

WAPA LEGISLATIVE UPDATE

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April 18, 2005

A. 2005-07 Biennial Budget

The Joint Committee on Finance, will begin voting on portions of the Biennial Budget bill this week. The Committee will review papers prepared on each budget topic by the Legislative Fiscal Bureau and then debate and vote on each proposal.

The Committee will meet this week on Tuesday, April 19, 2005 at 1:30 p.m. and Wednesday, April 20, 2005 at 9:00 a.m.. The Executive Sessions will be held on the budgets of the following state agencies:

- Department of Revenue -- Tax Administration
- Department of Revenue -- Lottery Administration
- Secretary of State
- Department of Financial Institutions
- Environmental Improvement Fund
- Lower Wisconsin State Riverway Board
- Department of Natural Resources -- Departmentwide
- Department of Tourism
- Department of Transportation -- Departmentwide
- Department of Transportation -- Motor Vehicles
- Department of Transportation -- State Patrol
- Department of Military Affairs
- Elections Board
- Office of State Employment Relations
- State Treasurer
- Revenue Obligation Bonds -- Medical Assistance Revenue Obligation Bonds
- Department of Regulation and Licensing
- Public Service Commission
- District Attorneys
- Office of the State Public Defender

No public testimony will be taken. These sessions are strictly reserved for Committee debate and executive action. The papers prepared on each topic are available for review on the Internet at:

<http://www.legis.state.wi.us/lfb/2005-07budget/BudgetPapers/April19and20.htm> .

B. New Stand-Alone Legislation

1. Town TIF – Assembly Bill 253 and Senate Bill 124

Representative Ann Nischke (R-Waukesha) and Senator Ted Kanavas (R-Brookfield) introduced companion bills AB 253 and SB 124 on March 18, 2005.

These bills authorize a town that has entered into a cooperative plan with a city or village, under which part or all of the town will be annexed by the city or village in the future, to use tax incremental financing. The bills require the annexing city or village to approve the creation of the town TID. Current law authorizes any combination of cities, villages, and towns to determine the boundary lines between themselves under a cooperative plan that is approved by the Department of Administration.

AB 253 was referred to the Assembly Committee on Ways and Means. SB 124 was referred to the Senate Committee on Job Creation, Economic Development and Consumer Affairs, which recommended SB 124 for passage with a vote of 4-1 on April 13, 2005.

Link to AB 253: <http://www.legis.state.wi.us/2005/data/AB-253.pdf>

Link to SB 124: <http://www.legis.state.wi.us/2005/data/SB-124.pdf>

2. City and Village Ordinance Publication – Assembly Bill 257 and Senate Bill 126

Representative Mark Gottlieb (R-Port Washington) and Senator Carol Roessler (R-Oshkosh) introduced AB 257 and SB 126 on March 18, 2005. AB 257 has been referred to the Assembly Urban and Local Affairs Committee. SB 126 has been referred to the Senate Committee on Veterans, Homeland Security, Small Business, Military Affairs and Government Reform. Representative Gottlieb has offered a substitute amendment that will likely replace the original text of the bill. The description below refers to the substitute amendment.

Generally under current law, the complete text of an ordinance that is enacted by a city, village, town, county, or town sanitary district (local governmental unit) must be published in a local newspaper. If no newspaper exists in a village, however, the ordinance may be posted in at least three public places in the village. Towns may also post ordinances in the same manner. Under Assembly Substitute Amendment 1 to AB 257, a local governmental unit may continue to publish the complete text of an enacted ordinance or the local governmental unit may publish a notice of the ordinance in a local newspaper. The notice must contain at least all of the following information:

1. The number and title of the ordinance.
2. The enactment date of the ordinance.
3. A summary of the ordinance.
4. Information about where the full text of the ordinance may be obtained.

The substitute amendment makes no change to current law regarding the posting of ordinances in villages or towns. ASA 1 to AB 257 is available online at <http://www.legis.state.wi.us/2005/data/AB257-ASA1.pdf>.

3. *Town Powers and Charter Towns – Assembly Bill 266 and Senate Bill 165*

Representative Carol Owens (R-Oshkosh) and Senator Neal Kedzie (R-Elkhorn) have introduced companion bills AB 266 and SB 165. AB 266 has been referred to the Assembly Committee on Rural Affairs and Renewable Energy where it will have public hearing on April 21, 2005. SB 165 has been referred to the Senate Committee on Job Creation, Economic Development and Consumer Affairs.

Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers relating to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. For example, a town board exercising village powers may not create a tax incremental financing (TIF) district other than for very limited purposes related to agricultural, forestry, or manufacturing projects; annex territory; exercise extraterritorial zoning jurisdiction over another town; or, in counties that have adopted a county zoning ordinance, enact a town zoning ordinance unless it is approved by the county board. If a town board exercises village powers, the town is still subject to annexation by a city or village and may be subject to extraterritorial zoning powers exercised by a city or village.

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.

Link to AB 266: <http://www.legis.state.wi.us/2005/data/AB-266.pdf>

Link to SB 165: <http://www.legis.state.wi.us/2005/data/SB-165.pdf>

4. *Location of a Town Board Meeting – LRB-1740*

Representative Daniel LeMahieu (R-Oostburg) is circulating LRB-1740 for co-sponsorship. This proposed legislation will allow the polling place for a town board meeting to be in a joint town-village hall, even if the hall is not within the boundaries of the town. This legislation is designed to encourage efficiencies in local government by offering more alternatives to town governments. (*Note: This legislation has not yet been introduced.*)

5. *Proposed Amendment to Wisconsin Administrative Code § Trans 201*

The Department of Transportation has published its intent to amend chapter Trans 201,

relating to “Control of Outdoor Advertising Along and Visible from Highways on the Interstate and Federal-Aid Systems,” as it pertains to abandoned and nonconforming signs, consistent with federal guidance issued on January 17, 1977, interpreting 23 CFR 750.707(d)(6)(ii).

According to the Scope Statement published in the March 15, 2005 Wisconsin Administrative Register,

“The Department is facing increasingly numerous legal challenges to its longstanding policies regarding abandoned signs. Continued federal funding depends on the Department’s current policies remaining in effect. The purpose of this rule making is to codify Department policy, insure continued eligibility for federal funds, and reduce litigation on this issue.”

Currently, the Department considers “abandoned” any nonconforming sign that for a period of 12 months or more bears only “sign for rent,” a telephone number, a message offering the sign for sale, or other similar message intended to convey the availability of the sign. The Department notifies a sign owner that the Department considers a sign “abandoned” only after the 12-month period has expired.

Existing federal regulations state that a nonconforming sign may continue to exist as long as it is not destroyed, abandoned or discontinued. Each state must develop criteria for defining “abandonment.” The criteria may provide that a nonconforming sign that displays obsolete advertising matter or is without advertising matter for a designated period of time may be considered “abandoned” and subject to removal without compensation. 23 CFR 750.707(6). There are no proposed federal regulations intended to address nonconforming outdoor advertising signs.

The Department anticipates that it will take approximately 40 staff hours to complete this rulemaking process.

C. Update on Previously Introduced Legislation

1. *Size of County Board of Supervisors and Common Councils (Cities) – Assembly Bill 60 and Senate Bill 4*

Senator Ted Kanavas (R-Brookfield) and Representative Gregg Underheim (R-Oshkosh) have introduced companion bills regarding the sizes of county boards and common councils in cities. Recently, the lead sponsors introduced substitute amendments to these bills, which replace the original drafts.

Under **current law**, in general a county board is required to redistrict its supervisory districts once every 10 years following the decennial federal census, through adoption of a decennial redistricting plan. The identical **substitute amendments** (SSA1 to SB4 and ASA1 to AB 60) set forth criteria and procedures under which either a county board, or the electors by petition and referendum, in counties other than Milwaukee and Menominee Counties, may decrease the size of the county board of supervisors one time only after the county board adopts its decennial redistricting plan. If either the county

board, or the electors by petition and referendum, use this option to decrease the number of county supervisors during the 10-year period between the adoption of decennial redistricting plans, the substitute amendments:

- Set forth procedures under which, if the decrease affects a city entirely within a county that has aldermanic districts coterminous (shared) with the supervisory districts, the common council of the city may decrease the number of aldermanic districts and corresponding members of the council to keep the boundaries coterminous.
- Prohibit another such action to decrease the number of county supervisors until after the county board enacts the next decennial supervisory district plan.

Link to SSA1: <http://www.legis.state.wi.us/2005/data/SB4-SSA1.pdf>

Link to ASA1: <http://www.legis.state.wi.us/2005/data/AB60-ASA1.pdf>

2. *Creation of a Joint Committee on Mandates – Senate Bill 5*

Senate Bill 5, introduced by Senator Alberta Darling (R-River Hills) in January, creates a legislative Joint Committee on State Mandates. This legislation was recommended for passage by the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform on March 23, 2005 and is now available for consideration by the Senate as a whole.

3. *Technical Changes to the Tax Incremental Financing Law – Senate Bill 83 and Assembly Bill 147*

SB 83 and AB 147, introduced by Senator Cathy Stepp (R-Sturtevant) and Representative Mark Gottlieb (R-Port Washington), are companion bills that make technical changes to the TIF law.

SB 83 as amended by the amendment discussed in the last edition of the update, passed the Senate with a vote of 32-0 on March 10, 2005. The bill had a public hearing in the Assembly Ways and Means Committee on March 16, 2005, where the bill was amended by Assembly Amendment 1 (AA1) and recommended for passage as amended. AA1 corrects a deficiency in the language inserted in the bill by Senate Amendment 2. It clarifies that DOR is required to refuse to certify the tax incremental base of a TID only if the TID is not in compliance with s. 66.1105 (2) (f) 3., Stats. The Assembly passed SB 83 as amended by AA1 on April 6, 2005. It is now available for consideration by the Senate.

4. *Allowing Certain Counties To Create Tax Incremental Financing Districts – Assembly Bill 156 and Senate Bill 153*

Senate Bill 153, a Senate companion to AB 156 (Representative Jeffrey Mursau (R-Crivitz)) was introduced by Senator Roger Breske (D-Eland) on April 1, 2005 and

referred to the Senate Committee on Job Creation, Economic Development and Consumer Affairs.

Link to SB 153: <http://www.legis.state.wi.us/2005/data/SB-153.pdf>

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