



**WAPA Legislative Update
By Lisa MacKinnon
1000 Friends of Wisconsin**

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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

The State Budget Continues to Make the Rounds: Senate Version of State Biennial Budget Released Tuesday, June 26th

The Joint Finance Committee passed its version of the budget (Senate Substitute Amendment 1, To 2007 Senate Bill 40) on June 20th. Joint Finance budget action included:

- Approved the Governor's recommendation for reauthorization of the **Stewardship program** at \$105 million. There was a motion by Representatives Meyer and Rhoades to not re-authorize the program, but that failed by a vote of 7-9. A motion on Stewardship land management also passed, authorizing DNR to contract with non-profits, land trusts and private companies for land management.
- Reduced the Governor's recommendation to provide an increase in general obligation bonding authority of \$7,000,000 down to \$5,500,000 (from \$4 million currently to \$9.5 million) for **Targeted Runoff Management Program (TRM)**. 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.
- Reduced Governor's \$6,000,000 increase in general obligation bonding authority to \$4,700,000 (from \$23.9 million currently to \$28.6 million), for the **urban nonpoint source water pollution abatement and storm water management**, and the municipal flood control and riparian restoration programs. 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.

- Failed to approve a proposed rental car fee to fund the **Kenosha-Racine-Milwaukee commuter rail line** in the Southeastern Wisconsin (the KRM project)
- Failed to approve giving local communities the power to form **Regional Transit Authorities** to coordinate and fund transit regions across the state and stabilize and expand their transit systems.

On Tuesday, June 26th, the Senate released its version of the two-year, \$60-billion state budget. The following are some of the additions and changes the Senate made to the Joint Finance Committee's version of the budget:

- Added **Southeastern Wisconsin Regional Transit Authority to Develop the Kenosha – Racine – Milwaukee Commuter Rail Link**

This provides the Southeastern Wisconsin Regional Transit Authority (RTA) the responsibility to sponsor, develop, construct, and operate a commuter rail system connecting the cities of Kenosha, Racine and Milwaukee, known as the KRM commuter rail link, and granting authority: (a) to levy a vehicle rental fee of up to \$15 per transaction in the three-county region (up from the current \$2 per rental transaction); (b) to expend funds to develop the KRM commuter rail link; and (c) to issue up to \$50 million in bonds for the local funding share to initiate the commuter rail link.

- Added **transportation enhancement grants** for projects such as pedestrian paths and bridges, multi-use trails, streetscaping, a historical bridge restoration, and paving a walking trail for Milwaukee County, the cities of Whitewater and Racine, the town of Armstrong Creek and the Village of Footville, respectively.

A lot of work remains before the budget process is complete. The next step is an Assembly vote in early July, and then the budget will move to the Conference Committee where differences in the Senate and Assembly versions of the budget will be resolved before heading back to the Governor.

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

Several new bills relevant to planning and development have been introduced in recent weeks:

NEW LEGISLATIVE PROPOSALS

ASSEMBLY BILLS

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.*

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.*

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.

NEW SENATE BILLS

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 6/6/07. [Fiscal estimate received](#) on 6/21/07.*

UPDATES TO PREVIOUSLY REPORTED ASSEMBLY BILLS

I have included status updates for previously reported bills only if their status has changed since the May 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 36](#) – **Grants for Catastrophic Damage to Urban Trees** – Current law requires the Department of Natural Resources (DNR) to administer a program under which counties, cities, villages, towns, and nonprofit organizations receive grants of up to 50 percent of the cost for certain projects relating to tree management such as development of ordinances and tree inventories. Under this bill, in addition to the grants under existing law, DNR may award grants to any of these entities, plus Indian tribes, for the costs of saving, removing, or replacing trees damaged in a catastrophic storm event in an urban area for which the governor has declared a state of emergency. This type of grant does not require that the recipient contribute to the costs of saving, removing, or replacing the trees

Status: *Approved by the Governor on 5-30-2007 as 2007 Wisconsin [Act 13](#). Published on 6-13-2007.*

[AB 181](#)– Continuing Education Requirements for Architects, Landscape Architects, Engineers and Land Surveyors

Under current law, an architect, a landscape architect, a professional engineer, a designer of engineering systems, or a land surveyor may practice if he or she has a credential from the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (Examining Board). The credential is renewed every other year. This bill allows the Examining Board to establish continuing education requirements that a person must satisfy in order to renew his or her credential.

Status: *Executive action taken on 5/30/07. Unanimous passage by Assembly Committee on Labor and Industry and referred to Committee on Rules on 5/31/07.*

AB 254 – **Cooperative Boundaries and Annexation** -- 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: *Executive action taken on 5/22/07. Unanimous passage by Committee on Urban and Local Affairs and referred to Committee on Rules on 5/29/07. [Fiscal estimate received](#) on 5/30/07.*

AB 255 – **Cooperative Boundaries and Annexation** -- 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. Expands DOA advisory review beyond populous counties.

Status: *Unanimous passage by Assembly Committee on Urban and Local Affairs and referred to committee on Rules on 5/29/07.*

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.*

UPDATES TO PREVIOUSLY REPORTED SENATE BILLS

SB 7 – Mobile Home Laws -- This bill makes numerous changes to laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry.

Status: Presented to the Governor on 5/29/07. Approved by the Governor on 5/30/07 as Wisconsin [Act 11](#). Published on 6/13/07.

SB 134 – Municipal Boundary Agreements – 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: [Fiscal estimate received](#) on 5/22/07.

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.