

# Recent Law Changes Affecting Local Governments

**Clerk, Treasurers, and Finance Officers  
Institute  
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# Topics We'll Cover

1. Changes at the League
2. Overview of 2021-2022 Legislative Session
3. Let's Talk Election Law Changes
4. New Legislation Affecting Municipalities
5. Looking ahead and Advocating in Capitol

# High Level Overview of Legislative Session

- Highly partisan environment frustrating and tiring but split party control of state capitol was good for municipalities.
- No legislation reducing municipal powers or funding was enacted.
- Focus of session -- responding to pandemic, 2020 election, law enforcement reform, how to best spend federal ARPA dollars.

# The Session by 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

# The Session by Numbers

- Of the 55 bills we supported, 29 were enacted into law. A success rate of 53%.
- Of the 19 bills we opposed, zero were enacted into law. A success rate of 100%.

# Let's Talk Election Law Changes



**Depending on political dynamics in Capitol – election law changes are likely**

- How can we best help each other stay abreast of legislation?
- Goal is to advise legislators on real world implications of their proposals.
- We need to keep communication channels open to hear any technical concerns you have about implementing proposed changes.

# Act 1 – Changes to laws and programs administered by DOR



- **Calculating CPI for ERP.** Changes date by which DOR must calculate CPI for the Expenditure Restraint Program (ERP) from September to August, which better aligns with the timing of local budgeting.
- **Board of Review Training.** Requires at least one member of a board of review to complete training each year. Prior law required that at least one member of the board of review attend DOR training within the two-year period beginning on the date of the board's first meeting.

# Act 1 – Changes to laws and programs administered by DOR



- **Omitted Property 1.** Reduces the omitted tax property reporting requirement for taxing jurisdictions from \$5,000 to \$250.
- **Omitted Property 2.** Requires that municipalities share revenue from omitted taxes with other taxing jurisdictions using the same guidelines as collecting refunded taxes from other taxing jurisdictions under the chargeback process.



# Act 21 – liquor licensing

Allowing “Class B” liquor licensee to sell intoxicating liquor by glass and not in original package or container for consumption off premises if licensee seals container with a tamper-evident seal.

# Act 29 – Worker's Compensation Coverage for Police and Fire PTSD Claims



- Allows worker's compensation coverage for a law enforcement officer or a full-time fire fighter for PTSD if the PTSD diagnosis is made by a licensed psychiatrist or psychologist and mental injury arose out of and in course of employment.
- The diagnosis does not need to be based on unusual stress of greater dimensions than the day-to-day emotional strain and tension that may be experienced by similarly situated employees.

# Act 29 – Worker's Compensation Coverage for Police and Fire PTSD Claims



- A PTSD claim is not compensable if mental injury is the result of certain actions taken in good faith by an employer, such as a disciplinary action, work evaluation, job transfer, layoff, demotion, or termination.
- The period of disability for PTSD is limited to 32 weeks from the first report of the injury.

# **Act 32 – Expanding types of newspapers eligible to receive compensation for publication of legal notices**



Replaces requirement that newspaper be published regularly and continuously for at least two of five previous years with requirement that newspaper satisfies either of following:

- a) Has been published at least once a week for at least 50 consecutive issues prior to first publication of the notice.

# **Act 32 – Expanding types of newspapers eligible to receive compensation for publication of legal notices**



b) Verifies with DOA that newspaper has been circulated to the minimum number of print, digital, or electronic subscribers required under current law (300 or 1,000 depending upon the municipality) prior to issuance of its mailing permit from its place of publication.

# Act 32 – Expanding types of newspapers eligible for publication of legal notices



## Question for Group:

We were concerned that making shoppers and other free weeklies eligible to publish legal notices would mean villages suddenly being required to pay for newspaper publication of meeting minutes and new ordinances that impose penalties when they were formerly able to meet the publication requirement by posting in three public places or in one public place and on the village's website.

Has this proven to be the case?

Is this change positive or negative for communities?

# **Act 33 – Notice of noncandidacy for incumbent local elected officials**



Requires clerks to provide public notice that an incumbent local elected official is not seeking reelection on the clerk's or municipality's website, or if the municipality does not have a website, to post notices in three different locations.

# Act 51 – Community Oriented Police Housing Grant

- Requires DOJ to establish a grant program for cities with populations of 30,000 or more to fund community-oriented policing-house programs.
- State budget (Act 58) funded the grant program with \$500,000 for each of the next two years.



# Act 55 – Room Tax Law Updates



- Requires a marketplace provider (i.e. Airbnb, VRBO) to collect room tax imposed by a municipality and forward the tax to municipality on quarterly basis, along with form prepared by DOR. Marketplace provider may forward the tax more frequently by written agreement with the municipality.
- Provides a minor monetary penalty for a marketplace provider's failure to file a room tax return or pay the tax as required.

# Act 55 – Room Tax Law Updates



Requires every municipality collecting room taxes prior to 1994 and subject to sec. 66.0615(1m)(dm), Wis. Stats., to certify and report on or before May 1, 2022, on a form created by DOR, the amount of room tax retained by the municipality in 2010, 2011, 2012, 2013, and 2014.

# **Act 61 – Distribution of personal property and computer aid payments when a TID closes**

- For TIDs active for the 2017 tax year that terminated since and would have received aid, the State will distribute the sum of that aid to the municipality and other taxing jurisdictions – as well as the appropriate annual amount each year thereafter.
- The terminated TID aid payments will not be included in levy/revenue limit calculations or ERP expenditure limits.

# Act 61 – Distribution of personal property and computer aid payments when a TID closes

Exempt computer aid --starting with 2022 distribution:

- When a TID terminates, DOR will distribute aid to the municipality *and other taxing jurisdictions* in the following year and each year thereafter, rather than solely to the municipality as under prior law.
- **Note:** No retroactive adjustments are required.

# **Act 69 – Allowing Trustees to serve as Village Employees**

Allows village board members to be employed by village and receive an hourly wage, not to exceed \$15,000 each year. Mirrors an existing law allowing town board members to be hired by town and earn wages up to \$15,000 annually.

# Act 82 – Police Employment Records

- Requires law enforcement agencies to keep employment files for each law enforcement employee.
- A law enforcement agency wishing to hire a former or current law enforcement employee must require candidate to sign a waiver allowing his former or current employer to let interviewing agency review candidates' employment file, unless law enforcement employee is party to a non-disclosure agreement.

# Act 82 – Police Employment Records

- Non-disclosure agreements are prohibited after effective date of the act.
- A current or former employing agency is not liable for providing an employee file to an interviewing agency.

# **Act 85 – Deadlines for PSC Actions on Municipal Water Utility Applications**



Modifies the time period in which the PSC must take final action on municipal water utility applications for implementing a lead lateral replacement financial assistance program for property owners.



# **Act 86 –Public Service Commission Review of Water Meter Projects.**



**Creates an exception to the requirement to obtain PSC approval for certain construction projects that are for the purpose of installing, repairing, or replacing water meters.**

# Act 102 – Penalty for Missing Reporting Deadline on Transportation Spending



Reduces penalties applying to a village or town filing its annual highway-related expenditures for General Transportation Aids purposes after the reporting deadline.

# Act 107 – Municipal Raze Orders

Significantly modifies process municipalities must follow to issue raze orders for certain insured residential dwellings damaged by a storm, fire or other natural occurrence, if an insurer submits a certification to a municipality within 14 days of the property incurring damage.

# Act 112 – Application Process for Clean Water Fund and Safe Drinking Water Loan



- Eliminates requirement to submit a notice of intent to apply before applying.
- Allows resubmittal of a project in the same year (SDWL) or same 12 month period (CWF).
- Also eliminates requirement under the Safe Drinking Water Loan Program to submit an engineering report before receiving SDWLP assistance.

# Act 142 – TID Annual Reports



Requires following additional information in the annual report to DOR describing each existing TID:

- Value of net new construction in TID.
- Analysis of impact on property taxes and levy limits resulting from value of net new construction in the TID.

(effective January 1, 2023.)

# **Act 149 – Environmental Pollution in an Environmental Remediation TIF District**



Expands definition of environmental pollution under the TID law to include 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.

# Act 162 – Interest on Property Tax Refunds



- Allows a municipality, after it has paid interest on a property tax refund, to collect from each underlying taxation district its proportionate share of interest paid.
- The Act also modernizes the method of calculating interest on certain property tax refunds.



# Act 175 – PACE Program Expansion and Updates

Adds following types of projects to those currently eligible for PACE financing:

- Energy reliability improvement, including improvements that allow for energy storage, backup power generation, and facilitating participation in a microgrid.
- Electric vehicle (EV) infrastructure improvement for facilities used to charge EVs.





# Act 175 – PACE Program Expansion and Updates

Adds following types of projects to those currently eligible for PACE financing:

- Resiliency improvement, including projects improving storm and wind durability or wind resistance, assist in fire suppression, or mitigate flood damage.
- Storm water control measure improvement designed to mitigate negative impacts of storm water runoff.

# **Act 185 -- Body Camera Grant Program**

Creates a grant program administered by the DOJ to award grants to law enforcement agencies to enable the purchase of body cameras.

# 2021 Act 198 – Annexation and Extraterritorial Powers



## CHANGES TO BOUNDARY LAW

- Prohibits newly incorporated village from adding any of remaining town territory for a five-year period after incorporation unless territory is added through annexation by unanimous approval or through town consolidation process.
- Restores municipal ability to annex across county lines when the annexation is by unanimous approval.

# 2021 Act 198 – Annexation and Extraterritorial Powers



## CHANGES TO EXTRATERRITORIAL ZONING POWER.

- Reduces time interim extraterritorial zoning ordinance is effective from two years to 18 months.
- Extends period in which any subsequent interim extraterritorial zoning ordinance is prohibited from two years to five years.

# 2021 Act 198 – Annexation and Extraterritorial Powers



## CHANGES TO EXTRATERRITORIAL ZONING POWER.

- Specifies that unincorporated area subject to an ordinance includes areas that are either surrounding or entirely surrounded by a single city or village.
- Prohibits a city or village from the unilateral exercise of certain extraterritorial powers in areas surrounding “municipal islands”.

# **Act 228 – Medicaid Ambulance Reimbursement**

Creates program for more fully reimbursing municipalities for cost of ambulance services provided to Medicaid recipients.

# **We need your help Advocating for change in State Capitol**



- Help draft language using your professional experience
- Testify at public hearings – provide real world examples
- Provide support for legislators when working on legislation important to your profession

# How you can help



**Stay informed about legislation affecting municipalities and help League advocate for municipalities.**

- Receive and read League's Legislative Bulletin
- Participate in Voter Voice – quick pre-written emails provide you with the opportunity to advocate for your community
- Establish a relationship with your legislators
- Follow agency rulemaking
- Participate in League Lobby Days and regional meetings.



# Questions and Comments



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