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(920) 232-3430

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

NAME OF COMMISSION,
BOARD OR COMMITTEE: Legislative Committee

TIME OF MEETING: 8:30 A.M.

DATE OF MEETING: Monday, January 22, 2024

PLACE OF MEETING: James P. Coughlin Center
625 E. County Road Y, Oshkosh

VOTING COMMITTEES: Aviation; Board of Health; Facilities & Property Management; Highway; Human Services Board; Judiciary & Public Safety; Industrial Development Board; Information Technology; Land & Water Conservation; Parks & Recreation; Park View Health Center; Personnel & Finance; Planning & Zoning; Solid Waste Management Board; UW Education, Extension and Agriculture and Veterans Service Commission.

To join this Zoom Meeting via video, use this link:

<https://us02web.zoom.us/j/82373502490?pwd=aTBRanRCaTUzVFRuTzllbWZRTEJLZz09>

Meeting ID: 823 7350 2490 Passcode – Leg012224

To join this meeting by telephone (312) 626-6799 and enter the Meeting ID: 823 7350 2490

Passcode 890914961

SUBJECT MATTER OF THE MEETING

The Chairman reserves the right to take up any item on the agenda at any time after the meeting commences.

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of minutes of May 22, 2023, and October 23, 2023, meetings.
4. Public comments.
5. Correspondence.
6. Discussion/Action: Price County Resolution No. 19-23 – "Request the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner"
7. Discussion/Action: Polk County Resolution No. 27-23 – "Resolution Supporting a Restitution Court Program for Polk County".
8. Discussion/Action: Kenosha County Resolution No. 60 – "A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates".
9. Discussion/Action: Green Lake County Resolution 23-2023 – "Resolution in opposition to Wisconsin Legislative Reference Bureau 2023 Bill Proposal LRB-3518/1" and Sawyer County Resolution 2023-27 – "Resolution on Enhanced Wake Regulations"
10. Discuss proposed State and Federal Legislation from the Legislative Committee members

11. Update from County Executive Jon Doemel
12. Update from State Legislators:
 Sen. Dan Feyen – District 18; Sen. Rachael Cabral-Guervara – District 19; Rep. Michael Schraa – District 53; Rep. Lori Palmeri – District 54; Rep. Nate Gustafson – District 55; Rep. Rep. Lee Snodgrass – District 57
13. Update from Federal Representatives: Senator Baldwin, Senator Johnson, Congressman Grothman and Congressman Mike Gallagher (invited).
14. Discussion: Topics to be discussed at next Legislative Committee Meeting (i.e. Resolutions from other Counties)
15. Next Meeting Date: To be determined by membership.
 - January 22, 2024; and March 25, 2024;
 - May 20, 2024 (Regularly scheduled 4th Monday would have been Monday, May 27, 2024 (Memorial Day)
 - October 21, 2024 or October 28, 2024??
 - Note: Regularly scheduled 4th Monday would be Monday, October 28, 2024 (This is also the first night of the County Board Budget meetings.
 - Note: The Highway Committee normally meets the third Monday of each month so there would be a potential conflict taking place on October 21, 2024.
16. Adjourn.

****This meeting is also being posted as a committee meeting for:**

*Aviation

*Highway

*Park View Health Center

*Planning & Zoning

* Personnel & Finance

*Information Technology

*Parks & Recreation

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 19, 2024
FROM: County Executive
RE: Discussion/Action: Price County Resolution No. 19-23 – "Request the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner"

General Description:

Review of resolution from Price County asking to reform Wisconsin 2021 Act 216

Action Requested:

Recommend the committee forward a resolution to the county board supporting 2023 Assembly Bill 969 and its companion senate bill.

Procedural Steps:

Committee of Jurisdiction: Legislative Committee Meeting Date: January 22, 2024

Action taken: _____ Vote: _____

County Board: _____ Meeting Date: _____

Background

In March of 2022, Governor Evers signed [2021 Wisconsin Act 216](#). At the time counties had asked for a veto; however, the process in Act 216 mirrored most states. The bill passed both chambers via voice vote; atypical of controversial legislation. Further complicating a veto was a pending US Supreme Court Case known as [Tyler v Hennepin County](#).

According to the [legislature's act memo](#), 2021 Wisconsin Act 216 entitles a former owner to receive the net proceeds from the sale of tax delinquent property regardless of whether the former owner used the property as a homestead.

Price County passed this resolution on May 16, 2023. The US Supreme Court announced its unanimous decision on the Hennepin case a week later on May 25, 2023. In the case, Hennepin County sold a property for \$40,000. The property owner only owed \$15,000 and the court declared the taking of the extra \$25,000 in violation of the 5th Amendment's taking clause.

Policy Discussion

Price County's preferred outcome is potentially in violation of the US Supreme Court decision. WCA legal counsel has reviewed the resolution and determined that the Resolution is asking for the implementation of an unconstitutional law to the extent it provides that any excess proceeds from the sale of tax foreclosed property is retained by a county.

However, on January 17, 2024, [2023 Assembly Bill 969](#) was introduced in the Wisconsin State Assembly. The bill cleans up the cumbersome requirements in Act 216 and complies with the Supreme Court decision.

The committee could recommend the county board pass a resolution supporting the bill.

Attachments:

1. Price County Resolution - Request the State of Wisconsin to Address Concerns of ACT 216
2. Act 216 Memo
3. AB 969
4. AB 969 Cosponsorship Memo

Request the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner

WHEREAS, under the previous State law addressing sale of tax delinquent property, counties retained the net proceeds from the sale unless the property was the homestead of the former owner(s) and the former owner(s) requested such payment; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be delinquent for a minimum of three years; and

WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice of the pending action and is given the opportunity to pay the back taxes, including the potential for a payment plan; and

WHEREAS, if the sale of the tax delinquent property does not cover the past due taxes, other associated costs and costs of processing the foreclosure, the county taxpayers are ultimately responsible to absorb the loss; and

WHEREAS, Act 216 purportedly requires a county to pay the net proceeds of the sale of tax delinquent property to any former owner, regardless of whether the former owner requests the payment and regardless of whether the former owner used the property as his or her homestead, and hold such proceeds for five years if the former owner does not request payment; and

WHEREAS, the Act further attempts to require a county to pay off any lien placed on the property at the time of the foreclosure sale, notwithstanding the fact that all liens are discharged at the time of the foreclosure judgment, causing confusion for counties and courts; and

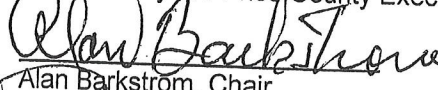
WHEREAS, the Act is further imprudent for the following reasons:

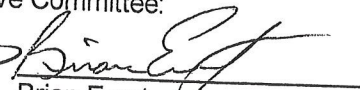
1. most often in tax foreclosure cases, property owners are not responsive;
2. it shifts the risk of loss onto the county causing the county to have an incentive to NOT exercise its authority to foreclosure, leading to many blighted properties throughout the county;
3. the Act purported to cause counties to act as realtors for private parties;
4. the Act requires treasurers to make complex ownership decisions between parties, tenants-in-common; LLCs, corporations and decedents' estates.

NOW THEREFORE BE IT RESOLVED that the **Price County** Board of Supervisors urges the Legislature to repeal the changes implemented by Act 216, or, in the alternative, to modify the law to take away the risk to counties and consider a provision to place any proceeds from the sale of tax delinquent properties in a segregated account established by the county to be used for clean-up of blighted properties; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Tony Evers, Legislators representing Price County, the Wisconsin Counties Association and all Wisconsin Counties.

Submitted by the Price County Executive Committee:


 Alan Barkstrom, Chair


 Brian Ernst


 Jeff Hallstrand


 Paula Houdek


 excused
 Larry Palecek

Reviewed by County Administrator:


 Nicholas Trimmer

Adopted by the Price County Board of Supervisors this 16th day of May 2023.


 Jeff Hallstrand, County Board Vice-chair


 Jean Gottwald, County Clerk

Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Principal Attorney

May 16, 2022

2021 Wisconsin Act 216
[2021 Senate Bill 829]

**Proceeds From Sales of Tax
Delinquent Property**

BACKGROUND

State law authorizes a county to acquire by tax deed and subsequently sell property for which property taxes are delinquent (tax delinquent property).¹ Prior law generally authorized the county to retain the net proceeds from the sale of the tax delinquent property, with an exception for property that was used by the former owner as a homestead at any time during the five years preceding the county's acquisition of the property. In such cases, prior law required the county to provide notice that the former owner may be entitled to a share of the proceeds. Unless the former owner requested payment within 60 days of receiving notice from the county, the former owner forfeited all claims to the proceeds.

Also under prior law, if a former homestead owner was entitled to receive proceeds, the county deducted certain penalty amounts from the gross proceeds. Very generally, the penalty deduction was the greater of either: (1) \$500 plus 50 percent of the remaining net proceeds after deducting actual costs; or (2) two percent of the sale price plus actual costs and the amount of property taxes that would have been owed on the property for the year during which the sale occurs.

2021 WISCONSIN ACT 216

2021 Wisconsin Act 216 entitles a former owner to receive the net proceeds from the sale of tax delinquent property regardless of whether the former owner used the property as a homestead. To accomplish this, the act eliminates the requirement that a former owner must request payment within 60 days of receiving notice in order to receive the payment. A former owner, however, forfeits the right to any net proceeds if the county cannot locate the former owner within five years of providing notice that the former owner may be entitled to a share of the proceeds.

Prior to paying net proceeds to the former property owner, the act requires the county to use the net proceeds to pay off any lien placed on the property at the time of the sale. If the net proceeds cannot satisfy all liens, the county must pay lienholders in priority based upon the date of the lien, as determined by the circuit court for the county in which the property is located.

The act also eliminates the county's deduction of the penalty amounts described in the previous section from the proceeds of the sale of tax delinquent property. Under the act, the county may still deduct actual costs from the proceeds when determining the net proceeds, and may deduct plus any amount of property taxes that would have been owed on the property for the year during which the sale.

Effective date: April 2, 2021

MS:ksm

¹ These procedures apply also to a first-class city (the City of Milwaukee).



2023 ASSEMBLY BILL 969

January 17, 2024 - Introduced by Representatives PENTERMAN, SCHMIDT, KRUG, GREEN, MURSAU, EDMING, MURPHY, RETTINGER, DITTRICH and GOEBEN, cosponsored by Senators STAFSHOLT, TAYLOR, COWLES and QUINN. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to repeal* 59.69 (8) and 75.36 (3) (bm); *to renumber and amend* 75.35
2 (2) (a), 75.35 (2) (e) and 75.36 (2m); *to amend* 75.35 (2) (title), 75.35 (2) (d), 75.35
3 (3), 75.35 (7), 75.36 (3) (a) 2., 75.36 (3) (a) 3. and 75.69 (2); and *to create* 75.35
4 (2) (ag), 75.36 (2k) and 75.36 (2m) (b) of the statutes; **relating to:** the county
5 sale of tax-deeded lands.

Analysis by the Legislative Reference Bureau

This bill makes changes to current law regarding the process by which a county sells land it has acquired by a tax-deed for the enforcement and collection of delinquent property taxes. The changes include the following:

1. Under current law, a county board is authorized to engage licensed real estate brokers and salespersons to assist in selling tax-deeded land. Under the bill, the county may sell such lands by open or closed bid.

2. Under current law, when selling tax-deeded land, the county may give preference to the former owner or heirs of the former owner who wish to purchase the land. Under the bill, the county may also give preference to the beneficiaries of the former owner who wish to purchase the land.

3. Except for counties with a population of 750,000 or more, current law prohibits the sale of tax delinquent real property acquired by a county unless the sale and appraised value of the property has first been advertised by publication of a class 3 notice. However, a county that enacts an ordinance giving preference to the former owner or the heirs of the owner who wish to purchase the property is exempt from

ASSEMBLY BILL 969

the requirement that the sale must first be advertised by publishing a notice, if the net proceeds from the sale are sufficient to pay all special assessments and special charges on the property, including interests.

Under the bill, this exemption applies if the net proceeds from the sale are equal to or exceed the amounts owed the county as delinquent taxes, interests, penalties, and amounts associated with selling the property.

4. Under current law, the net proceeds from the county's sale of the property are determined by subtracting certain amounts from the sales price, such as the amount of real estate agent or broker fees paid for selling the property. The bill modifies current law by allowing the subtraction of reasonable and customary real estate agent or broker fees or other actual costs paid for selling the property.

5. Under current law, if the county is unable to locate the former owner within five years following the mailing of the notice, the former owner forfeits the right to any remaining equity in the property. The bill eliminates that provision.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 59.69 (8) of the statutes is repealed.

2 **SECTION 2.** 75.35 (2) (title) of the statutes is amended to read:

3 75.35 (2) (title) ~~POWER OF COUNTY~~ COUNTY REQUIRED TO SELL ARRANGE FOR THE
4 SALE OF TAX-DEEDED LANDS.

5 **SECTION 3.** 75.35 (2) (a) of the statutes is renumbered 75.35 (2) (am) and
6 amended to read:

7 75.35 (2) (am) ~~Except as provided in s.~~ Subject to this section and ss. 75.36 and
8 75.69, any county shall have the power to sell and convey its tax-deeded lands in
9 such manner and upon such terms as the county board may by ordinance or
10 resolution determine, ~~including without restriction because of enumeration, sale by~~
11 ~~land contract, or by quitclaim or warranty deed with mortgage from vendee to secure~~
12 ~~any unpaid balance of the purchase price. Such mortgage may be foreclosed in the~~
13 ~~same manner as any other mortgage. The title to lands conveyed by land contract~~

ASSEMBLY BILL 969

1 ~~shall remain in the county until fully paid for and in the event of default in such~~
2 ~~payment the county may foreclose the land contract with costs and reasonable~~
3 ~~attorney fees. When such land contract runs to a person or private corporation, the~~
4 ~~lands therein conveyed shall be placed on the tax roll and be subject to taxation the~~
5 ~~same as though absolute title thereto was vested in the purchaser under such land~~
6 ~~contract. Such purchaser shall be liable to pay all taxes against such land and in the~~
7 ~~event of failure to make such payment the county may pay the same and add the sum~~
8 ~~so paid to the amount due on the land contract.~~

9 **SECTION 4.** 75.35 (2) (ag) of the statutes is created to read:

10 75.35 (2) (ag) If a property or the county is subject to s. 66.1006, the county shall
11 publish the notice under s. 75.69 (1) no later than 180 days after the date of approval
12 from the department of natural resources.

13 **SECTION 5.** 75.35 (2) (d) of the statutes is amended to read:

14 75.35 (2) (d) The county board may delegate its power to manage and sell
15 tax-deeded lands to a committee constituted of such personnel and in such manner
16 and compensated at such rate as the county board may by ordinance determine,
17 provided that the compensation and mileage of county board members serving on
18 such committee shall be limited and restricted as provided in s. 59.13 (2), or the
19 county board may delegate the power of acquisition, management and sale of
20 tax-deeded lands or any part of such power to such officer and departments of the
21 county as the county board may by ordinance determine. Such ordinance shall
22 prescribe the policy to be followed in the acquisition, management and sale of
23 tax-deeded land and shall prescribe generally the powers and duties of such
24 committee, officers, departments, employees and agents. The county board is
25 authorized to sell and convey its tax-deeded lands by open or closed bid or to engage

ASSEMBLY BILL 969

1 licensed real estate brokers and salespersons to assist in selling such lands and pay
2 a commission for such service and to advertise such sale in such manner as it deems
3 proper. The county board may appropriate such sums of money as may be necessary
4 to carry out the provisions of this section.

5 **SECTION 6.** 75.35 (2) (e) of the statutes is renumbered 75.35 (2) (e) 1. and
6 amended to read:

7 75.35 (2) (e) 1. Any county acting either by its board or by delegated authority
8 as provided in this section may sell and convey tax-deeded lands to the former owner
9 or owners thereof ~~and such~~ before or after publication of the notice required par. (ag)
10 and without complying with s. 75.69.

11 2. A conveyance under subd. 1. shall not operate to revive any tax certificate
12 lien or any other lien whatsoever which was cut off and rendered void by the tax deed,
13 foreclosure of tax certificate, deed in lieu of tax deed, action in rem under s. 75.521
14 or other means by which the county acquired title to such land, nor shall it revive the
15 lien of any tax certificate or tax dated subsequently to the date on which the county
16 acquired its title. The enactment into statute law of the provisions of this paragraph
17 shall not be deemed an expression of legislative intent that the prior common law of
18 this state was otherwise than as herein provided.

19 **SECTION 7.** 75.35 (3) of the statutes is amended to read:

20 75.35 (3) PREFERENCE TO FORMER OWNER TO REPURCHASE. The county board may,
21 at its option, by ordinance provide that in the sale of tax-deeded lands, the former
22 owner who lost his or her title through delinquent tax collection enforcement
23 procedure, or his or her beneficiaries, as defined in s. 851.03, or heirs, as defined in
24 s. 851.09, may be given such preference in the right to purchase such lands as such
25 ordinance shall provide. Such ordinance may provide that such sale be exempt from

ASSEMBLY BILL 969

1 any or all provisions of s. 75.69 if the net proceeds from the sale to the former owner
2 ~~as determined are equal to or exceed the amounts due the county under s. 75.36 (2m)~~
3 ~~and (3) will be sufficient to pay all special assessments and special charges to which~~
4 ~~the property is subject, including interest imposed under s. 74.47, or if the county~~
5 ~~settles in full with the taxing jurisdiction for special assessments, as defined in s.~~
6 ~~75.36 (1), to which the property is subject. Such ordinance shall not apply to~~
7 ~~tax-deeded lands which have been improved for or dedicated to a public use by the~~
8 ~~county subsequent to its acquisition thereof.~~

9 **SECTION 8.** 75.35 (7) of the statutes is amended to read:

10 75.35 (7) LIABILITY PRECLUDED. Absent fraud, no county is liable for acts or
11 omissions associated with the sale of property under this section, including the
12 process by which the property is sold.

13 **SECTION 9.** 75.36 (2k) of the statutes is created to read:

14 75.36 (2k) COUNTY SALE OF PROPERTY. Unless otherwise provided in this chapter,
15 any property acquired by a county by tax deed under this chapter shall be disposed
16 of as provided under this section and ss. 75.35 and 75.69.

17 **SECTION 10.** 75.36 (2m) of the statutes is renumbered 75.36 (2m) (a) and
18 amended to read:

19 75.36 (2m) (a) Upon acquisition of a tax deed under this chapter, the county
20 treasurer shall notify the former owner, by registered mail or certified mail sent to
21 the former owner's mailing address on the tax bill, that the former owner may be
22 entitled to a share of the proceeds of a future sale. The county shall send to the former
23 owner the proceeds identified in sub. (3) (c) minus any delinquent taxes, interest, and
24 penalties owed by the former owner to the county in regard to other property and
25 minus the actual costs of the sale as specified under sub. (3) (a) plus all amounts

ASSEMBLY BILL 969**SECTION 10**

1 disbursed under sub. (3) (b) ~~and (bm)~~ and plus the amount of property taxes that
2 would have been owed on the property for the year during which the sale occurs if
3 the county had not acquired the property. ~~If the county is unable to locate the former~~
4 ~~owner within 5 years following the mailing of the notice under this subsection, the~~
5 ~~former owner forfeits the right to any remaining equity in the property.~~

6 **SECTION 11.** 75.36 (2m) (b) of the statutes is created to read:

7 75.36 **(2m)** (b) If the payment to the former owner under par. (a) is returned
8 to the county or otherwise not claimed by the former owner within one year following
9 the mailing of the proceeds under par. (a), the payment shall be considered
10 unclaimed funds and disposed of pursuant to s. 59.66 (2). Neither the former owner
11 nor any person making claim for any funds under this section is entitled to interest
12 on sums owed by the county under this section.

13 **SECTION 12.** 75.36 (3) (a) 2. of the statutes is amended to read:

14 75.36 **(3)** (a) 2. The amount of reasonable and customary real estate agent or
15 broker fees or other actual costs paid for selling the property.

16 **SECTION 13.** 75.36 (3) (a) 3. of the statutes is amended to read:

17 75.36 **(3)** (a) 3. All amounts of unpaid general property taxes, interest,
18 penalties, special assessments, special charges and special taxes levied against the
19 property sold, including interest and penalties imposed under s. 74.47 previously
20 paid to taxing jurisdictions by the county.

21 **SECTION 14.** 75.36 (3) (bm) of the statutes is repealed.

22 **SECTION 15.** 75.69 (2) of the statutes is amended to read:

23 75.69 **(2)** This section shall not apply ~~to exchange of property under s. 59.69 (8),~~
24 to withdrawal and sale of county forest lands, nor to the sale or exchange of lands to
25 or between municipalities or to the state.

CO-SPONSORSHIP MEMORANDUM

FROM: Rep. William Penterman and Sen. Rob Stafsholt

DATE: January 8, 2024

TO: Legislative Colleagues

RE: **Co-Sponsorship of LRB 4863 – Foreclosure Equity Theft**

**SHORT DEADLINE: WEDNESDAY, JANUARY 10, 2024
– NOON!**

REPLY TO: Rep. Penterman – (608) 237-9137; Rep.Penterman@legis.wisconsin.gov or

Sen. Stafsholt – 608-266-7745; Sen.Stafsholt@legis.wisconsin.gov

In 2023, the U.S. Supreme Court unanimously ruled in *Tyler v. Hennepin County* that efforts by counties to retain net proceeds from foreclosure sales constitute an unconstitutional taking. Prior to 2021 Wis. Act 216, counties could retain **all** proceeds from foreclosure sales, even if the amount exceeded the property tax debt and associated fees. Act 216 corrected this practice, mandating that counties return any net proceeds to the former owner.

Despite Act 216 requiring the return of net proceeds to former owners, Wisconsin law does not currently compel counties to sell the property after foreclosure

This gap between the *Tyler* decision and statute allows counties to foreclose on a property for a minimal tax debt and retain the property without selling it thus

violating the principles set forth in the *Tyler* decision.

This legislation is centered on addressing that critical loophole in the current law related to property tax foreclosures. Under existing statutes, a county has the authority to foreclose upon property for failure to pay property taxes and sell it to settle any taxes and fees owed.

To align with the U.S. Supreme Court's ruling and rectify this inconsistency, this bill mandates that counties must sell a property after foreclosing upon it. Failing to sell a property acquired through property tax foreclosure would constitute an unconstitutional taking, as established in the *Tyler* case.

Both the Wisconsin Counties Association and the Wisconsin Realtors Association are in support of this legislation.

ANALYSIS BY THE LEGISLATIVE REFERENCE BUREAU

This bill makes changes to current law regarding the process by which a county sells land it has acquired by a tax-deed for the enforcement and collection of delinquent property taxes. The changes include the following:

1. Under current law, a county board is authorized to engage licensed real estate brokers and salespersons to assist in selling tax-deeded land. Under the bill, the county may sell such lands by open or closed bid.

2. Under current law, when selling tax-deeded land, the county may give preference to the former owner or heirs of the former owner who wish to purchase the land. Under the bill, the county may also give preference to the beneficiaries of the former owner who wish to purchase the land.

3. Except for counties with a population of 750,000 or more, current law prohibits the sale of tax delinquent real property acquired by a county unless the sale and appraised value of the property has first been advertised by publication of a class 3 notice. However, a county that enacts an ordinance giving preference to the former owner or the heirs of the owner who wish to purchase the property is exempt from the requirement that the sale must first be advertised by publishing a notice, if the net proceeds from the sale are sufficient to pay all special assessments and special charges on the property, including interests.

Under the bill, this exemption applies if the net proceeds from the sale are equal to or exceed the amounts owed the county as delinquent taxes, interests, penalties, and amounts associated with selling the property.

4. Under current law, the net proceeds from the county's sale of the property are determined by subtracting certain amounts from the sales price, such as the amount of real estate agent or broker fees paid for selling the property. The bill modifies current

law by allowing the subtraction of reasonable and customary real estate agent or broker fees or other actual costs paid for selling the property.

5. Under current law, if the county is unable to locate the former owner within five years following the mailing of the notice, the former owner forfeits the right to any remaining equity in the property. The bill eliminates that provision.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 19, 2024
FROM: County Executive
RE: Discussion/Action: Polk County Resolution No. 27-23 – "Resolution Supporting a Restitution Court Program for Polk County"

General Description:

A resolution from the Polk County Board thanking judges for their success on restitution

Action Requested:

Recommend to not advance as this is a resolution specific to Polk County

Procedural Steps:

Committee of Jurisdiction: Legislative Committee Meeting Date: January 22, 2024

Action taken: _____ Vote: _____

County Board: _____ Meeting Date: _____

Background

Staff does not have much information on this Polk County specific program. The resolution does not have a specific legislative request from state or federal lawmakers and is likely best handled by another committee.

Policy Discussion

The Safe Streets Initiative handles our specialty courts and diversions. The Clerk of Courts and District Attorney are occasionally involved in restitution issues.

Should this committee like more information on what Winnebago County does for victims restitution, staff can prepare that information based on the discussion during the committee meeting.

Attachments:

1. Polk County Resolution Supporting a Restitution Court Program

RESOLUTION SUPPORTING A RESTITUTION COURT PROGRAM FOR POLK COUNTY

1

2 **TO THE POLK COUNTY BOARD OF SUPERVISORS:**

3

4 **WHEREAS**, the Polk County Board of Supervisors understands that the Polk County Circuit Court
5 frequently orders restitution in criminal cases in order to make crime victims whole for financial
6 losses they suffered as a result of criminal activity; and

7 **WHEREAS**, the Polk County Board of Supervisors further recognizes that when defendants are
8 ordered to pay restitution after being found guilty of a crime and they reside in Minnesota, the
9 Minnesota Probation Officers are not empowered to collect restation ordered by a Wisconsin
10 Court; and

11 **WHEREAS**, the Polk County Board of Supervisors support our local Judges in their efforts to
12 make all crime victims whole; and

13 **WHEREAS**, the Polk County Board of Supervisors wish to thank the local Judges for their efforts
14 to address this problem.

15 **NOW, THEREFORE, BE IT RESOLVED**, that the Polk County Board of Supervisors pledge to
16 offer support to the local Judges in expanding efforts to make crime victims whole.
17

18 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Polk County Board of Supervisors
19 thank the local Judges for scheduling restitution hearings and providing incentives for defendants
20 to pay their ordered restitution.
21

22 **BE IT FURTHER RESOLVED**, that the Polk County Board of Supervisors encourages the local
23 Judges to expand their efforts to address this problem.

Resolution No. 27-23

RESOLUTION SUPPORTING A RESTITUTION COURT PROGRAM FOR POLK COUNTY

RESOLUTION SPONSOR(S):

x <u>Brad Olson</u> Brad Olson	x _____ Kim O'Connell
x _____ Doug Route	x _____ Amy Middleton
x _____ Steve Warndahl	x _____ Jay Luke
x _____ Ryan Wood	x _____ Denise L'Allier-Pray
x _____ Tracy LaBlanc	x _____ Russ Arcand
x _____ Dan Ruck	x _____ CJ Simones
x _____ Barbara McAfee	x _____ John Bonneprise
x _____ Sharon Kelly	x _____ Vince Netherland, Administrator

Committee 1: Public Safety and Public Works

- Recommended
- Not Recommended
- Neutral

Committee 2: Select a Committee

- Recommended
- Not Recommended
- Neutral

Certification:

I, Shabana Lundeen, County Clerk, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 20th day of June, 2023 by the Polk County Board of Supervisors.

Shabana Lundeen

Shabana Lundeen, Polk County Clerk

VOTE BY ROLL CALL

Board Members	Aye	Nay	Excu.
Olson			
Route			
Warndahl			
Wood			
LaBlanc			
Ruck			
McAfee			
Kelly			
O'Connell			
Middleton			
Luke (Chairperson)			
L'Allier-Pray			
Arcand (2 nd Vice Chair)			
Simones			
Bonneprise (Vice Chair)			

BOARD ACTION

Vote Required: Simple Majority

Motion to Approve

Adopted

1st Warndahl Defeated

2nd Olson

Yes: _____ No: _____ Excu: _____

- Approved by unanimous voice vote
- Approved by majority voice vote
- Defeated by lack of majority voice vote

RESOLUTION REVIEW COMPLETED BY:

x Malia T. Malone
Malia Malone, Corporation Counsel

x Vince Netherland
Vince Netherland, Administrator

x Don
Don Wortham, Finance Director

Fiscal & Legal Impact(s):

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 19, 2024
FROM: County Executive
RE: Kenosha County Resolution No. 60 – "A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates".

General Description:

Kenosha County's reponse to "Safer at Home Orders"

Action Requested:

Recommend no action due to a previously passed board ordinance on the matter

Procedural Steps:

Committee of Jurisdiction: Legislative Meeting Date: January 22, 2024

Action taken: _____ Vote: _____

County Board: _____ Meeting Date: _____

Background

On March 17, 2020, Governor Evers issued his so-called "Safer at Home" order. The order was later extended; however, the extension received a lawsuit to the Wisconsin Supreme Court. On May 13, 2020, the Wisconsin Supreme Court ruled the Governor did not have the authority to extend his order without legislative ratification of his emergency declaration. In Wisconsin, emergency declarations by the Governor can last 60 days unless extended by the Governor. In county government, an emergency declaration must be ratified as soon as practical by the County Board, typically at its next business meeting.

In response to the Wisconsin Supreme Court order, [Kenosha County](#) and other counties (including [Winnebago County](#)) issued county safer at home orders. After legal review, the [counties rescinded](#) their orders within a day.

In 2022, the Kenosha County Executive, who supported the safer at home order retired and Samantha Kerkman was elected. The Kenosha County board passed the attached resolution as a position statement on future orders.

Winnebago County passed a general order ordinance which required county board authorization to ratify general orders. In November, the county board further restricted general orders with ordinances 228-112023 and 229-112023.

Policy Discussion

The Winnebago County Board has already taken action to reduce the likelihood of a Kenosha County so-called "Safer at Home" order. This resolution would duplicate what the board passed in November and is likely unnecessary.

Attachments:

1. Kenosha County Resolution
2. Passed Winnebago County Ordinances



**KENOSHA COUNTY
BOARD OF SUPERVISORS**

Resolution No. 60

Subject: A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates			
Original [x]	Revised []	2nd Correction []	Resubmitted []
Date Submitted: 9/10/2023		Date Resubmitted:	
Submitted by: Vice Chair Erin Decker, Supervisors John Poole, and Zach Rodriguez			
Fiscal Note Attached []		Legal Note Attached [] Agreement	
Prepared by: Vice Chair Erin Decker		Signature:	

WHEREAS, on July 30, 2020, Governor Tony Evers issued Emergency Order #1 mandating face coverings (masks) throughout Wisconsin; and

WHEREAS, ^{some} studies show vaccines and masks are not an effective way to slow the spread of the COVID-19 virus; and

WHEREAS, on March 31, 2021, the Wisconsin Supreme Court declared Wisconsin's statewide mask mandate invalid; and

WHEREAS, when dealing with local conditions related to the COVID-19, local authorities should exercise common sense; and

WHEREAS, health decisions are best made by individuals, not government; and

WHEREAS, is the right of individuals to choose whether to wear a mask and whether to be vaccinated; and

WHEREAS, citizens have lived with COVID-19 for over 3 years and have been provided information regarding how to protect themselves from COVID-19 and are fully capable of making their own decisions; and

WHEREAS, lockdowns, vaccine, and mask mandates have been shown to have negative impact on economies and mental health; and

WHEREAS, some entities are considering and have imposed new mask mandates in response to an apparent resurgence of the COVID-19 virus; and

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors encourages individuals to make educated personal healthcare decisions to continue to slow the spread of the COVID-19 virus; and

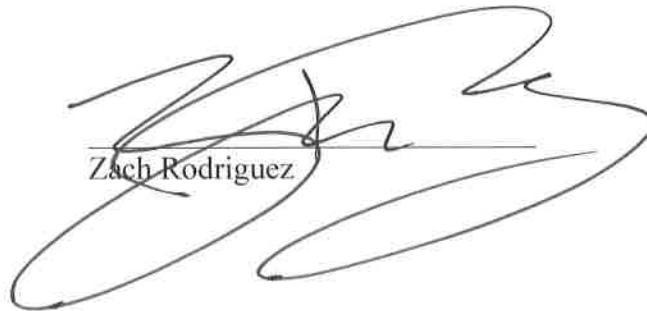
BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors does not intend to support nor impose any lockdowns, vaccine, or mask mandates related to COVID-19 or its variants; and

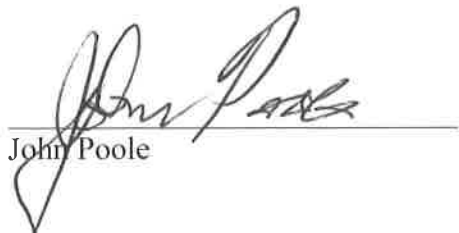
BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors wish to communicate to the people of Kenosha County and to state and federal authorities:

- In the absence of a state or federal lockdown, vaccine, or mask mandate, Kenosha County does not intend to create or enforce a mandate;
- If the state or federal government creates a lockdown, vaccine, or mask mandate, Kenosha County shall not voluntarily use its resources in support of the same and shall comply only to the extent required by law or superior authority;
- As a statement of policy, Kenosha County believes that such mandates are not proper;
- As a matter of Constitutional Law, Kenosha County believes that the prior precedent should not apply to current circumstances; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to Kenosha County's state and federal legislative delegations, Governor Evers, all other Wisconsin counties, and the Wisconsin Counties Association.


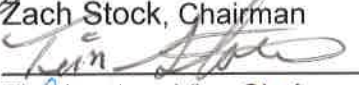

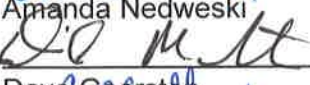

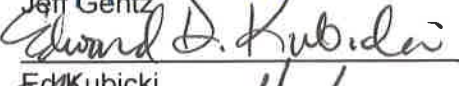


Erin Decker


Zach Rodriguez


John Poole

A Resolution on the Individual Health Decisions Pertaining to
 COVID 19 Government Lockdowns, Vaccine, and Mask Mandates

HUMAN SERVICES COMMITTEE:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Zach Stock, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tim Stocker, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Amanda Nedweski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Dave Geersten	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeff Gentz	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ed Kubicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Monica Yuhas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

From: County Clerk <countyclerk@kenoshacounty.org>
Sent: Thursday, January 11, 2024 11:45 AM
To: Gregor, Cassie <CGregor@winnebagocountywi.gov>
Subject: RE: Kenosha County Resolution No. 60

Below I copied our minutes from that meeting regarding that resolution.

Resolution – Second Reading

60. From the Human Services Committee - A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates

It was moved by Supervisor Stock, seconded by Supervisor Stocker to approve Resolution 60. Supervisor Yuhas made a motion to table Resolution 60, seconded by Supervisor Berg. On a Roll Call vote, motion failed 11-12. Supervisors Gentz, Belsky, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, Yuhas, Wamboldt, and Bashaw voting AYE. Supervisors Grady, Rose, Thomas, Rodriguez, Stock, Stocker, Geertsen, Nedweski, Poole, Nordigian Decker and Karow voting NAY. Bashaw made a motion to return Resolution 60 to Committee, seconded by Supervisor Rose. On a Roll Call vote motion failed 11-12. Supervisors Gentz, Rose, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, Yuhas, Wamboldt, and Bashaw voting AYE. Supervisors Grady, Belsky, Thomas, Rodriguez, Stock, Stocker, Geertsen, Nedweski, Poole, Nordigian, Decker and Karow voting NAY. On a roll call vote, Resolution 60 passed 14-9. Supervisors Grady, Belsky, Thomas, Rodriguez, Stock, Stocker, Geertsen, Nedweski, Yuhas, Wamboldt, Poole, Nordigian Decker and Karow voting AYE. Supervisors Gentz, Rose, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, and Bashaw voting NAY.

Have a great day!

Amanda Sorensen
Chief Deputy County Clerk
Kenosha County
262.653.2420
1010 56th Street
Kenosha, WI 53140

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11/7/23 Organizational Meeting

District	Last Name	Roll Call	Motion to Table Resolution 60	Motion to Return Resolution 60 to Committee	Resolution 60
1	Grady	1	2	2	1
2	Rose	1	2	1	2
3	Gentz	1	1	1	2
4	Belsky	1	1	2	1
5	Thomas	1	2	2	1
6	Kubicki	1	1	1	2
7	Gaschke	1	1	1	2
8	Rodriguez	1	2	2	1
9	O'Day	1	1	1	2
10	Berg	1	1	1	2
11	Stock	1	2	2	1
12	Nudo	1	1	1	2
13	Franco	1	1	1	2
14	Stocker	1	2	2	1
15	Geertsen	1	2	2	1
16	Nedweski	1	2	2	1
17	Yuhás	1	1	1	1
18	Wamboldt	1	1	1	1
19	Bashaw	1	1	1	2
20	Poolle	1	2	2	1
21	Nordigian	1	2	2	1
22	Decker	1	2	2	1
23	Karow	1	2	2	1

1st Reading 10-17-2023
2nd Reading 11-07-2023

Presented to County Board

Date 11-07-2023

Action by County Board

- Adopted as presented 11-07-2023
- Adopted as amended _____
- Referred to _____
- Defeated _____
- Withdrawn _____

County Board Chairman

[Signature]

Presented to County Executive 11-08-2023

By [Signature]

County Clerk

Action by County Executive

- Approved 11-10-2023
- Vetoed _____
- Vetoed in part _____
- Effective without signature _____

By [Signature]

County Executive

Veto action by County Board

- Overridden _____
- Vote _____ to _____
- Sustained _____
- Vote _____ to _____

PASSED

1 288-112023

2

3 **ORDINANCE: Amend 11.08(4) of the Winnebago County General Code Setting Forth Definitions**
4 **of Individual and General Orders**

5

6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, the people of Winnebago County have shown up to both Legislative and County
9 board meetings in 2020 with concerns about an unelected official being given enforcement
10 powers that supersede restrictions and regulations to county government authority; and

11 **WHEREAS**, the current definition of "Individual Order" is vague and can also apply to a public
12 gathering, thereby impeding upon the right to free public assembly; and

13 **WHEREAS**, all Supervisors have taken an Oath of Office to uphold the Constitution of the
14 United States.

15

16 **NOW, THEREFORE**, the Winnebago County Board of Supervisors does ordain the following
17 amendments (cited in red ink) are made to 11.08 (4) of the Winnebago County General Code:

18

19 (a) Individual Order: Any health order under this Ordinance applicable to a specific person
20 ~~group of persons, or gathering spot~~ that is deemed reasonable and necessary to prevent and
21 suppress communicable disease.

22

23 (b) General Order: Any health order under this Ordinance that impacts the public at large,
24 ~~including a group of persons or gathering spot~~, that is deemed reasonable and necessary to
25 prevent and suppress communicable disease. Any health order not deemed an Individual Order
26 will be considered a General Order.

27

28 *Fiscal Note: No Fiscal Impact.*

29

Respectfully submitted by:
SUPERVISOR BRIAN DEFFERDING, District 6
SUPERVISOR CONLEY HANSON, District 26
SUPERVISOR JACOB FLOAM, District 16

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BOARD OF HEALTH

36

Committee Vote: **3-2**

37

Vote Required for Passage: **Majority of Members Present**

38

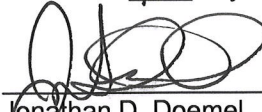
39 Approved by the Winnebago County Executive this 18th day of December, 2023.

40

41

42

43


Jonathan D. Doemel
Winnebago County Executive

PASSED

1 289-112023

2 **ORDINANCE:** Amend 11.08(6)(d)(2) of the Winnebago County General Code involving General Orders
3 made by the Winnebago County Health Officer
4

5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, in the majority opinion of the Wisconsin Supreme Court Decision "Becker Vs. Dane County,"
7 ruled in 2022, concluded that Public Health Officers are subject to local controls and county regulations; and

8 **WHEREAS**, during Governor Evers Safer at Home order, Wisconsin saw an unemployment spike going from
9 2.9% in March of 2020 to 14.10% by April of 2020, according to the Bureau of Labor and Statistics; and

10 **WHEREAS**, this rise in unemployment was one of the deciding factors of Winnebago County to accept the
11 Neighborhood Grant to fund for additional housing, as homelessness increased in Winnebago County since 2020;
12 and

13 **WHEREAS**, Winnebago County was amongst the rest of the country feeling the effects of high inflation due in
14 part to the amount of people leaving the workforce and not enough people replacing them, according to a study by
15 Forward Analytics from the Wisconsin Counties Association.

16 **NOW, THEREFORE**, the Winnebago County Board of Supervisors does ordain that the following
17 amendments (cited in red ink) are made to 11.08(6)(d)(2) of the Winnebago County General Code:

18 2. Any General Order must be based upon the duties, responsibilities, and powers as identified in
19 Chapter 252, Wis. Stats., §251.06(3), Wis. Stats., and §66.0113 and 66.0119, Wis. Stats. Any
20 General Order is advisory only until reviewed and reaffirmed or revised and affirmed by the
21 ~~Winnebago County Board of Supervisors~~ **by at least two thirds of the entire county board**
22 **membership** ~~at its next regularly scheduled meeting date or within 14 days, whichever is earlier.~~ All
23 general orders will specify a duration for the order and an expiration date, but will have a maximum
24 duration of ~~60 days~~ **7 days** unless otherwise authorized by the County Board.
25

26 *Fiscal Note: No fiscal impact.*

27 Respectfully submitted by:
28 **SUPERVISOR BRIAN DEFFERDING, District 6**
29 **SUPERVISOR CONLEY HANSON, District 26**
30 **SUPERVISOR JACOB FLOAM, District 16**

33 **Board of Health**

34 Committee Vote: **3-2**

35 Vote Required for Passage: **Majority of Members Present**

36 Approved by the Winnebago County Executive this 18th day of December, 2023.

37
38 
39 Jonathan D. Doemel

40 Winnebago County Executive

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 19, 2024
FROM: County Executive
RE: Discussion/Action: Green Lake County Resolution 23-2023 – "Resolution in opposition to Wisconsin Legislative Reference Bureau 2023 Bill Proposal LRB-3518/1" and Sawyer County Resolution 2023-27 – "Resolution on Enhanced Wake Regulations"

General Description:

To what extent should the state have standard wakeboarding laws.

Action Requested:

Recommend referral to Land and Water Conservation Department for more research

Procedural Steps:

Committee of Jurisdiction: Legislative Committee Meeting Date: January 22, 2024

Action taken: _____ Vote: _____

County Board: _____ Meeting Date: _____

Background

Across the state, wakeboats have caused great debate in Wisconsin due to the amount of water they displace. Generally, wakeboard boats are designed with ballast systems, V drive, hull design, and wake innovation produces better waves. They are designed to displace more water, creating stronger and bigger wakes. Wake boats mimic small "surf" waves. They are becoming more popular.

Smaller lakes for years have struggled with ski boats, which are designed for longer, flatter wakes.

Legislators from up north have introduced Assembly Bill 656/Senate Bill 680 to regulate wakeboarding to 200 feet from the shore. Winnebago County GIS created a map which outlines these proposed regulations.

State Senator Andre Jacque introduced a more restrictive bill which would require a lake to be 1,500 acres and for wakesurfing to occur 700 feet from the shore or other boaters. This bill has not been given a bill number and does not appear to have an Assembly author.

[Lakes at Stake](#) is a group which opposes the legislation. Their [website has several resources](#) on topic.

The Wisconsin Land and Water Association, of which Winnebago County is a member, opposes AB 656 because, "We appreciate efforts to address this topic, but oppose because the bill limits the ability of local governments to set appropriate regulations for unique water bodies." [Other entities who support/oppose the legislation are available at this link.](#)

Policy Discussion

With the exception of Lake Winnebago, the lakes in Winnebago County are relatively shallow and the churn of the lake bottom caused by these boats could be harmful for the ecosystem. While water sports are an important tourism catalyst, so is the fishery. Churning the lake bed could result in lost fish habitat and plant life essential for the lake's ecosystem.

Wakeboats also have large ballast systems which draw in water to add weight to the boat. These ballasts need to be completely emptied in order to minimize the introduction of Aquatic Invasive Species (AIS). AIS mitigation is costly and has hindered access to lakes and rivers across the state.

Winnebago County staff needs more time to review this issue as it relates to our county and what we can do. The introduced legislation appears to not fit Winnebago County's needs; however, the other legislation also does not fit our needs.

The proposed legislation would preempt Winnebago County or municipalities from more restrictive ordinances. Based on the map produced by county GIS, wakesurfing/boarding would be largely not allowed on the rivers; however, would be ok on the lakes. The shallowness of the upper lakes is a major concern.

Attachments:

1. Green Lake County Resolution
2. Sawyer County Resolution
3. Lakes at Stake Press Release
4. AB 656 Cosponsorship Memo
5. AB 656
6. Sen. Jacque Cosponsorship Memo
7. Sen. Jacque Bill Draft
8. Proposed Prohibited Wakeboard Map

RESOLUTION NUMBER 23-2023

**Resolution in opposition to Wisconsin Legislative Reference Bureau 2023 Bill
Proposal LRB-3518/1**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 14th day of November, 2023, does resolve as follows:

- 1 **WHEREAS**, a proposed bill to amend and create statutory authority regulating
- 2 wakesurfing and wakeboarding has been created in the form of LRB-3518/1.
- 3 **WHEREAS**, said bill proposes to create restrictions specifically on wakeboarding and
- 4 wakesurfing on Wisconsin waters.
- 5 **WHEREAS**, said bill would significantly hinder a local municipality's ability to create and
- 6 pass its own laws, tailored to address its own unique, local issues.
- 7 **WHEREAS**, said bill would establish parameters at the state level that would apply the
- 8 same to all Wisconsin waters, regardless of size and circumstances.
- 9 **WHEREAS**, said bill fails to mention any scientific data supporting its proposed actions.
- 10 No fiscal impact anticipated.
- 11 Majority vote is needed to pass.

Roll Call on Resolution No. 23-2023

Submitted by Land Conservation
Committee:

Ayes 17, Nays 0, Absent 2, Abstain 0

/s/ Bob Schweder

Bob Schweder, Chair

Passed and Adopted/~~Rejected~~ this 14th
day of November, 2023.

Approved via remote access

Ken Bates, Vice-Chair

/s/ David Abendroth

County Board Chairman

/s/ Bill Boutwell

Bill Boutwell

/s/ Elizabeth Otto

ATTEST: County Clerk
Approve as to Form:

/s/ Nancy Hiestand

Nancy Hiestand

/s/ Jeffrey Mann

Corporation Counsel

/s/ Arnold Dahlke

Arnold Dahlke

12 **NOW THEREFORE BE IT RESOLVED**, that the Green Lake County Board of
13 Supervisors recognizes that wakeboarding and wakesurfing possess the potential to
14 impact multiple public waters located within Green Lake County.

15 **BE IT FURTHER RESOLVED** that the Green Lake County Board of Supervisors does
16 not support 2023 LRB-3518/1 in its current form.

17 **BE IT FURTHER RESOLVED** that the Green Lake County Board of Supervisors prefers
18 for local municipalities to maintain a higher degree of autonomy in addressing this issue.

19 **BE IT FURTHER RESOLVED** that the Green Lake County Board of Supervisors
20 believes that any proposal be based upon reliable, scientific findings and that any
21 proposed legislation refer to the same.

22 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to all counties,
23 Wisconsin Counties Association, the legislature, Governor, and secretary of the DNR.

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RESOLUTION ON ENHANCED WAKE REGULATIONS

WHEREAS: the lakes of Sawyer County, Wisconsin are integral to the recreational base of the economy in Sawyer County.

AND WHEREAS: Legislation has been proposed to regulate wakesurfing and wakeboarding,

AND WHEREAS: the legislation as currently written fails to set minimum standards for the protection of private property, public safety and enjoyment, and aquatic environments,

AND WHEREAS: several towns in Sawyer County have already set standards that use evidence from aquatic and engineering studies which protect shorelines of lakes in Sawyer County from erosion by these enhanced wakes,

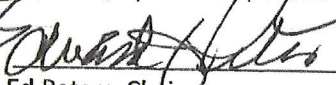
AND WHEREAS: the legislation fails to include a standard related to wake depth that would protect water quality in lakes from scouring by enhanced wakes,

AND WHEREAS: The legislation repeats standards already in place in other statutes,

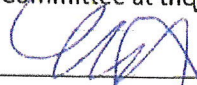
THEREFORE, be it resolved that the Sawyer County Board of Supervisors does recommend that the Wisconsin Legislature engage in meaningful discussions to pass standards that balance the right of everyone to recreate on waters of the State of Wisconsin, by affirming that;

Wisconsin's local governments deserve local control to set their own standards beyond state minimums, of at least 700 feet from the shore, and to prohibit enhanced wake creation in waters shallower than at least 30 feet in depth.

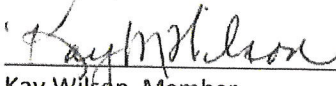
Recommended for adoption by the Sawyer County Board of Supervisors at its meeting on November 14, 2023, by the Land, Water and Forest Resources Committee at their November 8, 2023 meeting.



Ed Peters, Chair



Marc Helwig, Vice-Chair



Kay Wilson, Member

Brian Bisonette, Member


Jason Weaver, Member

Kevin Sheptick, Member

This Resolution is hereby adopted by the Sawyer County Board of Supervisors 14th day of November, 2023.



Tweed Shuman, Sawyer County Board of Supervisors



Lynn Fitch, County Clerk



Sawyer County Administrator's Office

10610 Main Street, Suite 23 - Hayward, WI 54843

Phone: 715-638-3245

Email andy.albarado@sawyercountygov.org

December 18, 2023

Hello –

Sawyer County has approved the attached Resolution on Enhance Wage Regulations in regards to proposed wakeboarding and wakesurfing legislation that was being discussed and has recently been introduced. There is a set of bills (AB 656/SB 680) that have been assigned to legislative committees that are proposing to establish statewide standards for wakesurfing and wakeboarding.

This legislation is concerning to Sawyer County, as a one-size fits all approach. In addition, a number of Sawyer County towns have already adopted wakesurfing/wakeboarding ordinances with more restrictive regulations. As proposed the legislation would not allow a local government to adopt more restrictive regulations than what the legislation establishes.

We are circulating our Resolution to other Counties, local governments, State Legislators, and the Governor and requesting that there can be meaningful discussions to pass standards that balance the right of everyone to recreate on the waters of the State of Wisconsin, and local governments retain control to set their own standards for wakeboarding and wakesurfing.

We encourage other legislative bodies to consider adopting similar resolutions and communicate those expectations to the State Legislature.

Sincerely,

Andy Albarado
County Administrator



Contact:

Jaimee Minney Maples, Lakes at Stake Wisconsin
206.390.6637
superjaimee@gmail.com

FOR IMMEDIATE RELEASE

Lakes at Stake Wisconsin Celebrates Vermont's Monumental Efforts to Protect Lakes from Wake Boat Damage

New rules will substantially improve lake ecology, state tourism, and safety

Madison—January 8, 2024—Vermont released the nation's most comprehensive regulations on wake-enhanced sports. The new rules, which are anticipated to be in effect for the 2024 boating season, stipulate that: enhanced wake sports must be 500 feet from shore, in no less than 20 feet of water, and only on lakes where the state has mapped a minimum 50-acre zone designated for the activity. In addition, wake boats must be registered to operate on a specific lake and are required to undergo professional decontamination of their ballast tanks before operating on another lake, in order to prevent the spread of aquatic invasive species.

Lakes at Stake Wisconsin, a bipartisan grassroots organization committed to protecting Wisconsin lakes from the impacts caused by wake-enhanced boating, announced its enthusiastic support for the new Vermont rules with the following statement from the association's president, Paul Gardetto.

"Vermont took action to protect its lakes, which greatly assists its tourism and Vermont's economy by making sure its lakes will be pristine for generations. We are hopeful that Wisconsin will pursue a similar path.

We commend Vermont for rightly identifying that boats operating in wake-enhanced mode are a serious threat to lakes and recognize that these actions inflict shoreline damage, decimation of lake bottoms, risk boater safety, and hurt efforts to address aquatic invasive species. Establishing reasonable restrictions on wake-enhanced boating protects tourism, fishing, and the safe enjoyment for all who use our state's lakes and rivers."

The Wisconsin Legislature is currently considering Assembly Bill 656/ Senate Bill 680 that would allow wake-enhanced boating on any lake greater than 50 acres, so long as the activity occurs no less than 200 feet from shore. Lakes at Stakes Wisconsin opposes the bill in its current form, which it says lacks adequate safeguards for lakes and those who enjoy them. Lakes at Stake is lobbying legislators for more meaningful reforms to protect Wisconsin's lakes and rivers.

For more information about Lakes at Stake and its position, please visit www.lakesatstake.org.

###

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Representative Swearingen & Senator Felzkowski

DATE: Thursday, October 19, 2023

RE: Co-sponsorship of LRB 3518/1- relating to: the regulation of wakesurfing and wakeboarding.

DEADLINE: **Thursday, October 26, 2023**

In the picturesque counties of Vilas and Oneida, we are privileged to be home to 2,447 lakes, representing the highest concentration of any region in Wisconsin. These water bodies not only serve as a source of recreation and beauty, but also play an essential role in our tourism industry and local economies.

In recent years, we have seen a significant surge in the popularity of water sports such as wakesurfing and wakeboarding. While these activities add to our state's vibrant recreational tapestry, there are pressing safety and conservation concerns that we must address. Evidenced by public input, there is a unanimous understanding that while we embrace these sports, regulations are necessary to create a statewide standard that is amenable for those using and patrolling our waterways.

This bill intends to provide a well-measured response to these concerns. By establishing clear regulations founded in peer reviewed research, we can ensure the safe growth of wake sports and simultaneously safeguard our lakes from preventable environmental damage.

Key Provisions of the Bill:

Definitions: Clearly defining wakesurfing and wakeboarding to remove any ambiguities in interpretation.

Regulation Parity: Aligning wake sport regulations with existing guidelines for other aquaplaning activities.

Water Body Restrictions: Prohibiting wake sports on bodies of water that are less than 50 acres.

Proximity to Shorelines and Structures: Restricting wake sport activities within 200 feet of a shoreline or any water-based structure to minimize potential issues.

Importantly, this is not a step into uncharted waters. Four states - Tennessee and South Carolina in 2017, followed by Georgia and Alabama this year - have successfully implemented similar legislation. Their positive outcomes offer a model for the benefits we can anticipate in Wisconsin.

In the spirit of collaboration, and with our shared goal of preserving the beauty and safety of our waterways, we kindly request your support for this bill. Together, we can find the balance between recreation and conservation, ensuring that the lakes of Vilas and Oneida, and all of Wisconsin, remain pristine for generations to come, while simultaneously allowing wakesports the opportunity to recreate on our lakes.

If you are interested in co-sponsoring this legislation, please reply to this e-mail or contact Representative Swearingen's office at 9134 or Senator Felzkowski's office at 6-2509 by Wednesday, October 25 at 12:00 PM. Co-sponsors will be added to both the Assembly and Senate versions of the bill unless specified otherwise.

Analysis by the Legislative Reference Bureau

This bill regulates wakesurfing and wakeboarding. The bill defines wakesurfing as surfing a motorboat's wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake or operating a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person. The bill defines wakeboarding as being towed on a board with or without foot bindings by a motorboat across the vessel's wake or operating a motorboat in a manner that creates a wake while towing a person on a board with or without foot bindings.

Under current law, various regulations apply to water skiing, aquaplaning, "or similar activity," and under current law, wakesurfing and wakeboarding likely fall under "aquaplaning" or "similar activity." The bill explicitly provides that "aquaplaning" includes wakesurfing and wakeboarding, and thereby applies the same safety regulations that apply to water skiing and aquaplaning to wakesurfing and wakeboarding. These regulations include requiring an observer or a wide-angle mirror on the motorboat, restricting wakesurfing and wakeboarding to between sunrise and sunset, prohibiting intoxicated wakesurfing and wakeboarding, requiring a motorboat

used for wakesurfing or wakeboarding to stay more than 100 feet away from any occupied anchored boat, personal watercraft, or marked swimming area or public boat landing, and prohibiting a person engaged in wakesurfing or wakeboarding from being within 100 feet, or allowing a tow rope to be within 100 feet, of a personal watercraft.

The bill also adds restrictions that apply specifically to wakeboarding and wakesurfing. Current law prohibits the operation of a motorboat on a lake open to public access that is 50 acres or less. The bill prohibits wakesurfing and wakeboarding on a body of water of 50 acres or less or that is less than 400 feet wide, regardless of public access. The bill prohibits wakesurfing or wakeboarding within 200 feet of a shoreline or dock, pier, boathouse, or other structure located completely or partly on the water, though the bill allows a local ordinance to be less strict, but not more strict, than this prohibition. The bill also requires that a person surfing a wake or being towed on a board must wear a personal flotation device.

The bill applies the same penalties to wakesurfing and wakeboarding violations that apply to water skiing violations under current law.



2023 ASSEMBLY BILL 656

November 9, 2023 – Introduced by Representatives SWEARINGEN, PLUMER, SINICKI, SNODGRASS, SPIROS, WITKE and DALLMAN, cosponsored by Senators FELZKOWSKI, NASS, ROYS and TESTIN. Referred to Committee on Forestry, Parks and Outdoor Recreation.

1 **AN ACT to amend** 30.69 (3) (d); and **to create** 30.01 (1ag), 30.01 (1ah), 30.50 (13r),
2 30.50 (13v) and 30.69 (3) (cm) of the statutes; **relating to:** the regulation of
3 wakesurfing and wakeboarding.

Analysis by the Legislative Reference Bureau

This bill regulates wakesurfing and wakeboarding. The bill defines wakesurfing as surfing a motorboat’s wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake or operating a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person. The bill defines wakeboarding as being towed on a board with or without foot bindings by a motorboat across the vessel’s wake or operating a motorboat in a manner that creates a wake while towing a person on a board with or without foot bindings.

Under current law, various regulations apply to water skiing, aquaplaning, “or similar activity,” and under current law, wakesurfing and wakeboarding likely fall under “aquaplaning” or “similar activity.” The bill explicitly provides that “aquaplaning” includes wakesurfing and wakeboarding, and thereby applies the same safety regulations that apply to water skiing and aquaplaning to wakesurfing and wakeboarding. These regulations include requiring an observer or a wide-angle mirror on the motorboat, restricting wakesurfing and wakeboarding to between sunrise and sunset, prohibiting intoxicated wakesurfing and wakeboarding, requiring a motorboat used for wakesurfing or wakeboarding to stay more than 100 feet away from any occupied anchored boat, personal watercraft, or marked

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swimming area or public boat landing, and prohibiting a person engaged in wakesurfing or wakeboarding from being within 100 feet, or allowing a tow rope to be within 100 feet, of a personal watercraft.

The bill also adds restrictions that apply specifically to wakeboarding and wakesurfing. Current law prohibits the operation of a motorboat on a lake open to public access that is 50 acres or less. The bill prohibits wakesurfing and wakeboarding on a body of water of 50 acres or less or that is less than 400 feet wide, regardless of public access. The bill prohibits wakesurfing or wakeboarding within 200 feet of a shoreline or dock, pier, boathouse, or other structure located completely or partly on the water, though the bill allows a local ordinance to be less strict, but not more strict, than this prohibition. The bill also requires that a person surfing a wake or being towed on a board must wear a personal flotation device.

The bill applies the same penalties to wakesurfing and wakeboarding violations that apply to water skiing violations under current law.

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

1 **SECTION 1.** 30.01 (1ag) of the statutes is created to read:

2 30.01 (**1ag**) “Aquaplaning” includes wakesurfing and wakeboarding.

3 **SECTION 2.** 30.01 (1ah) of the statutes is created to read:

4 30.01 (**1ah**) “Aquaplane” includes the board upon which a person rides while
5 wakesurfing or wakeboarding.

6 **SECTION 3.** 30.50 (13r) of the statutes is created to read:

7 30.50 (**13r**) “Wakeboarding” means the activity of any of the following:

8 (a) Being towed on a board with or without foot bindings by a motorboat across
9 the motorboat’s wake.

10 (b) Operating a motorboat in a manner that creates a wake while towing a
11 person on a board with or without foot bindings.

12 **SECTION 4.** 30.50 (13v) of the statutes is created to read:

13 30.50 (**13v**) “Wakesurfing” means the activity of any of the following:

ASSEMBLY BILL 656

1 (a) Surfing a motorboat's wake, regardless of whether the person is being pulled
2 by a tow rope attached to the motorboat that is producing the wake.

3 (b) Operating a motorboat in a manner that creates a wake that is, or is
4 intended to be, surfed by a person.

5 **SECTION 5.** 30.69 (3) (cm) of the statutes is created to read:

6 30.69 (3) (cm) 1. Except as provided in subd. 2., no person may engage in
7 wakesurfing or wakeboarding in any of the following circumstances:

8 a. On a body of water that is 50 acres or less.

9 b. On a portion of a body of water with a width, measured from the nearest
10 shoreline to the second nearest shoreline, of less than 400 feet.

11 c. Subject to subd. 3., within 200 feet of a shoreline or a dock, pier, boathouse,
12 or other structure located completely or partly on the body of water.

13 d. When surfing a wake or being towed on a board without wearing a personal
14 flotation device prescribed by federal regulations.

15 2. Subdivision 1. does not apply to duly authorized wakeboarding or
16 wakesurfing tournaments, competitions, exhibitions, or trials therefor, where
17 adequate lighting is provided.

18 3. In an ordinance enacted under s. 30.77, a city, village, town, public inland
19 lake protection and rehabilitation district, or town sanitary district may not be more
20 restrictive than the prohibition in subd. 1. c. but may provide an exemption from the
21 prohibition in subd. 1. c. or substitute a lesser number of feet.

22 **SECTION 6.** 30.69 (3) (d) of the statutes is amended to read:

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Sen. André Jacque

DATE: November 30, 2023

RE: Co-Sponsorship of LRB 5069/1, Wisconsin Conservation Congress Wake Boat Lake Protection Standards

DEADLINE: Thursday, December 14, 2023 at 5:00 pm

One of the most significant concerns for the environmental, economic and recreational vitality of our freshwater lakes in the Great Lakes basin has been the intensification in impacts from wake boats on bodies of water that are too small to safely accommodate their use. While fun and largely safe for use on larger lakes, wake boats involve massive water displacement for the generation of very large, hazardous wakes for surfing and wakeboarding that can pose a significant danger to other water users in their vicinity.

Wake boats operate with the bow up and stern down, causing forward visibility concerns and scouring the bottom of lakes with depths of 20 feet or more, as well as damaging and eroding the shoreline on smaller lakes through frequent passes. This churning of the lakebed also creates turbidity that can destroy aquatic plants and fish spawning beds. One of the most significant concerns with wake boats is that because of their extremely large ballast tanks that are unable to fully drain, they can transfer aquatic invasive species such as zebra mussels, quagga mussels and spiny water fleas to disastrous effect.

To address these concerns while allowing for continued use of wake boats on more than a dozen of Wisconsin's largest lakes which they suited for, I will be introducing legislation requested by numerous sporting and conservation groups that was overwhelmingly recommended earlier this year during the Conservation Congress advisory questions as part of the 2023 WI DNR Spring hearings. LRB 5069/1 combines questions #63 and #64, which each passed a vote of thousands of Wisconsin residents with over two-thirds support. Those responses, and this legislation, specifically call for prohibiting wake boats from causing hazardous wakes on lakes less than 1,500 acres, and requiring wake boats causing hazardous wakes on lakes larger than 1,500 acres to be more than 700 feet from shore or other water users.

To be added as a co-sponsor of this legislation, please reply to this email or contact Sen. Jacque's office at 6-3512 by 5:00 pm on Thursday, December 14, 2023.

Analysis by the Legislative Reference Bureau

This bill restricts the operation of a motorboat causing a hazardous wake, which the bill defines as a boat wake the height of which is intentionally amplified through the use of ballast, boat design features, or operational procedures. The bill prohibits such operation on a lake smaller than 1,500 acres, and less than 700 feet from the shoreline or from any boat, swimmer, or other water user on a lake that is 1,500 acres or larger.



2023 BILL

1 **AN ACT** *to create* 30.68 (4) (c) of the statutes; **relating to:** the operation of a
2 motorboat causing a hazardous wake.

Analysis by the Legislative Reference Bureau

This bill restricts the operation of a motorboat causing a hazardous wake, which the bill defines as a boat wake the height of which is intentionally amplified through the use of ballast, boat design features, or operational procedures. The bill prohibits such operation on a lake smaller than 1,500 acres, and less than 700 feet from the shoreline or from any boat, swimmer, or other water user on a lake that is 1,500 acres or larger.

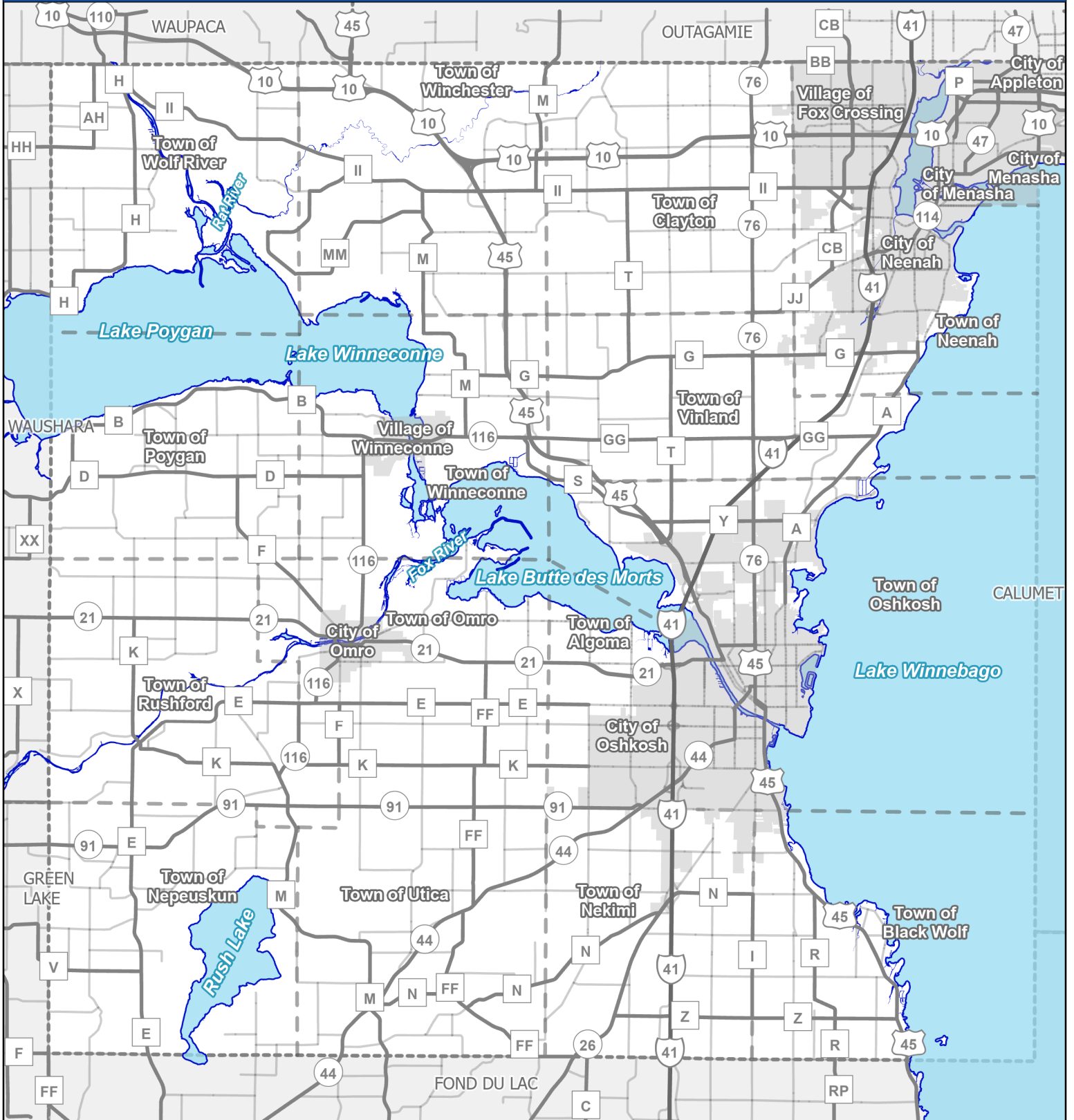
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 30.68 (4) (c) of the statutes is created to read:

4 30.68 (4) (c) 1. In this paragraph, “hazardous wake” means a boat wake the
5 height of which is intentionally amplified through the use of ballast, boat design
6 features, or operational procedures.

7 2. On a lake that is smaller than 1,500 acres, no person may operate a
8 motorboat causing a hazardous wake.

Proposed Prohibited Wakeboard Area



Winnebago County

1/19/2024 7:59 AM

- City Village Boundary
- Estimated Prohibited Wakeboard Area
- Town Boundary
- Waterways

WINGS Disclaimer: This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business.

The proposed prohibited wakeboard area was estimated with a 200 foot buffer from the shoreline and break walls. 2023 Assembly Bill 656.

