



**WAPA Legislative Update
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July 19, 2007

Please remember that we will continue to post these legislative updates and other related information 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.

2007-2009 State Biennial Budget News

Assembly Version of State Biennial Budget Highlights a \$10 Billion Difference with Senate Version of Budget

On July 10th, the Assembly passed their version of the state budget, which made significant changes to the Senate version of the budget released on June 26th and reported on in the June edition of this update. Assembly budget action included:

• Costly Modifications to the State Comprehensive Planning Law

Under current law (Wis. Stats. §66.1001), as of January 1, 2010, an action of a local unit of government must be consistent with its comprehensive plan if taking an action on one of the following: (a) an official mapping of the municipality; (b) local subdivision regulation; (c) county zoning ordinances; (d) city or village zoning ordinances; (e) town zoning ordinances; and (f) zoning of shorelines or wetlands in shorelands.

- The Assembly's version of the budget *exempts* municipalities of less than 2,500 from the state comprehensive planning requirement.
- The Assembly provision also extends the date by which a local unit of government must act in accordance to a comprehensive plan from January 1, 2010 to January 1, 2015.

Implications of this Provision:

- This provision would exempt 1,501 of the 1,923 total counties, cities, villages, and towns from the requirement to do a comprehensive plan.

- This exemption would cover approximately 46,992 sq. miles of the total 54,225 sq. miles in the state. That's 87% of the state's land area that would be completely exempt from any comprehensive planning requirement or plan consistency with local community actions.

- There are 708 units of local government that would be exempted under this provision but that have already received and used comprehensive planning grants from the state (this includes communities that have already closed out their plans or that currently have a grant contract open with the state). This equals a current state investment of at least \$8 million in communities that would be exempted under the proposed Assembly provision.

- And an additional 437 comprehensive plans already have been completed and submitted by communities that would now be exempted under this provision after a major investment by those communities of time, financial resources and public participation in the planning process.

- Many of the communities under 2,500 population in the state have addressed their concerns about the costs of planning by cooperatively planning with neighboring jurisdictions. Many of these multi-jurisdictional efforts also have received funding assistance from the state planning grants program as a result.

- Made **major cuts** to the Joint Finance Committee's recommendation for reauthorization of the **Stewardship program** at \$105 million. The Assembly voted last week to reduce Stewardship funding by nearly 60%. Under the Assembly proposal, funding for Stewardship would drop to just \$25 million a year starting next year – even though the program is currently authorized at \$60 million a year through 2010 and the Assembly would freeze the Stewardship program at \$25 million a year through 2020 despite soaring land values.

- Weakened **Southeastern Wisconsin Development of the Kenosha – Racine – Milwaukee (KRM) Commuter Rail Link** by reducing the engineering funding from \$1 million to \$800,000 and removing the following provisions from the Senate version of the budget:

- Authority for the Regional Transit Authority to operate KRM
- Bonding authority for the Regional Transit Authority
- Local funding source for KRM (through a portion of rental car fees)

- Removed **transportation enhancement grants** for projects such as pedestrian paths and bridges, multi-use trails, streetscaping, a historical bridge restoration, and walking trails.

- Restored the Joint Finance Committee's recommendation to provide an increase in general obligation bonding authority of \$7,000,000 for **Targeted Runoff Management Program** (TRM) (the Senate budget had reduced this amount to \$5,500,000). The TRM program offers competitive grant awards to support small-scale, short-term nonpoint source water pollution abatement projects (generally one to three years) that are undertaken by local governmental units.

- Restored the Joint Finance Committee's \$6,000,000 increase in general obligation bonding authority for the **urban nonpoint source water pollution**

abatement and storm water management, and the municipal flood control and riparian restoration programs. (The Senate budget had reduced this amount to \$4.7 million). Bonding revenue would provide cost-share grants for landowners to install nonpoint source water pollution abatement projects and provide financial assistance to municipalities and sewerage districts for the construction of facilities and structures that aid in the collection and transmission of storm water.

- Added **Local Government Debt Issuance Related To Brownfields Revolving Loan Program** by including the provisions of 2007 SB 202 (see the June Legislative update for information on this bill), which would authorize any municipality to issue municipal obligations or promissory notes to secure a loan or grant from the DNR brownfields revolving loan program. Currently, DNR is authorized to administer funds received from the federal Environmental Protection Agency as a brownfields revolving loan program under which DNR makes loans or grants for the cleanup of contaminated sites (brownfields). The program is known as the Ready for Reuse Loan and Grant Program.

- Added a requirement that counties distribute **penalties assessed for converting agricultural land to another use** to the affected municipalities within 30 days after receipt of the payment. Current law does not provide a deadline for this distribution.

Next Steps for the State Budget:

The Conference Committee has now been chosen and will begin deliberations next week (week of July 23rd). The members of the Conference Committee are:

- [Senator Russ Decker](#) (D-Weston)
- [Representative Kitty Rhoades](#) (R-Hudson)
- [Assembly Speaker Mike Huebsch](#) (R-West Salem)
- [Senate Majority Leader Judy Robson](#) (D-Beloit)
- [Assembly Majority Leader Jeff Fitzgerald](#) (R-Horicon)
- [Assembly Minority Leader Jim Kreuser](#) (D-Kenosha)
- [Senate Minority Leader Scott Fitzgerald](#) (R-Juneau)
- [Senator Bob Jauch](#) (D-Poplar).

The Conference Committee is responsible for reconciling the differences between the budgets that were passed by the Senate and Assembly to create a compromise budget. After the Conference Committee reconciles the Assembly and Senate versions of the budget, it will return to each house for approval. After that, the budget will go to Governor Doyle where he will veto or approve the budgetary provisions. The Governor has indicated that he would like the Legislature to complete their budget deliberations by August 1st. Given the significant differences in the Senate and Assembly versions of the budget, it is likely that the budget will take a much longer time to reach the Governor's desk.

Under state law, current spending continues until the Legislature and Governor agree on a new budget.

For more information on the 2007-2009 biennial budget documents, see:

<http://www.doa.state.wi.us/debf/execbudget.asp>

For more information on the activities of the Joint Committee on Finance,

see: <http://www.legis.state.wi.us/lfb/jfc.html>

2007 - 2008 Wisconsin Legislative Session Bill Tracking

NEW LEGISLATIVE PROPOSALS

NEW ASSEMBLY BILLS -- None

NEW SENATE BILLS -- None

UPDATES TO PREVIOUSLY REPORTED ASSEMBLY BILLS

I have included status updates for previously reported bills only if their status has changed since the June 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]

AB 341 – **Making Changes to Impact Fees and Subdivision Law** – AB 341 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.

[AB 406](#)– Municipal Bids for Contracts Via the Internet – Under this bill, a political subdivision may solicit bids for certain public contracts by posting the bid request on the political subdivision’s Web site, if the posting is linked to the political subdivision’s home page. This Internet posting option applies to situations under which a political subdivision is currently required or authorized to publish a notice in a newspaper before the contract is executed. Also under the bill, if a political subdivision solicits bids for public contracts exclusively on its Web site, it must notify the public of this fact by publishing a notice in a newspaper at least twice each year.

Status: Introduced by Representatives Owens, Jeskewitz, Albers, Bies, Mursau, A. Ott, Vos and Lothian; cosponsored by Senator Roessler on 6/14/07. Read first time and referred to Assembly committee on Urban and Local Affairs on 6/14/07. [Fiscal Estimates](#) received on 6/28/07 and 7/3/07.

[AB 409](#) – Expanding Area of Tax Incremental Financing District Project Cost Expenditures –Currently, with one exception that applies to the area within a one-half mile radius of a Tax Incremental District (TID) in the city of Kenosha, project cost expenditures may be made only within the boundaries of the TID. This bill authorizes a city or village, other than Kenosha, to make or incur an expenditure for a project cost in an area that is within a radius of up to one-half mile of the TID’s boundaries, provided that the city’s or village’s proposed expenditure is approved by the joint review board.

Status: Introduced by Representatives Newcomer, Fields, Hahn, Hintz, Jeskewitz, Montgomery, Moulton, Nygren, Sheridan, Staskunas, Strachota, Townsend and Ballweg; cosponsored by Senators Plale, Darling, Cowles, Grothman, Roessler and Wirch on 6/14/07. Read first time and referred to Assembly Committee on Ways and Means on 6/14/07. [Fiscal Estimate](#) received on 7/9/07. Public hearing held in Assembly Committee on Ways and Means on 7/11/07.

UPDATES TO PREVIOUSLY REPORTED SENATE BILLS – None

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.