

WAPA LEGISLATIVE UPDATE

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A. 2005-07 Biennial Budget Approved by Legislature

On June 21, 2005, the Legislature approved AB 100, the biennial budget bill, as amended by the Assembly and the Senate.

The Assembly approved two amendments to the Joint Finance Committee's version of the bill. Assembly Amendment 32, introduced by Representative Jon Richards (D-Milwaukee) accelerates the tax exemption of Social Security benefits such that the Joint Finance Committee's proposal to phase in a full income tax exclusion for social security benefits over five years (starting in tax year 2007) was modified to be phased in over three years, instead.

In addition, the Assembly adopted Assembly Amendment 40, which was introduced by Speaker John Gard (R-Peshtigo). Amendment 40 includes provisions of Assembly Bill 506 (relating to veterans benefits and programs and the educational approval board and making an appropriation), provisions from Assembly Bill 210 (which generally recodifies the statutes relating to veterans) and other various provisions.

On June 30, the Senate amended the bill that was sent to them for consideration by the Assembly. The Senate adopted Senate Amendments 19 (Judy Robson – D), 29 (Dale Schutlz –R), and 50 (Dale Schultz – R). Senate Amendment 19 makes an adjustment to the definition of livestock for purposes of the livestock investment tax credit; Senate Amendment 29 makes changes to agency attorney positions, drug abuse counselor provisions, and other miscellaneous provisions; and, Senate Amendment 50 reduces each state agency's largest GPR state operations appropriation by an amount equal to approximately 2.3% of the agency's total GPR state operations appropriations, creates a refundable individual income tax credit of \$100 per eligible pupil enrolled in kindergarten or grades one to twelve at an eligible private school or home-based private educational program, and reduces funding from the UW System's largest general program operations appropriation by \$500,000 annually to reduce administrative funding at UW-Madison.

Governor Doyle now has the opportunity to review the budget bill and may veto portions of the bill or the bill in its entirety. He has until August 11th to call for the bill. If he does not call for the bill prior to the 11th, it will be sent to him at that time and he will have 14 days to act on the legislation.

Smart Growth Could be Restored with a Veto. As previously noted, the Joint Committee on Finance deleted Wisconsin's comprehensive planning law (Wis. Stat. §

66.1001). The Legislature maintained this deletion. However, the law could be restored by the Governor through a veto.

If you are interested in expressing your opinion on this issue, or any other legislative topic to Governor Doyle, you can contact him by going to his web site at <http://www.wisgov.state.wi.us/section.asp?linkid=59&locid=19> and either writing, calling or emailing the Governor.

B. New Stand-Alone Legislation

1. Exclusion of Members of State and Local Government Bodies From Meetings of Subunits of That Body – Senate Bill 233

On June 7, 2005, Senator Dave Hansen (D-Green Bay) introduced SB 233. Under current law, no member of a state or local governmental body may be excluded from a meeting of a subunit of that body unless the rules of the body provide to the contrary. This bill provides that no member of a state or local governmental body may be excluded from a meeting of a subunit of that body.

SB 233 was referred to the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform for consideration.

To review a copy of SB 233, go to: <http://www.legis.state.wi.us/2005/data/SB-233.pdf>

2. Definition of Brownfield for Reassignment of Property – Assembly Bill 464 / Senate Bill 198

Assembly Bill 464 (Jason Fields – D – Milwaukee) and Senate Bill 198 (Ted Kanavas – R – Brookfield), changes the definition of a brownfield subject to disclosure for delinquent taxes. Currently, a brownfield is any abandoned, underused or idle property that has not been expanded or redesigned due to perceived or real environmental contamination. These bills would add to that definition any abandoned residential property.

AB 464 was referred to the Assembly Committee on Urban and Local Affairs. Senate Bill 198 was referred to the Senate Committee on Natural Resources and Transportation.

Link to AB 464: <http://www.legis.state.wi.us/2005/data/AB-464.pdf>

Link to SB 198: <http://www.legis.state.wi.us/2005/data/SB-198.pdf>

3. Limits Reasons for Which Local Government May Withhold Permit Approval – Assembly Bill 558

On July 12, 2005, Representative Sheryl Albers (R-Reedsburg) introduced AB 558, which was referred to the Assembly Committee on Property Rights and Land Management.

Under current law, a municipality or county is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; and the location and use of buildings, structures, and land for various purposes. Also under current law a municipality or county, or a body that handles zoning issues such as a city plan commission, board of appeals, or county zoning agency, may issue permits under their zoning authority.

Under this bill, no zoning entity may condition or withhold approval of a permit that it may issue under its zoning authority based on the property owner entering into, discontinuing, modifying, extending, or renewing a contract with a third party under which the third party is engaging in a lawful use of the property.

A public hearing was held on AB 558 on July 12th before the Assembly Committee on Property Rights and Land Management. Six individuals spoke in favor and six individuals registered in favor of the legislation. Five groups registered against the bill, including the Sierra Club, the Wisconsin Counties Association, the City of Milwaukee and the League of Wisconsin Municipalities.

To review a copy of AB 558, go to: <http://www.legis.state.wi.us/2005/data/AB-558.pdf>

C. Update on Previously Introduced Legislation

1. TIF Districts in Kenosha – Assembly Bill 193 / Senate Bill 102

Under this bill, the project costs of a TID in the city of Kenosha may be spent on territory within a one-half mile radius of the boundary of the TID if that TID is a blighted area TID.

AB 193 has passed the Assembly and was recommended for passage by the Senate Committee on Job Creation. It is now available for debate by the full Senate.

2. Town Powers / Charter Towns – Assembly Bill 266 / Senate Bill 165

As previously noted, Representative Carol Owens (R-Oshkosh) and Senator Neal Kedzie (R-Elkhorn) have introduced companion bills AB 266 and SB 165. These bills authorize a town board that is authorized to exercise village powers to adopt a resolution, which is subject to ratification in a referendum that the town board must call, declaring that it is a “charter town.” The bills also allow the town board of a charter town to create a TIF district to the same extent as a city or village; and it allows a charter town board to exercise certain zoning powers and exempts the town from being subject to certain city and village extraterritorial powers. These bills do not allow such towns to annex territory or to engage in extraterritorial zoning or plat approval. The powers granted to towns in this bill apply only if certain conditions are met on the date on which the board adopts the resolution.

Senate Bill 165 had a public hearing before the Senate Job Creation Committee on June 22, 2005.

(Note: There have been no other changes to the status of introduced legislation described in previous issues of the *Update*.)