



2015 ASSEMBLY BILL 715

January 14, 2016 - Introduced by Representatives KERKMAN and CRAIG, cosponsored by Senators LAZICH and WANGGAARD. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT to repeal** 33.55 (1) (k), 33.55 (1) (L), 33.55 (1) (m) and 33.55 (2) (c); **to**
2 **renumber** 33.55 (1) (n) and 33.55 (1) (o); **to renumber and amend** 33.53 (4);
3 **to amend** 17.15 (3m), 33.53 (5), 33.53 (7) (intro.), 33.54, 33.55 (1) (intro.), 33.55
4 (2) (b), 33.55 (2) (d), 33.55 (3), 33.57 (1) (c) (intro.), 33.59 (1), 33.59 (3) (intro.),
5 33.60 (1) (a), 33.60 (2) and 33.60 (3); and **to create** 33.53 (7) (i), 33.53 (7) (j),
6 33.53 (7) (k), 33.53 (7) (L), 33.53 (7) (m), 33.53 (7) (n), 33.53 (7) (o), 33.55 (1) (bg),
7 33.55 (1) (br), 33.55 (1) (p), 33.55 (1) (q), 33.55 (1) (r), 33.55 (1) (s), 33.55 (1) (t),
8 33.55 (1) (u), 33.55 (1) (v), 33.55 (1m) and 33.57 (5) of the statutes; **relating to:**
9 the Southeastern Wisconsin Fox River Commission for the Illinois Fox River
10 basin.

Analysis by the Legislative Reference Bureau

This bill expands the area under the jurisdiction of the Southeastern Wisconsin Fox River Commission for the Illinois Fox River basin (commission) and makes changes to the make-up, terms, and fiscal year of the board of commissioners.

Current law establishes the commission and grants to it the authority to develop and carry out certain plans, projects, and programs to improve water quality

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and recreation in the Fox River system between the northern boundary of the city of Waukesha and the point immediately below the Waterford Dam (planning area). Under current law, the commission has under its jurisdiction Waukesha and Racine counties, the two counties covered by the planning area, and eight cities, villages, and towns adjacent to the Fox River system within those counties (river municipalities).

The commission is governed by a board of commissioners consisting of the county executives of Waukesha and Racine counties or their designees, the mayors, village presidents, or town board chairpersons of each river municipality or their designees, two residents of the town of Vernon, two residents of the town of Waterford, one resident of the village of Big Bend, a nonvoting representative of the Southeastern Wisconsin Regional Planning Commission (SWRPC), and a nonvoting representative of the Department of Natural Resources (DNR).

This bill extends the planning area through Kenosha County to the Wisconsin-Illinois border and designates six cities, villages, and towns in Kenosha County as river municipalities. The bill designates the Kenosha county executive and the mayors, village presidents, and town board chairpersons of the new river municipalities, or their designees, to the board of commissioners and removes two residents of the town of Vernon, two residents of the town of Waterford, and one resident of the village of Big Bend from the board of commissioners. The bill also authorizes the commission to extend the planning area and to designate new counties, towns, villages, and cities within the planning area as being under the commission's jurisdiction by an affirmative vote of the majority of voting commissioners.

This bill also allows an elected official who is a member of the commission to authorize a resident of the river county to attend a meeting of the commission and exercises his or her duties if the elected official or his or her designee is unable to attend.

Under current law, nine commissioners constitute a quorum for the transaction of business. This bill changes a quorum to a number equal to a majority of voting commissioners, not including a voting commissioner who does not participate in the commission and does not appoint a designee or alternate.

Under current law, if a commissioner is appointed to the commission by an elected official as the designee of the elected official, his or her term on the commission begins on the third Tuesday in April of the year in which the commissioner is appointed and ends on the third Tuesday in April three years later. Similarly, under current law, the term of a commissioner appointed by SWRPC or DNR begins on the third Tuesday in April of the year in which the commissioner is appointed and ends on the third Tuesday in April three years later. Under this bill, these commissioners' terms begin and end on dates determined by the appointing authority. The bill requires a county, municipality, SWRPC, or DNR to inform the commission in writing within 90 days after a new designee or appointee is appointed.

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Under current law, the commission's fiscal year is the calendar year. This bill changes it to a year beginning on July 1 and ending on June 30 of the following year.

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

1 **SECTION 1.** 17.15 (3m) of the statutes is amended to read:

2 17.15 **(3m)** SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. Any
3 commissioner of the Southeastern Wisconsin Fox River commission appointed under
4 s. 33.55 (2) (b) ~~or~~(e) may be removed by the appointing authority for cause.

5 **SECTION 2.** 33.53 (4) of the statutes is renumbered 33.53 (6m) and amended to
6 read:

7 33.53 **(6m)** “County” “River county” means Kenosha County, Racine County or
8 Waukesha County or any county in the Illinois Fox River basin that is designated by
9 the commission under s. 33.57 (5).

10 **SECTION 3.** 33.53 (5) of the statutes is amended to read:

11 33.53 **(5)** “County board” means the county board of a river county.

12 **SECTION 4.** 33.53 (7) (intro.) of the statutes is amended to read:

13 33.53 **(7)** (intro.) “River municipality” means any of the following
14 municipalities that is located in a river county:

15 **SECTION 5.** 33.53 (7) (i) of the statutes is created to read:

16 33.53 **(7)** (i) The village of Rochester.

17 **SECTION 6.** 33.53 (7) (j) of the statutes is created to read:

18 33.53 **(7)** (j) The town of Burlington.

19 **SECTION 7.** 33.53 (7) (k) of the statutes is created to read:

20 33.53 **(7)** (k) The city of Burlington.

21 **SECTION 8.** 33.53 (7) (L) of the statutes is created to read:

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1 33.53 (7) (L) The town of Wheatland.

2 **SECTION 9.** 33.53 (7) (m) of the statutes is created to read:

3 33.53 (7) (m) The town of Salem.

4 **SECTION 10.** 33.53 (7) (n) of the statutes is created to read:

5 33.53 (7) (n) The village of Silver Lake.

6 **SECTION 11.** 33.53 (7) (o) of the statutes is created to read:

7 33.53 (7) (o) Any city, village, or town in a river county that is designated by
8 the commission under s. 33.57 (5).

9 **SECTION 12.** 33.54 of the statutes is amended to read:

10 **33.54 Creation, funding.** There is created a Southeastern Wisconsin Fox
11 River Commission for the Illinois Fox River basin. For the purposes of this
12 subchapter, the Illinois Fox River basin extends from the northern boundary of the
13 city of Waukesha downstream to ~~the point immediately below the Waterford Dam~~ the
14 Wisconsin-Illinois border, except that the commission may extend this area by an
15 affirmative vote of the majority of voting commissioners. The board of
16 commissioners shall govern the commission. A county or river municipality may
17 appropriate money to the commission. The commission, a river county or a river
18 municipality may solicit gifts, grants, and other aid for the commission to enable the
19 commission to perform the functions in this subchapter.

20 **SECTION 13.** 33.55 (1) (intro.) of the statutes is amended to read:

21 33.55 (1) (intro.) The board of commissioners shall consist of the following
22 persons, all of whom shall be residents of the river county:

23 **SECTION 14.** 33.55 (1) (bg) of the statutes is created to read:

24 33.55 (1) (bg) The county executive of Kenosha County or his or her designee.

25 **SECTION 15.** 33.55 (1) (br) of the statutes is created to read:

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1 33.55 (1) (br) The county executive of any county admitted to the commission
2 under s. 33.53 (7) (o) or his or her designee.

3 **SECTION 16.** 33.55 (1) (k) of the statutes is repealed.

4 **SECTION 17.** 33.55 (1) (L) of the statutes is repealed.

5 **SECTION 18.** 33.55 (1) (m) of the statutes is repealed.

6 **SECTION 19.** 33.55 (1) (n) of the statutes is renumbered 33.55 (1) (w).

7 **SECTION 20.** 33.55 (1) (o) of the statutes is renumbered 33.55 (1) (x).

8 **SECTION 21.** 33.55 (1) (p) of the statutes is created to read:

9 33.55 (1) (p) The village president of the village of Rochester or his or her
10 designee.

11 **SECTION 22.** 33.55 (1) (q) of the statutes is created to read:

12 33.55 (1) (q) The town board chairperson of the town of Burlington or his or her
13 designee.

14 **SECTION 23.** 33.55 (1) (r) of the statutes is created to read:

15 33.55 (1) (r) The mayor of the city of Burlington or his or her designee.

16 **SECTION 24.** 33.55 (1) (s) of the statutes is created to read:

17 33.55 (1) (s) The town board chairperson of the town of Wheatland or his or her
18 designee.

19 **SECTION 25.** 33.55 (1) (t) of the statutes is created to read:

20 33.55 (1) (t) The town board chairperson of the town of Salem or his or her
21 designee.

22 **SECTION 26.** 33.55 (1) (u) of the statutes is created to read:

23 33.55 (1) (u) The village president of the village of Silver Lake or his or her
24 designee.

25 **SECTION 27.** 33.55 (1) (v) of the statutes is created to read:

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1 33.55 (1) (v) The mayor, village president, or town board chairperson of any city,
2 village, or town, respectively, designated as a river municipality by the commission
3 under s. 33.53 (7) (o) or his or her designee.

4 **SECTION 28.** 33.55 (1m) of the statutes is created to read:

5 33.55 (1m) If an elected official who is a member of the commission or his or
6 her designee, if designated, is unable to attend a meeting of the commission, the
7 elected official may authorize another resident of the river county to attend the
8 meeting and exercise the duties of the member.

9 **SECTION 29.** 33.55 (2) (b) of the statutes is amended to read:

10 33.55 (2) (b) If a commissioner listed under sub. (1) (a) to (j) (v) is appointed to
11 the commission by an elected official, as the designee of an elected official, his or her
12 term on the commission begins on the ~~3rd Tuesday in April of the year in which the~~
13 ~~commissioner is appointed and ends on the 3rd Tuesday in April in the 3rd year~~
14 ~~following the year in which the commissioner is appointed~~ and ends on dates
15 determined by the appointing river county or river municipality. Vacancies occurring
16 during the term of the designee of an elected official shall be filled within 90 days of
17 the vacancy by another designee who is appointed by the elected official, or the
18 elected official may become the commissioner. The river county or river municipality
19 shall inform the board of commissioners in writing that a new designee is appointed
20 no more than 90 days after the appointment.

21 **SECTION 30.** 33.55 (2) (c) of the statutes is repealed.

22 **SECTION 31.** 33.55 (2) (d) of the statutes is amended to read:

23 33.55 (2) (d) The term of a commissioner appointed under sub. (1) (n) (w) or (o)
24 (x) begins on the ~~3rd Tuesday in April of the year in which the commissioner is~~
25 ~~appointed and ends on the 3rd Tuesday in April in the 3rd year following the year~~

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1 ~~in which the commissioner is appointed and ends on dates determined by the~~
2 ~~appointing authority.~~ Vacancies occurring during the term of the appointee shall be
3 filled by the appointing authority within 90 days of the vacancy. The appointing
4 authority shall inform the board of commissioners in writing that a new
5 commissioner is appointed no more than 90 days after the appointment.

6 **SECTION 32.** 33.55 (3) of the statutes is amended to read:

7 33.55 (3) ~~Nine~~ A number equal to a majority of voting commissioners shall
8 constitute a quorum for the transaction of business. If an elected official under sub.
9 (1) (a) to (v) notifies the board of commissioners in writing that he or she will not
10 participate in the commission and will not appoint a designee or authorize an
11 alternate under sub. (1m), that person may not be included in the number of voting
12 commissioners for purposes of determining the number that constitutes a quorum
13 for the transaction of business.

14 **SECTION 33.** 33.57 (1) (c) (intro.) of the statutes is amended to read:

15 33.57 (1) (c) (intro.) Coordinate and integrate, for efficient and effective cost
16 management, any county programs or projects for the waters of the river county that
17 relate to any of the following:

18 **SECTION 34.** 33.57 (5) of the statutes is created to read:

19 33.57 (5) Designate as a river municipality or river county, by an affirmative
20 vote of the majority of voting commissioners, a town, village, city, or county that
21 requests through a resolution adopted by its governing body to be designated as
22 being under the commission's jurisdiction.

23 **SECTION 35.** 33.59 (1) of the statutes is amended to read:

24 33.59 (1) The board of commissioners shall develop an implementation plan by
25 April 1, 1998, and shall submit the plan to the department of natural resources, the

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1 county planning agency, the chairperson of the county board and the county
2 executive of the river county by April 1, 1998.

3 **SECTION 36.** 33.59 (3) (intro.) of the statutes is amended to read:

4 33.59 (3) (intro.) Within 3 months after the implementation plan is developed
5 and submitted under sub. (1), the department and the designated planning agencies
6 under s. 281.51 that cover each river county shall evaluate the implementation plan
7 to determine whether it is consistent with the criteria for water quality planning
8 under s. 281.51 and whether the plan is adequate to:

9 **SECTION 37.** 33.60 (1) (a) of the statutes is amended to read:

10 33.60 (1) (a) The commission's fiscal year shall ~~be a calendar~~ commence July
11 1 of each year and end June 30 of the following year. Annually, the board of
12 commissioners shall prepare a proposed budget for the commission's activities,
13 plans, programs, or projects under this subchapter.

14 **SECTION 38.** 33.60 (2) of the statutes is amended to read:

15 33.60 (2) Not less than 15 days after publication of the summary of the budget
16 and of the notices required under sub. (1) (c), the board of commissioners shall hold
17 a public hearing at the time and place specified in the notice. At the hearing, any
18 resident or taxpayer of a river county shall have the opportunity to be heard on the
19 proposed budget. The budget hearing may be adjourned from time to time. At the
20 hearing, the board of commissioners may adopt changes to the budget.

21 **SECTION 39.** 33.60 (3) of the statutes is amended to read:

22 33.60 (3) After the public hearing, the board of commissioners shall submit the
23 proposed budget to Racine County ~~and to~~, Waukesha County, and Kenosha County

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1 for incorporation into each river county's budget to be subject to any review
2 procedures that apply to a county budget under ss. 59.60 and 65.90.

3 (END)