



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

October 26, 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 Finally Passes

This morning, 118 days after its July 1st due date, Governor Doyle signed the 2007-2009 state budget into law as 2007 Wisconsin Act 20. The following are final updates on various planning related provisions of the new budget:

- **Removes a proposed exemption to the State Comprehensive Planning Law.** This provision, which was introduced as part of the Assembly version of the budget, would have exempted municipalities of less than 2,500 from the state comprehensive planning requirement. It also sought to extend 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.

The entire provision was removed from the final version of the budget signed by Governor Doyle. This means that the comprehensive planning law (Wis. Stats. §66.1001) remains unchanged.

- **Preserves Comprehensive Planning grant funding at \$2 million annually.** The budget also contains a continuing allocation of \$2 million annually to fund the comprehensive planning grant program administered through the Department of Administration. *Note:* This funding is now included in a catch-all program revenue appropriation under the Department of Administration called "Land." In addition to funding the \$2 million annually for planning grants, this appropriation also funds \$801,600 annually for land information grants to counties.

- **Provides \$800,000 for preliminary engineering for the Southeastern Wisconsin Development of the Kenosha – Racine – Milwaukee (KRM) Commuter Rail Link.** The budget excluded a rental car fee enabling provision requested by the Southeast Wisconsin Regional Transit Authority that would have served as a local funding source for the KRM.

- **Provides full funding of Wisconsin's share of the Amtrak Hiawatha passenger train route between Milwaukee and Chicago over the biennium.**
- **Provides \$1 million over the biennium to add an additional train car on each train set on the Amtrak Hiawatha passenger train route between Milwaukee and Chicago.**
- **Provides \$803,000 over the biennium (a 2% annual increase) in the appropriation for county assistance for the provision of elderly and disabled transportation services.**
- **Provides \$8.6 million over the biennium for the Safe Routes to School Program.** This program is administered by the state Department of Transportation with local and (estimated) federal funds. It allows the DOT to award grants to local governments and state agencies for infrastructure project planning, design and construction, and to award grants to local governments, tribes, non-profit and private organizations for non-infrastructure projects, such as awareness campaigns. The state assumes a local contribution of 10% the federal appropriation for Wisconsin.
- **Vetoes funding for bicycle and pedestrian transportation projects.** The Governor vetoed \$10.2 million annually in the conference committee's compromise budget that would have provided funding for local and (estimated) federal grants to localities for bicycle and pedestrian facility projects. These funds would have come from the congestion mitigation and air quality and transportation enhancement activities programs. Remaining funds for these projects total \$3.4 million for 2008-2009 only.
- **Caps county and municipal levy increases** at the greater of 3.86 percent or the gain in value from net new construction in the first year of the biennium and at 2 percent or the gain in value from net new construction in the second year and extends county and municipal levy limits for an additional two years. The Governor increased 2007 levies above 2% by either 3.86 percent or the net new construction increase due to the late passage of the budget bill and the fact that local governments have already done a significant amount of work on their own budgets for the upcoming year without knowledge of the final levy limit numbers.
- **Provides an increase of \$7,000,000 for the Targeted Runoff Management Program (TRM).** The TRM program offers competitive grant awards to support small-scale, short-term (generally one to three years) nonpoint source water pollution abatement projects that are undertaken by local governmental units.
- **Provides a \$6,000,000 increase for the urban nonpoint source water pollution abatement and storm water management,** and the municipal flood control and riparian restoration programs. Bonding revenue provides cost-share grants for landowners to install nonpoint source water pollution abatement

projects and provides financial assistance to municipalities and sewerage districts for the construction of facilities and structures that aid in the collection and transmission of storm water.

● **Reauthorizes and funds the bipartisan Warren Knowles-Gaylord Nelson Stewardship Program for another 10 years.** The budget provides \$86 million annually in bonding to protect pristine natural areas, expand state parks and help local governments and conservation groups expand recreational and land protection opportunities. The amount is increased from the current level of \$60 million annually to account for rising land prices, among other things.

For the text of the 2007-2009 biennial budget, see:

<http://www.thewheelerreport.com/releases/Oct07/oct26/1026act20.pdf>

For the Governor's Budget Veto message, see:

<http://www.doa.state.wi.us/docview.asp?docid=6531&locid=3>

2007 - 2008 Wisconsin Legislative Session Bill Tracking

NEW LEGISLATIVE PROPOSALS

NEW ASSEMBLY BILLS

AB 543 – **County Determination of Ordinary High-Water Mark** – This bill provides that if there is a difference between the determination by a county and by the Department of Natural Resources (DNR) as to the location of an ordinary high-water mark on a lake, the county's determination will prevail.

The ordinary high-water mark is the point on the lakeshore where there is a distinctive mark that shows, by certain physical characteristics such as erosion marks or a change of vegetation, that the presence or action of surface water ends at that point. The area below the ordinary high-water mark is considered to be part of the lake bed and owned by the state. The ordinary high-water mark is also used in determining the rights of lakefront property owners and in determining shorelands for the purposes of zoning ordinances enacted by counties. These zoning ordinances must meet certain standards promulgated by DNR. Current state law defines a "shoreland" for the purposes of these ordinances as being the area within 1,000 feet of the ordinary high-water mark.

Status: Introduced on 10/16/07 by Representatives Meyer, Friske, Gronemus, Musser, Roth, Owens, Hahn, LeMahieu, Petrowski, Mursau, Gunderson, Kleefisch, Pridemore, Bies and Albers; cosponsored by Senators Breske, Lazich, Schultz, Olsen and Grothman. Read first time and referred to Assembly Committee on Natural Resources on 10/16/07.

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 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]

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 10/30/2007 by Committee on Rules.

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.*

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.*

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. Assembly Amendment [1](#) offered by Representatives Kerkman and Newcomer. *Passed out of Assembly Committee on Ways and Means with Amendment [1](#) on a vote of 11-0 on 10/16/07. Passed with Amendment [1](#) by Assembly by a vote of 96-0 and sent to Senate on 10/24/07.*

UPDATES TO PREVIOUSLY REPORTED SENATE BILLS

[SB 81](#)– **Management of Greenhouse Gases (also [AB 157](#))** – This bill proposes the following:

- 1) Requires the Department of Natural Resources (DNR) to:
 - a. promulgate rules requiring the monitoring and reporting of greenhouse gas emissions by significant sources;
 - b. determine the level of greenhouse gas emissions in Wisconsin in 1990 (including emissions from the generation of all electricity used in this state);
 - c. by January 1, 2009 set a statewide greenhouse gas emission limit for 2020 that is equivalent to the 1990 level;
 - d. identify measures for reducing greenhouse gas emissions;
 - e. make rules implementing the interim measures to take effect no later than January 1, 2011;
 - f. create a long-term plan for greenhouse gas emissions reduction;
 - g. promulgate rules specifying greenhouse gas emission limits
- 2) Allows the governor to extend deadlines in the bill or in rules promulgated under the bill in the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm.
- 3) Provides civil and criminal penalties for violations of the greenhouse gas management provisions. The penalties are the same as under the current air quality laws.
- 4) Authorizes DNR to impose fees on greenhouse gas emission sources that are regulated under the bill.
- 5) Requires state agencies to take actions to reduce their greenhouse gas emissions.
- 6) Creates two bodies to advise DNR about greenhouse gas management: The Greenhouse Gas Management Environmental Justice Council and the Greenhouse Gas Management Economic and Technology Advancement Council.

Status: Introduced 3/6/07 by Senators Miller, Erpenbach, Risser, and Lehman; cosponsored by Representatives Black, Boyle, Molepske, Hebl, Berceau, Parisi, Hilgenberg, Sinicki, Pocan, Benedict, Pope-Roberts and Smith.

Read first time and referred to committee on Environment and Natural Resources on 3/6/07. *Public hearing held in Senate Committee on Environment and Natural Resources on 9/25/07.*

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.