



Advisory Committee on Legislation

Friday, October 11, 2019

10:00 a.m.

Holiday Inn Madison at the American Center

5109 W Terrace Dr, Madison, WI 53718

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9. Other Business [next meeting to be determined]	--
Adjournment	



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Minutes

Meeting of the Advisory Committee on Legislation League of Wisconsin Municipalities Friday, May 3, 2019

1. The Committee met in Madison at the Crowne Plaza Hotel. League President Tammy Bockhorst served as chair and called the meeting to order at 10:00 a.m. The following committee members participated in the meeting:

Village President Barbara Dickmann, Saukville
Aldersperson Catherine Emmanuelle*, Eau Claire
Community Development Director Daniel Ertl, Brookfield
Mayor Tim Hanna, Appleton
City Clerk Arla Homann, Park Falls
City Administrator Mark Johnsrud, St. Francis
City Administrator Kevin Lahner, Waukesha
Village President George Peterson, Rothschild
Mayor Dianne Reese, New Holstein
Plan Commissioner John Small, Marathon City
Mayor Tim Swadley, Stoughton
Mayor Delton Thorson, Augusta
City Engineer Rob Vanden Noven, Port Washington
Lobbyist Brenda Wood, Milwaukee*
Government Relations Director Nick Zavos, Madison

(*Participated by phone)

Curt Witynski and Gail Sumi from the League staff were also present.

2. **Motion:** Approve the minutes of the January 25, 2019 meeting. Motion carried.
3. Witynski gave an update on the state budget bill.
4. Witynski gave an overview of a report on municipal revenue options prepared by the Wisconsin Policy Forum on behalf of the League.
5. Witynski gave an update on the status of legislation repealing personal property tax and the impact of TIF closure on a community's personal property aid payments.
6. **Proposed legislation limiting local regulation of gravel quarries.** By consensus, the committee recommends the League remain opposed to legislation sought by the aggregate producers association. The committee recommends that the League consider adjusting its position if the Wisconsin Towns Association modifies its position to neutral as a result of changes it was able to obtain to the bill.

7. **LRB-1819, Municipal Court Changes Sought by Municipal Judges Association.**

The committee recommends the League support the proposal if the provision mandating that governing bodies provide armed officers for all court sessions is modified.

8. **Elevating nonconforming structures in the floodplain.** The committee recommends that the League work with the Wisconsin Realtors Association and Wisconsin Builders Association in federalizing state law with respect to elevating, maintaining, and improving nonconforming structures in the right-of-way.

9. **Recently Introduced Legislation.**

The Committee recommends that the League **support** the following bills:

SB-91 System for Buying and Selling Water Pollution Credits. Creates a system, managed by a third party vendor, for buying and selling water pollution credits through a central clearinghouse.

SB-92 City Manager Residency Authorizing municipalities operating under the city/village manager plan to impose residency requirements on city and village managers.

SB 149, Rehiring Retired Police Officers and Fire Fighters under the WRS. Allows a Wisconsin Retirement System annuitant who was a law enforcement officer or fire fighter to return to work with an employer who participates in the WRS, and elect to not become a participating employee for purposes of the WRS, and instead continue to receive his or her annuity.

AB 177, Restoring municipal power to regulate plastic bag use. Deletes sec. 66.0419, restricting municipal authority to ban or regulate "auxiliary containers," also known as plastic bags and containers.

SB 178, Authorizes municipal governing bodies to adopt and use a biennial budgetary procedure.

LRB 2011, Allowing municipal governing bodies to delegate to a designated official the authority to issue operator's licenses (aka bartender's licenses).

SB 50, Police Body Cameras. This bill was prepared for the Joint Legislative Council's Study Committee on the Use of Police Body Cameras. It establishes regulations and standards governing law enforcement agency policies, training, and compliance related to body cameras. It also sets out standards for releasing body camera video footage. The Police Chiefs Association, the Sheriffs Association, the professional police union, and the Newspapers Association support. By Joint Legislative Council.

AB 141, Due dates for paying property tax bills. Clarifies that property tax bill payments mailed to the proper official are considered received on time if postmarked on or before the due date, regardless of when received. The bill also clarifies that if

the due date is a Saturday or Sunday, the five-day “grace” period ends on the following Friday. By Rep. Ballweg (R-Markesan).

10. The committee recommends that the League neither support nor oppose the following bills:

AB 150, Reimbursing Municipalities Cost of Caring for Veteran Graves.

AB 44/ SB 53, Installation of a barricade device on an interior door in a school building.

AB 74/ SB 83, Retail sales by taverns of intoxicating liquor for consumption off licensed premises. Eliminates the four-liter limit on “Class B” licensees for distilled spirits sales for off-premises consumption in municipalities that, by ordinance, allow such off-premises sales.

AB 75/SB 102, Prohibiting Local Regulation of Honorary Firearm Discharges.

AB 138, Prohibiting "Sanctuary Cities." Prohibits a municipality from enacting or enforcing an ordinance or policy prohibiting the enforcement of federal or state laws relating to illegal aliens or ascertaining whether an individual has satisfactory immigration status. The bill also requires a municipality to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement, and authorizes the attorney general or the district attorney or sheriff to file a writ of mandamus requiring compliance with the requirements created by the bill. If a court finds that a community has failed to comply, DOR must reduce the community's shared revenue payments in the next year by \$500 to \$5,000. By Rep. Spiro (R-Marshfield). (*Note: Vote was 9-7 on this after good discussion.*)

SB 170, Allowing minors to operate temporary stands without a permit or license.

11. The Committee recommends that the League **oppose** the following bills:

SB 106, prohibits a local health department that is granted agent status to issue retail food establishment licenses by the Department of Agriculture, Trade and Consumer Protection from establishing separate fees for pre-licensing inspections of micro markets.

LRB-2268, Applying Payment for Delinquent Property Tax Debt. Requires that a payment made to a taxing jurisdiction by a person with a delinquent property tax debt be applied first to reduce the tax debt and then, if the payment exceeds the tax debt, to reduce the amount of late fees and interest charged under the debt. Currently, a taxing jurisdiction may apply a payment to reduce the late fees and interest before the tax debt.

12. The meeting adjourned at 12:00 p.m.

Respectfully Submitted,
Curt Witynski, Deputy Executive Director

To: Advisory Committee on Legislation
From: Curt Witynski, Deputy Director
Date: October 2, 2019
Re: Update on Legislative Session

I. State Budget. See the attached article from the September issue of the Municipality.

II. Other Legislation. At the meeting on October 11 I'll give a verbal update and answer questions about the following other bills we are working on:

- AB 146/SB 130 --Dark store and Walgreens – *stalled*
- AB 285 -- Increasing competitive bidding threshold for public construction contracts from \$25,000 to \$50,000 -- *advancing*
- SB 105/AB 90 -- Exempting municipalities from Fair Dealership Law – *stalled*
- SB 234/AB 256 -- Applying statutory caps on business replacement payments in condemnation actions to RDAs and CDAs – *advancing*
- SB 108/AB 89 --Cleaning up statute governing process for filling vacancies on village boards and common councils – *advancing*
- SB 203/AB 216 -- Authorizing municipalities to allow clerks or other officials/staff to issue operator's licenses -- *advancing*
- AB 203/SB 193 -- Allowing communities the option of using an electronic voting machine to cast an in-person absentee ballot -- *advancing*
- AB 235 -- Creating a levy limit exception for communities receiving reduced utility aid payments when a power plant closes -- *advancing*
- AB 283 -- Requiring referendum to impose or continue a local vehicle registration fee -- *dead*
- AB 288/SB 257 -- Personal property tax repeal – *dead*
- SB 291 -- Giving municipalities the ability to schedule referendums to exceed levy limits earlier in the year instead of in November only as under current law – *advancing*
- SB 71, State aids for local governments required to conduct certain special elections -- *advancing*

How Does the 2019-2021 State Budget Affect Municipalities?

Curt Witynski, Deputy Executive Director, League of Wisconsin Municipalities



On July 3, much earlier than Capitol insiders had anticipated at the beginning of the session, Governor Evers signed the 2019-2021 state budget bill into law as Act 9. It provides, for the second budget in a row, significant increases in local transportation aids. The budget makes no changes, however, in funding for other key municipal programs like shared revenue, expenditure restraint, payments for municipal services, and recycling aids. Similarly, the budget makes no changes to levy limits.

Thanks to split party control of the state Capitol, Act 9 contains no policy items interfering with municipal powers, which sharply contrasts with the last three state budgets. Except for transportation aids, the state budget maintains the status quo for state-local relations.

This article describes in more detail provisions in the state budget affecting cities and villages. All items described in this article took effect on July 5, unless otherwise indicated.

Shared Revenue and Levy Limits

Shared Revenue. The new budget retains the same level of funding for the shared revenue program as the last state budget. A municipality's 2019 and 2020 payments should closely match its 2018 payments.

Levy Limits. The same strict levy limits that have been in place since 2011 were unaltered by Act 9. A municipality is allowed to increase its levy over the amount it levied in the prior year by the percentage increase in equalized value from net new construction. All of the exceptions and modifications to levy limits that exist in current law continue to apply (e.g., debt service levy exempt from levy limits; municipalities can exceed limits if approved by referendum).

Expenditure Restraint Program. Funding for this program remains at \$58 million, the same level it's been since 2003.

Local Transportation Aids

General Transportation Aids. The general transportation aids (GTA) program is the second largest program in DOT's budget and represents 25.7% of all state transportation fund appropriations in 2018-2019. The program helps cities,

villages, and towns offset the costs of local road construction, maintenance, traffic enforcement, and other transportation-related costs. The 2019-2021 state budget increases funding for the GTA program for cities, villages, and towns by \$35 million or 10%. This increases the funding level from \$348,639,300 to \$383,503,200 for 2020 and thereafter. The mileage aid rate is also increased by 10% from \$2,389 per mile to \$2,628 per mile for calendar year 2020 and thereafter.

All cities and most villages receive their GTA payments under the share of cost formula. Almost all towns are paid GTA on the rate per highway mile basis. DOT is statutorily required to distribute GTA funds first to towns under the rate per mile component of the program. Then, the remainder is distributed to cities and most villages on a share of cost basis.

An individual community's actual 2020 GTA payments will depend on application of the share of cost distribution formula. Municipalities on Share of Cost will receive a minimum 90% and maximum 115% of their 2019 GTA payment. The DOT calculates and mails to municipalities the estimate of their GTA payments by early October.

Supplemental Transportation Aids for Towns. The budget provides an additional \$2,500,000 annually from an annual, sum certain transportation fund appropriation to fund supplemental mileage aid payments for towns that are currently limited by the 85% of three-year average cost limitation under the general transportation aid program. This supplemental aid program allows certain towns to receive transportation aids equaling 100% of their transportation costs. (By comparison, cities and villages receiving GTA in 2019 under the share of cost formula received payments equaling only 16% of their total six-year average transportation costs.) This program sunsets on June 30, 2021.

Mass Transit Aids. The budget provides a 2% increase in mass transit operating assistance to each tier of mass transit systems for calendar year 2020 and thereafter. The increase in funding is to be distributed as follows: (a) \$321,000 in 2019-20 and \$1,283,900 in 2020-21 for Tier A-1; (b) \$84,300 in 2019-20 and \$337,400 in 2020-21 for Tier A-2; (c) \$122,400 in 2019-20 and \$489,700 in 2020-21 for Tier B transit systems;

and (d) \$26,000 in 2019-20 and \$103,800 in 2020-21 for Tier C transit systems. The statutory calendar year distribution amounts for 2020 and thereafter are set at \$65,477,800 for Tier A-1, \$17,205,400 for Tier A-2, \$24,976,400 for Tier B, and \$5,292,700 for Tier C.

Local Road Improvement Program (LRIP). The 2019-2021 state budget maintains current funding levels for the LRIP program.

New Local Government Transportation Grant Program. The state budget makes \$75 million in one-time general purpose revenue available to fund transportation grants for local governments.

According to DOT, the \$75 million will be split between local government types as follows: cities and villages will receive 25% of the funding (\$19,039,500), counties 36% (\$26,669,333), and towns 39% (\$29,291,167).

Funding for the Kaukauna Veterans Memorial Lift Bridge is also included in the program. The total estimated cost of the bridge project is \$2.2 million. The state is responsible for paying 80% of the cost of this project. According to DOT,

funding for the bridge project will be accomplished by taking \$500,000 from each local government group's allocation.

Grants will be available to local governments or groups of local governments on a competitive basis for projects statewide related to:

- Roads
- Bridges
- Transit capital and facility grants
- Bicycle and pedestrian accommodations
- Railroads
- Harbors

The program will pay up to 90% of total eligible costs with local governments providing the remaining 10%.

Other Local Aid, Grant, and Loan Programs

Recycling Grant Program. Funding for the municipal and county recycling grant program was not changed and remains \$19 million annually.

Payments for Municipal Services Program. Funding for the payment for municipal services program was kept the same

► p.13

DID YOU KNOW?



For over 100 years the shared revenue program has been a key component of Wisconsin's state and local financial relationship.

- ★ The county and municipal aid and utility aid programs, commonly referred to as the shared revenue program, combined with the expenditure restraint aid program, ranked as the sixth largest state general fund program in 2018-19, behind general elementary and secondary school aids, medical assistance, correctional operations, the University of Wisconsin system, and the school levy and first dollar tax credits.
- ★ Over the last 19 years, funding for the shared revenue program has been cut incrementally by \$94 million.
- ★ The formula for distributing shared revenue has not been used since 2003, which means that unless there is a cut in program funding, a community's shared revenue payment is the same amount that it received the year before regardless of any changes in equalized value or population the community may have experienced over the years.
- ★ Distribution of 2019 County and Municipal Aid and Utility Aid Payments:

Towns	\$53.3 million	(6.3%)
Villages	\$71.6 million	(8.7%)
Cities	\$544.8 million	(65.9%)
Counties	\$158.4 million	(19.2%)

Source: Legislative Fiscal Bureau 2019 Informational Paper on Shared Revenue

as under the prior budget, \$18,584,200 annually. The state uses this money to reimburse municipalities for police, fire and other services provided to tax-exempt state-owned properties. The program is administered by the department of administration and continues to be significantly underfunded.

State Aid for Tax-Exempt Computers. This program reimburses municipalities for lost revenues caused by the creation of personal property tax exemptions for computers, cash registers, and fax machines. The prior formula for calculating aid payments was repealed by the 2017-2019 state budget. In 2019, each community that received an aid payment in 2018 will receive an aid payment equal to that previous payment increased by the change in the inflation rate. Each year thereafter, communities will receive an amount equal to the 2019 aid payment amount.

Clean Water Fund and Safe Drinking Water Program

Clean Water Fund Bonding. The budget provides an increase in general obligation bonding authority of \$13,500,000 for the clean water fund program. The clean water fund program provides low-interest loans to municipalities for planning, designing, constructing, or replacing a wastewater treatment facility, or for nonpoint source pollution abatement or urban storm water runoff control projects.

Safe Drinking Water Bonding Authority. The state budget provides an increase in general obligation bonding authority of \$3,550,000 for the safe drinking water loan program. It authorizes DNR and the Department of Administration (DOA) to issue revenue obligations for the safe drinking water loan program in a manner consistent with the existing authority for clean water fund program revenue obligations. Under the budget, the current authorization for the state to issue up to \$2,526,700,000 in revenue obligations for the clean water fund program could also be used to issue revenue obligations for the safe drinking water loan program.

The safe drinking water loan program provides financial assistance to municipalities for the planning, design, construction, or modification of public water systems.

Safe Drinking Water 30-Year Loan Term. The budget authorizes the safe drinking water loan program to provide a maximum 30-year loan term, instead of the current maximum of 20 years, if the loan will be fully amortized not later than 30 years after the expected completion date of the project, and if repayment of principal and interest, if any, begins not later than 18 months after the expected completion date of the project that it funds.

► p.14

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Cable Franchise Fee Reimbursement. The state budget mandates a reduction in municipal cable franchise fee percentages (technically referred to as Video Service Provider (VSP) fees) and requires the state to compensate municipalities for the lost revenue. Wis. Stat. section 79.097, as created by Act 9, provides as follows:

- Beginning on January 1, 2020, any Video Service Provider fee percentage rate a community assesses is reduced by 0.5%. If your community's VSP fee percentage is currently 5% of cable gross receipts, it will be 4.5%. If the percentage is currently 3% it becomes 2.5%.
- Beginning on January 1, 2021, the VSP fee percentage is reduced another 0.5%. If your VSP fee is currently 5% of gross revenues, it will become 4%. If your VSP fee is currently 3%, it becomes 2%.
- The state will replace the lost revenue to municipalities in 2020 by paying communities an amount equal to 0.5% of VSP gross receipts from 2018. The state will make the annual payment to municipalities on or before the 4th Monday in July 2020.
- The state will replace the lost revenue in 2021 by paying municipalities an amount equal to 1.0% of VSP gross receipts from 2019. The state will make the annual payment to municipalities on or before the 4th Monday in July 2021.

- The state will continue to replace the lost revenue each year after 2021 by paying municipalities the same amount they received in 2021.

Conclusion

Except for significant increases in local transportation aids, the 2019-2021 state budget is a status quo budget for cities and villages. While Governor Evers introduced a budget that increased funding for shared revenue and allowed communities to increase property tax levies by a minimum of 2 percent, the Legislature removed those and other items helpful to local governments.

Thanks to your lobbying efforts, however, there were no provisions interfering with municipal powers or other negatives for cities and villages in this budget.

About the Author:

Curt Witynski is the League's Deputy Director. He manages the League's lobbying program, representing the League before the Legislature, the governor's office, and state agencies. He writes the *Legislative Bulletin* and *Capitol Buzz* newsletters, organizes legislative material and the Budgeting Toolkit for the League's web page, and answers questions from the media and members about legislation that the League is following. Contact Curt at witynski@lwm-info.org



Learn More!

Curt will provide a Legislative Update and answer questions at the League's 121st Annual Conference.

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To: Advisory Committee on Legislation
From: Curt Witynski, Deputy Director
Date: October 2, 2019
Re: Overview of Legislation Providing a Sales Tax Option to Certain Municipalities

Several bills have been or are about to be introduced this session granting to certain municipalities the ability to collect sales tax revenue. We have been asked by several of the communities seeking passage of the following list of bills to support their efforts.

Historically, the League has generally stayed away from lobbying on special legislation benefiting only one or a few communities. However, the League has a long-term goal of working with the Legislature and Governor to pass legislation expanding municipal sources of revenue beyond the property tax. It may be necessary to reach this goal through incremental change. In addition, these bills illustrate the challenges many municipalities face as they strive to provide services people expect while revenue growth is stagnant as a result of levy limits based on new construction.

League staff recommends that the League support the following bills:

1. **LRB-19-3312, Granting Additional Sales Tax Authority to Milwaukee County with revenue also flowing to municipalities.** Under this bill, with the approval of the electors in the county at a referendum, Milwaukee County may impose an additional sales and use tax at the rate of 1 percent of the sales price of tangible personal property, goods, and services sold or used in the county. The bill requires that 25 percent of the revenue from the additional tax be used to provide residential property tax relief, divided evenly between county and municipal property tax relief, and that 7 percent of the revenue be used for public health infrastructure projects. For the remaining 68 percent of tax revenue, the bill requires that the county use half for its operational and capital expenses and distribute the other half to the cities, villages, and towns in the county for their operational and capital expenses. Distributions of revenue to the cities, villages, and towns are based on their population. Under the bill, the expenditure by a municipality of the distributed tax revenue will not affect the municipality's payment under the expenditure restraint program. The bill also provides that the revenue and expenditures will not impact any local government funding formula.
2. **AB 167/SB 157, The creation of a Local Exposition District by City of Superior.** A local exposition district is a unit of government that is separate from the political subdivision that creates it and has powers related to creating and operating an exposition center that is used for conventions, expositions, artistic and cultural events, and other cultural or commercial activities, but not primarily for recreational or sporting activities. Under the bill, an exposition district created by the City of Superior may impose and collect a food and beverage tax and may also impose and collect a room tax at a maximum rate of 2 percent.

3. **AB 374/SB 338, Allowing the town of Minocqua in Oneida County, the city of Sturgeon Bay, and the city of Tomahawk to become premier resort areas.** A premier resort area may impose a tax at a rate of 0.5 percent of the gross receipts from the sale, lease, or rental of goods or services that are subject to the general sales and use tax and are sold by tourism-related retailers. Under this bill, the specified communities may use the proceeds of the tax only to pay for transportation-related infrastructure expenses, other than recreational-related expenses. Also, under the bill, neither the town nor the cities may spend less on transportation-related expenditures in the current year than the average amount they spent on such expenses in the five most recent years.

4. **AB 492/SB 389, Authorizing the city of Prescott and the village of Pepin to become premier resort areas.** A premier resort area may impose a tax at a rate of 0.5 percent of the gross receipts from the sale, lease, or rental of goods or services that are subject to the general sales and use tax and are sold by tourism-related retailers. The proceeds of the tax may be used only to pay for infrastructure expenses within the jurisdiction of the premier resort area. The definition of "infrastructure expenses" includes the costs of purchasing, constructing, or improving parking lots; transportation facilities, including roads and bridges; sewer and water facilities; recreational facilities; exposition center facilities; fire fighting equipment; and police vehicles

To: Advisory Committee on Legislation
From: Curt Witynski, Deputy Director
Date: October 2, 2019
Re: Report on Misuse of Special Incorporation Provision

Section 66.02162(1)(a) is a special incorporation process that was inserted into the 2015-2017 state budget for the Town of Windsor in Dane County. The town subsequently used the provision to incorporate. The special provision sunsets on June 30, 2020.

In the meantime, several towns in Waukesha County are attempting to qualify for use of the special incorporation process prior to it sunseting. The towns believe they can meet the 8 conditions spelled out in the special provision. If successful, the incorporations would have significant negative consequences for neighboring cities and villages, including Waukesha, Brookfield, and Sussex.

See the attached sheet for more background information. We will discuss this issue and unsuccessful efforts thus far to obtain a legislative solution at our meeting on October 11.

Summary of Conditions to incorporate under §66.02162(1)(a) for Waukesha County Towns of Brookfield, Lisbon, Vernon and Waukesha as of 8/16/19

	2010 Pop. 6,300+ ¹	Contiguous to 3 rd class city ²	Equalized value \$600m+ ³	EV increased 7% over prior year, once in last 5 years	Adopted Village powers	2 Coop Bdy Agrmts. under §66.0307 ⁴	At least 1 TIF under §60.23(32) ⁵	At least 1 Sanitary District
TOB	N	Y Pewaukee Waukesha	Y	Y ⁶	Y ⁷	N	Y – spec. TOB provision	Y
TOL	Y	Y Pewaukee	Y	Y 2015-16	Y – date not provided in doc reviewed (Code)	N	Maybe	Y ⁸
TOV	Y	Y – Muskego	Y	Y 2016-17	Y - 1957	N	N	N ⁹
TOW	Y	Y- Waukesha	Y	Y 2016-17	Y - 1943	N	N	Probably No ¹⁰ ?

¹ US Census: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_P1&prodType=table

² Status verified in Wisconsin Blue Book, 2017-18, p. 610 (explains class set at time of incorporation, but notes that if population increases to next class, but don't take steps, status remains unchanged, thus according to this page New Berlin is still a 3rd class city although it has enough population to move up.)

³ <https://www.revenue.wi.gov/Pages/SLF/EqualizedValue.aspx>

⁴ https://doa.wi.gov/DIR/Cooperative_Boundary_Plans_Table.pdf (shows no .0307 agreements for any of these communities)

⁵ <https://www.revenue.wi.gov/SLFReportstif/tid100wi-2019.pdf>, see also note below on §60.23(32), Stats. Lisbon does not appear on this chart, but took steps in late 2018 to create a TIF that would start January 1, 2019. The DOR chart states April at the top.

⁶ Per prior calculation/review by Robert Scott

⁷ Per Incorporation submission. Have not been able to verify independently today, but believe it is correct from prior work experience. Adopting village powers is easy to accomplish.

⁸ Verified SEWRPC COMMUNITY ASSISTANCE PLANNING REPORT No. 84 (3rd Edition) SANITARY SEWER SERVICE AREA FOR THE VILLAGE OF SUSSEX AND TOWN OF LISBON WAUKESHA COUNTY, WISCONSIN, 6/2011

⁹ 2026 Smart Growth Plan, 7/5/07, amd. 12/6/12, p. 6-1.

¹⁰ 2009 Smart Growth Plan, 10/8/09, does not mention that they have one. No mention in Code or on website. TOW is part of COW SSA.

Section 60.23(32), Stats., provides 2 ways for a TIF to be created, other than regular Town TIFs (related to Ag & recreation, see §60.85, Stats.). One, is the specific provision enacted for the Town of Brookfield and 3 other named communities (in other words a special law). The other enacted at the same time as TOB TIF, is for a TI district with the same boundaries of a sewer service area AND sewer services are either currently extended to the proposed district or will be provided to the proposed district before the use or operation of any improvements to real property AND that sewerage treatment is provided by a wastewater treatment facility that complies with Ch. 283. §60.23(32)(eg)2., Wis. Stats. The Town of Waukesha is contained in the City of Waukesha's sewer service area and would have to get out from that before proceeding as well as creating a sanitary district and getting the City to treat its wastewater.

§66.02162(1)(a)

1. The most recent federal decennial census shows that the resident population of the town exceeds 6,300.
2. The town is contiguous to a 3rd class city.
3. The most recent data available from the department of revenue show that the equalized value for the town exceeds \$600,000,000.
4. In one of the 5 years before the year in which the town board adopts the resolution, the town's equalized value increased more than 7 percent, compared to the town's equalized value for the prior year.
5. The town board of the town is authorized to exercise village powers.
6. The town has entered into, and is bound by, at least 2 separate cooperative boundary agreements under s. 66.0307 with at least 2 municipalities.
7. The town has created at least one tax incremental financing district as authorized under s. 60.23 (32).
8. The town has established at least one town sanitary district under subch. IX of ch. 60.

To: Advisory Committee on Legislation
From: Curt Witynski, Deputy Director
Date: October 3, 2019
Re: Consideration of Recently Introduced Legislation

Please review the following proposed or recently introduced bills. I'd like the Committee to recommend a position on these items.

Bills I Recommend we Support

LRB-3877, Extending Closing Hours for Certain Alcohol Beverage Retailers During Democratic National Convention. Creates an exception allowing southeast Wisconsin municipalities to authorize extended closing hours for Class "B", "Class B" and "Class C" licensees operating as restaurants or taverns. Under the bill, from July 13 to July 17, 2020, the closing hours is 4:00 a.m. instead of 2:00 or 2:30 a.m. if the municipality issuing the license authorizes, upon application, the extended closing hour. Alternatively, the municipality may, by ordinance, opt out and retain the regular, unextended hours for all licenses. By Rep. Kuglitsch (R-New Berlin).

LRB-4125, Battery or threat to a public official and providing a penalty. Makes it a Class H felony to intentionally cause bodily harm or threaten to cause bodily harm to a local public official or state public official or a family members or employees of any state or local public official if the actor knows that the victim is a public official or family member or employee of a public official and the act or threat is done in order to influence the action of the public official or is done in response to any action taken by the public official in an official capacity, and the person harmed or threatened did not consent to the act. By Rep. Dittrich (R-Oconomowoc)

LRB-2450/LRB 3127, Authorizing creation of a multi-jurisdictional Business Improvement District (BID) and making other technical changes. Authorize two or more municipalities to combine multiple BIDs into a single, uniform district. The bill provides additional technical fixes to requirements associated with BIDs and Neighborhood Improvement Districts (NIDS), such as allowing NIDs to submit financial statements in lieu of a certified financial audit if the NID has funds under \$300,000, just as BIDs are allowed. The bill also changes the current statutory requirement that a BID and NID must send first class mail certification to property owners inside the district when establishing, amending, or terminating a BID or NID. By Sen. Kooyenga (R-Brookfield)

AB 323, Regulating fire fighting foam that contains PFAS.

Prohibits the use of fire fighting foams that are designed for use on a flammable liquid fire and that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS), unless used in emergency fire fighting or fire prevention operations; or unless used for testing purposes if the testing facility has in place

appropriate containment, treatment, and disposal measures, as determined by rule by the Department of Natural Resources. By Rep. Nygren (R-Marinette) and Sen. Cowles (R-Green Bay).

SB 319, Transportation facilities economic assistance and development program.

Under current law, the Department of Transportation administers a transportation facilities economic assistance and development program (TEA). As part of an economic development project under TEA, DOT may improve a highway, airport, or harbor, or provide other assistance for the improvement of such transportation facilities or certain rail property or railroad tracks. This bill specifies that both jobs created and jobs *retained* resulting from the improvement or economic development project may be used in setting the grant ceiling. By Sen. Petrowski (R-Marathon).

AB 365, Allowing City of Milwaukee to use automated speed enforcement systems and traffic control photographic systems to identify traffic signal violations. By Rep. Crowley (D-Milwaukee).

AB 380 / SB 369, Federal emergency management assistance payments to municipalities. Requires the adjutant general to provide training on how to apply for federal emergency management assistance using SAM.gov, the federal System for Award Management website, and must attempt, in due diligence, to ensure that all local units of government have created an account with the website by June 30, 2021. The bill also provides that the adjutant general must provide an option for local units of government to conduct all emergency management correspondence via e-mail and to receive payments from the Division of Emergency Management via electronic funds transfer or direct deposit. By Rep. Kurtz (R-Wonewoc) & Sen. Marklein (R-Spring Green).

AB 469, Creating \$100 nonrefundable income tax credit for volunteer fire fighters, emergency medical responders, and emergency medical services practitioners. By Rep. Pronschinske (R-Mondovi).

AB 472, Creating a levy limit exemption for charges assessed by Joint emergency medical services district under certain conditions. By Rep. Loudenbeck (R-Clinton).

SB 441, Repeals current law provision requiring that if a political subdivision transfers to another governmental unit the responsibility to provide a service that it provided in the previous year, the levy increase limit otherwise applicable in the current year is decreased to reflect the cost that the political subdivision would have incurred to provide that service. By Sen. Kooyenga (R-Brookfield).

Bills I Recommend we neither Support nor Oppose

SB 321, Telephone company tax exemption for property used to provide broadband service. Exempts property used to provide broadband service to a rural or underserved area from the telephone company tax that is paid to the state by telephone companies in lieu of the general property tax. By Sen. Marklein (R-Spring Green).

AB 349, Applicability of Digger's Hotline Requirements. Provides that any of the following is a person who is subject to the state's one-call system known as digger's hotline requirements: an individual, corporation, association, business enterprise, local governmental unit, state agency, contractor, subcontractor, or other public or private legal entity. By Rep. Hebl (D-Sun Prairie).

AB 498, PACE Residential loans. Under current law, a city, village, or town may impose a special charge against real property for services rendered by allocating the cost of the service to the properties that are served. Also under current law, a city, village, town, or county (political subdivision) may make a loan to, or enter into a loan repayment agreement with, an owner or lessee of a premises for making or installing certain energy or water efficiency or renewable resource improvements (property assessed clean energy or PACE program). The political subdivision may collect a loan repayment under the PACE program as a special charge. Under this bill, a political subdivision may only make a PACE program loan to, or enter into a loan repayment agreement with, an owner or a lessee of a property that is a residential property containing at least five dwelling units or a commercial property.

AB 300/ SB 266, Requiring local governments to pay health insurance premiums for survivors of a law enforcement officer who dies in the line of duty. Requires a city, village, town, or county to pay health insurance premiums for the surviving spouse and dependent children of a law enforcement officer who dies in the line of duty if the local government paid such premiums for the law enforcement officer. Current law provides similar benefits to the surviving spouse and dependent children of a fire fighter who dies, or has died, in the line of duty if the municipality paid such premiums for the fire fighter while he or she was employed.

Under the bill, if a local government pays such health insurance premiums, it must file a request for reimbursement for its costs with the state. The reimbursement payments are funded by the shared revenue program. By Sen. Wanggaard (R-Racine) and Rep. Spiros (R-Marshfield).

Bills I Recommend we Oppose

AB 321/SB 302, Setting strict standards for PFAS Contamination. Requires the Department of Natural Resources to establish and enforce various standards for per- and poly-fluoroalkyl substances (PFAS). The PFAS group of substances includes

several thousand chemicals; two of the most well known are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). The bill requires DNR to establish, by rule, acceptable levels and standards, monitoring requirements, and required response actions for any PFAS in drinking water, groundwater, surface water, air, solid waste, beds of navigable waters, and soil and sediment, if the department determines that the substance may be harmful to human health or the environment. By Sen. Miller (R-Madison) and Rep. Taylor (D-Madison).

AB 362, Remote Sales of Alcohol Beverages for Pick-up. Allows certain alcohol beverage retailers (Class "A" or "Class A" licensees; and restaurants holding a "Class B" or Class "B" license) to make online or telephone sales of alcohol beverages to be picked up by the customer at parking spaces that are part of the retail licensed premises. The bill also prohibits municipalities from imposing any additional restrictions on these remote sales. By Rep. Tauchen (R-Bonduel).

AB 363, Remote Sale and Delivery of Alcohol Beverages. This bill allows certain alcohol beverages retailers (Class "A" or "Class A" license holders or grocery stores and restaurants holding Class "B" or "Class B" licenses) to make online or telephone sales of alcohol beverages and deliver the alcohol beverages to the customer or to have the alcohol beverages delivered to the customer by an independent third-party delivery service. By Rep. Tauchen (R-Bonduel).

SB 365, Prohibiting local units of government from excluding from consideration certain piping materials. Prohibits local governments from excluding from consideration the use of piping materials that meet the project's standards, where required and as part of a public contract, unless there are sound engineering practices suggesting that a particular piping material be used for that particular project. By Sen. Kapenga (R-Delafield).

SB 404/ AB 432, Overweight permits for vehicles or vehicle combinations with six or more axles. Authorizes the Department of Transportation to issue permits for the operation of vehicle combinations that exceed maximum gross weight limitations by not more than 11,000 pounds if the vehicle combination has six or more axles and meets specified weight limits based on the number of axles and distances between axles. The bill provides that the permits may be issued for operation only on state trunk highways and on local highways for a distance up to 15 miles in order to travel to and from a state trunk highway or to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly facilities, or points of loading or unloading. The permits do not authorize operation of vehicles in excess of special or seasonal weight limits imposed on a highway or weight restrictions on heavy traffic routes. By Sen. Tiffany (R-Minocqua) and Rep. Spiros (R-Marshfield).

AB 471, Specifying Criteria for Awarding Grants for Next Generation 911. The bill prohibits the department of Military Affairs from awarding a Next Generation 911 grant (which has not yet been funded) to more than one public safety answering point per county. By Rep. Loudenberg (R-Clinton).

Bills I'm Unsure About

SB 305, Use of School Bus Warning Lights. Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red lights to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the school bus driver turns off the flashing red lights. Current law also requires, with certain exceptions, a school bus driver to activate flashing red lights at or before loading or unloading pupils and to extinguish the lights only after loading or unloading is completed and any person who must cross the highway is safely across. Under one exception to the latter rule, a school bus driver may not activate the flashing red lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the school bus driver may not activate the flashing red lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances.

The bill removes the prohibitions against the use of flashing red lights in a special school bus loading area and in a residence or business district where a sidewalk and curb are laid on both sides of the road. By Sen. Shilling (D-La Crosse).

AB 455, Adjusting group health plan requirements to account for the normal work week of fire fighters. Under the bill, an individual who is employed as a member or officer of a fire department and whose duties include fire fighting or fire fighting training is an “eligible employee” if the individual works on a permanent basis and has a normal work week of at least 42 hours.
By Rep. Sanfelippo (R-New Berlin).