



# TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

## **Testimony on Senate Bill 331 & Assembly Bill 372 Senate Committee on Natural Resources and Energy Wednesday, December 2, 2015**

I would like to thank Chairman Cowles and members of the committee for taking the time to hear Assembly Bill 372 and Senate Bill 331 today.

Assembly Bill 331 relates to, and modifies, the membership of the board of commissioners of public inland lake protection and rehabilitation districts – more commonly referred to as lake districts.

Lake districts are special purpose units of government that are established by town, county or village board, or city councils. The boundaries of a lake district include the property of all riparian owners and can include off-lake property that benefits from the lake or affects the lake's watershed. Districts can regulate lake use – including local boating ordinances and sewage management – and have annual budgets funded from tax levies or special assessments. The formation and operations of lake districts must comply with Chapter 33 of the Wisconsin Statutes.

Under Chapter 33, currently, the management of the affairs of the district is delegated to a board of commissioners. The board is generally made up of five commissioners which include:

- One person appointed by the county board who is a member of the county land conservation committee or who is nominated by the county land conservation committee and appointed by the county board.
- One resident of the district who is appointed by the governing body of the town, village, or city within which the largest portion by valuation of the district lies and who owns property within the district if possible. The appointee may be a member of the governing body making the appointment.
- Three electors or owners of property within the district elected by secret ballot by the qualified electors and property owners within the district, for staggered 3-year terms. At least one of the elected commissioners shall be a resident of the district.

Our legislation was introduced at the request of a constituent after changes were made to the membership of lake districts with the enactment of 2015 Wisconsin Act 25. Before Act 25 was enacted, the individual who was appointed by the local governing body was required to be a

member of the governing body. After Act 25, the individual appointed by the local governing body was required to be a resident of the lake district but could also be a member of the governing body. Because of these changes, a very active member of a board of commissioners could no longer serve on the board due to the fact they were not a resident of the district.

This legislation simply allows the local governing body to appoint either a resident of the lake district or a member of the governing body.

This legislation will provide more flexibility to local governments and will allow town board members who were serving pre-Act 25 to continue serving if they are not residents of the district. Before drafting this legislation we consulted Act 25's author, Representative Joel Kleefisch, as well as the Wisconsin Towns Association and Wisconsin League of Municipalities. It is also supported by Wisconsin Association of Lakes Inc.

Thank you again, Mr. Chairman and Committee, for allowing me to testify today on Assembly Bill 372 and Senate Bill 331 and thank you to Representative Swearingen for all his work on this legislation.



# ROB SWEARINGEN

STATE REPRESENTATIVE • 34<sup>th</sup> ASSEMBLY DISTRICT

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**Testimony for Senate Bill 331  
Senate Committee on Natural Resources and Energy  
December 2, 2015**

I would like to thank Chairman Rob Cowles and the entire Senate Committee on Natural Resources and Energy for allowing me to testify on Senate Bill 331

Lake District boards are five member bodies that are responsible for enacting boating ordinances and water safety patrols. Lake District membership was debated earlier this session under Assembly Bill 47 (now Act 25) a bill which my colleague Representative Kleefisch authored. Act 25 made minor changes to the appointment process for one of the positions on Lake District boards. Additionally, Act 25 directed the local governing body to appoint a resident of the Lake District to serve as a commissioner on the Lake District board. I supported this legislation because it gave local governing bodies the flexibility to meet quorum requirements to conduct business.

After this legislation was enacted, a member of a local lake district contacted my office because their Lake District president was no longer permitted to serve on the board due to unintended consequences of Act 25. This was because the individual was a member of the governing body, but not a resident of the Lake District – making him ineligible to be appointed by the governing body. Senate Bill 331 is a simple fix which allows a resident of the Lake District or a member of the local governing body to serve on the Lake District board.

I would like to thank Representative Joel Kleefisch, author of Act 25, for his assistance and support of these changes to ensure flexibility for Lake District Boards.

The companion bill for this legislation, Assembly Bill 372, passed the Assembly Committee on Natural Resources and Sporting Heritage with a unanimous vote and was approved with a voice vote on the Assembly floor. I hope for your support of Senate Bill 331.



# WISCONSIN LAKES

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## TESTIMONY IN SUPPORT OF 2015 SB331/AB372 TO THE SENATE COMMITTEE ON NATURAL RESOURCES AND ENERGY

December 2, 2015 ~Presented by Michael Engleson, Executive Director

Thank you for the opportunity to testify today on SB331/AB372. My name is Michael Engleson, Executive Director of Wisconsin Lakes. Wisconsin Lakes is a non-profit conservation organization of primarily individual waterfront property owners, lake associations, and lake districts representing over 80,000 citizens and property owners. On behalf of our members, I am here today to express Wisconsin Lakes' support of this bill.

This bill correctly fixes Chapter 33 to reflect the intent of AB47, passed earlier in the session as Act 25. That bill solved the problem of lake districts whose municipal appointee to its board of commissioners was unengaged and often absent from meetings by allowing the municipality to appoint a resident of the lake district in lieu of an elected official.

Unfortunately, an unintended consequence of the statutory language passed in Act 25 prohibits the appointment of an elected official from the municipality who is not also a resident of the district. Several districts from across the state contacted me after AB47 passed to express dismay at the loss of a trusted municipal partner. Many districts do have municipal representatives on their boards who are active and engaged in the district's government, providing a beneficial link between the two bodies. Act 25 unintentionally severed that link.

SB331/AB372 rightly gives districts and municipalities a tool to be better engaged with each other by allowing the municipality to appoint a district resident as its representative, but also allows the continued participation of an elected municipal official if that makes sense.

Wisconsin Lakes also supports the amendment to the bill that allows a lower-valued municipality that contains a dam a seat on the board of commissioners if the highest valued town chooses to not appoint a representative.

Many groups impacted by the earlier change have upcoming meetings and are waiting to see what the Legislature will do. I urge the swift passage of this bill, and thank Representative Swearingen, Senator Tiffany, and the other authors of the bill and this committee for taking this matter up so quickly.

*Wisconsin Lakes is a statewide nonprofit organization with nearly 1,000 members and contributors including individuals, businesses, and lake associations or districts representing more than 80,000 citizens. For over 20 years, Wisconsin Lakes has been a powerful bipartisan advocate for the conservation, protection and restoration of Wisconsin's lake resources.*

6086 N Flowage Rd  
Conover WI 54519

November 30, 2015

Dear Senator Tiffany,

I support **Senate Bill 331** Relating to: membership of the board of commissioners of public inland lake protection and rehabilitation districts. This bill will correct the unintended consequence of Act 25, passed in July.

Act 25 affected our Lake District (Little Tamarack Lake District, Conover, Vilas County) very badly, by excluding a key member of our Lake District Board: our Town appointee is a Town Supervisor who is very experienced, and key to the ongoing delicate and complicated procedure through the DNR of re-licensing and reconstructing our dam. After seven years of excellent work on his part, and getting close to application and bidding, he would no longer be able to serve.

Every Lake District in Wisconsin was suddenly affected, having to replace one Board member immediately. This is not necessarily an easy process. Especially in the northern half of Wisconsin, most Lake Districts are composed of second-home owners, not residents. In our case for example, we are hard-pressed to think of one resident who is not already serving, who would be an asset on the Board.

Assembly Bill 372 and Senate Bill 331 remedy the situation by restoring the wording which allows a member of a Town, Village or City Board to serve on a Lake District Board. In our case this was extremely important.

In addition, AB372/S331 allows a municipality to retain representation on a Lake District Board through its appointee, which was the intention of the Lake District Statute as originally written.

Thank you to the Legislators who have signed on to AB372/S331, and I urge you to see it through.

Respectfully,

A handwritten signature in black ink, appearing to read "S Holloway", written in a cursive style.

Susan Holloway