

Key Municipal Bills Enacted in Highly Partisan Session



Toni Herkert, Government Affairs Director, Curt Witynski, Deputy Executive Director, Jerry Deschane, Executive Director League of Wisconsin Municipalities



The State Capitol is familiar territory to Toni Herkert, the League's Government Affairs Director. She hit the ground running when she joined the League's team in January 2021. Toni is well known at the Capitol. She meets with Legislators and staff and works with League member municipalities and partners to develop and advance legislation. Join Toni in advocating for your community!

Wisconsin cities and villages will receive millions in increased transportation aids, will no longer be solely responsible for interest payments on tax refunds, and TID financing can be used to remediate indoor environmental contamination. These are just a few of the more than two-dozen legislative enactments shepherded by the League during the recently completed 2021-22 legislative session.

Despite a session marked by partisan standoffs between the Republican-led legislature and the Democratic governor, the League was able to

push through 29 legislative items beneficial to municipalities. Of perhaps even greater note: the League succeeded in blocking EVERY piece of standalone legislation it opposed. If legislative sausage-making was a sport, the League's offensive "score" would be an impressive 53%. Its score on defense was perfect.

Disappointingly, while transportation aids saw a 2% funding increase, funding levels for all other municipal aid programs, such as shared revenue, the Expenditure Restraint Program, and the Payment for Municipal Services Program stayed the same, despite a substantial state budget surplus. Reforming the state-local fiscal partnership is the League's highest legislative priority going forward.

By the Numbers:

Number of Assembly bills introduced:	1,198
Number of Senate bills introduced:	1,107
Number of bills enacted into law:	267
Number of bills on which the League worked:	87
Number of bills League supported:	55
Number of bills League opposed:	19
Number of bills on which League was neutral:	13

You Are the 900-Pound Gorilla

League lobbying professionals spent many hours at the capitol, but member advocacy efforts made a huge difference. This session we had multiple municipal leaders at all Joint Finance Committee budget hearings. In addition, several municipal experts and leaders testified with League staff at public hearings in the state Capitol. Testimony offered by municipal officials and staff describing the real-world impacts of proposed legislation is particularly persuasive and contributed considerably to our legislative success in the Capitol.

Municipal officials and staff contacted legislators in record numbers during this legislative session. On one bill alone, AB 610, modifying how property is assessed for tax purposes, more than 100 officials sent emails in response to the League's legislative alerts and many more called legislators. These individual contacts by municipal leaders helped convince Senate Republicans to forgo a floor vote on the bill due to lack of support. Thank you for participating in the League's advocacy efforts. Only by working together can we have an impact on the Legislative process.



When the governor signs a bill into law, he often does so by using multiple pens and giving them to the individuals and organizations that were influential in the bill's passage. During this legislative session, the League has garnered 29 pens!

The Details:

New Laws Supported by the League

Despite a session that was a constant tightrope walk between lawmakers and the governor, numerous bills were signed into law that will help local governments, including an increase in Medical Assistance reimbursement for EMS, requiring other taxing jurisdictions to help pay interest on property tax refunds, requiring the continuation of personal property aid payments after a TIF closes, allowing TIF dollars to be used to cover internal environmental cleanup costs, and five water-related public works bills. Thank you to all our members who helped advocate for these and other proposals this session listed below:

Health/Safety

WI Act 51, Creating a community-oriented policing-house grant program for communities over 30,000 in population.

WI Act 54, Criminalizing throwing or expelling a bodily substance at a public safety worker or prosecutor.

WI Act 104, Statewide urban search and rescue task force, regional emergency response teams, and making an appropriation.

WI Act 115, Traffic violations when emergency or roadside response vehicles are present and providing a penalty.

WI Act 121, Funding for free and charitable clinics and defining telehealth.

WI Act 164, Authorizing municipalities to post speed limits applicable to all-terrain vehicles and utility terrain vehicles.

WI Act 192, Composition of local boards of health.

WI Act 228, Creates a process enabling a municipality to recover a greater amount of the cost it incurs when providing ambulance services to Medicaid patients.

WI Act 255, Allows municipal highway vehicles to use green as well as red warning lamps.

WI Act 263, Criminalizing impersonating a public officer, public employee, or employee of a municipal utility and providing a penalty.



City of Waukesha Mayor Shawn Reilly, League Deputy Director Curt Witynski and City of Racine Fire Chief Steve Hansen testified together in support of Assembly Bill 874, enabling municipalities to recover a greater amount of the costs they incur when providing ambulance services to Medicaid patients. (WI Act 228)

Housing

WI Act 196, Authorizing a housing authority created by a first-class city (i.e., City of Milwaukee) to construct and operate a mixed development on property it owned before October 1, 2021. The Act also increased the competitive bidding threshold from \$25,000 to \$50,000 for construction contracts the Milwaukee housing authority enters on property wholly or partially owned by the housing authority prior to October 1, 2021. (Note: The bill originally applied to all 128 housing authorities in the state, but was amended to apply only to a housing authority created by Milwaukee.)

WI Act 221, A workforce housing rehabilitation loan program.

Land Use/Economic Development

WI Act 149, Environmental pollution in an environmental remediation tax incremental district.

► **WI Act 162**, Requires other taxing jurisdictions, like the county and the school district, to contribute to the interest owed on property tax refunds.

► **WI Act 175**, PACE program modifications regarding loans and repayment assistance by a political subdivision for certain improvements to properties and collection of the debt by special charge.

► **WI Act 198**, League and Towns Association compromise on various aspects of incorporation, annexation, and municipal extraterritorial powers.

Note: Acts marked with an ► arrow are legislation the League initiated and helped to shepherd through the process.

Municipal Finance/Administration

WI Act 1, Makes various changes to the laws administered and enforced by the Department of Revenue, including modifying annual training requirements for members of local boards of review to require at least one member of a board to complete training each year.

WI Act 33, Public notice of noncandidacy for incumbent local elected officials.

WI Act 55, Modifies laws relating to administration of the local room tax, including clarifying the terminology and procedures for collection of room taxes by marketplace providers who facilitate the sale of accommodations, including by requiring marketplace providers to submit quarterly reports and payments to municipalities (or more frequently if parties mutually agree).

▶ **WI Act 61**, Clarifies personal property aid payments made to a TIF district continue to be made to the municipality and other taxing jurisdictions after termination of the tax incremental district.

▶ **WI Act 69**, Allows village trustees to serve as village employees and be paid an hourly wage for serving as a village employee, as long as the amount paid does not exceed a total of \$15,000 annually.

WI Act 102, Reduces and establishes a cap on the penalties imposed against towns and villages that miss the deadline for filing their annual highway related expenditures with DOT.



Dan Duchniak, General Manager, Waukesha Water Utility; Joe Moore, City Manager, City of Fond du Lac; Toni Herkert, the League's Govt. Affairs Director; and Nancy Quirk, General Manager, Green Bay Water Utility testified in favor of AB 300 (Act 85) before the Assembly Committee on Energy and Utilities in the Capitol's North Hearing Room.

Public Works/Environmental

WI Act 77, General permit for hydrologic restoration projects and creating a hydrologic restoration and management advisory council.

WI Act 79, Changes to the electronic waste recycling program and granting rule-making authority.

▶ **WI Act 85**, Deadlines for certain Public Service Commission actions after a water public utility application for certificate of authority or approval of lead service line financial assistance is filed.

▶ **WI Act 86**, Meter installation or replacement projects by water utilities.

WI Act 104, Statewide urban search and rescue task force, regional emergency response teams, and making an appropriation.

WI Act 112, Procedural changes for applications under the Clean Water Fund Program and the Safe Drinking Water Loan Program.

WI Act 126, Water supply service area plans for public water systems.

This Is What a Great Defense Looks Like:

Not a single bill the League opposed became law this session. One more time: every bill that the League opposed died, either on the legislative floor or under the governor's veto pen. Here are some examples of bad bills that never saw the light of day:

Housing Bills Dead. Two housing package bills pushed by the Wisconsin Realtor's Association that flew through the Assembly did not make it onto the Senate's final calendar. The League worked hard to halt the fast-tracking of AB 608/SB 840, imposing one-size-fits-all zoning for workforce housing, and AB 610/SB 630, related to prohibiting certain property tax assessment practices. Thank you to all the municipal officials who contacted legislators on these bills. Together we were successful in stopping these proposals from becoming law!

EV Charging Limitations Dead. The League initially supported SB 573, clarifying the circumstances under which a business may own, operate, manage, lease, or control an electric vehicle charging station without being considered a "public utility." However, after the bill was amended to expressly prohibit local governments from owning and operating EV infrastructure we shifted our position to oppose, as did the Counties Association and the Towns Association.

In a process move that is used infrequently, at the tail end of session, the Senate voted nonconcurrency on an Assembly amendment attached to SB 573. The move sent the bill back to the Assembly. While normally that procedure would not kill a bill, this time it did because the Assembly had already adjourned for the session.

Bills We Made Better

Quite often the legislative process creates an opportunity to take an idea and improve it from a municipal perspective. League staff, municipal officials, and other local government associations successfully collaborated with the authors and proponents of the following bills to minimize their negative impact on municipalities.

WI Act 93, Sediment removed from Lake Michigan or Lake Superior. The original bill created an individual permit for dredging sediment on the bed of the Great Lakes and specified that the dredged materials are not solid waste if the level of contamination of the sediment is at or below the level of contamination at the proposed deposit area. The bill had numerous flaws, including that it was not limited to governmental units and their contractors and that a “lower level of contamination” may still allow for contaminated sediment to be used on parcels within a municipality. The League opposed the original bill, although we recognized the need for more flexibility. The League worked with lawmakers to devise a process we supported, which allowed municipalities and their contractors to reuse the dredged materials if the reuse had a demonstrable economic public benefit, such as in a development or redevelopment project or beach renourishment above the ordinary high-water mark.

WI Act 107, Municipal raze orders for certain insured dwellings. This insurance industry bill would have placed new hurdles in front of municipalities issuing raze orders for certain insured dwellings. Communities rarely exercise their raze authority, and then only for public health, safety, and welfare. The League worked with author, Senator Stafsholt, and Assembly Insurance Committee Chair Representative Steffen on an amendment modifying the process that municipalities must follow to issue raze orders for certain insured dwellings, if an insurer submits a certification to a municipality within 14 days of the real property incurring damage.

Because most of our concerns were addressed, especially the safety concerns and requiring the submittal of information necessary for the municipality to follow the new process, the League changed its position to neutral.

Conclusion

Moving a bill through the legislative process and successfully having it signed into law in the current political environment is challenging. League staff devote hundreds of hours with authors and other legislators to advocate for or against bills affecting municipalities. Fortunately, through hard work and the support of municipal officials across the state we were able to move dozens of municipal bills through the legislative process and have them enacted into law this session.

Your continued engagement in lobbying will be critical next session. As state legislators campaign for office in your community this summer and fall, thank them for the bills they passed that help municipalities. But also remind them about the importance of preserving local control and discuss with them any funding challenges you are experiencing. Emphasize that local elected officials are in the best position to decide local policy matters.

Editor's Note: You can access this article with hotlinks to all of the legislation on the League's website: <https://lwm-info.org/828/The-Municipality-Magazine>

About the Authors:

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Curt Witynski is the League's Deputy Executive Director. After managing the League's lobbying program for 22 years, he has handed that responsibility over to Toni Herkert. Curt joined the League staff as assistant legal counsel in 1987. Before becoming Deputy Executive Director, Curt served as the League's Legal Counsel for eight years. Contact Curt at witynski@lwm-info.org

Jerry Deschane is the Executive Director of the League of Wisconsin Municipalities. He is the fifth League Executive Director since the organization was founded in 1898. Jerry is a longtime lobbyist and association executive. He also has experience in state government and the news media. Contact Jerry at jdeschane@lwm-info.org



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