

# WAPA LEGISLATIVE UPDATE

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## A. Special or Extraordinary Legislative Session

There has been no final decision on whether the Governor will call the Legislature into a Special Legislative Session this spring, but the Leadership in the Legislature has expressed its intent to call itself into an Extraordinary Session to address Medicaid appropriations authorization and two healthcare-related bills.

In addition, the recent Wisconsin Supreme Court decision in which the Court held that the Governor exceeded his authority when he negotiated gaming compacts with Wisconsin Indian tribes, may have significant financial impact on Wisconsin's budget. The minority opinion in the Court decision notes that there is a possible loss of \$200 million in currently-budgeted state revenues in this biennium. This decision could impact the Legislature's activity this spring.

## B. Update on Legislation that has Passed the Legislature

### 1. Bills Approved by the Governor

#### a. *Senate Bill 60 – 2003 Wisconsin Act 254 – Leasing of School Property*

Senate Bill 60 (Senator Fred Risser) allows a school board to lease school sites, buildings and equipment for an unspecified period of time. Before this change, school boards were limited to leases of up to 15 years. Governor Doyle signed SB 60 on April 15, 2004.

Link to 2003 Wisconsin Act 254:

<http://www.legis.state.wi.us/2003/data/acts/03Act254.pdf>

#### b. *Assembly Bill 254 – 2003 Wisconsin Act 283 – Changes to the Condominium Law*

On April 19, 2004, Governor Doyle approved AB 254, a bill that makes numerous revisions to Wisconsin's Condominium Law. This legislation was developed by the Joint Legislative Council's Special Committee on Condominium Law Review.

Link to 2003 Wisconsin Act 283:

<http://www.legis.state.wi.us/2003/data/acts/03Act283.pdf>

c. *Senate Bill 87 – 2003 Wisconsin Act 317 – Annexation of a Town by a City or Village*

On April 22, 2004, the Governor signed SB 87 (Senator Alan Lasee), which prohibits a city or village from annexing any town territory unless the city or village agrees to pay 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. However, a city or village is not required to make payments to the town if the parties enter into one of three specified boundary agreements.

Link to 2003 Wisconsin Act 317:

<http://www.legis.state.wi.us/2003/data/acts/03Act317.pdf>

d. *Assembly Bill 728 – 2003 Wisconsin Act 307 – Comprehensive Planning By Local Governmental Units<sup>1</sup>*

Under current law, if a local governmental unit adopts a comprehensive plan, the plan must contain certain planning elements. Beginning January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's official mapping, subdivision regulation, and zoning. 2003 Wisconsin Act 307 makes several changes to that law.

First, before a comprehensive plan may take effect, current law requires a local governmental unit to adopt written procedures designed to foster public participation in the preparation of the plan. The Act requires these written procedures to describe the methods the local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to: (a) owners of property in which the allowable use or intensity of use of the property is changed by the comprehensive plan; and (b) persons who have a leasehold interest in property allowing extraction of nonmetallic mineral resources if the allowable use or intensity of use of the property is changed by the comprehensive plan.

In addition, current law requires a local governmental unit to hold a public hearing on a proposed comprehensive plan or amendment to a plan. Under the Act, at least 30 days before the required public hearing is held, a local governmental unit must provide written notice of the hearing to: an operator who has applied for or obtained a nonmetallic reclamation permit; a person who has registered a marketable nonmetallic mineral deposit; and any other property owner or leaseholder who has an interest in property allowing extraction of nonmetallic mineral resources if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the public hearing. Nonetheless, a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the required hearing notice, unless the local governmental unit *intentionally* fails to provide the notice.

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<sup>1</sup> Text in this section is quoted from Wisconsin Legislative Act Memo for 2003 Wisconsin Act 307.

Finally, the Act expressly provides that the agricultural, natural resources, and cultural resources element of a comprehensive plan must recognize limitations under current law on a jurisdiction's ability to place zoning limitations on property that has been registered as a marketable nonmetallic mineral deposit.

WAPA Members should note that this change to the law may require changes to a municipality's public participation plan.

Link to 2003 Wisconsin Act 307:

<http://www.legis.state.wi.us/2003/data/acts/03Act307.pdf>

2. Bills Vetoed by the Governor

a. *Assembly Bill 551 – Town Board Approval of County Development Plans*

On April 21, 2004, Governor Doyle vetoed Assembly Bill 551, which would have allowed towns to opt out of county development plans. The Governor stated in his veto message to the members of the Assembly:

“Local control is an important aspect of Wisconsin government and is reflected in the Smart Growth law itself. The Smart Growth law does not alter the relationship between counties and towns. This bill, however, does alter that relationship and undermines the ability of counties to make appropriate plans for providing required county services.”

b. *Senate Bill 351 – Size of County Board of Supervisors in Certain Counties*

Also on April 21, 2004, the Governor vetoed Senate Bill 351, which would have allowed all counties, except Milwaukee and Menominee County, to decrease the number of county board supervisors between federal decennial censuses, either by a board-initiated redistricting plan or by petition and referendum.

The Governor stated in his veto message to the members of the Senate:

“Senate Bill 351 prudently limits the downsizing of a county board through successful petition and referendum to once per decade. There is no limit, however, on the number of times a county board itself may adopt a redistricting plan that reduces the number of supervisors or the number of times a referendum question to downsize may appear on the ballot. The open-ended nature of these provisions may create circumstances where the cost, time and effort spent on redistricting far outweigh any savings or

benefits obtained. Also, unlike the one-time authority granted to Milwaukee County, this bill provides ongoing authority into the future.

While I object to this bill because of its open-ended and ongoing authority, a more tailored bill could be developed which would accomplish the goals behind this piece of legislation.”