

WAPA LEGISLATIVE UPDATE

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A. 2005-07 Biennial Budget

On February 8th, Governor Doyle announced his proposed 2005-07 Biennial Budget. This is the only piece of legislation that is authored by the Governor. His budget bill has been introduced as 2005 Assembly Bill 100 and has been referred to the Joint Committee on Finance for review by the Legislature.

The Joint Committee on Finance consists of sixteen members. Eight are from the Assembly and eight are from the Senate. The committee is currently made up of twelve Republicans and four Democrats. The committee co-chairs are Representative Dean Kaufert (R-Neenah) and Senator Scott Fitzgerald (R-Juneau).

The Joint Committee on Finance is charged with reviewing all state appropriations and revenues, including the biennial budget bill. This spring, the Committee will conduct in-depth analysis of the budget as it was proposed by the Governor and will make amendments to the bill before it will be considered by both houses of the legislature.

The following are narrative descriptions of some of the Governor's budget proposals that may be of interest to WAPA members:

1. **Property Tax Relief.** The Governor recommends providing substantial property tax relief through a package of levy limits, incentives, bonuses and state aid. (*Shared Revenue and Tax Relief*)
2. **County and Municipal Levy Limits.** The Governor recommends establishing county and municipal levy limits for levies collected in 2006 and 2007. The limits will allow these local governments to increase property taxes by no more than inflation plus a growth factor related to new construction. For municipalities, the growth factor will be calculated on a regional basis. Debt service and tax increments are excluded from the limit. A locality may exceed the limit by referenda. (*Shared Revenue and Tax Relief*)
3. **Expenditure Restraint Reform and Expansion.** The Governor recommends expanding the expenditure restraint program to include counties and restructuring the program to focus on limiting property taxes rather than expenditures. For qualifying municipalities (with mill rates over five) and for all counties, the Governor recommends rewarding localities if they limit property tax increases to no more than 85 percent of the sum of inflation plus a growth factor based on new construction. The Governor further recommends that bonus payments be provided to municipalities and counties

that increase their levies by less than the maximum allowed. Local governments will need to limit levy increases beginning with December 2005 tax bills to be eligible for the new payments beginning in 2007. (*Shared Revenue and Tax Relief*)

4. **School Levy Credit.** The Governor recommends increasing the school levy credit by \$150,000,000 in General Purpose Revenue (GPR) beginning in 2007. This increase will be paid in July of each year unless additional revenues are available in the 2005-07 biennium to pay all or a portion of the increase in June. This additional amount will be distributed in proportion to each school district's share of general school aids. (*Shared Revenue and Tax Relief*)
5. **Local Revenue Sharing Agreements.** The Governor recommends allowing counties to enter into revenue sharing agreements with municipalities or other counties and expanding the scope of revenues that may be allocated under local revenue sharing agreements to include state payments and fees. (*Shared Revenue and Tax Relief*)
6. **Land Information Program.** The Governor recommends transferring the responsibilities of the Wisconsin Land Information Board and Wisconsin Land Council to the Department of Administration including: (a) approval of land records modernization; (b) administration of land records modernization grant funding; (c) recommendation of land use goals and priorities; and (d) establishment of a state agency resource working group to study state land use issues. The Governor also recommends eliminating the sunset for the \$2 deed recording fee to ensure continued funding for state comprehensive planning and land records modernization grants. The Governor further recommends the elimination of funding for the completed soil survey and mapping project with the U.S. Department of Agriculture. (*Department of Administration.*)
7. **Land and Water Resource Management.** The Governor recommends providing \$520,000 annually for cost-share grants to farmers required to implement nutrient management plans and other nonpoint source pollution control practices. The Governor further recommends providing \$500,000 for grants to support county conservation staff. The Governor also recommends providing \$7,000,000 in new GPR-supported general obligation bonds for grants to counties for implementation of land and water resource management plans, including cost-share grants to landowners. (*Department of Agriculture, Trade and Consumer Protection*)
8. **Managed Forest Law.** The Governor recommends providing \$2,000,000 in each year to create a public access grant program funded by closed acreage fees under the Managed Forest Law program. This proposal fulfills the intent of the veto message relating to 2003 Wisconsin Act 228. A new Managed Forest Land Board will award grants to local units of government, the department and nonprofit conservation organizations for the purpose of

acquiring easements or purchasing land for public access to offset the impact of closed acreage under the Managed Forest Law program. The Governor further recommends reducing operations funding by \$800,000 in each year related to consultant contracts to prepare Managed Forest Law plans because these costs will be covered by the fees created in Act 288 for this purpose. Lastly, the Governor recommends providing \$64,300 in FY06 and \$405,300 in FY07 to improve the processing of Managed Forest Law applications, transfers and withdrawals. (*Department of Natural Resources*)

9. **Nonpoint Source Pollution Abatement.** The Governor recommends providing \$10,700,000 in new GPR-supported general obligation bonds for grants to counties and municipalities for installation of nonpoint source pollution abatement practices. The bonding will be issued for the priority watershed program (\$6,000,000 bonding revenue to meet existing cost-share grant agreements) and urban nonpoint, municipal flood control and riparian restoration (\$4,700,000 bonding revenue for cost-share grants to municipalities). (*Department of Natural Resources*)

B. New Stand-Alone Legislation

1. *Plan Period for County Forest Land Use Plans – 2005 Assembly Bill 9*

Representative John Ainsworth (R-Shawano) introduced AB 9 on January 18, 2005. Under current law, a county board may enact an ordinance designating a committee to manage lands designated as county forests in that county. A comprehensive county forest land use plan must be prepared for the county forest land by that committee. The plan must include land use designations, land acquisition, forest protection, annual allowable timber harvests, recreational developments, projects to be undertaken during the plan period and other information, and the plan must be prepared for a 10-year period and must be revised when the plan period expires.

Assembly Bill 9 requires that each county forest land use plan be prepared for a 15-year period rather than a 10-year period. It also requires that the plan be revised every 15 years. The bill specifies that if the plan is not revised, the plan remains in effect until it is revised and the revised plan takes effect.

Assembly Bill 9 has been referred to the Assembly Committee on Forestry. To review a copy of Assembly Bill 9, go to <http://www.legis.state.wi.us/2005/data/AB-9.pdf> on the Internet.

2. *Quorum Requirements for a Zoning Board of Appeals or Adjustment – 2005 Assembly Bill 24*

On January 20, 2005, Representative Sheryl Albers (R-Reedsburg) introduced 2005 Assembly Bill 24, which makes changes to the quorum requirements for zoning boards.

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.

A municipality's board of appeals or a county's board of adjustment is authorized under current law to hear and decide appeals that allege that there is an error in the enforcement of a zoning ordinance, to hear and decide special exceptions to the terms of a zoning ordinance, and to authorize a variance from the terms of a zoning ordinance. Currently, the county board chair of a county with a population of 500,000 or more and the chief executive officer of a municipality (a city mayor, village board president, or town board chair) may appoint two alternate members of the board of adjustment or appeals, who act when a member of the board of adjustment or appeals refuses to vote because of a conflict of interest or when a member is absent.

This bill requires all municipalities or counties that have a board of appeals or adjustment to appoint alternate members of the board. The bill also specifies that if a quorum is present the board of appeals or adjustment may take action by a majority vote, and repeals a current law provision that requires four out of five votes for action by a city, village, or certain town board of appeals.

AB 24 has been referred to the Assembly Committee on Property Rights and Land Management. A hearing on AB 24 has been scheduled for February 23, 2005 at 10:00 a.m. in room 300-NE, State Capitol. To review a copy of AB 24, go to <http://www.legis.state.wi.us/2005/data/AB-24.pdf>.

C. Update on Previously Introduced Stand-Alone Legislation

1. *Size of County Boards of Supervisors and Cities' Common Councils – Senate Bill 4 and Assembly Bill 60*

2005 Assembly Bill 60 was introduced by Representative Gregg Underheim (R-Oshkosh) on January 27, 2005. AB 60 is the Assembly *companion bill* (i.e., identical bill) to Senate Bill 4, which was introduced by Senator Ted Kanavas (R-Brookfield). (See January 2005 WAPA Update for detailed information on SB 4 bills.) To review a copy of Assembly Bill 60, go to <http://www.legis.state.wi.us/2005/data/AB-60.pdf> on the Internet.

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

D. Special Legislative Council Committee on Municipal Annexation

The drafting subcommittee of the Special Legislative Council Committee on Municipal Annexation has created several draft pieces of legislation for the full committee to consider at its next meeting. The drafts relate to municipal boundaries that are subject to contested court actions; the authorization of certain boundary agreements under Wis. Stat. § 66.0301; and allowing a cooperative boundary plan by mediated agreement.

The full committee will meet to decide which, if any, of these drafts it would like to be introduced for consideration by the State Legislature. (Note: No meeting of the full committee has been scheduled.)

To review the current drafts and to see a history of the Committee's work, go to http://www.legis.state.wi.us/lc/3_COMMITTEES/Special%20Committees/2004/ANNEX/index.htm on the Internet.