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**Testimony for Assembly Bill 372
Assembly Committee on Natural Resources and Sporting Heritage
October 14, 2015**

I would like to thank Chairman Al Ott and the entire Assembly Committee on Natural Resources and Sporting Heritage for allowing me to testify on Assembly Bill 372.

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. Assembly Bill 372 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.

I am hoping for strong bipartisan support for this legislation.



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Assembly Bill 372 Assembly Committee on Natural Resources and Sporting Heritage October 14, 2015

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

Assembly Bill 372 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 thank you to Representative Swearingen for all his work on this legislation.



WISCONSIN LAKES

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TESTIMONY IN SUPPORT OF 2015 AB 372 TO THE ASSEMBLY COMMITTEE ON NATURAL RESOURCES AND SPORTING HERITAGE

October 14, 2015 ~Presented by Michael Engleson, Executive Director

Thank you for the opportunity to testify today on 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, the actual statutory language passed in Act 25 went too far, by prohibiting the appointment of an elected official from the municipality who is not also a resident of the district. Several districts from all over 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.

I'm very pleased, therefore, that a fix to this unintended consequence of Act 25 was introduced so quickly, as many of these groups are confused as how to proceed with meetings coming soon.

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.

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
October 8, 2015

Dear Representative Swearingen,

I support **Assembly Bill 372** Relating to: membership of the board of commissioners of public inland lake protection and rehabilitation districts.

When Act 25 became law in July, we (The Little Tamarack Lake District in the Town of Conover, Vilas County) were dismayed to learn that the statute actually excluded our Town Supervisor from membership on our Board of Commissioners. (We had relied on the Legislative Bureau's interpretation throughout the progress of AB47, that the bill was meant to allow the appointment of a Lake District resident OR a member of our Town Board.)

Act 25 affected our Lake District very badly. Our Town appointee is a Town Supervisor who is very experienced, and key to the ongoing delicate and complicated procedure 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. Once we realized how detrimental this new law would be to our project, we contacted our legislators, who understood the problem and took steps to resolve the situation.

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, only 16 of 101 Lake District members are actually residents. Of them, most are elderly and cannot attend meetings. Three are somewhat antagonistic and not helpful to the Board. Others are not interested, and two are already on the Board. We are hard-pressed to think of one more resident who would be an asset on the Board.

Assembly Bill 372 remedies 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 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, and I urge you to see it through.



Susan Holloway

for the Little Tamarack Flowage Baker Spring
Lake Protection and Rehabilitation District