

Legislative Update, June 15-16, 2011

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June 15 Update:

Several amendments to the budget will be affecting programs that we have been tracking. While some of these changes have been reported in the press, I will forward the policies adopted once the budget has passed. It is likely that the budget bill will be adopted this week. I am attaching the current provisions in the budget that affect the Department of Natural Resources budget. The following are the various provisions of the budget that were adopted by the Joint Finance Committee:

DNR – Air, Waste, and Contaminated Lands

1. Reimbursement for Disposal of PCB Contaminated Sediment – Deletes \$3,000,000 SEG annually and retains authorization for the program.
2. Renames the recycling and renewable energy fund the economic development fund and transfers all appropriations to the environmental fund except for the Department of Revenue surcharge administration appropriation. Deposit the \$7 per ton recycling tipping fee in the environmental fund.
3. Restore the recycling grant program and provide \$19,000,000 SEG annually.
4. Repeals the \$9 per vehicle environmental impact fee.
5. Deletes \$2,065,000 environmental fund SEG annually in DNR and repeal the green space grant program. Transfers brownfields site assessment from DNR to WEDC and provide \$1,000,000 environmental fund SEG to WEDC for the program.
6. Provides an additional \$1,472,800 SEG from the dry cleaner environmental response fund for payment claims.
7. Transfers the 2010-11 encumbrances for grants made from the Commerce brownfields grant program to the WEDC economic development fund.
8. Under certain conditions, exempts solid waste from all state tipping fees for solid waste disposed of at landfills from a natural disaster.
9. The DNR may not enforce and provision of an administrative rule establishing nonagricultural performance standards for runoff from urban areas, excluding performance standards for new development or redevelopment if the provision specifies a percentage reduction in total suspended solids exceeding 20% from no controls that are to be achieved by a political subdivision holding a WPDES. Any municipality that has achieved a reduction in TSD exceeding 20% from no controls shall maintain all bmps in use on the bill's passage date.

DNR – Water Quality

1. In general, reduces continuing appropriations by ~10%.

2. Increases maximum lake planning grant award from \$10,000 to \$25,000. Lake planning grants may not exceed \$50,000 per year on any one lake and the state planning grant may not exceed 67% of project costs.
3. DNR must repeal, rewrite, and submit NR 151 to the Legislative Council Rules Clearinghouse.
4. Erosion control regulation at commercial building sites is transferred to the Department of Safety and Professional Services. The DNR and DSPS must create a memorandum distinguishing each department's responsibilities.
5. The DNR must create an economic impact analysis regarding the phosphorus effluent limitation rule changes in NR 102.06 and NR 217 and the shoreland zoning rule changes in NR 115.
6. Directs the DNR to provide \$200,000 SEG from the recreational boating aids grant program to the Southeastern Wisconsin Fox River Commission.

DNR – Stewardship

1. DNR cannot obligate more than \$60,000,000 annually under the stewardship program from fiscal year 2011-12 to 2019-20. Sets limits for appropriations to the property development and local assistance subprogram. Requires the DNR to set aside at least \$6,000,000 from the subprogram for dam safety grants.
2. Adjusts the aids in lieu of the property taxes formula by defining the estimated value of the property to mean the lower of the equalized value of the property in the year prior to purchase by the Department or the purchase price.
3. Maintains current law related to stewardship program easements and the acquisition of development rights program. A city, village, town or county may adopt a nonbinding resolution in support or against a proposed acquisition using stewardship funds if a portion of the land is within its limits.
4. Public access to nature-based activities may be prohibited on land acquired by the DNR, through a stewardship program, or by an easement only if the Natural Resources Board determines it is necessary to protect the public safety or a unique animal or plant community.
5. The Joint Committee on Finance would review stewardship projects over \$250,000, no time would be specified for the meeting, and a majority of the Committee members must vote to approve the project.
6. Modifies the definition of purchase price for lands owned fewer than three years.
7. DNR may contract with nonprofit conservation organizations and other third parties to perform land management, maintenance, and improvement activities on Department land. The DNR may also receive gifts and grants from these groups.
8. Provides \$550,000 forestry SEG annually and requires the DNR to establish a program to cooperate with foresters and private contractors in order to assist the state in regeneration of previously harvested areas on state land.

9. Provides \$92,800 SEG annually from the forestry account of the conservation fund for increases in reimbursement to fire departments for wildfire suppression.

Commerce, WEDC, DATCP, DSPS (Department of Safety and Professional Services)

1. Restores provision that requires DOT to establish criteria for evaluating harbor assistance grants, but deletes the requirement that DOT consults with Commerce.
2. Apply current law Main Street provisions to WEDC and require WEDC to spend at least \$250,000 annually on the Main Street program.
3. Repeal the small business clean air assistance program in Commerce. DNR would assume full responsibility for the federal small business clean air assistance program. Transfers the Small Business Environmental Council to the DNR and deletes the references in council membership and duties to Commerce.
4. Delete the brownfields redevelopment activities appropriation, including \$194,000 SEG annually and 2.0 SEG positions under DSPS.
5. Rename the recycling surcharge the “economic development surcharge” and deposit the surcharge into the economic development fund. Create a new, segregated revenue, continuing appropriation funded with economic development fund revenues under the WEDC to fund economic development programs administered by the WEDC.
6. Any rezoning fees collected prior to the bill’s effective date are to be retained by the political subdivision.

New Bill Introduced:

[AB 179](#) - authorizing the creation of a multijurisdictional tax incremental financing district

June 16 Update:

As most of you know, the state assembly approved the budget bill earlier this morning with several changes. I will be sending out a detailed list of changes when the senate completes its actions. However, some of the most significant changes that we have been tracking include:

- Adds Municipal Transit Workers to the exemptions for pension and health care benefit requirements unless collectively bargained for. (This will allow municipalities to receive federal transit aids that were jeopardized by the Collective Bargaining legislation.)

- Bidding Requirements for Highway and Other Public Works Projects. (This removes the Joint Finance provision that would have required local units of government to contract with private construction firms for road work.)

New Bills Introduced:

[AB 178](#) relating to the authority of a county to enact ordinances governing certain land divisions. (subdivision or land that lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village.)

[AB 181](#) relating to authorizing towns to challenge certain city or village annexation procedures. (This bill changes current law by repealing the provision that prohibits a town from challenging in court direct annexation by unanimous approval.)