

WAPA LEGISLATIVE UPDATE

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A. 2003-05 Biennial Budget

1. *Budget Procedure and Process*

The 2003-05 biennial budget bill has passed both houses of the legislature and is now being reviewed by Governor Doyle. The Governor is in the process of vetoing portions of the bill. He has released news of several important vetoes (see below), however, the actual statutory language that reflects his changes is not yet available. Accordingly, the information given below is based exclusively on the Governor's press releases and other Legislative Fiscal Bureau documentation.

2. *Governor Vetoes Legislature's Shared Revenue Plan*

On July 8, 2003, Governor Doyle announced that he will veto the legislature's redistribution of shared revenue payments. With his veto, he will restore a funding formula that is close to the formula proposed in his original budget proposal – a reduction of shared revenue based on a per capita basis of about \$13 per person.

3. *Governor Maintains Alternative Property Tax Valuation for Swampland and Woodlots*

On July 9, 2003, Governor Doyle announced that he will accept a provision in the state budget to lower property taxes on farm woodlots and wetlands land. This provision provides for the assessment of property classified as undeveloped land (swamplands or wetlands) and agricultural forestland at 50% of the full value for which the property could be sold. However, the Governor indicated that he would use his partial veto to target the reduced taxes to “ensure that the tax reduction for agricultural woodlands clearly benefits farmers and prevent abuse by others.”

4. *Governor Vetoes the Elimination of the Farmland Preservation Program*

Also on July 9, 2003, the Governor announced that he would use his veto to restore funding for the Farmland Preservation Program, which provides a refundable income tax credit to over 20,000 farmers statewide. In a press release dated July 9, 2003, the Governor stated, “This program requires soil conservation plans and encourages local communities to plan to protect their agricultural land.”

B. Committee Activity of Interest

On July 2, 2003, the Assembly Committee on Property Rights and Land Management, chaired by Representative Sheryl Albers, heard testimony for informational purposes only (i.e., no legislation was being debated), in a public hearing on Wisconsin's current Comprehensive Planning Law, Wis. Stat. § 66.1001.

Many individuals presented testimony, however, invited testimony was given by (1) Brian Ohm, Associate Professor of Urban and Regional Planning at the University of Wisconsin-Madison; (2) Tom Larson, of the Wisconsin Realtor's Association; (3) Dan Thompson, of the League of Wisconsin Municipalities; (4) Ed Huck, of the Wisconsin Alliance of Cities; (5) Roger Cliff, of the Wisconsin Farm Bureau Federation; (6) Rick Stadalman, Wisconsin Towns Assn; (7) and Chuck Kell, the Planning Director from Portage County, on behalf of the Wisconsin Counties Association. In addition, Gary Peterson, President of the Wisconsin Chapter of the American Planning Association also testified.

Although some individuals called for a complete repeal of the comprehensive planning law, others lauded the law or simply asked that the law be improved. A sample of a few of the suggestions for amendment to the Comprehensive Planning law that were given at the hearing include: (1) that the law be changed to reflect agricultural concerns, as well as urban concerns; (2) that interactions, working relationships and procedures for conflict resolution between units of state, county and local governments be clarified; (3) that the issue of adopting a plan by ordinance, versus the a plan as an ordinance, be clarified; (4) that sanctions or consequences be delineated if plans are not enacted by 2010; (5) that growth and growth projections be included in plans; (6) that use of moratorium be limited; and (7) that individual property rights be a priority under the law.

To date, there is no introduced legislation that amends or repeals Wisconsin's Comprehensive Planning law. We will keep you posted on any relevant legislative developments.

C. Update on Introduced Stand-Alone Legislation

1. *Assembly Bill 136 – Charter Towns*

There has been no further action on Assembly Bill 136, introduced on March 6, 2003, by Representative Carol Owens, a Republican from the 53rd Assembly District.

2. *Assembly Bill 130 – Alternative Method for Town Consolidation*

Assembly Bill 130, introduced on March 6, 2003 by Representative Bonnie Ladwig (a Republican from the 63rd Assembly District), creates another method for certain towns to consolidate with other municipalities. This bill has passed on the Assembly, and on July 9, 2003, the Senate Committee on Security, Veterans and Military Affairs and

Government Reform held a public hearing on this bill. No executive action has yet been taken.

3. *Senate Bill 110 – Town Maps*

There has been no further action on Senate Bill 110, introduced on April 9, 2003 by Senator Alan Lasee, a Republican from the 1st Senate District.

4. *Assembly Bill 253 and Senate Bill 123 – Using Population in Determining Eligibility for Recycling Efficiency Grants*

There has been no further action on either Assembly Bill 253 or Senate Bill 123, introduced on April 8 and April 23, respectively, by the Joint Committee for Review of Administrative Rules.

5. *Assembly Bill 295 – Extension of Recycling Pilot Program*

There has been no further action on Assembly Bill 295, introduced on April 23, 2003 by representative Mark Mille, a Democrat from the 48th Assembly District.

6. *Assembly Bill 347 and Senate Bill 168 – Dwelling Codes*

There had been no further action on either Assembly Bill 347, introduced on May 20, 2003 by Representative Jeffery Wood (a Republican from the 67th Assembly District), or its companion bill, Senate Bill 168, introduced on May 14, 2003, by Senator Ronald Brown (a Republican from the 31st Senate District).

7. *Assembly Bill 271 – Notices for Zoning Changes*

Assembly Bill 271, introduced on April 18, 2003, by Representative Sheryl Albers (a Republican from the 50th Assembly District), specifies that a town zoning committee must hold a public hearing and give notice of the hearing on a preliminary report on recommended zoning district boundaries and zoning regulations for such districts and that a town board give notice of a public hearing on a proposed zoning ordinance. The Assembly Committee on Property Rights and Land Management held a public hearing on AB 271 on July 2, 2003. No executive action has yet been taken.

8. *Assembly Bill 369 – Dept. of Transportation Review of School Plans*

There has been no further action on Assembly Bill 369, introduced on May 29, 2003, by Representative Steve Wieckert (a Republican from the 57th Assembly District).

9. *Senate Bill 89 – Town Referenda for Annexations*

There has been no further action on Senate Bill 89, introduced by Senator Alan Lasee (a Republican from the 1st Senate District).

D. New Stand-Alone Legislation of Interest

1. *Assembly Bill 433 – Noncompliance With Certain Unfunded State Mandates*

Under current law, a city, village, town, or county (political subdivision) may request a waiver from a state mandate, other than a state mandate in the area of health or safety. Under Assembly Bill 433, introduced on July 15, 2003 by Representative Balow (a Democrat from the 68th Assembly District), a political subdivision may enact an ordinance to suspend its compliance with an unfunded state mandate, other than a mandate that relates to health or safety, for four years. (An unfunded state mandate is defined as a state mandate for which the state does not provide a political subdivision with at least 70% of the amount of the political subdivision's costs of complying with the state mandate.) AB 433 has been referred to the Assembly Committee Urban and Local Affairs.