



**WAPA Legislative Update
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These legislative updates and other related information are on the WAPA website's *Law and Legislation* page for members to access and continue to personally track the bills that they are interested in following more closely.

2007 - 2008 Wisconsin Legislative Session Bill Tracking

NEW LEGISLATIVE PROPOSALS

NEW ASSEMBLY BILLS

AB 599 – Creating Incentives for Historic Preservation and Promoting Downtown Areas in the State (Assembly companion bill to SB 331 below)

This bill creates a number of new provisions that will facilitate the preservation and restoration of historic buildings. It also promotes redevelopment, revitalization and other investments in the state's downtown areas and downtown business districts, including areas that are part of the State Main Street Program. Finally, the bill will require the Department of Transportation to consult with the Department of Commerce and municipal downtown planning organizations regarding any proposed highway projects that could affect downtown areas and downtown business districts, including visual and aesthetic effects of such projects.

Status:

Introduced on 11/29/07 by Representatives Shilling, Hintz, Sheridan, Vruwink, Richards, Gunderson, Hilgenberg, Soletski, Fields, Vos, Molepske, Zepnick, Pope-Roberts, Jorgensen, Seidel, Boyle, Hixson, Sinicki and Albers.; cosponsored by Senators Lassa, Darling, Erpenbach, Harsdorf, Lehman, Plale, Risser, Roessler, Schultz, Vinehout and Taylor. Read first time and referred to Assembly Committee on Rural Affairs on 11/29/07. [Fiscal estimate received](#) on 12/14/07.

AB 620 – Coordinated transportation and School Facility Planning

Current law requires the Department of Transportation (DOT), when requested, to advise cities, villages, and towns (municipalities) and counties with regard to the construction and maintenance of any highway or bridge.

AB 620 requires DOT, upon request of a school board or governing body of a private or charter school, to review the site plan of any proposed enlargement of school grounds or proposed construction or enlargement of school buildings or facilities after the site plan has been reviewed by the county traffic safety commission. In its review, DOT must determine the effect of the proposed enlargement or construction on existing and anticipated highways; provide guidance to the school board or governing body of a private or charter school regarding transportation-related matters, such as roadways, sidewalks, bicycle paths, and school bus loading and unloading areas, in a manner that adequately protects children in the school zone, and ensures motor vehicle and other access to the school.

The bill also requires DOT to make available to any school board or governing body of a private or charter school safety courses, educational materials, and other assistance related to ensuring the convenience and safety of children and motor vehicle traffic in school zones.

The intent of this bill is to facilitate coordinated transportation and school facility planning in order to maintain and increase safety for students and teachers traveling to and from schools. Instead of planning for school facilities in a vacuum, this bill encourages local school boards to integrate good transportation planning into their school site plans whether they are building new schools or adding to existing facilities.

The scope of the bill includes an analysis of the effect on existing or planned pedestrian, bike and public transportation facilities in addition to highways in order to ensure safe and convenient access to schools for pedestrians, bicyclists and transit users, as well as motorists, for all community members who use school facilities.

Status:

Introduced on 12/11/07 by Representatives Wieckert, Petrowski, Vos, Mursau, A. Williams, Pope-Roberts, Gunderson, Musser and Owens; cosponsored by Senators Lassa, Olsen, Schultz and Roessler. Read first time and referred to Assembly Committee on Transportation and [fiscal estimate received](#) on 12/11/07.

NEW SENATE BILLS

SB 331 – Creating Incentives for Historic Preservation and Promoting Downtown Areas in the State

This bill creates a number of new provisions that will facilitate the preservation and restoration of historic buildings. It also promotes redevelopment, revitalization and other investments in the state's downtown areas and downtown business districts, including

areas that are part of the State Main Street Program. Finally, the bill will require the Department of Transportation to consult with the Department of Commerce and municipal downtown planning organizations regarding any proposed highway projects that could affect downtown areas and downtown business districts, including visual and aesthetic effects of such projects.

Status:

Introduced on 11/19/07 by Senators Lassa, Darling, Erpenbach, Harsdorf, Lehman, Plale, Risser, Roessler, Schultz, Vinehout and Taylor; cosponsored by Representatives Shilling, Hintz, Sheridan, Vruwink, Richards, Gunderson, Hilgenberg, Soletski, Fields, Vos, Molepske, Zepnick, Pope-Roberts, Jorgensen, Seidel, Boyle, Hixson, Sinicki and Albers. Read first time and referred to Senate Committee on Economic Development on 11/19/07. [Fiscal estimate received](#) on 12/14/07.

UPDATES TO PREVIOUSLY REPORTED ASSEMBLY BILLS

I have included status updates for previously reported bills only if their status has changed since the September update. If you have been following other legislative bills addressed in previous updates, please go to the WAPA website's *Law and Legislation* page for links and updates or go to the Wisconsin Legislature's website at: <http://www.legis.state.wi.us>

[Updates in bill status since the last legislative update are reflected in italics]

Comprehensive Planning Changes

As of the date of this report, the two proposals related to the state comprehensive planning law (Wis. Stats. §66.1001) that are being circulated for co-sponsorship by Representative Mary Williams have not been introduced as bills. See the November 2007 update for more information on LRB 2863/1– A Proposal to Limit the Applicability of the Comprehensive Planning Statute to Political Subdivisions with Populations of at Least 2,500 and LRB 2199/1– A Proposal to Delay the Compliance Deadline Date of the Comprehensive Planning Law from January 1, 2010 to January 1, 2015.

AB 181 – Authorizing the Examining Board to establish continuing education requirements for renewal of credentials for architects, landscape architects, professional engineers, designers of engineering systems, and land surveyors.

Status: Introduced on 3/19/07 by Representatives Wieckert, A. Ott, Mursau, Albers, Van Roy, Townsend and Bies; cosponsored by Senators Lassa and Cowles and referred to Assembly Committee on Labor and Industry. Public hearing held on 5/2/07. Passage recommended 9-0 by committee on Labor and Industry and referred to Committee on Rules on 5/31/07. Placed on calendar by Committee on Rules and messaged to the Senate on 10/30/2007. Referred to

Senate Committee on Labor, Elections and Urban Affairs on 11/2/07. *Public hearing held and concurrence recommended (Ayes 3, Noes 2) by the Senate Committee on Labor, Elections and Urban Affairs on 12/4/07.*

AB 254 – **Municipal Annexation and Boundary Disputes** – This bill was developed and is recommended by the joint legislative council’s special committee on municipal annexation. The special committee was directed to review conflicts that arise under current annexation law and practice and the consequences of those conflicts, including costs to taxpayers and other affected parties, to determine if there is consensus on means to reduce annexation disputes and encourage more boundary cooperation between towns and cities or villages.

The bill addresses 1) the determination of common municipal (city, village, and town) boundaries by agreement; and 2) the use of alternative dispute resolution (ADR) in annexation and other boundary disputes.

Status: Introduced and referred to Committee on Urban and Local Affairs on 4/10/07. Fiscal estimates received 4/17 and 4/18/07. There is no state fiscal impact. Local governments may have some fiscal effect resulting from this bill, including a possible decrease in litigation costs related to boundary dispute. However, the effects are undetermined. Public hearing held 4/18/07. Passage recommended 9-0 by Assembly Committee on Urban and Local Affairs and referred to Committee on Rules on 5/29/07. [Fiscal estimate received](#) on 5/30/07. Passed the Assembly on 10/24/07, [Ayes 95, Noes 1](#), and sent to Senate. Referred to Senate Committee on Labor, Elections and Urban Affairs on 11/2/07. *Concurred in by Senate on 12/11/07. Forwarded to Governor on 12/17/07.*

AB 341 – **Making Changes to Impact Fees and Subdivision Law** – This bill is intended to address several concerns expressed about the changes that were made last session by 2005 Wisconsin Act 203, as well as making several other changes to subdivision and impact fee law, as follows:

- Restores the ability of municipalities to accept a fee in lieu of park land dedication and improvements, *provided that the fee bears a rational and proportionate relationship to the need for the improvement.*
- Prohibits a municipality from increasing development related “pass through” fees for engineering and legal services above the amount that it pays for the service.
- Extends the time period during which impact fees must be used from *seven years to ten years*, and allows for a three year extension, *provided that detailed, written findings are submitted to justify the extension.*
- Clarifies the dates by which fees collected prior to Act 203 must be used.
- Changes the time at which impact fees must be paid to either a time mutually agreed to by the parties, *or no later than the earliest of (a) five*

- years after final approval of the development, (b) issuance of a building permit, or (c) issuance of an occupancy permit.
- Provides that the dedication of lands in a subdivision plat for storm water facilities must be accepted when at least 80 percent of the lots in the subdivision have been sold and the storm water facilities are certified to be properly functioning.

Status: Public hearing held in the Assembly Committee on Urban and Local Affairs on 5/22/07. Representative Gunderson and Senator Roessler added as coauthors on 5/29/07. [Fiscal estimate received](#) on 6/1/07. [Fiscal estimate received](#) on 6/14/07. [Assembly Amendment 1](#) offered by Representative Gottlieb on 7/17/07. Assembly Amendment [2](#) offered on 7/17/07. [Assembly Amendment 1](#) and Assembly Amendment [2](#) adopted 8-0 on 7/19/07. Passed out of Urban and Local Affairs Committee, 8-0, and referred to Committee on Rules on 7/19/07. Passed with amendments 1 and 2 by Assembly and sent to Senate on 10/24/07. Referred to Senate Committee on Labor, Elections and Urban Affairs on 11/2/07. *Public hearing held and concurrence recommended (5-0) by the Committee on Labor, Elections and Urban Affairs on 12/4/07. Passed by Senate on 12/11/07. Forwarded to Governor on 12/14/07.*

[AB 423](#)– Extraterritorial Plat Approval on the Basis of Land Use – Current law specifies whether a county, town, city, or village has the right to approve or object to a plat (the map of a subdivision). Generally, the location of the subdivision determines which local governmental unit or units have the right to approve the plat. If a subdivision lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, however, the governing body of the city has the right to approve the plat under its extraterritorial plat approval jurisdiction, as well as the board of the town within which the subdivision lies and the planning agency of the county within which the subdivision lies if the planning agency employs on a full-time basis a professional engineer, a planner, or another person charged with administering zoning or other planning legislation. Approval of a plat is conditioned on the plat's compliance with the local ordinances and comprehensive, master, or development plan of the local governmental unit or units that have the right to approve the plat.

In *Wood v. City of Madison*, 2003 WI 24, 260 Wis. 2d 71, 659 N.W. 2d 31, the Supreme Court determined that a city with extraterritorial plat approval jurisdiction over a plat could object to the plat on the basis of the proposed use of land outside the city limits. *Wood* overruled *Boucher Lincoln-Mercury v. Madison Plan Comm.*, 178 Wis. 2d 74, 503 N.W. 2d 265 (Ct. App. 1993), which held that extraterritorial plat approval or denial based on the use of the land in the plat is unilateral land use control (or zoning), and that the statutes require extraterritorial zoning to be a cooperative effort between the city and the town in which the zoning ordinance is in effect.

This bill prohibits a municipality (city or village) from denying approval of a plat on the basis of the proposed use of land within the extraterritorial plat approval jurisdiction of the municipality unless the denial is based on a plan or regulations adopted under the statute referred to in *Boucher Lincoln-Mercury* that sets out the requirements for the cooperative effort between the municipality and the town for extraterritorial zoning.

Status: Introduced by Representatives Albers, Roth, Musser, Gunderson, Petrowski and Mursau; cosponsored by Senators Breske, Harsdorf, A. Lasee and Schultz on 6/21/07. Read first time and referred to Assembly Committee on Rural Affairs on 6/21/07. Assembly amendment [1](#) offered by Representative Albers on 7/26/07. *Public hearing held in Assembly Committee on Rural Affairs on 11/28/07. Executive action taken on 12/11/07.*

UPDATES TO PREVIOUSLY REPORTED SENATE BILLS

[SB 17](#) - Creation of charter towns and expanding TIF authority for towns

Status: Introduced by Senators Kedzie and Kapanke and referred to Senate Committee on Commerce, Utilities and Rail on 1/26/07. Fiscal estimate received on 2/8/07. *Senate substitute amendment [1](#) offered by Senator Kedzie on 11/14/07. Public hearing held in Senate Committee on Commerce, Utilities and Rail on 11/29/07.*

[SB 202](#) – **Authorizing Local Governments to Issue Debt Related to Brownfields Revolving Loan Fund** – Current law authorizes the Department of Natural Resources (DNR) to enter into an agreement with the federal Environmental Protection Agency (EPA) to establish and administer a brownfields revolving loan program under which DNR makes loans or grants for the cleanup of brownfields. Local governments apply for and receive these DNR-administered funds either as a loan or as a grant, the proceeds of which are used for the cleanup of brownfields. Local governments also have general authority to issue municipal obligations in anticipation of receiving federal or state aids, which must be repaid in approximately 18 months. This bill grants specific authority to local units of government, including cities, villages, towns, counties, metropolitan sewerage districts, and town sanitary districts, to issue municipal obligations in anticipation of receiving proceeds from brownfields revolving loan program loans or grants. Such obligations must be repaid within 10 years or, if refinanced, within 20 years. The bill also specifies that local units of government may issue promissory notes, which must be repaid within 20 years, for public purposes related to the brownfields revolving loan program.

Status: Introduced by Senators Roessler, Cowles, Olsen and Schultz on 6/6/07; cosponsored by Representatives Gunderson, Hahn, A. Ott, Kaufert, Hintz, Albers, Staskunas, Petrowski and Ballweg Read first time and referred to Senate

Committee on Environment and Natural Resources on 6/607.Fiscal estimate received on 6/21/07. *Public hearing held by Senate Committee on Environment and Natural Resources on 12/4/07. .*

If you see a bill of interest to you, sign up for the [Wisconsin Legislative Notification Service](#) that allows anyone to track legislative activities on proposals, committees, authors and subjects.

For other legislative links and resources, please see the list available on the WAPA website.