

APA-WI Legislative Update – March

1000 Friends of Wisconsin – Deb Nemeth

Governor Walker released his budget bill on Feb. 8th. The areas that are receiving the most attention are increased funding for K-12, tax cuts, transportation, school choice and self-insurance. There is no consensus among Republicans on these issues currently but we'll watch how things evolve over the next few months. The goal is to pass the budget by July.

Link to Budget in Brief:

<http://doa.wi.gov/Documents/DEBF/Budget/Biennial%20Budget/2017-19%20Executive%20Budget/17-19%20BIB%20FINAL%20revised%2002082017.pdf>

The Joint Finance Committee is holding public hearings on the Governor's 2017-2019 state budget bill, AB 64/SB 30. The full schedule of public hearings dates and locations is provided below. The hearings begin at 10:00 a.m. and typically last all day.

- Monday, April 3 - UW-Platteville, Platteville
- Wednesday, April 5 - State Fair Park, Milwaukee
- Friday, April 7 - Berlin High School, Berlin
- Tuesday, April 18 - Spooner High School, Spooner
- Wednesday, April 19 - Ellsworth High School, Ellsworth
- Friday, April 21 - Marinette High School, Marinette

April 6 Update – The Joint Finance Committee announced that it removing all 83 non-fiscal policy items from the state budget. The Committee will vote to amend the rest of the Governor's budget with the exception of the Transportation budget. They will vote to amend the base budget rather than the Governor's recommendations.

Bills to watch

SB-3/AB 24 Project Labor Agreements (Vukmir, Leah) Relating to project labor agreements and public contracts.

Under this bill, the state and local units of government are prohibited from engaging in certain practices in letting bids for state procurement or public works contracts. Under the bill, the state and local governments may not do any of the following in specifications for bids for the contracts: 1) require that a bidder enter into an agreement with a labor organization; 2) consider, when awarding a contract, whether a bidder has or has not entered into an agreement with a labor organization; or 3) require that a bidder enter into an agreement that requires that the bidder or bidder's employees become or remain members of a labor organization or pay any dues or fees to a labor organization.

3/9/2017 Passed Senate 19-13

Received by Assembly Committee on Labor – passed 6-3 and referred to Rules.

Tabled in the Assembly.

SB-22/AB 50 Groundwater Management, (Miller, Mark) Relating to groundwater management, approval of high capacity wells, and granting rule-making authority.

This bill establishes standards and a process for designating areas in this state as groundwater management areas. The standards vary depending on whether an area has a confined aquifer or an unconfined aquifer. An aquifer is a water-bearing geologic formation. A confined aquifer has above it a layer (of rock, for example) through which water does not pass easily. An unconfined aquifer does not have such a layer above it.

Current law provides for a Groundwater Coordinating Council, consisting of the secretaries of natural resources, safety and professional services, agriculture, trade and consumer protection, health services, and transportation, and the president of the University of Wisconsin System, or their designees; the state geologist; and a person to represent the governor.

This bill requires the GCC to appoint a subcommittee on groundwater area review (council subcommittee), consisting of individuals with technical expertise in the area of groundwater science and management. <http://docs.legis.wisconsin.gov/2017/proposals/reg/sen/bill/sb22>

SB 22 Referred to [Committee on Natural Resources and Energy](#)

AB 50 Referred to Committee of Environment & Forestry

NOTE: Citizens across Wisconsin are experiencing the impacts of diminishing groundwater levels. These bills create mechanism to identify areas where water withdrawals are not sustainable and they create systems for the development and deployment of a science based plan to bring withdrawals back in balance.

SB 26 Broadband expansion (Joint Legislative Committee) Relating to broadband expansion grants and making an appropriation

Under current law, funding for the Broadband Expansion Grant Program is limited to the unspent funds remaining from a total of \$6.0 million that was transferred from the Wisconsin Universal Service Fund (USF) in [2015 Wisconsin Act 55](#). A total of approximately \$3 million remains for grants in Fiscal Year (FY) 2017-18 and FY 2018-19. Under current law, the Public Service Commission (PSC) is not authorized to raise additional funding for the program through the assessment paid into the USF by telecommunications providers.

Beginning in FY 2019-20, this bill reserves for the Broadband Expansion Grant Program \$1.5 million annually from the funding that the PSC currently receives from assessments paid into the USF by telecommunications providers.

SB 26 Referred to Elections & Utilities Committee

SB-48/ AB 78 Lead Service Lines (Cowles, Rob) Relating to lead service line replacements.

This bill provides that it is not unjust, unreasonable, insufficient, unfairly discriminatory, or preferential or otherwise unreasonable or unlawful for a water public utility to provide financial assistance to a customer solely for replacing service lines containing lead if the financial assistance is allowed by local ordinance. The bill also provides that the water public utility may provide financial assistance for the replacement of a service line containing lead only if the portion of the service line for which the utility is responsible and the water main that are connected to the customer's service line either do not contain lead or are replaced at the same time as the customer's service line is to be replaced. Under the bill, if a water public utility provides financial assistance for replacing service lines containing lead, the Public Service Commission must include the cost of providing that financial assistance in its determination of water rates. <http://docs.legis.wisconsin.gov/2017/proposals/sb48>

SB 48 referred to Committee on Natural Resources and Energy Passed 5-0 Available for scheduling.
AB 78 referred to Energy & Utilities

SB-49/ AB 81 Broadband extension (Marklein, Howard) Relating to the information technology block grant program, the broadband expansion grant program, waiving certain fees and appraisals, and making appropriations.

The bill makes changes to funding for grants made by the PSC for projects to construct broadband infrastructure in underserved areas. Under current law, \$6,000,000 was transferred from the universal service fund (USF) for making the grants, but current law also limits the total grants made in a fiscal year to \$1,500,000. The bill eliminates that limit. The bill also provides additional funding for the grants by doing the following: 1) transferring an additional \$6,000,000 from the USF; 2) transferring \$5,000,000 from moneys received under a federal program for assisting schools and libraries in obtaining telecommunications services and Internet access, which is commonly known as the federal e-rate program; and 3) at the end of each fiscal year, transferring the unencumbered balances from other USF-funded appropriations. Also, beginning in fiscal year 2017-18, the bill allows the PSC to fund its administration of the broadband grant program from contributions made by telecommunications providers to the USF.

The bill also makes changes to the priorities for the PSC to make the grants. One of the priorities under current law is for projects that affect areas with no broadband service providers. The bill repeals that priority and requires that the PSC give priority to projects in an “unserved area” designated by the PSC, which the bill defines as an area of this state that is not served by an Internet service provider offering Internet service that 1) is wired service or fixed wireless service; and 2) is provided at actual speeds of at least 20 percent of the upload and download speed for high-speed, switched, broadband telecommunications capability as designated by the Federal Communications Commission in its annual inquiries regarding advanced telecommunications capability. Another priority under current law is for projects that promote “economic development,” which is not defined. This bill defines “economic development” as development designed to promote job growth or retention, expand the property tax base, or improve the overall economic vitality of a town, village, city, county, or region. Also, the bill creates a new priority for projects that will not result in delaying the provision of broadband service to neighboring areas. In addition, the bill requires the PSC to consider the following in evaluating grant applications for proposed projects: 1) the degree to which the projects would duplicate existing broadband infrastructure; 2) impacts on the ability of individuals to access health care services from home and the cost of those services; and 3) impacts on the ability of students to access educational opportunities from home. <http://docs.legis.wisconsin.gov/2017/proposals/sb49>

SB 49 referred to Revenue, Financial Institutions and Rural Issues
4/5/2017 Senate Passed on a vote of 33 – 0 and referred to Assembly.
AB 81 referred to Assembly Ways and Means.

SB 51/ AB 81 TIF (Stroebel, Duey) Relating to technical changes to the tax incremental financing statutes.

This bill makes a number of technical changes to the statutes affecting city, village, and town tax incremental financing districts. The bill does the following:

1. Limits penalties to \$6,000 per report that the Department of Revenue may assess against municipalities that fail to file with DOR certain required reports.
2. Modifies certain administrative payment and certification request due dates, changing the due dates from May 15 to April 15.

3. Repeals a requirement for municipalities to provide DOR with preliminary project plan amendment notifications.

4. Adds mixed-use development to the list of eligible project costs for mixed-use tax incremental districts.

5. Excludes municipal property from base values for town TIDs.

6. Repeals an obsolete special provision that applied only to a TID in the city of Hayward; the TID terminated in 2011. <http://docs.legis.wisconsin.gov/2017/proposals/sb51>

SB 51 was referred Committee on Government Operations, Technology and Consumer Protection.

3/7/2017 Passed Senate 33-0

AB 81 referred to Ways & Means

SB 76/ AB 105 High Capacity Wells (Senator S. FITZGERALD) Relating to: replacement, reconstruction, and transfer of an approved high capacity well, recommendation of special groundwater measures by the Department of Natural Resources, and metering requirements and grants for certain high capacity wells.

This bill makes changes to the laws regulating high capacity wells, which are wells that, together with certain other wells on the same property, have the capacity to withdraw more than 100,000 gallons of water per day.

Activities exempt from approval

Current law requires a person to obtain approval from the Department of Natural Resources before constructing or operating a high capacity well. This bill provides that no additional approval is needed for the owner of an approved high capacity well to 1) repair or maintain the well, 2) construct a replacement high capacity well, if the replacement well's purpose is to prevent contamination or if the replacement well will be substantially the same depth as the existing well and either within a 75-foot radius of the existing well or farther from the nearest groundwater protection area than the existing well, 3) reconstruct the well to substantially the same depth and specifications as the existing well, or 4) transfer the approval at the same time as the owner transfers the land on which the well is located. No additional fee is required for any of these actions, but the owner of the well must notify DNR of any replacement, reconstruction, or transfer. The owner may not take any of these actions if they would be inconsistent with the conditions included in the approval for the high capacity well, and the conditions of the approval continue to apply after any of these actions are taken.

<https://docs.legis.wisconsin.gov/2017/proposals/reg/sen/bill/sb76>

SB 76 referred to Committee on Labor & Regulatory Reform Passed 3 -2

4/6/2017 Passed the Senate 19-13 and messaged.

The high-volume well measure would be a win for those seeking to maintain and expand irrigation for agriculture, especially in central Wisconsin, where the practice has become more controversial as lakes and streams have lost substantial volumes over the last decade.

The bill would bar state Department of Natural Resources officials from reviewing the impact of wells drawing more than 100,000 gallons daily.

AB 105 referred to the Committee on Agriculture

AB 109 County Zoning (Rep Ripp) Relating to modifying the requirements for certain towns to withdraw from county zoning.

This bill makes a number of technical changes to the law authorizing towns located in a county with a population of at least 485,000 to withdraw from county zoning. The bill makes the following changes:

1. Changes some of the timing requirements related to when a town must notify a county of the town's intention to withdraw from county zoning.
2. No longer requires a town to send copies of its official map to the county clerk.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

<https://docs.legis.wisconsin.gov/2017/proposals/reg/asm/bill/ab109>

AB 109 referred to the Committee on Local Government.

April 6 – After much debate and added amendments it Passed in the Assembly 57-37

The Assembly voted 57-34 to adopt Assembly Bill 109, which allows towns to call a special town vote within 30 days on whether to withdraw from county zoning during a one-year period every three years. The proposal as originally written would have removed any public voting requirement, but that provision was modified after strong vocal opposition, particularly from residents of the town of Middleton. AB 109 amends a law passed last year that allowed towns to opt out of Dane County zoning. Elsewhere in Wisconsin towns have been able to opt out of county zoning whenever the county conducts a comprehensive rewrite of its zoning laws, but Dane County hasn't done that in 80 years.

Senate Majority Leader Scott Fitzgerald, R-Juneau, said Thursday his caucus has had a lot of discussion about the bill and won't make a decision on whether to support it until after the April 18 town votes.

AB 179 Remediation of Contaminated Land (Jacques, Thiesfeldt, Skowronski) Relating to remediation of contaminated land; air pollution control requirements for certain manufacturing facilities constructed on formerly contaminated land; reassigning tax deeds on tax delinquent brownfield properties; creating a new method for the creation of environmental remediation tax incremental financing districts; loans and repayment assistance by a political subdivision for certain brownfield revitalization projects and collection of the debt by special charge; state trust fund loans for brownfield projects; conversion of business improvement districts; and annexations to business improvement districts and neighborhood improvement districts.

<http://docs.legis.wisconsin.gov/2017/proposals/REG/AB179>

Referred to Committee on Environment & Forestry

Other items of interest:

Below is a link to the Audit Bureau's recommendation regarding WisDOT major highway projects program. The audit found WisDOT had misrepresented the estimated costs of major projects by over 100% on average. The audit also found they miscalculated traffic projections and did not document why they chose a certain traffic projection model in 28 out of 30 cases. The new DOT Secretary David Ross has pledged to follow the Audit Bureau's recommendations and is committed to increasing transparency and accountability.

LRB 1852 Highway Projects (Joint Audit)

http://www.thewheelerreport.com/wheeler_docs/files/lrb1852_01.pdf