



SCOTT KRUG

STATE REPRESENTATIVE • 72ND ASSEMBLY DISTRICT

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P.O. Box 8952

Madison, WI 53708-8952

Rep.Krug@legis.wi.gov

TO: Assembly Committee on Consumer Protection

FROM: Rep. Scott Krug

RE: 2023 Assembly Bill 97, Use of Email by Lake Districts

DATE: September 19, 2023

Chairman Mursau and members of the Assembly Committee on Forestry, Parks and Outdoor Recreation:

Thank you for holding this hearing on 2023 Assembly Bill 97, which would authorize email to be used for providing notice of business conducted by the board of a public inland lake protection and rehabilitation district.

I was approached to write AB 97 by Mr. Ed Kissinger, who is Chair of the Silver Lake Management District in Waushara County. Ed has sent a letter of support for this bill. (He initially hoped to be here in person but something unexpected came up.) I'll let Ed's letter to you (which is attached to my memo) speak for him. His motive is to save lake districts like his, some time and postage expense; my motive is to help his district and others to do so.

When creation of a lake district is initially proposed, the county board of the county where the lake is located, must send notice by mail to each landowner within the proposed district. Once created, a district board must have an annual meeting, notice of which must be provided by mail to electors in the district.

AB 97 provides that email is an acceptable method of providing these required notices.

Under current law, a district board may levy a special assessment to carry out lake protection and rehabilitation projects or lake management or sanitary service activities. Notice of proposed and final assessments must be provided by mail to each owner, mortgagee, lessee, or other person with an interest in a parcel affected by the assessment.

AB 97 provides that email is an acceptable method of providing these required notices as well.

MORE

Let me be clear about something. We've had input on AB 97 people who are concerned that the bill would allow lake districts to use ONLY email for notices, and / or that the bill would require owners of property in a district to use email. The bill does neither of these.

AB 97 still requires a district to contact property owners and to provide notice. Obviously if a district doesn't have an email address for an owner (for whatever reason), a US Postal communication will be needed. AB 97 doesn't change the need for districts to communicate with owners, however the district can do it. If an email address is offered by a property owner, great; if not, US Mail continues to be required.

My goal is to provide flexibility, not to create a mandate. I know a majority of lake districts will be able to email a majority of their property owners. I know the districts can keep track of who was contacted how. That's all this will require, really.

I am attaching to this memo, emails I have received from over a dozen supporters of AB 97 – and this is just from a few districts in Adams and Waushara Counties. I have included one message of opposition. A couple of the supporters have expressed questions about whether AB 97 would create an email mandate, and as I have explained, it would not do so.

Please take a look and note the amount and the degree of support. Some of the messages are from individual board members and in a few cases a district board was able to vote on the bill and make a formal endorsement of the bill. I know there is far, far more support for AB 97 than is shown by this small sample of input on the bill.

I thank you for your consideration of AB 97 and ask for your support of this bill.

September 18, 2023

To: Members, Assembly Committee on Forestry, Parks, and Outdoor Recreation

Re: Assembly Bill 97

I had planned to attend your hearing in person today as I feel very strongly that this change to Section 33 must be made. However, due to unforeseen circumstances I am unable to do so.

Approximately a year ago it was brought to my attention that Section 33 of the Wisconsin State Statutes states that the Annual Meeting Notice for Lake Districts must be "mailed" to members of a District. I was very surprised when I was informed that this meant the email could NOT be used.

Given this, I contacted Rep. Krug to find out if this was true. After some research Scott's office confirmed that email could not be used. Today's society heavily depends on electronic communications. It is counterintuitive to require a communication to only use "snail mail". It is slow and somewhat expensive. Scott also felt that this was not a good thing and it lead him to introduce the bill you have before you today.

The Silver Lake Management District recently held its Annual meeting and provided, via "snail mail", the notification of the meeting to all members of the District. The cost to provide the necessary information to 300+ members was over \$500. This included printing, stamps, envelopes, and labels but not labor to assemble and mail.

If we could have used email, our costs would have been less than \$100 as we have email addresses for over 80% of our members. We do use email for a variety of other informational communications.

This is a classic example of why Bill AB97 needs to be passed. It is a waste to require Lake Districts to spend money this way when using email is easier and cheaper. This money should be used for costs related to the lake that we serve, like paying for DNR permits.

Please support this bill so that we can avoid these costs going forward!

Sincerely,
Ed Kissinger, Chairman
Silver Lake Management District
N2102 Chicago Point Road
Wautoma, WI 54982
920-279-2102

Reinemann, John

From: Colette Camerano <pacrs2014@gmail.com>
Sent: Saturday, September 16, 2023 8:58 AM
To: Rep.Krug
Subject: Assembly Bill 97

Follow Up Flag: Follow up
Flag Status: Flagged

Rep Krug,
During their September 15, 2023 meeting, the Petenwell and Castle Rock Board of Directors unanimously approved passing AB97 to authorize email notice of public inland lake protection and rehabilitation district Board business.
Thank you,
Colette Camerano
PACRS Secretary

Reinemann, John

From: james blaszczyk <blast666@msn.com>
Sent: Monday, September 18, 2023 7:37 AM
To: Rep.Krug
Subject: Support of AB 97

Follow Up Flag: Follow up
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Rep Krug and Staff,

Yes, I fully support AB 97 this would save our Lake Management District Hundreds of dollars.

Respectfully:

Jim Blaszczyk
Irogami Lake Management District.

Reinemann, John

From: Frances Geier <frangeier7@gmail.com>
Sent: Saturday, September 16, 2023 8:44 AM
To: Rep.Krug
Subject: Support for Bill AB97

Follow Up Flag: Follow up
Flag Status: Flagged

The Board of Commissioners for the White River Flowage Lake Management District in Waushara County wish to express our support for Rep. Scott Krug's Bill AB 97.

Sincerely,

Fran Geier, Secretary/Treasurer
Board of Commissioners
White River Flowage Lake Management District

Reinemann, John

From: Mark Theis <marktheis76@gmail.com>
Sent: Saturday, September 16, 2023 6:58 AM
To: Rep.Krug
Subject: AB97

Follow Up Flag: Follow up
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Good Morning,

I'm speaking on behalf of our board in that we support AB97. When Lake Districts were originally formed we did not have the use of email. Now that we do it only make since that we use this form of notice when it comes down to getting information and notice of meeting dates and times to our lake residents. It also saves the Lake Districts time and money when notifying lake residents of future meetings of which we are required to have 4 a year.

Thank you
Mark Theis
Chairman - Johns Lake MGM District.

Sent from my iPhone

Reinemann, John

From: Robin Vanderlinden <mark_vanderlinde@earthlink.net>
Sent: Friday, September 15, 2023 2:17 PM
To: Rep.Krug
Subject: AB97 Bill Support

Follow Up Flag: Follow up
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Marl Lake District, Waushara County supports AB97 Bill.
Thank you

Sent from my iPad

Reinemann, John

From: John Manion <john.manion2023@gmail.com>
Sent: Friday, September 15, 2023 12:40 PM
To: Rep.Krug
Subject: AB 97

Follow Up Flag: Follow up
Flag Status: Flagged

The Lake Alpine Lake District strongly supports this bill. It helps reduce our costs without reducing communication with our members. It just makes good common sense.

Thank you,

John Manion
Secretary, Lake Alpine District

Reinemann, John

From: PACRS <pacrs.info@gmail.com>
Sent: Tuesday, September 19, 2023 7:26 AM
To: Rep.Krug
Subject: AB97 Support

Rep. Krug,
PACRS (Petenwell and Castle Rock Stewards) a non-profit citizen group formed in 2007 and was the lead on the formation of the Wisconsin River TMDL is pleased to support your bill AB97. We voted to support AB97 at our annual meeting. Thanks for your continued support of water quality.

Scott Bordeau
PACRS
Petenwell And Castle Rock Stewards
www.pacrs.org
<https://www.facebook.com/PACRS/>

Reinemann, John

From: Betty Martin <secretarylonglakeoasis@gmail.com>
Sent: Friday, September 15, 2023 9:56 AM
To: Rep.Krug
Subject: AB 97

Follow Up Flag: Follow up
Flag Status: Flagged

I support AB 97.
Betty Martin
Long Lake Oasis District

Reinemann, John

From: Amy Solarz-Patel <amyjsolarz@gmail.com>
Sent: Thursday, September 14, 2023 1:44 PM
To: Rep.Krug
Subject: Assembly Bill 97

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Rep. Krug,

I am a Waushara Lake PRD board member and this email is to let you know AB 97 has my full support. Thank you for your efforts.

Best,
Amy Solarz-Patel

Reinemann, John

From: Jim Morgenroth <jmroth47@gmail.com>
Sent: Thursday, September 14, 2023 1:26 PM
To: Rep.Krug
Subject: AB 97

Follow Up Flag: Follow up
Flag Status: Flagged

I am unable to attend the hearing on AB 97 next week due to a previous commitment.

I am a property owner and a Commissioner of the Silver Lake Management District. I strongly do support this Bill as it certainly updates rules for owner notification to what is considered normal in today's electronic society. It will also save our District money that can be used on Lake issues.

Thank you for sponsoring this Bill

Jim Morgenroth
Commissioner
Silver Lake Management District
414-881-3421

Reinemann, John

From: Pamela Klein <pamelaklein31@gmail.com>
Sent: Thursday, September 14, 2023 12:06 PM
To: Rep.Krug
Cc: Jim Brancel; Robert Salamon; Andre Bukowski; Gerald Kopping; Jay Churco District One
Subject: Support for AB 97

Follow Up Flag: Follow up
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Hello,

My name is Pam Klein and I am the President/Chair for the Lake Mason Management District. I am in full support of AB 97, which would allow Lake Districts to announce our Annual Meetings via email. This would save Lake Districts an incredible amount of time and money. Thank you and good luck.

Thank you,
Pam

Reinemann, John

From: Jeff Darling <hancockpinelakemd@gmail.com>
Sent: Monday, September 18, 2023 3:11 PM
To: Rep.Krug
Subject: AB97

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,
I fully support AB 97. This would save our Lake District considerable time and money.
Thank you,
Jeff Darling
Hancock Pine Lake Management District President.
Hancock, WI

From: Karen Pokorny <fldsecre@gmail.com>

Sent: Saturday, September 16, 2023 3:13 PM

To: Oliinyk, Maryna <Maryna.Oliinyk@legis.wisconsin.gov>

Subject: Re: FW: Your support is requested for a bill to help lake districts

Maryna,

Thank you for your email on this subject. Friendship Lake District has approximately 300 property owners. Our district would welcome this proposed bill and the option to inform our lake district property owners by email and or reviewing our website. The costs of printing, postage, and time have increased so much over the years that I believe it would be a great savings to our lake district. The only downside is that many of our property owners have not shared email contact information with me. Of the 300 property owners, I have 99 confirmed emails on file. Some of our members are older, live rurally, and do not have access nor want us to use email as a contact option. We have discussed the idea of sending out postcards directing our property owners to our website where the annual meeting notice and proposed budget would be posted for their review. Again the downside that we heard back from many members is that they do not use a computer or have access to that information unless they reach out to family or friends to assist them. We also wonder if that would work with the Chapter 33 statutes. Thanks for your help and please let me know if I can answer any additional questions. I am sorry I cannot attend the hearing in person but look forward to any and all discussion on this proposal.

Respectfully,

Karen Pokorny

Secretary

Friendship Lake District

Reinemann, John

From: Jeff Spitzer-Resnick <spitznick@tds.net>
Sent: Thursday, September 14, 2023 1:33 PM
To: Rep.Krug
Cc: Chuck Quick; Onie K Karch; KIM TIMPEL; Jeanne Kubeck
Subject: AB 97

Dear Rep. Krug:

Your aide reached out to me encouraging me to support AB 97 at its hearing next week.

I cannot take an official position on this bill without a discussion at an open meeting of our Watershed District. Our next meeting is on October 8th, after the hearing on the bill, which unfortunately, we received only a few days notice about.

I can tell you that my personal feeling is that although it costs us some money to do our mailing, I think it is good that we do the mailing because it is our best outreach tool to every property owner in the district. In addition, if we used e-mail, we would miss many property owners in the district. This bill only requires that we send notice by e-mail to those whom we know their addresses. That means that no matter what, we would still have to do a mailing because despite our efforts, we have never been able to collect e-mail addresses for every property owner of the district. Thus, I don't think we would save very much money under this bill. I cannot attend the hearing as I will be out of state visiting family next week.

In the future, I urge you to reach out to the Watershed Districts in your district when you are formulating legislation that affects us. That way, we may advise him and potentially help him create better legislation.

Jeff Spitzer-Resnick

Chair

Goose Lake Watershed District

608-206-7164

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.gooselakewi.org&umid=b61a3fd5-73e8-4da9-860b-4d2fe066fb16&auth=2f9a60ba582d6d32d49e654bdd67e4a20d760ea8-32af490bf0fc009d95777c32985a1c061628405d>



PATRICK TESTIN

STATE SENATOR

DATE: September 19, 2023

RE: **Testimony on 2023 Assembly Bill 97**

TO: The Assembly on Forestry, Parks, and Outdoor Recreation

FROM: Senator Patrick Testin

Thank you Chairman Mursau and members of the committee for holding a hearing on Assembly Bill 97 (AB 97).

For nearly fifty years, Wisconsin has recognized lake districts. These are special purpose units of government whose focus is on maintaining, protecting, and improving the environmental and recreational quality of a lake. Currently, there are 220 lake districts in Wisconsin, and they are required to notify their membership of meetings either in writing via mail or with a class 2 notice (defined in chap. 985). This bill would create a third option – e-mail.

My office drafted this bill after hearing from the chairpersons of two different lake districts in Central Wisconsin. Allowing them to utilize modern technology would save time and energy that could be better spent carrying out the core mission of these districts.

Please join me and the Wisconsin Realtors Association and support this bill.

Frances Rowe
W13475 Czech Lane
Coloma, Wisconsin 54930

Testimony in Support of Assembly Bill 97

Tuesday, September 19, 2023
1:00 PM
328 Northwest

Good afternoon.

This afternoon I am here to speak in support of Assembly Bill 97. I am chair of the Pleasant Lake Management District, Waushara County speaking for both the District and myself. Pleasant Lake is located in two counties, Waushara and Marquette. The county line runs through the lake east to west. The majority of the lake is located in the southwest corner of Waushara County, the south shore of the lake is located in Marquette County.

Under current law, Chapter 33, lake districts are required to notice their members of meetings, annual budget, etc. via US mail. A class 1 notice is also required. Assembly Bill 97 will expand an inland lake district's ability to communicate with its members by adding email as an option.

While it is true that many people still prefer a paper document when it comes to newsletters, meeting agenda, annual budgets, etc. more and more do not. AB 97 does not eliminate paper communication, which I believe would be a bad idea, it provides the option for both paper and electronic communication, which I think is a good idea.

Having an electronic option for communications will be a plus for lake districts as it will save them a significant amount of money on paper, copy cost, and postage. When notices are sent electronically, electors as well as property owners in the districts will be able to receive notification simply by placing their names on the electronic mailing list. Currently, some electors may be missed by the US mail as their names and addresses may not appear on the county's property tax mailing list.

Representative Krug, thank you for sponsoring this change in Chapter 33. I believe it will be beneficial to all.

Submitted Sept. 19, 2023

Francie Rowe



WISCONSIN LAKES

We Speak for Lakes!

PO Box 7723 / Madison WI 53590

608.661.4313

info@wisconsinlakes.org

September 19, 2023

WISCONSIN LAKES POSITION ON 2023 AB97 RE AUTHORIZING EMAIL FOR NOTICE OF PUBLIC INLAND LAKE PROTECTION AND REHABILITATION DISTRICT BOARD BUSINESS

While currently registering as neutral on AB97, Wisconsin Lakes supports the general concept of the use of emails as a form of official legal notice for lake protection and rehabilitation districts ("lake districts") for the types of notice required under Wisconsin Statutes, Chapter 33 and is not opposed to this bill. Because use of emails by counties and local units of government for official legal notices is new in Wisconsin, however, we felt it prudent to allow a public discussion of the bill to take place to give this change due consideration, especially given that lake districts have authority to levy taxes and the things being noticed here may directly or indirectly involve the use of that authority. Therefore, we are currently registered as "neutral."

For nearly fifty years, lake districts have provided Wisconsin citizens and property owners who benefit from their lake an effective way to manage the waterbody. A special purpose unit of government governed by Chapter 33 of the Wisconsin Statutes, lake districts have taken control and upkeep of dams, managed aquatic invasive species, worked to restore water quality, and provided boating enforcement among other activities. Lake districts qualify for surface water grants from the Wisconsin Department of Natural Resources for planning and management purposes and are granted modest taxing authority. Unique among most taxing districts in the state, chapter 33 provides non-resident property owners in lake districts, along with electors, the ability to weigh in and control the activities of the district, including the setting of the tax levy and special assessments. As such, notices required under Chapter 33 are quite important.

Wisconsin Lakes serves as the association of lake organizations in Wisconsin and many of our state's lake districts are our members. While many members support this bill, members from some

Wisconsin Lakes is a statewide non-profit conservation organization and the association of lake organizations in Wisconsin. Representing waterfront property owners, lake users, lake associations, and lake districts who in turn represent over 100,000 citizens and property owners, for over 30 years Wisconsin Lakes has provided educational resources and programming and advocates for sound, science-based water policy in Wisconsin.

districts have expressed concern that allowing the use of email for notification instead of a mailing would cause some persons entitled to notice to not receive it. Others worry that a person may change email addresses frequently, and especially for something as important as the amount assessed against a property in the case of a special assessment, the person may not see the notice.

This complaint - that a person may not receive a notice - can of course also occur when a hardcopy is mailed through the postal service to an address at which the person no longer receives mail. If an email is provided to a district, with an understanding that it will be used for notifications, it seems it would be that person's responsibility to update their email with the district if it changes. That said, the effectiveness of email notifications will rely heavily on the ability of the lake district to maintain a good list, and if this bill is passed we will need to monitor lake districts for problems with notifications.

Finally, playing off of the question of whether all those deserving of a notice will receive one if emails are allowed, we feel the language of the bill should be closely reviewed to ensure that won't happen. Some have expressed concern to us that simply adding "or email" to each type of notice that provides for a regular mailing could be interpreted as allowing a lake district to forgo a postal service mailing altogether. As it is very unlikely that all those deserving a notice will have an email address, or that the district will have those emails, it seems that some postal mailing will be required.

Our own interpretation of the language of the statute, where each circumstance of notice requires notification to "all electors", or "all owners of property in the district," is that a mailing would still be required in most cases to meet that mandate. We would be interested to hear the opinion of Legislative Council in this matter, however, and would also support language that made this point more clearly, even if it is not completely necessary.

Overall, Wisconsin Lakes supports adding tools to make the activities of lake districts more efficient. At the same time, the activities being noticed by lake districts in chapter 33 do implicate

the amount of taxes and assessments levied by the District and the ability of the person being noticed to express their opinion (and in the case of the annual meeting, vote) on those decisions. It is our opinion that adding email as a method to serve notices is a positive step forward, but should be done with caution and due consideration.

Finally, we express our thanks to the authors for working to improve chapter 33 and the workings of lake districts in Wisconsin.