



State Representative

JON RICHARDS

Assistant Democratic Leader

**SERVING MILWAUKEE'S
EAST SIDE, DOWNTOWN AND
BAY VIEW NEIGHBORHOODS**

MEMORANDUM

TO: Legislative Council Staff
FROM: Representative Jon Richards
RE: Establishing Boundaries of “Communities within a Straddling County” and “Straddling Communities” as of December 13, 2005
DATE: December 4, 2006

The Great Lakes Compact currently provides as part of the definition of “County” the following:
“County” means the largest territorial division for local government in a state. *The county boundaries shall be defined as those boundaries that exist as of December 13, 2005*.”
S.281.343 (1e) (fm) (emphasis added).

The practical effect of this definition is that for the purposes of the Compact, county boundaries will be fixed as of the date the Great Lakes governors signed off on the Compact language (December 13, 2005).

Given that the party states created “limited” exceptions to the diversion prohibition to enable “communities within straddling counties” and “straddling communities” to make a case for diversions if they meet certain standards, it would be consistent with the Compact’s overall intent to *protect* the Great lakes Basin ecosystem and to minimize diversions to limit the expansion of extra-territorial lands (i.e. land outside the Basin) that potentially could receive diverted Great lakes Water, See e.g., (1m) (a) 4. 5. and 6; and (b) 6.

Legislative means to accomplish the Policy Recommendation:

1. Definition Section 281.343 (1e) (d)

The definition of “Community within a straddling county” should be amended to include the underscored words below:

“Community within a straddling county” means any incorporated city, town or equivalent thereof, that is located outside the basin but wholly within a county that lies partly within the basin and that is not a straddling community. The boundary of a community within a straddling county shall be defined as those boundaries that exist as of December 13, 2005.

While a community within a straddling county may change its boundaries over time the maximum amount of land within a community that could potentially receive diverted water would be fixed.

2. Definition Section 281.343 (1e) (t)

The definition of “Straddling community” should be amended with the words in red being deleted and the underscored as additions:

“Straddling community” means any incorporated city, town or the equivalent thereof, wholly within any county that lies partly or completely within the basin, whose corporate boundary ~~existing as of the effective date of this compact~~ shall be defined as that which existed as of December 13, 2005 and is partly within the basin or partly within the Great Lakes watersheds.

While a straddling community may change its boundaries over time the maximum amount of land within a straddling community that could potentially receive diverted water would be fixed as of December 13, 2005 rather than at some point in the future when the compact maybe ratified.