



**WAPA Legislative Update
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Please remember that we will 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

Wisconsin is the only state in the U.S. -- with a fiscal year beginning on July 1st -- that still does not have a budget. The biennial budget deliberations have begun to show some signs of movement as of this week, although many are reluctant to call it progress as the action taken by the Legislature has been unorthodox and controversial. After an 11-week budget impasse, long past the June 30th deadline imposed on the budget, the budget conference committee took up the issues of school and local government funding, which make up more than half of all state government general-fund spending. Republican members of the committee recommended passing a separate budget addressing only these two issues because of the pressure schools and local governments are under to finalize their own budgets for 2008. The Governor and Senate Democrats have rejected the idea of passing a piecemeal budget, saying that they must negotiate a complete budget that also addresses funding for health care, transportation, prisons and the University of Wisconsin System, as well as tax increases, in the context of school and local government funding.

Nevertheless, the Wisconsin State Assembly adopted two stand-alone spending measures outside of the overdue state budget on September 18th that would:

- Spend \$6 billion on school-aid programs in the year that started July 1, and \$6.3 billion in the next year. That aid had been \$5.8 billion a year. (This was the package recommended by Governor Doyle and Senate Democrats.)
- Keep shared-revenue aid for local governments at \$854.7 million a year.
- Limit local government property tax levy increases next year to 2%, or the change from new construction, whichever is greater. (Governor Doyle and Senate Democrats proposed letting local governments raise their 2008 tax levies by 4%, or the percentage increase in new construction, whichever is greater.)
- Set the first tax-levy limit on vocational-technical schools at 2.6%.

It is unclear as of this update whether the Assembly stand-alone budget effort will move forward or whether those who reject a piecemeal approach to the budget will prevail.

One concern with the “budget-in-segments” approach is that by acting on the most visible and urgent sections of the budget, the rest of the budget, such as funding for natural resources, transportation, various grant programs and small provisions such as the comprehensive planning exemption, could get put off indefinitely without serious ramifications for legislators who can say they’ve dealt with the high-profile issues of education and property taxes.

The public is welcome to continue to offer input on the budget provisions and process to their legislators, as well as to the eight member conference committee. 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. The standard process has always been the following: 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. This budget process has already passed the deadline of August 1st, which the Governor recently gave as the date by which the Legislature should complete its budget deliberations.

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

LRB Preliminary Draft -- Proposal for a Regional Transportation Authority

Regional cooperation on planning and funding for comprehensive, multi-modal transportation systems will be essential if we are going to meet the needs of people and employers in the state now and in the future. If we take an honest look at the most effective, efficient, and successful transportation systems around the world—those that attract economic development, combat congestion, and get people to jobs, homes, schools, shopping, recreation and medical and other appointments—we see that none of them use just one mode. They use a number of complementary modes that work together to serve their communities' needs—these include elderly and disabled transit, buses, bicycles, and efficient, well-planned and well-maintained road systems that coordinate with these other modes.

This proposal would allow cities, towns, villages and counties to create regional transportation authorities (RTAs), which are separate public governmental entities. Many communities across Wisconsin right now are supporting state enabling legislation for the creation of RTAs in order to plan, operate and fund more comprehensive public transportation systems to serve their regions. For example, the communities in the Fox Valley have indicated that they will need an RTA to continue to fund and operate their regional bus transit system. Some of the things an RTA may do under this proposal include (but are not limited to):

- 1) Establish or acquire a comprehensive unified local transportation system comprised of bus lines and other public transportation or freight transportation facilities;
- 2) Coordinate specialized transportation services for persons who are disabled or aged 60 or older;
- 3) Own or lease real or personal property;
- 4) Acquire property by condemnation;
- 5) Enter onto highways to install, maintain, and operate the RTA's facilities;
- 6) *If* the RTA includes a county, then it may impose, by adoption of a resolution by the RTA board of directors, a percent-limited sales and use tax in the RTA's participating political subdivisions not to exceed a maximum rate established by the resolution;
- 7) Incur debts and obligations; and
- 8) Set fees and charges for functions, facilities and services provided by the RTA.

In some communities, creation of an RTA will be an essential requirement for securing federal transportation grants in order to implement local transportation plans, including upgrades of aging public transit systems. Depending on how the final bill is drafted, an RTA could also fund maintenance for local roads and the development and maintenance of bicycle trails and other facilities. An RTA is a first important step toward a comprehensive, reliably funded transportation system that gives people more choice and serves the needs of the state's growing regions.

Status: Sponsored by Representative Al Ott. Still in preliminary draft form.

NEW 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.

Scheduled for a public hearing in the Senate Committee on Environment and Natural Resources on Tuesday, September 25, 2007, 10:00 AM, 411 South, State Capitol.

UPDATES TO PREVIOUSLY REPORTED ASSEMBLY BILLS

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

[Changes 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. [Assembly Amendment 2](#) offered on 7/17/07. [Assembly Amendment 1](#)

and Assembly Amendment [2](#) adopted 8-0 on 7/19/07. Passage out of Urban and Local Affairs Committee, 8-0, and referral to Committee on Rules on 7/19/07.

[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.*

[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.*

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.