirely within its boundaries if each town, village and city having jurisdiction on the lake adopts a resolution authorizing the lake district to do so.

(b) An ordinance adopted under par. (a) must be consistent with this chapter and must relate to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on icebound inland lakes.

(c) If a public inland lake protection and rehabilitation district adopts an ordinance under this subsection, the district ordinance supersedes all conflicting provisions of a town, village or city ordinance adopted under sub. (1) that are applicable to the lake.

(d) If a town, village or city having jurisdiction on the lake rescinds the resolution authorizing the public inland lake protection and rehabilitation district to adopt by ordinance and enforce regulations under this paragraph, the lake district regulations are void.

SECTION 16. 30.81 (2) of the statutes is amended to read:

30.81 **(2)** COUNTY ORDINANCES. Any county may by ordinance, in the interest of public health or safety, adopt local regulations not inconsistent with this chapter, relative to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on any of the icebound inland waters over which it has jurisdiction, except inland icebound lakes which are regulated by valid local ordinances enacted pursuant to sub. (1) or (1m).

SECTION 17. 30.81 (3) of the statutes is amended to read:

30.81 **(3)** LIABILITY OF LOCAL GOVERNMENT. All traffic on icebound, inland waters shall be at the risk of the traveler. An ordinance by any municipality or ~~county~~ any public inland lake protection and rehabilitation district that is enacted under this section permitting traffic on icebound inland waters ~~subject to regulations which may be imposed in accordance with this section~~ shall not render the municipality or ~~county~~ lake district adopting ~~such~~ the

ordinance liable for any accident to those engaged in permitted traffic while ~~said~~ the ordinance is in effect.

SECTION 18. 30.81 (4) of the statutes is created to read:

30.81 **(4)** ENFORCEMENT. A law enforcement officer of a town, village or city that is subject to an ordinance enacted under sub. (1) or (1m) has the powers of sheriff in enforcing the ordinance on any portion of the lake, whether or not that portion of the lake is within the jurisdiction of the town, village or city for other purposes.

SECTION 19. 33.001 of the statutes is renumbered 33.001 (1) and amended to read:

33.001 **(1)** The legislature finds environmental values, wildlife, public rights in navigable waters, and the public welfare are threatened by the deterioration of public lakes; that the protection and rehabilitation of the public inland lakes of this state are in the best interest of the citizens of this state; that the public health and welfare will be benefited thereby; that the current state effort to abate water pollution will not undo the eutrophic and other deteriorated conditions of many lakes; that lakes form an important basis of the state's recreation industry; that the increasing recreational usage of the waters of this state justifies state action to enhance and restore the potential of our inland lakes to satisfy the needs of the citizenry; and that the positive public duty of this state as trustee of waters requires affirmative steps to protect and enhance this resource and protect environmental values. ~~To this end~~

(2) In accordance with sub. (1), the legislature declares that it all the following:

(a) It is necessary to embark upon a program of lake protection and rehabilitation, to authorize a conjunctive state and local program of lake protection and rehabilitation to fulfill the positive duty of the state as trustee of navigable waters, and protect environmental values. ~~The legislature finds that a~~

(b) A state effort of research, analysis, planning and financing, and a local effort undertaken by public inland lake protection and rehabilitation and protection districts of planning and plan implementation are necessary and desirable and that the local districts should be formed by persons directly affected by the deteriorated condition of inland waters and willing to assist financially, or through other means, in remedying lake problems. ~~The legislature further finds that state~~

(c) State efforts are needed to aid and assist local efforts, to ensure that projects are undertaken only if they promote the public rights in navigable waters, environmental values, and the public welfare, ~~and~~

(d) State efforts are needed to administer a program of financial aids to support protection and rehabilitation projects with benefits to all state citizens.

SECTION 20. 33.01 (9) (b) of the statutes is renumbered 33.01 (9) (b) (intro.) and amended to read:

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33.01 (9) (b) (intro.) For the purpose of voting at meetings and holding office in the district, ~~the a 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. and either:~~

SECTION 21. 33.01 (9) (b) 1. and 2. of the statutes are created to read:

33.01 (9) (b) 1. Whose name appears on the assessment roll prepared for the purposes of real property taxation; or

2. Who owns title to real property but whose name does not appear on the assessment roll.

SECTION 22. 33.22 (1) of the statutes is amended to read:

33.22 (1) Any district organized under this chapter may select a name for the district, sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold, maintain or dispose of property, disburse money, contract debt and do any other acts necessary to carry out a program of lake protection and rehabilitation. All contracts in excess of \$2,500 for the performance of any work or the purchase of any materials shall be let by the commissioners to the lowest responsible bidder in the manner they prescribe.

SECTION 22m. 33.22 (2m) of the statutes is created to read:

33.22 (2m) Any district may create, operate and maintain a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

SECTION 23. 33.22 (3) of the statutes is amended to read:

33.22 (3) Any district organized under this chapter may have such powers of a town sanitary district under ss. 60.77 and 60.78, other than s. 60.77 (6) (b), as are authorized by resolution of the board of the town having the largest portion by valuation of the district. Any town sanitary district powers ~~which that~~ a district is authorized to exercise by resolution of the town board shall be exercised under the terms and procedures of this chapter. Requests for such powers shall be made by resolution adopted by the annual or by a special meeting of the district. Prior to adopting such resolution, the town board shall conduct a hearing on the issue of granting such powers. The procedures specified under s. 60.71 (4) (b) and (c) shall apply to the hearing. The board of commissioners shall possess the powers of town sanitary district commissioners under s. 60.77 as authorized by resolution of the town board, except that the annual or a special meeting of the district shall approve or disapprove by majority vote any work or project having a cost to the district in excess of \$5,000.

SECTION 24. 33.22 (4m) of the statutes is created to read:

33.22 (4m) A district may undertake projects to enhance the recreational uses of a lake within its jurisdic-

tion, including recreational boating facilities as defined under s. 30.92 (1) (c).

SECTION 25. 33.23 (3) of the statutes is amended to read:

33.23 (3) Districts established by municipalities under this section may adopt the form of governance provided under s. 33.28 by petition to the governing body of the municipality. Upon presentation of a petition requesting the change and signed by at least 20% of the property owners within the district, the governing body of the municipality shall provide for the necessary election of commissioners. The election shall be held by secret ballot at the next annual or special meeting, whichever occurs first, of the district and the change becomes effective at that time unless a challenge to the results of that election is initiated in circuit court within 14 days after the election. The court shall stay the change pending the decision on the challenge.

SECTION 26. 33.235 (2) of the statutes is amended to read:

33.235 (2) The commissioners of a town sanitary district ~~which 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 district to include the territory of the existing sanitary district and the any additional lake 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 district shall be obtained. Creation of a district ~~which that~~ includes such additional territory shall not affect any preexisting rights or liabilities of the town sanitary district, and all ~~sueh~~ these rights and liabilities shall be assumed automatically by the newly created public inland lake protection and rehabilitation district. The method by which ~~sueh~~ these rights and liabilities are apportioned within the newly created district shall be determined by the county board, and set out in the order issued under s. 33.26 (3) creating the district.

SECTION 27. 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 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 of those voting at an annual or special meeting of a lake district and a majority of those voting in a referendum of the town sanitary district under s. 60.785 (2). Merger may not become effective unless the town board which created the sanitary district approves the merger. The commissioners of each district shall act jointly until the next annual or special meeting, whichever occurs

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first, of the district ~~and selection of new commissioners at which time the board of the merged district shall be created subject to the requirements~~ under s. 33.28. Merger does not affect the preexisting rights or liabilities of the districts. All these rights and liabilities are assumed automatically by the merged district, but the method of discharging these rights or obligations shall be set out in the merger resolution.

SECTION 29. 33.28 (7) of the statutes is created to read:

33.28 (7) If a vacancy occurs in the membership of the board under sub. (2) (a) or (b), the appointing authority shall appoint a person to fill the vacancy. If a vacancy occurs in the membership of the board under sub. (2) (c), the chairman of the board shall appoint a person to fill the remainder of the unexpired term, subject to approval by a majority vote of the board.

SECTION 30. 33.29 (1) (b) of the statutes is amended to read:

33.29 (1) (b) Planning lake protection and rehabilitation projects;

SECTION 31. 33.29 (1) (e) of the statutes is amended to read:

33.29 (1) (e) Maintaining liaison with those officials of state government involved in lake protection and rehabilitation, and providing the department with the names and addresses of the current commissioners.

SECTION 32. 33.29 (2) of the statutes is amended to read:

33.29 (2) The board shall have control over the fiscal matters of the district, subject to the powers and directives of the annual or a special meeting. The board shall annually at the close of the fiscal year cause an audit to be made of the financial transactions of the district, which shall be submitted to the annual meeting.

SECTION 33. 33.29 (3) (a) of the statutes is amended to read:

33.29 (3) (a) The chairman shall preside at the annual meeting, at all special meetings and meetings of the board and at all public hearings held by the board.

SECTION 34. 33.30 (1) of the statutes is amended to read:

33.30 (1) Every public inland lake protection and rehabilitation district shall have an annual meeting. ~~The first~~ Each annual meeting shall be scheduled during the time period between May 22 and September 8, ~~and shall be held annually thereafter unless changed~~ scheduled outside those dates by majority vote of the previous annual meeting.

SECTION 36. 33.30 (3) (a) of the statutes is amended to read:

33.30 (3) (a) Elect by secret ballot one or more commissioners to fill vacancies ~~in~~ occurring in the elected membership of the district board;

SECTION 37. 33.30 (3) (c) of the statutes is amended to read:

33.30 (3) (c) Vote by majority a tax upon all taxable property within the district. That portion of the tax that is for the costs of operation for the coming year, ~~which tax shall~~ may not exceed a rate of 2.5 mills of equalized valuation as determined by the department of revenue and reported to the district board. The tax shall be apportioned among the municipalities having property within the district on the basis of equalized full value, and a report shall be delivered by the treasurer, by November 1, by certified statement to the clerk of each municipality having property within the district for collection.

SECTION 38. 33.30 (3) (d) of the statutes is amended to read:

33.30 (3) (d) Approve or disapprove all proposed projects by the district having a cost to the district in excess of \$5,000. The annual or a special 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 39. 33.30 (3) (g) of the statutes is amended to read:

33.30 (3) (g) Adopt rules relating to voting at annual and special meetings, including rules limiting the number of votes that may be cast with respect to any property that has more than one owner.

SECTION 40. 33.305 of the statutes is created to read:

33.305 Special meetings of district. (1) The board of commissioners of a public inland lake protection and rehabilitation district may schedule a special meeting of the district at any time. The board of commissioners shall schedule a special meeting upon receipt of a petition signed by at least 10% of the electors and property owners in the district.

(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).

(3) At a special meeting, electors and property owners may take any action that is required or allowed to be taken at an annual meeting, except they may not do any of the following:

(a) Approve an annual budget but they may consider and vote on amendments to the annual budget.

(c) Consider the dissolution of the district or dissolve the district.

(d) Consider a matter that was resolved during another special meeting that was held since the previous annual meeting.

SECTION 41. 33.31 (2) of the statutes is amended to read:

33.31 (2) Any district, when in temporary need, may borrow money under s. 67.12.

(3) The district shall levy an annual, irrevocable tax to pay the principal and interest of the indebtedness incurred under subs. (1) and (2) when they are due. The required district shall levy this tax ~~levy therefor shall be~~

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levied without limitation as to rate or amount on all taxable property within the district, shall be reported in accordance with s. ~~33.29~~ 33.30 (3) (c), and shall not be included nor includable in the operations tax limit of s. 33.30 (3) (c).

SECTION 42. 33.31 (4) of the statutes is created 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) or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

SECTION 43. 33.32 (1) (intro.) of the statutes is amended to read:

33.32 (1) (intro.) Special assessments for the purpose of carrying out district protection and rehabilitation projects, or for other lake management or sanitary service activities undertaken by the district, may be levied by the commissioners as an exercise of the district's police powers in the following manner:

SECTION 44. 33.32 (1) (a) of the statutes is amended to read:

33.32 (1) (a) Upon approval of plans for any work by the annual or by a special meeting of the district, the commissioners shall determine the entire cost to the district of the work to be done.

SECTION 45. 33.32 (1) (b) of the statutes is amended to read:

33.32 (1) (b) The commissioners shall then ~~examine each parcel~~ apportion the special assessment within the district, other than state or federal lands, ~~and on a reasonable basis.~~ In apportioning the special assessment, the commissioners shall examine each parcel and determine the benefits to each parcel from the project, considering such factors as size, proximity to the lake and present and potential use of the parcel, including applicable zoning regulations. After benefits to each parcel are determined, assessments shall be made in an aggregate amount equal to the cost to the district of the project. Such assessments shall be made in accordance with s. 66.60, so far as it is applicable and not in conflict with this subchapter.

SECTION 46. 33.32 (2m) of the statutes is created to read:

33.32 (2m) Any delinquent special assessment or special charge that is collected under s. 66.60 (15) or (16) (b) shall be levied without limitation as to rate or amount on all taxable property within the district, shall be reported in accordance with s. 33.30 (3) (c) and shall not be included or includable in the operations tax limit of s. 33.30 (3) (c).

SECTION 47. 33.32 (5) of the statutes is amended to read:

33.32 (5) Sewerage system service charges imposed by districts with town sanitary district powers shall be in conformance with s. 66.076. Special charges for other

services identified in the annual budget adopted under s. 33.30 (3) (b) shall also be collected directly by the commissioners. The commissioners shall allocate the charges to the property served in a manner prescribed by them unless the manner is specified by a resolution of the annual or of a special meeting. Delinquent special charges shall be governed by s. 66.60 (16) (b).

SECTION 48. 33.33 (1) of the statutes is amended to read:

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

SECTION 49. 33.35 of the statutes is amended to read:

33.35 Dissolution of districts. ~~An A petition to dissolve an~~ existing district created under this chapter may not be considered at an annual meeting of the district unless an elector within the district or a property owner within the district notifies the district board of commissioners in writing at least 90 days before the annual meeting that the elector or property owner intends to petition for dissolution at that annual meeting. ~~The notice of the annual meeting must include a statement that a petition to dissolve the district will be considered. The district may be dissolved upon a two-thirds vote of the membership electors and property owners present at an the annual meeting to petition the county board for dissolution. The county board may shall~~ by order dissolve the district following receipt of the petition if the county board finds that one or more of the standards for the creation of a district under s. 33.26 (3) are not met. ~~The order for dissolution shall be conditioned upon proper petition to the circuit court and appointment of a receiver to administer the winding up of the district under the supervision of the court and a final order of the court. The attorney general shall represent the state and shall be a party to every dissolution proceeding where state money is involved.~~

SECTION 50. 33.36 (1) and (2) (intro.) of the statutes are amended to read:

33.36 (1) Whenever any territory ~~which that~~ contains an entire district is incorporated as a city or village, consolidated with a city or village or annexed to a city or vil-

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lage, the district shall survive and shall thereafter be subject to s. 33.23.

(2) (intro.) Whenever any territory containing less than an entire district is incorporated as a city or village, consolidated with a city or village or is annexed to a city or village, ~~that portion of the district within the city or village~~ shall survive, and the district shall continue to operate under this chapter, subject to the following modifications:

SECTION 50m. 60.725 of the statutes is created to read:

60.725 Property with private sewage system exempted. (1) Property that is in a town sanitary district on the effective date of this subsection [revisor inserts date], and that includes a building used for human habitation that is served by a private sewage system, as defined in s. 145.01 (12), that conforms with the state plumbing code shall be excluded from that town sanitary district if the town sanitary district has no municipal obligations, as defined in s. 67.01 (6), with a term of more than one year and if the town sanitary district provides no service to that property. If the owner of the property submits a request in writing to the commission secretary requesting that the commission add his or her property to the town sanitary district, the commission shall add that property to the town sanitary district.

(2) Except as provided in sub. (1), property that includes a building used for human habitation that is served by a private sewage system, as defined in s. 145.01 (12), that conforms with the state plumbing code shall be excluded from a town sanitary district created under this subchapter after the effective date of this subsection [revisor inserts date], unless the owner of the property submits a request in writing to the commission secretary requesting that the commission add his or her property to the town sanitary district, or unless the private sewage

system fails to comply with the state plumbing code and is not promptly brought into compliance with the code.

SECTION 51. 60.77 (5) (bm) of the statutes is created to read:

60.77 (5) (bm) Require the inspection of private sewage systems that have been already installed to determine compliance with the state plumbing code and may report violations of the state plumbing code to the governmental unit responsible for the regulation of private sewage systems for enforcement under s. 145.20.

SECTION 52. 60.77 (6) (a) of the statutes is amended to read:

60.77 (6) (a) Let contracts for any work or purchase that involves an expenditure of \$5,000 or more to the lowest responsible bidder in the manner prescribed by the commission. Section 66.29 applies to contracts let under this paragraph.

SECTION 53. 66.122 (1) (a) of the statutes is amended to read:

66.122 (1) (a) Any state, county, city, village ~~or town, town sanitary district or public inland lake protection and rehabilitation district~~ officer, agent or employe charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents, is deemed a peace officer for the purpose of applying for, obtaining and executing special inspection warrants under s. 66.123 for inspection purposes.

SECTION 53m. Initial applicability. The treatment of section 30.79 (title), (2m) (a) 3., (4) and (5) of the statutes, the renumbering and amendment of section 30.79 (1) (a) and (b) of the statutes and the creation of section 30.79 (1) (a) and (b) 2. of the statutes first apply to costs incurred for water safety patrol units on the effective date of this SECTION.