

WAPA LEGISLATIVE UPDATE

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A. Jobs Creation Bill

The Republican Majority in the Legislature and the Doyle Administration have reached an agreement on the Jobs Creation Bill. The Substitute Amendment to AB 655 creates sweeping reforms to administrative rulemaking procedures, air management regulations (e.g., air permit streamlining, clarifying when DNR can exceed federal requirements, nonattainment recommendations) and regulation of navigable waters (e.g., permit prioritization, etc.) AB 655 passed the Assembly as amended with a vote of 80-14 on January 13, 2004. The bill was then messaged to the Senate where it was referred to the Senate Select Committee on Job Creation. The bill passed out of the Senate committee with a vote of 4-1 on January 14, 2004. It is scheduled for debate on the Senate floor on January 20, 2004. To review a copy of the Jobs Creation Bill as amended, go to <http://www.legis.state.wi.us/2003/data/AB655-ASA2.pdf>.

B. Smart Growth Provision Removed From Jobs Creation Bill and Introduced as AB 728

The section of the original Jobs Creation Bill that amended Wisconsin's Smart Growth law was removed from the bill during negotiations between the Legislature and the Administration. However, Representative John Gard (R-Peshtigo), Speaker of the State Assembly, and Senator Mary Panzer (R- West Bend), Senate Majority Leader, have re-introduced the provision as Assembly Bill 728 and Senate Bill 375, respectively.

Under AB 728, before a comprehensive plan may take effect, a local governmental unit must provide written notice to all owners and leaseholders of property who have an interest in the property pursuant to which the persons may extract nonmetallic mineral resources, in which the allowable use or intensity of use of the property is changed by the comprehensive plan. In addition, the local unit of government must create written procedures that describe the methods it will use to distribute elements of a comprehensive plan to owners of property and to other persons who have such interests in such property.

AB 728 and its identical Senate companion, SB 375, were introduced on January 7, 2004. AB 728 was referred to the Assembly Committee on Job Creation where it was recommended for passage with a vote of 5-3 on January 14, 2004. AB 728 is scheduled for debate on the Assembly Floor on January 20, 2004.

To review a copy of AB 728, go to <http://www.legis.state.wi.us/2003/data/AB-728.pdf>.

B. New Stand-Alone Legislation

1. *Senate Bill 341 – Requiring Cities and Villages to Make Payments to Towns from Which Land Is Annexed*

On December 10, 2003, Senator Alan Lasee (R – DePere), introduced Senate Bill 341, which was referred to the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform. Under this bill, if a city or village annexes town territory, the city or village must pay to the town, for five years, an amount equal to the amount of property taxes that the town imposed on that territory in the year in which the annexation is final. To review a full text of the bill, go to <http://www.legis.state.wi.us/2003/data/SB-341.pdf> .

2. *Senate Bill351 – Size of the County Board of Supervisors*

On December 17, 2003, Senator Ted Kanavas (R – Brookfield), introduced SB 351, which was referred to the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform. Among other changes, this bill permits the board of supervisors of any county with a population of less than 500,000, except a county having only one town (currently, all counties except Milwaukee and Menominee) to decrease the number of supervisors on the board and adopt a new redistricting plan during the ten–year period between the adoption of decennial redistricting plans. The bill also requires the redistricting plan to satisfy certain criteria that also apply to decennial redistricting plans. To review a copy of this legislation, go to <http://www.legis.state.wi.us/2003/data/SB-351.pdf> .

3. *Assembly Bill 702 – Notification of Town Clerk of Certain County Zoning Changes*

On December 12, 2003, Representative Gregory Hubler (D – Wausau) introduced AB 702, which was referred to the Assembly Committee on Urban and Local Affairs.

Currently, one of the methods by which a county board may amend a zoning ordinance or change the boundaries of a zoning district is by taking action following the receipt of a petition to amend a zoning ordinance from a property owner affected by the proposed amendment. Before the county board may act, it must call a public hearing on the petition. A copy of the notice for the hearing must be sent by registered mail to the town clerk of each town affected by the proposed amendment. Also under current law, in general, if the county board amends a zoning ordinance that makes a change that is different from the change sought in the petition, the county clerk must submit by registered mail a copy of the enacted ordinance to the town clerk of each town affected by the proposed amendment. Under this bill, the notice and the copy of the enacted ordinance may be sent by regular mail and, upon receipt, a town clerk must send a signed and dated admission of service to the county clerk.

To review a copy of this bill, go to <http://www.legis.state.wi.us/2003/data/AB-702.pdf> .

4. *Assembly Bill 750 – Exemption of Town Disapproval of Certain County Zoning Action from the Smart Growth Law*

On January 14, 2004, Representative Sheryl Albers (R – Reedsburg) introduced AB 750, which was referred to the Assembly Committee on Property Rights and Land Management.

Current law authorizes a county board to amend its zoning ordinances by following a number of statutory procedures. Under certain circumstances, however, if the town board of a town that would be affected by the proposed amendment disapproves of a proposed ordinance change or if a majority of the towns that would be affected by the proposed amendment disapprove of a proposed ordinance change, the proposed amendment to the county ordinance may not take effect. Under this bill, a town that has *not* enacted a comprehensive plan (in accordance with the Smart Growth law) may disapprove of a proposed amendment of a county zoning ordinance.

To review a copy of this legislation, go to <http://www.legis.state.wi.us/2003/data/AB-750.pdf>.

C. Update on Previously Introduced Legislation

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

Assembly Bill 271 (Representative Sheryl Albers), which passed the Assembly with a vote of 69-27 on November 13, 2003, had a public hearing before the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform on January 14, 2004.

This bill 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.

2. *Assembly Bill 437 – Granting Towns Limited Authority to Create TIF Districts*

Assembly Bill 437 (Representative Gabe Loeffelholz), which passed the Assembly on November 12, 2003 with a vote of 69-27, had a public hearing before the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform on January 13, 2004.

AB 437 authorizes towns to use TIF for limited purposes. Under the bill, a town may use the TIF law to expend money or incur monetary obligations as a “project cost” for all of the following: (a) Projects related to tourism; (b) Projects related to agriculture; (c) Projects related to forestry; (d) Residential development, but only to the extent that is has

a necessary and incidental relationship to a project related to tourism, agriculture, or forestry; or (e) Retail development, but only to the extent that it is related to the retail sale of products that are produced due to a project related to agriculture or forestry.

3. *Senate Bill 305/Assembly Bill 654 – Changes to the TIF Program*

Senate Bill 305 (Senator Cathy Stepp and Representative Michael Lehman), is scheduled for Assembly Floor debate on January 20, 2004. SB 305/AB 654 are companion bills that make technical and policy changes in the TIF program based in part on the recommendations of the Governor's December 2000 working group on TIF; authorizes certain counties to create TIF districts; modifies the environmental remediation TIF program.

4. *Senate Bill 306/Assembly Bill 653 – Changes to the TIF Program*

Senate Bill 306 (Senator Cathy Stepp and Representative Michael Lehman) is also scheduled for Assembly Floor debate on January 20, 2004. This bill authorizes DOR to impose a fee to determine/redetermine the tax incremental base of a TIF district; requires DOR to prepare a TIF manual.

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