



## League of Wisconsin Municipalities Advisory Committee on Legislation Agenda and Background Material

Friday, October 8, 2021  
10:00 a.m.  
Zoom Meeting

- |  |      |    |
|--|------|----|
| 1. Roll Call and Introductions   | Page | -- |
| 2. Report on Previous Board Action   | Page | 2  |
| 3. Update on Legislative Session – Supplemental Info                             | Page | 12 |
| a. Personal Property Tax Exemption – Update                                      |      |    |
| b. Raze Order Substitute Amendment – Update                                      |      |    |
| c. Incorporation/Annexation Compromise w/Towns Association - League Initiated    |      |    |
| d. Previously Submerged Lands/Fill - w/Realtors - League Initiated               |      |    |
| e. Local Housing Improvement Fund - w/City of Milw & Realtors - League Initiated |      |    |
| f. Financial Institution Modernization Act – AC direction requested              |      |    |
| 4. Consideration of Recent Legislation   | Page | 17 |
| 5. Other Business  | Page | -- |
| 6. Adjournment   | Page | -- |



**To: Advisory Committee on Legislation**  
**From: Toni Herkert, Government Affairs Director**  
**Curt Witynski, Deputy Executive Director**  
**Date: October 1, 2021**  
**Re: Report on Previous Board Action**

Set out below is a copy of the May 7, 2021, Report of the Advisory Committee on Legislation that we submitted to the Board of Directors in May 2021. The Board approved the report with no changes.

**To: Board of Directors**  
**From: Advisory Committee on Legislation**  
**Date: May 11, 2021**  
**Re: Report of the Advisory Committee on Legislation**

### **Introduction**

On May 7, the Advisory Committee on Legislation met by Zoom to review legislative proposals and make recommendations to the Board of Directors. League Vice President and Manitowoc Mayor Justin Nickels chaired the meeting. The following members of the Committee were in attendance: Scott Botcher, Mary Bottari, David Carlson, Barbara Dickmann, Catherine Emmanuelle, Daniel Ertl, Sharon Eveland, Stacy Grunwald, Todd Janigo, Mark Johnsrud, Mary Kardoskee, Andy Kurtz, Kevin Lahner, Forbes McIntosh, Kathy Morse, Tim Swadley, Delton Thorson, and Rob Vanden Noven.

Jerry Deschane, Curt Witynski, Toni Herkert, and Gail Sumi from the League staff were also present.

### **Committee Recommendations**

At its May 7 meeting the Committee discussed the growing crises posed by the shortage of volunteer/paid-on-call EMS and fire fighters and reviewed a list of legislative proposals and made the following recommendations:

**1. The shortage of volunteer/paid-on-call EMS and Fire Fighters.** The Committee recommends that League staff consult with the Wisconsin Towns Association and the Wisconsin Counties Association about working together to propose possible solutions, strategies, and legislative changes addressing the crises caused by the shortage of volunteer/ paid-on-call EMS and fire fighters. The committee further recommends that staff consider pooling resources with other stakeholders to hire a consultant to review prior research on the current situation in Wisconsin with respect to volunteer/paid on call fire and EMS staffing and recommend ways to replace, supplement, or improve this dominant service delivery model in Wisconsin.

### **2. Recommendations on legislative proposals.**

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

**[SB 99/AB 91](#), **Throwing or Expelling a Bodily Substance at a Public Safety Worker or Prosecutor.** Under current law, if a prisoner throws or expels bodily substances at or toward an officer or other person in the prison or facility, a court may order the prisoner to undergo testing for**



communicable diseases if there is probable cause to believe that there was potential for transmitting a communicable disease to the victim. This bill allows a court to require such testing for any criminal defendant who throws or a bodily substance at or toward a public safety worker or a prosecutor. Senator Bernier (R-Chippewa Falls) and Representative James (R-Altoona). Bill Histories [SB 99/AB 91](#)

**[SB 152/AB 131](#), Prohibiting the Sale and Use of Coal Tar Based Sealants and High PAH Sealant Products.** The bill specifies that the ban on selling goes into effect approximately six months after the effective date of the bill; the ban on use goes into effect approximately 12 months after the effective date of the bill. A person who violates these prohibitions is subject to the same penalty that applies under current law to other general environmental provisions, which is a forfeiture of between \$10 and \$5,000 for each violation. Senator Cowles (R-Green Bay) and Representative Kitchens (R-Sturgeon Bay). Bill Histories [SB 152/AB 131](#)

**[SB 156/AB 140](#), Expanding the Clean Sweep Program to include PFAS Firefighting Foam.** This bill requires the Department of Agriculture, Trade and Consumer Protection to collect and store or dispose of unused fire fighting foams that contain perfluoroalkyl or polyfluoroalkyl substances (PFAS) and that are voluntarily surrendered. The bill allows DATCP to contract with a third party to conduct the collection and storage or disposal. The bill requires DATCP or the third party administering the collection program to prioritize collecting from the state and from cities, villages, towns, and counties. Under the bill, any PFAS foams that are collected under the program must be stored in an environmentally safe manner until properly disposed of or treated according to DNR's administrative rules. Senator Cowles (R-Green Bay) and Representative Ramthun (R-Campbellsport). Bill Histories [SB 156/AB 140](#)

**[SB 172/AB 156](#), State Workforce Housing Income and Franchise Tax Credit.** This bill creates a state workforce housing tax credit program that is administered by the Wisconsin Housing and Economic Development Authority. Under the bill, WHEDA may certify a person to claim a nonrefundable credit to offset income and franchise taxes if all of the following conditions are satisfied:

1. The person has an ownership interest in a qualified housing development.
2. The tax credit is necessary for the financial feasibility of the development.
3. The qualified housing development is the subject of a recorded restrictive covenant requiring that the development be maintained and operated as a qualified housing development for at least 10 years.
4. The tax credit certification is issued in accordance with a qualified allocation plan established by WHEDA.

The bill also requires that WHEDA give preference to qualified housing developments located in a city, village, or town of fewer than 150,000 residents and caps the amount of credits WHEDA may issue each year. Senator Bernier (R-Chippewa Falls) and Representative Summerfield (R-Bloomer). Bill Histories [SB 172/AB 156](#)



**SB 185/[AB 146](#), Homelessness and Housing Grants.** This bill provides:

1. an additional \$900,000 in each fiscal year of the 2021-23 fiscal biennium for grants to provide housing and associated supportive services to homeless individuals and families.
2. an additional \$500,000 in each fiscal year of the 2021-23 fiscal biennium for grants or loans to persons or families of low or moderate income to defray housing costs.
3. \$300,000 for grants or loans to eligible organizations to assist persons or families of low or moderate income to obtain and participate in diversion programming.
4. \$300,000 to be used by the Department of Administration to provide grants to Continuum of Care organizations for hiring housing navigators.

Representative Steineke (R-Kaukauna) and Senator Bernier (R-Chippewa Falls). Bill Histories [SB 185/AB 146](#)

**[SB 198/AB 189](#) Expanding the Applicability and Modifying the Room Tax.** This bill expands the applicability of the room tax, makes a number of substantive and technical changes to the local room tax in the areas of collections, audits, and the exchange of information between local governments and the Department of Revenue, establishes a common tax base between the sales tax and the room tax, and authorizes a municipality to impose a forfeiture on a marketplace provider that does not timely file a required room tax return to the municipality or pay the required tax. Amendments in both houses have been offered at the League's request. [SB 1](#) and [AB 1](#) are identical and provide that if the marketplace provider and the municipality enter into a written agreement submissions at more frequent than quarterly intervals will be allowed. Senator Ballweg (R-Markesan) and Representative Kitchens (R-Sturgeon Bay). Bill Histories [SB 198/AB 189](#)

**[SB200/AB 193](#), Suicide Prevention Grants.** This bill requires the Department of Health Services to award grants to organizations or coalitions of organizations, including cities, villages, towns, counties, and federally recognized American Indian tribes or bands, for 1) training staff at a firearm retailer or firearm range on how to recognize a person that may be considering suicide; 2) providing suicide prevention materials for distribution at a firearm retailer or firearm range; or 3) providing voluntary, temporary firearm storage. Representative James (R-Altoona) and Senator Bernier (R-Chippewa Falls). Bill Histories [SB 200/AB 193](#)

**[SB 214](#), Ballot Timing.** Including early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty. Senator Stafsholt (R-New Richmond) and Representative Tauchen (R-Bonduel). No Assembly Companion Bill - Bill History [SB 214](#)

**[SB 248/AB 254](#), Modifications to the Electronic Recycling Program.** This bill makes changes to the electronic waste recycling program, known as "E-Cycle Wisconsin," which is administered by the Department of Natural Resources. Specifically SB 248 bill also requires DNR to create a new program to provide grants to expand electronics recycling and recovery programs in underserved areas of the state. Grants may be provided to local units of government, businesses, and nonprofit entities. Senator Cowles (R-Green Bay) and Representative Mursau (R-Crivitz). Bill Histories [SB 248/AB 254](#)



**SB 253/AB 210, Grants for Suicide Prevention Programming.** This bill requires the Department of Health Services to award grants to organizations or coalitions of organizations, including cities, villages, towns, counties, and American Indian tribes for suicide prevention programming. A grant recipient must contribute matching funds or in-kind services having a value equal to at least 20 percent of the grant amount. Representative VanderMeer (R-Tomah) and Senator Ballweg (R-Markesan). Bill Histories [SB 253/AB210](#)

**SB 257/AB 251, Impersonating a Public Officer, Employee, or Utility Employee.** Under this bill, the Class I felony is expanded to include a person who impersonates or represents oneself to be a public officer, employee, or utility employee with the intent to mislead others into believing that he or she is actually a public officer or employee or the employee of a utility. Senator Jacque (R-DePere) and Representative Callahan (R-Tomahawk). Bill Histories [SB 257/AB 251](#)

**SB 303/AB 287, Local Reporting Requirements related to General Transportation Aids.** Under this bill, if a village or town fails to file the necessary documentation by the specified deadline, but does provide the documentation within 30 days after the deadline, the amount of aid payable to a village or town may not be reduced by more than \$100 for each day that the necessary documentation is late and may not be reduced by more than \$2,200. Senator Ballweg (R-Markesan) and Representative Petryk (R-Town of Washington). Bill Histories [SB 303/AB 287](#)

**SB 311, Traffic Violations when Emergency or Roadside Response Vehicles are Present.** This bill increases the penalties for certain traffic violations that are committed within 500 feet of an authorized emergency vehicle giving a visible signal or a tow truck displaying flashing red lamps (emergency or roadside response area). In addition to increase fines, the bill provides for the following:

- specifically prohibits using a wireless telephone while driving a motor vehicle in an emergency or roadside response area.
- allows law enforcement officers, fire fighters, or emergency medical responders to post temporary reduced speed limits in response to an emergency.

Senator Ballweg (R-Markesan) and Representative Loudenbeck (R-Clinton). No Assembly Companion Bill – Bill History [SB 311](#)

**SB 312, Composition of Local Boards of Health.** The local board of health is required under current law to consist of not more than nine members, at least three of which must be community members who have a demonstrated interest or competence in public or community health. In appointing those community members, the appointing authority must make a good faith effort to appoint a registered nurse and a physician. This bill allows the appointing authority to appoint a physician assistant, advanced practice registered nurse, or both instead if it is unable to find a willing registered nurse, physician, or both. Senator Bernier (R-Chippewa Falls) and Representative Plumber (R-Lodi). No Assembly Companion Bill - Bill History [SB 312](#)

**SB 315, Meter Installation or Replacement Project by Water Public Utilities.** This bill exempts water public utilities from needing a certificate of authority issued by the Public Service Commission (PSC) before beginning certain projects related to installing or replacing customer meters. Specifically, under the bill, a water public utility or a combined water and sewer public utility does not need to



obtain a certificate of authority from PSC before beginning a project to install or replace meters that measure service to customers if the estimated average annual cost of the project is not more than \$250,000 or 25 percent of the utility's operating revenues in the year before the project is started, whichever is less. Senator Cowles (R-Green Bay) and Representative VanderMeer (R-Tomah). No Assembly Companion Bill – Bill History [SB 315](#) *This is a League and Rural Water Association initiated bill.*

**[SB 316](#), Deadline for Certain PSC Actions for Water Public Utilities.** This bill provides deadlines for certain Public Service Commission (PSC) actions after a water public utility or a combined water and sewer public utility submits an application for a certificate of authority and after a water public utility submits an application for approval of lead service line financial assistance. The timelines included do not equate to approval of any applications. Just a reasonable expectation of time associated with regulatory review. The bill also requires PSC to issue a notice opening a docket on an application as soon as practicable but no later than 14 days after determining that the application is complete. Senator Cowles (R-Green Bay) and Representative Thiesfeldt (R-Fond du Lac). No Assembly Companion Bill - Bill History [SB 316](#) *This is a League and MEG -Water Division initiated bill.*

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

**[SB 165](#)/[AB 190](#) Disclosure of Police Employment Files when Recruiting Former or Current Officers.** The bill requires each law enforcement agency to maintain an employment file for each employee. Under the bill, when a law enforcement agency, jail, or juvenile detention facility is recruiting for new officers, the agency, jail, or facility must require each candidate that is or has been employed by a different agency, jail, or facility to authorize that employer to disclose his or her employment files to the recruiting agency, jail, or facility and to release that employer from any liability related to the use and disclosure of the files. Sen. Testin (R-Stevens Point). Bill Histories [SB 165](#)/[AB 190](#)

**[SB 167](#)/[AB 152](#), Examination of Building and Plumbing Plans.** The bill creates an exception from building plan examination requirements. Under the bill, DSPS may not require the submission or examination of building plans for a commercial building that:

1. is a single story containing less than 200,000 cubic feet of volume;
2. is not classified by DSPS as intended for certain occupancies and uses, including high hazard uses and educational uses; and
3. a registered architect, registered professional engineer, or designer permit holder prepares and signs, dates, and seals or stamps the building plans.

The bill also creates a similar exception for plumbing plan examination requirements. Under the bill, DSPS may not require the examination of plumbing plans for a plumbing system that:

1. involves no more than 25 plumbing fixtures;
2. is in connection with a building or structure that is not classified by DSPS as intended for certain occupancies and uses, including high hazard uses and educational uses; and



3. a registered architect, registered professional engineer, or designer permit holder prepares and signs, dates, and seals or stamps, or a licensed master plumber, licensed master plumber (restricted), or utility contractor signs and dates, the plumbing plans.

Senator Roth (R-Appleton) and Representative J. Rodriguez (R-Oak Creek). Bill Histories [SB 167/AB 152](#)

**[SB 178](#), Elections Administrations, Recall Petitions, and Recount Procedures.** This bill makes various changes to the state's election laws, including the following:

- Temporary orders related to the conduct of elections
- Review of the conduct of recounts
- Delivery of recount petitions to candidates
- Information concerning domestic abuse and sexual assault victim service providers
- Legible printing of signers' names on a recall petition
- Notice of referendums on the ballot at spring and partisan primaries
- Delivery to the commission of certified statements regarding an election
- Appointment of election inspectors for canvassing absentee ballots
- Ballot space for write-in candidates for city office
- Names of independent candidates for state office listed on the partisan primary ballot
- Maintaining poll lists after an election
- Notice of ballot form and contents when an electronic voting system is used for an election
- Paper copies of registration lists used in an election
- References to copying machines
- Counting of write-in votes
- Commission rules relating to forms of election notices
- Establishing ward lines

Senator Bernier (R-Chippewa Falls) and Representative Magnafici (R-Dresser). No Assembly Companion Bill - Bill History [SB 178](#)

**[SB 179](#), Voter Registration.** This bill requires a registered elector who has changed his or her name or address to complete a new voter registration. The bill also allows an individual to also use an unexpired driving receipt or an unexpired identification card receipt as proof of residence for voter registration purposes if the receipt has the individual's current and complete name and address. Current law allows these documents to be used only for voter identification not proof of residency.

In addition, current law also authorizes the use of a paycheck for an elector to establish proof of residence for purposes of voter registration. The bill adds the authority to use a pay stub or pay statement. The bill also specifies that a document provided as proof of residence for purposes of voter registration may be provided in electronic format. Senator Bernier (R-Chippewa Falls) and Representative Magnafici (R-Dresser). No Assembly Companion Bill – Bill History [SB 179](#)

**[SB 180](#), Absentee Voting and Voting Procedures.** This bill makes the several changes to the election laws regarding absentee voting and voting procedures including:

- the bill provides modifications in the process used for retirement homes that are not a qualified retirement home but are located within a municipality as part of a multiple-use facility



consisting of one or more qualified retirement homes or residential care facilities to which special voting deputies are dispatched.

- The bill provides that an individual who is required to provide proof of residence to complete his or her voter registration but who does not provide such proof is not allowed to cast a provisional ballot or to otherwise vote.
- The bill clarifies the absentee process for former qualified Wisconsin electors who have moved out of state but have not become a qualified elector in their new state.
- The bill prohibits a person from obtaining another person's marked absentee ballot and failing or refusing to deliver it to the proper municipal clerk or polling place. A person who violates this prohibition is guilty of a Class I felony.
- Other modifications include curbside voting procedures for eligible electors who, for any reason, are unable to enter the polling place along with other technical modifications.

Senator Bernier (R-Chippewa Falls) and Representative Magnafici (R-Dresser). No Assembly Companion Bill – Bill History [SB 180](#)

**[SB 189/AB 191](#), Eliminating the Personal Property Tax and Making an Appropriation.** Under current law, beginning with the property tax assessments as of January 1, 2018, machinery, tools, and patterns, not including those items used in manufacturing, are exempt from the personal property tax. Beginning in 2019, the state pays each taxing jurisdiction an amount equal to the property taxes levied on those items as of January 1, 2017.

Under the bill, beginning with the property tax assessments as of January 1, 2021, no items of personal property will be subject to the property tax. Beginning in 2022, the state will pay each taxing jurisdiction an additional amount equal to the property taxes levied on the items made exempt under the bill for the property tax assessments as of January 1, 2020. Beginning in 2023, each taxing jurisdiction will receive a payment to compensate it for its loss in personal property revenue equal to the payment it received in the previous year. There is also no sunset on the hold harmless provisions. Senator Stroebel (R-Saukville) and Representative Knodle (R-Germantown). Bill Histories [SB 189/AB 191](#)

**[SB 203/AB 192](#), The secure delivery of absentee ballots and providing a penalty.** Senator Stroebel (R-Saukville) and Representative August (R-Lake Geneva). Bill Histories [SB203/AB192](#)

**[SB 204/AB 201](#), Absentee ballot applications,** unsolicited mailing or transmission of absentee ballot applications and absentee ballots, canvassing absentee ballots, electronic voter registration, and providing a penalty. Senator Stroebel (R-Saukville) and Representative Gundrum (R-Slinger). Bill Histories [SB 204/AB 201](#)

**[SB 205/AB 179](#), Absentee voting in certain residential care facilities and retirement homes and providing a penalty.** Senator Stroebel (R-Saukville) and Representative Duchow (R-Town of Delafield). Bill Histories [SB 205/AB 179](#)



**SB 206/AB 180**, **The status as an indefinitely confined voter** for purposes of receiving absentee ballots automatically and providing a penalty. Senator Stroebel (R-Saukville) and Representative Duchow (R-Town of Delafield). Bill Histories [SB 206/AB 180](#)

**SB 207/AB 173**, **Private resources used for election administration**, appointment of election officials, and providing a penalty. Senator Stroebel (R-Saukville) and Representative Neylon (R-Pewaukee). Bill Histories [SB 207/AB 173](#)

**SB 208/AB 172**, **Publication of Elections Commission meeting minutes**. Senator Stroebel (R-Saukville) and Representative Neylon (R-Pewaukee). Bill Histories [SB 208/AB 172](#)

**SB 210/AB 170**, **Election observers and providing a penalty**. Senator Darling (R-River Hills) and Representative Tittl (R-Manitowoc). Bill Histories [SB 210/AB 170](#)

**SB 211/AB 178**, **Applications for absentee ballots**. Senator Darling (R-River Hills) and Representative Steffen (R-Green Bay). Bill Histories [SB 211/AB 178](#)

**SB 212/AB 198**, **Defects on absentee ballot certificates, certain kinds of election fraud, and providing a penalty**. Senator Darling (R-River Hills) and Representative Sanfelippo (R-New Berlin). Bill Histories [SB 212/AB 198](#)

**SB 213/AB 194**, **Actions for violations of elections laws**. Senator Stroebel (R-Saukville) and Representative Brooks (R-Saukville). Bill Histories [SB 213/AB 194](#)

**SB 268/AB 264**, **Compensation of Election Officials during a Recount**. This bill provides that election workers performing duties during a recount may not be paid a different daily wage than that paid for similar work performed at the election. Senator Bernier (R-Chippewa Falls) and Representative Horlacher (R-Mukwonago). Bill Histories [SB 268/AB 264](#)

**SB 285/AB 250**, **Department of Revenue Enforcement and Penalties**. This bill makes several changes related to the Department of Revenue's enforcement and administration of the laws under its purview including:

- License to sell cigarettes or tobacco products
- Forfeitures for alcohol beverage violations,
- Publishing a list of retail licenses,
- Criminal history search fee,
- Tax return information disclosure,
- Lottery administration,
- Possession of alcohol vapor devices,
- Penalties for evading excise taxes and unlawful possession of cigarettes,
- Alcohol beverage permit reapplication, and
- Sales suppression devices and phantomware.

Representative Spiros (R-Marshfield) and Senator Wanggaard (R-Racine). Bill Histories [SB 285/AB 250](#)



**[SB 292/AB 271](#), **Broadcasting Election Night Proceedings.** Under this bill, if a municipality broadcasts canvassing proceedings live in any election, including by live stream on the Internet, the municipality must record the broadcast, and the municipal clerk must retain the recording for 22 months. Senator Wimberger (R-Green Bay) and Representative Sortwell (R-Two Rivers). Bill Histories [SB 292/AB 271](#)**

**[SB 306/AB 259](#), **Coverage of Telehealth Services.** This bill prohibits a private insurer or a self-insured health plan of the state or a county, city, village, town, or school district from denying coverage or refusing to reimburse a health care provider for a treatment or service provided through telehealth, which includes audio-only telephone, if that treatment or service is covered under the policy or plan when provided in person by a health care provider. Representative Wichgers (R-Muskego) and Senator Jacque (R-DePere). Bill Histories [SB 306/AB 259](#)**

**[AB 248](#), **Pedestrians Crossing Railroads.** In certain areas of the state, access to land for hunting, fishing, and trapping can be hindered by railroads bisecting public properties and parks. This bill allows people reasonable access to these lands. Many Wisconsinites are already crossing these railroads. However, under current law, hunters, anglers, trappers and others are not allowed to cross railroads except at designated spots, which may be miles away. If they do cross at any other location they are considered to be trespassing. Representative Magnafici (R-Dresser) and Senator Bernier (R-Chippewa Falls). No Senate Companion Bill – Bill History [AB 248](#)**

**[SB 321/AB 308](#), **Wisconsin State Firefighters Memorial, Inc.** This bill creates an individual income tax checkoff for the Wisconsin State Firefighters Memorial, Inc., the proceeds of which support the construction, improvement, and maintenance of the fire fighters memorial. Currently, there are eight permanent checkoffs to which taxpayers may make a designation. Current law prohibits the Department of Revenue from placing more than 10 checkoffs, not including temporary checkoffs, on the income tax form. Current law also requires DOR to remove from the tax forms any checkoffs that do not generate at least an average of \$50,000 of designations per year over the most recent three-year period. Formerly, a temporary checkoff for the fire fighters memorial appeared on the tax forms, but it was removed by DOR because it failed to generate the required level of designations. The checkoff created in the bill would be a permanent checkoff. Senator Testin (R-Stevens Point) and Representative Krug (R-Nekoosa).**

**LRB – 0399, **Rehabilitation of Older Homes.**** This bill allows an individual, when calculating income for state tax purposes, to deduct amounts paid to rehabilitate his or her residence if it was built prior to 1961. The amount of the deduction allowed is based on the year in which the original construction was completed. If it was reconstructed before 1900, 100 percent of the rehabilitation expenditures may be deducted. Between 1900 and 1930, 50 percent may be deducted and finally between 1931-1960, 25 percent may be deducted. The residence must be in Wisconsin and owned by and used as the primary residence of the individual taking the deduction. The residence may not be used in a trade or business or held for business production or be part of a multiunit building that contains more than four residential dwelling units. The maximum deduction is capped at \$70,000 and three consecutive years. Representative Allen (R-Waukesha).



LRB – 3034, **Requiring Law Enforcement Recruits to take Psychological Exams.** This bill adds to the responsibilities of the Law Enforcement Standards Board (LESB). It provides that the LESB must require, prior to participation in a preparatory program as a law enforcement officer, that an individual submit to a psychological examination to determine the individual's personality characteristics and suitability to perform the duties of an officer. The LESB must promulgate administrative rules to govern the administration and interpretation of such psychological examinations, including the type of test to be used. The local law enforcement agency would be responsible for covering the cost of such exams. By recommendation of the Speaker's Task Force on Racial Disparities, Law Enforcement Subcommittee.

**The committee recommends that the League oppose the following bills:**

**[SB 209/AB 177](#), Returning absentee ballots to the office of the municipal clerk.** Senator Darling (R- River Hills) and Representative Steffen (R-Green Bay). Municipal Clerks oppose this bill. Bill Histories [SB 209/AB 177](#)

**[SB 295/AB 186](#), Eliminating Public Official Immunity as a Defense to Civil Liability Claims Against Law Enforcement Officers** This bill provides that immunity granted to public officials under current law does not apply and is not a defense to civil liability claimed against a law enforcement officer for any act or failure to act by the officer done in an official capacity or in the course of his or her agency or employment. The bill also eliminates certain indemnification available under current law for law enforcement officers. Representative Brostoff (D-Milwaukee) and Senator Johnson (D-Milwaukee). Bill Histories [SB 295/AB18](#)

**Raze Order Proposal.** Changes sought by the Wisconsin Insurance Alliance to the municipal raze order statute limiting the ability of a municipality to issue a raze order for an insured dwelling that has incurred significant damage as the result of a sudden occurrence (i.e., storm) that is covered under the insurance policy.

**Conclusion.** The Advisory Committee on Legislation is pleased to assist the Board of Directors in developing the League's legislative agenda and hopes that the above recommendations meet with the Board's approval.



**To: Advisory Committee on Legislation**  
**From: Toni Herkert, Government Affairs Director**  
**Curt Witynski, Deputy Executive Director**  
**Date: October 1, 2021**  
**Re: Supplemental Information for the Update on the Legislation Session**

Please review the following supplemental information on bill proposals or bills that are circulating for co-sponsorship. We ask the Committee to review the following.

**A. Update Items**

1. **LRB 4737/1, Personal Property Tax Exemption Governor/Democrat Proposal.** Under current law, beginning with the property tax assessments as of January 1, 2018, machinery, tools, and patterns, not including those items used in manufacturing, are exempt from the personal property tax. However, beginning in 2019, the state pays each taxing jurisdiction an amount equal to the property taxes levied on those items of personal property for the property tax assessments as of January 1, 2017.

Under the bill, beginning with the property tax assessments as of January 1, 2022, no items of personal property will be subject to the property tax. Beginning in 2023, the state will pay each taxing jurisdiction an additional amount equal to the property taxes levied on the items made exempt under the bill for the property tax assessments as of January 1, 2021. Beginning in 2024, each taxing jurisdiction will receive a payment to compensate it for its loss in personal property revenue equal to the payment it received in the previous year, increased by the annual percentage change in the consumer price index.

Under current law, generally, public utilities, including railroad companies, are subject to a license fee imposed by the state instead of being subject to local property taxes. This bill creates a personal property tax exemption for railroad companies in order to comply with the requirements of the federal Railroad Revitalization and Regulatory Reform Act.

2. **Assembly Substitute Amendment to AB 483, Municipal Raze Orders.** Originally introduced the Advisory Committee voted to oppose this bill. However, the League was asked to recommend solutions to the original bill and with the help of Manitowoc's Assistant City Attorney Liz Majerus, we were successful in substantially amending the legislation so that it is implementable for municipalities. With the substitute amendment the League and the City of Milwaukee modified our registrations to other or neutral on this bill. *This was a League negotiated amendment.*
3. **Incorporation Loophole/Annexation Compromise with the Town's Association.** This legislation is in drafting. Senator Petrowski will be the lead on the compromise legislation. The following provisions are included in the legislation:



**League items:**

**Close the two-step incorporation loophole** by prohibiting annexations and boundary agreements by a newly incorporated municipality absent the approval of surrounding communities for five years after an incorporation.

Explanation: Under the two-step incorporation loophole, a part of a town able to meet the incorporation standards incorporates into a village and then the new village immediately adds the remaining town remnant via annexation or boundary agreement. This process ignores existing boundary agreements and catches surrounding municipalities by surprise and blocks them from future growth opportunities.

**Allow municipalities to annex town territory across county lines with unanimous consent of the owners of the annexed lands.**

Explanation: Since 2004, cities and villages have been prohibited from annexing town territory across county lines without approval of the town. This prohibition prevents property owners from petitioning for annexation into an adjacent municipality to obtain water, sewer, and other urban services. The county line prohibition also establishes arbitrary, illogical municipal boundaries inconsistent with sound planning principles.

**Towns Association items:**

**Clarify that municipal extraterritorial land division and zoning powers do not apply to village or city islands located 1.5 (villages) or 3 (cities) miles from the village or city.**

Explanation: Under current law, a city's extraterritorial land division approval and zoning powers extend three miles beyond its borders. For villages and 4<sup>th</sup> class cities these extraterritorial powers extend 1.5 miles. Occasionally, cities and villages acquire and then annex territory separate from the main core of the community creating municipal islands within town territory. It is unclear whether the municipality's extraterritorial powers radiate out from these municipal islands. This proposal makes it clear that municipal extraterritorial powers do not extend from city and village islands.

**Prohibit municipalities from using condemnation powers to acquire blighted properties outside of the municipality's borders for transferring to third parties for redevelopment.**

Explanation: Under current law cities, villages and towns with village powers are authorized to use eminent domain to acquire blighted property within or outside the city, village, or town for the purpose of transferring that property to a developer as part of an economic redevelopment project. This proposal prohibits municipalities from using condemnation powers for such purposes outside of the municipality's borders.



**Reduce the time an extraterritorial zoning freeze can be imposed unilaterally by a city or village from 2 years to 18 months and increase the waiting period between such freezes from two years to five.**

Explanation: Under long standing law, a city or village contemplating working with a neighboring town on a joint extraterritorial zoning ordinance may unilaterally enact an interim zoning ordinance freezing in place “existing zoning or uses” in the extraterritorial zoning jurisdiction while the two communities work on a jointly acceptable permanent zoning ordinance covering the extraterritorial jurisdiction. The interim zoning ordinance is effective for two years. A community may unilaterally adopt another interim zoning freeze two years after the first expires. This proposal reduces the duration of the interim zoning freeze from 2 years to 1.5 years, requires a 5-year gap between such freezes instead of the current 2 years, and clarifies what limitations on land use changes may occur under such an ordinance.

**League and Towns Association Joint Item:**

**Make clear that the cooperative boundary statute, sec. 66.0307(7), prohibits annexation of town territory subject to a boundary agreement, including annexation by municipalities that are not parties to the agreement.**

Explanation: In 2019, a Dane County Circuit Court Judge ruled in *City of Madison v. Village of McFarland* that McFarland was not barred from annexing territory in the Town of Blooming Grove even though the territory was covered by a state approved cooperative boundary agreement between the town and the City of Madison of which the Village of McFarland was not a party. The cooperative plan established terms for the city to absorb the entire town by 2027. The court interpreted the cooperative plan statute as only binding the two parties to the cooperative plan, Madison, and Blooming Grove. This proposal clarifies that such state approved cooperative plans are binding on all communities surrounding the town territory regardless of whether they are a party to the agreement.

*This package is a League initiated compromise proposal.*

**1. Discussion Items**

**Previously Submerged Lands/Filled Lakebed.** We are working on answering the Legislative Reference Bureau’s drafter’s notes related to the preliminary draft of the Great Lakes previously submerged lands bill and there is a second bill in drafting that deals specifically with Rivers and Harbors. The rationale for the bill is to provide a process for potential redevelopment of blighted great lakes and commercial rivers and harbors property that may be the result of fill from over 40 years ago (before the Ch. 30 permitting process was established). This legislation is a delicate balance of securing and maintaining the public trust doctrine but also recognizing that fill that is over 40 years old is not going to be removed. The bill requires a public interest determination by the Great Lakes municipality and requires a component of public use/access. The bill represents the best attempt to thread the needle and provide needed redevelopment opportunities with a clear title while maintaining and enhancing the public’s enjoyment of these waterways. The legislation also clears title for



residential properties that may be on historic (over 40 years old) fill. The bill does not include any property subject to a lakebed grant or a submerged land lease. *This is a League initiated proposal.*

**Local Housing Improvement Fund.** We are in our third draft of this bill which is a collaboration between the City of Milwaukee, the League, and the Realtors Association. The proposal allows a municipality to establish a local housing investment fund program. Under such a program, a municipality may designate qualifying parcels as housing investment fund properties and collect tax revenues on any valuation increases on these properties. These revenues may be used only for certain purposes related to increasing the supply of housing available for persons with moderate income, including providing incentives for the provision of new workforce housing units, funding infrastructure costs related to the provision of workforce housing, and providing down payment assistance to qualifying individuals.

Parcels that may be designated under the program are 1) parcels containing a vacant building that will be converted into dwellings, 2) parcels that have been acquired by the municipality or the county in which the municipality is located through foreclosure, that contain existing dwelling units, and that will be sold to and improved by another person, 3) parcels consisting of land on which new dwelling units will be constructed, and 4) parcels on which additional dwelling units will be developed.

When a property is designated, the municipality must determine the value of the taxable property located on the parcel. Then, for each year commencing after the completion of improvements on the designated property, the municipality must determine the valuation increase for the designated property by subtracting the base value from the equalized value of the taxable property located in that parcel for that year. If this amount is positive for a year, the portion of taxes collected on this valuation increase are paid to the designating municipality for deposit into the housing investment fund for use for purposes related to increasing the supply of housing available for persons with moderate income. Under the bill, a designating municipality may collect taxes on valuation increases for a particular property for two years, if the municipality is a first- or second-class city, or for five years, if the municipality is a third- or fourth-class city, a village, or a town. *This is a League initiated proposal.*

## **2. Decision Items**

**Financial Institution Modernization Act** - Regulations on financial institutions (such as banks, credit unions, savings, and loan associations, etc.) are a combination of federal, state, and local laws. LRBs 4658 & 4736 (companion bills) aim to eliminate unnecessary and burdensome regulations on financial institutions.

The bill has five components:

1. Like many states, Wisconsin allows a deposit account at a financial institution to be “payable on death (POD)” to a designated beneficiary – meaning the funds transfer directly to the beneficiary upon the owner’s death instead of becoming part of the owner’s estate. In some instances, these POD designated accounts prevent financial institutions from collecting debts



owed. This bill would allow a financial institution to retain amounts owed to them before paying the remaining amount to the listed beneficiary.

2. Under current law, municipal deposits are guaranteed up to \$250,000 through the Federal Deposit Insurance Corporation (FDIC) and up to an additional \$400,000 through the Department of Financial Institutions (DFI) through the Municipal Deposit Guarantee Program. While the program is rarely used, the low insurance guarantee creates a barrier particularly for smaller institutions to accept public deposits because of the amount of collateral required to secure the deposit. Likewise, many municipalities choose to make deposits in multiple institutions to ensure the full amount is insured. This bill increases the existing insurance for municipal deposits, up to \$1 million.
3. The bill eliminates the requirement for financial institutions to provide written notice to the Department of Financial Institutions (DFI) of establishment, removal, or changes to ATMs. This requirement, once created in the interest of consumer protection, no longer serves a purpose as technological advances have rendered it unnecessary.
4. Under current law, municipalities may require certain buildings to have access boxes, commonly known as “Knox Boxes”, which contain keys to the premise, and in some cases all secure spaces, enabling first responders to access the locked building without forced entry. These local ordinances do not contemplate the security needs of individual buildings, such as financial institutions which contain significant stores of cash and other tangible assets or personally identifying information and data. To prevent security lapses, LRBs 4658 & 4736 exempt financial institutions from access box requirements.
5. Under current law, municipalities may borrow from several sources including the Board of Commissioners of Public Lands (BCPL) and financial institutions. The bill creates parity between the BCPL and financial institutions by allowing a municipality to borrow from a financial institution with a repayment term of 20 years – the same term allowable for loans through the BCPL.

These provisions are supported by the Wisconsin Bankers Association.



**To: Advisory Committee on Legislation**  
**From: Toni Herkert, Government Affairs Director**  
**Curt Witynski, Deputy Executive Director**  
**Date: October 1, 2021**  
**Re: Consideration of Recently Introduced Legislation**

Please review the following recently introduced bills or bills that are circulating for co-sponsorship. We ask the Committee to recommend a position on these items.

### **Bills we Recommend the League Support**

**SB 301/AB 280, Intoxicated Operation of ATV, UTV, Off Highway Motorcycles, Snowmobiles, and Motor Boats.** This bill makes the provisions of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. There are several provisions, but most notable are the following:

- allowing the application of the first-offense penalties for violating the intoxicated operation of an ATV or UTV law, the intoxicated operation of an OHM law, and the intoxicated snowmobiling law to violations of local ordinances that conform with those laws. This matches current law for a first-offense violation of the intoxicated boating law.
- Under the bill, if the person is found guilty of a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law and has, within the previous five years, been convicted of violating one of these laws, the court is required to revoke the person's privilege to operate a motor vehicle for not less than six months and not more than 12 months. Also under the bill, the person may be eligible for an occupational driver's license at any time during the revocation period.
- Under the bill, if a person has had his or her privilege to operate a motor vehicle suspended or revoked for a violation of a prohibition against operating a motor vehicle while intoxicated, the person may not operate a snowmobile, an ATV, a UTV, an OHM, or a motorboat during the period of that motor vehicle operating privilege suspension or revocation. The bill also provides a forfeiture and an additional six-month period of operating privilege suspension for violating the order of suspension.

The Wisconsin Sheriffs and Deputy Sheriffs Association supports the bill as well as the Badger State Sheriffs' Association, and the District Attorney's Association. *By Senator Jacque (R-DePere) and Representative Spiros (Marshfield).*

**SB 374/AB 376, Statewide Urban Search and Rescue Task Force and Regional Emergency Response Teams.** This bill changes the designation of regional collapse support teams to "urban



search and rescue” teams. Under the bill, an urban search and rescue task force designated by Department of Military Affairs (DMA) shall assist in an emergency response “involving search, rescue, and recovery in the technical rescue disciplines to include structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench excavation, and water operations in an urban search rescue environment.” The bill also modifies the current limitations on DMA’s reimbursement authority and requires DMA to reimburse a local agency that participates in an urban search and rescue task force, regardless of whether DMA collects from the party responsible for the costs. Under the bill, DMA must reimburse a local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the regional emergency response team.

Finally, the bill creates an appropriation for training and equipment for an urban search and rescue task force; and an appropriation for supporting task force deployments and reimbursing local agencies for increased duty disability premiums for employees who receive duty disability benefits because of an injury sustained while performing duties as a member of an urban search and rescue task force.  
*By Senator Ballweg (R-Markesan) and Representative Loudenbeck (R-Clinton).*

**SB 396/AB 399, Interest Payments on Claims of Excessive Assessment and for the Recovery of Unlawful Property Taxes.** This is a League initiated bill which cleans up two inconsistencies in statutes dealing with interest paid on property tax refunds. The inconsistencies in current law have negative financial impacts on city, town, and village taxpayers. This legislation requires all taxing jurisdictions, including the county and the school district, to contribute to the cost of interest payments on property tax refunds. Under current law, all local taxing jurisdictions contribute proportionately to the cost of the tax refund, but only the city, village, or town pays the interest on the refund. This bill allows the city, village, or town to collect from each underlying taxing jurisdiction its proportionate share of the interest paid on property tax refunds.

The second modification this bill makes is updating the method for calculating interest paid on refunds. Under current law, the method differs significantly depending on which statute a property taxpayer uses to challenge whether or how much property taxes he or she owes.

- Under sec. 74.35, Recovery of Unlawful Taxes, which is used, for example, to claim that the property was exempt from taxation, the community must, when refunding taxes, include interest at the rate of .8 percent a month from the date on which the individual filed the claim. This equals a 9.6 percent annual interest rate.
- Property owners seeking to claim an overpayment of property taxes caused by an alleged over assessment of property taxes cause by an alleged over assessment of the property must proceed under a different statute, sec. 74.37, to obtain a refund of extra taxes paid as a result of an excessive assessment. When communities refund property taxes to owners under section 74.37, the interest on refund payments is calculated at the average annual discount rate determined by the last auction of six-month U.S. treasury bills before the objection per day for the period of time between the time when the tax was due and the date that the claim was paid.



The interest is typically much higher under 74.35 than under 74.37. The interest rate specified in sec. 74.35 has not been changed or modernized since 1987. This bill makes the interest calculation under both statutes the same by tying the interest rate in both provisions to the six-month treasury bill. *By Senator Petrowski (R-Marathon) and Representative Brooks (R-Saukville).*

**SB 468/AB 489, Changing the Phase-Out of Utility Aid Payments for Decommissioned Power Plants.** This bill provides that if a power production plant that is exempt from property taxes is decommissioned, and therefore becomes taxable, the county and municipality where the plant is located will receive a utility aid payment for the first 10 years (current law is 5 years) in which the plant is subject to the property tax in an amount equal to a percentage of the utility aid payment that the county or municipality received for the last year in which the plant was exempt.

The bill also defines “decommissioned” to mean a time frame beyond closure. Decommissioned is defined, with regard to a production plant, as the earliest of the following: 1) the production plant is no longer recovered through the utility's rates; or 2) the production plant is sold to a person who is not subject to the annual license fees imposed by the state.

Finally, the bill provides a distinction between one unit going offline and the plant being decommissioned by specifying that, the utility aid payment received by a county or municipality will not be reduced on the basis that one or more, but not all, of the power generation units are no longer generating electricity. In addition, the amounts of the 10-year phase-out payments for utilities with multiple generating units are determined on the basis of the amount of the payment received in the year before the year the first power generation unit stopped generating electricity. *By Senator Ballweg (R-Markesan) and Representative Oldenburg (R-Viroqua).*

**SB 488/AB 504, Water Supply Service Area Plans for Public Water Systems.** When 2007 Wisconsin Act 227, the law that adopted and implemented the Great Lakes Compact was enacted, the law also created the water supply service area planning requirement. This provision requires all public water systems that serve 10,000 or more to prepare a water supply service area plan and have that plan approved by the DNR by no later than December 31, 2025. Two problems exist with the current law created in the 2007 legislation. 1. water utilities, as public utilities, are regulated by PSC and 2. the new planning and review requirement not only applied to communities using or seeking to use Great Lakes water where a more detailed DNR review may be necessary, it applied to all communities even though it was not a requirement of the Great Lakes Compact.

SB 488 removes the duplicate review of the water supply service area plans for utilities not using or seeking to use Great Lakes water. The bill limits the DNR review to those water supply plan reviews where the Great Lakes compact would apply. The DNR would still complete the current law technical review of all water utility supply service area plans but they would not enter into the role of regulating cost for most water utilities. Retaining the PSC’s authority to review these plans, as they do for all water utility projects, removes the possibility of conflicting regulatory decisions, conditions, or requirements between the DNR and PSC. *By Senator Cowles (R-Green Bay) and Representative Spiros (R-Marshfield).*



**SB 489/AB 501, Procedural Changes for Applications under the Clean Water Fund Program and the Safe Drinking Water Loan Program.** Under current law, a municipality that intends to apply for financial assistance under either program must submit notice of its intent to apply to DNR at least six months before the beginning of the fiscal year in which it will request to receive the assistance. The bill eliminates the requirement to submit a notice of intent to apply before applying. Current law also prohibits a municipality from submitting more than one application per year under either program. The bill eliminates this prohibition.

In addition, along with minor changes to the Safe Drinking Water Loan Program, the bill removes a provision which requires the release of allocated loan funding if the loan is not closed before June 30 of the year following the year in which funding is allocated. *Senator Cowles (R-Green Bay) and Representative Kitchens (R-Sturgeon Bay).*

**SB 506/AB 516, Authorizing the posting of speed limits for all-terrain and utility terrain vehicles.** This bill provides that a county, city, town, or village (local authority) may post a speed limit that is applicable only to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). In addition, if a local authority designates a highway under its jurisdiction as an ATV route, the local authority may post a speed limit, applicable only to ATVs and UTVs that is lower than the statutorily established speed limit for that highway. *By Senator Petrowski (R-Marathon) and Representative Mursau (R-Crivitz).*

**SB 518/AB 571, Environmental Pollution in an Environmental Remediation Tax Incremental District.** This bill modifies that definition of “environmental pollution” in environmental remediation tax incremental districts so that it includes substances that if released into the air, land, or waters of the state due to the redevelopment of an existing structure would be harmful to public health or harmful for commercial or recreational use. The expanded definition in environmental remediation TID’s means that projects that have been halted due to environmental contamination from substances such as asbestos, lead, formaldehyde and others will be able to move forward and use TID increment to pay for this type of internal contamination, remediation, and disposal. There are examples of projects all over the state but most notably in the authors districts of Rice Lake and Kaukauna. Rice Lake has a redevelopment project to create affordable housing which was halted due to asbestos contamination and Kaukauna has an old city hall in the downtown that they have had significant interest in redeveloping, but the costs associated with internal environmental pollution are too high. Our downtowns need the ability to redevelop and turn over blighted properties. Cities and villages would positively benefit from redevelopment of old properties and increased housing stock which is in critical need right now.

*By Senator Cowles (R-Green Bay) and Representative Armstrong (R-Rice Lake).*

**SB 533/AB 526, Housing Authorities and Mixed Developments.** This bill authorizes a housing authority to undertake certain mixed developments and increases the bidding threshold for housing authority projects. The bill specifies that a housing authority has the authority to acquire, construct, and operate mixed developments. The term “mixed development” means “all real and personal property, buildings and improvements, and community facilities acquired, rehabilitated, or constructed pursuant to a single plan to revitalize, redevelop, or transfer one or more properties into a mixed-use or mixed-



income development primarily to serve persons of low income or persons of low income and persons of moderate income with housing, commercial, and neighborhood amenities or other support services.”

Also under current law, if the estimated cost of a housing authority project exceeds \$25,000, the authority must solicit bids and award the contract to the lowest qualified and competent bidder. The bill increases the threshold to \$50,000. *By Senator Darling (R- River Hills) and Representative Kuglitsch (R- New Berlin).*

### **Bills we Recommend the League neither Support nor Oppose**

#### **SB 448/AB 475, Including Interest Estimates with Referendum Questions for Issuing Bonds.**

Under current law, whenever a municipality, county, or school district must hold a referendum seeking voter approval for issuing bonds, the referendum question must include a statement of the purpose for which bonds are to be issued and the maximum amount of the bonds to be issued. Under this bill, the statement included with the referendum question must also provide the estimated amount of the interest accruing on the amount of the bonds, along with the interest rate. If the interest rate is a variable rate, the statement must also specify the amount of the interest accruing on the amount of the bonds calculated using the lowest rate during the term for which the rate is applicable and the amount of the interest accruing on the amount of the bonds calculated using the highest rate during the term for which the rate is applicable. *By Senator Jacque (R-DePere) and Representative Cabral-Guevara (R-Appleton).*

**SB 490/AB 527, Authorizing Community Solar Programs.** This bill authorizes the establishment of community solar programs through which retail electric customers may subscribe to a community solar facility and receive credits to their electric bills for electricity produced by the facility. A subscriber and the community solar facility to which the subscriber subscribes must be located within the service territory of the same electric utility.

The bill also specifies that community solar facilities are subject to the zoning ordinances applicable to the parcels on which they are located and that a municipality may not grant an exception to its zoning ordinance if the exception would authorize the installation of a community solar facility unless the exception is approved by a two-thirds vote of the governing body of the municipality. *By Senator Stoebel (R-Saukville) and Representative Ramthun (R-Campbellsport).*

**SB 560/AB 575, Property Tax Exemption for Regional Planning Commissions.** This bill provides a property tax exemption for property owned by regional planning commissions. Current law provides a property tax exemption for property owned by a county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district, joint local water authority, long-term care district, or town sanitary district, among others. *By Representative Magnafici (R-Dresser) and Senator Petrowski (R-Marathon).*



### **Bills we Recommend the League Oppose**

**SB 521/AB 521, Regulation of Structures and Accessory Structures in a Floodplain.** This bill prohibits the Department of Natural Resources from restricting certain structures and accessory structures in a floodplain. SB 521 and AB 521 provide that DNR may not promulgate a rule or impose a restriction that 1) results in an ordinance containing provisions for structures that are more restrictive than those imposed by the Federal Emergency Management Agency or 2) allows DNR to deny an exception for structures or accessory structures for which FEMA has granted an exception. *By Senator Testin (R- Stevens Point) and Representative Krug (R- Nekoosa).*

### **Bills we are Uncertain About**

**SB 568/AB 579, Responsibility of a Property Owner for Discharge of a Hazardous Substance by another.** This bill exempts a property owner that is not a corporate entity from responsibility relating to the discharge of a hazardous substance on or originating from the owner's property if all of the following apply:

1. the owner acquired the property prior to September 1, 1992;
2. the owner demonstrates that the discharge was caused by another person without the owner's knowledge; and
3. the property was not listed in the database of contaminated properties maintained by the Department of Natural Resources when the owner acquired the property.

The bill also exempts a county that takes a tax deed on property contaminated by a hazardous substance, or any person who subsequently acquires the property from the county and meets certain requirements, from responsibility relating to the discharge of the hazardous substance. *By Representative Mursau (R-Crivitz) and Senator Jacque (R-DePere).*

**SB 573, Allowing Persons to Charge Fees for the Use of Electric Vehicle Charging Stations and the Installation and Operation by the DOT or a Political Subdivision.** This bill allows a person to charge a fee to users who park an electric vehicle near the person's charging station and establishes criteria for setting a fee. Additionally, the bill specifies that a person who owns, operates, manages, leases, or controls a charging station is not a public utility if the person does not otherwise provide electricity to others for a fee. *The bill also prohibits a political subdivision from owning, operating, managing, leasing, or controlling a charging facility that is available to the public unless authorized by the governing body of the political subdivision* and prohibits the Department of Transportation from authorizing the installation or operation of a charging facility that is available to the public or located at a wayside unless the department submits to the Joint Committee on Finance a request for authorization to install or operate the charging facility and the Joint Committee on Finance approves the request. *By Senator Cowles (R-Green Bay) and Representative VanderMeer (R-Tomah).*