

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, JULY 18, 2005 AT 9:00 AM

Room 301-B City Hall

- AB-388 Establishing a state waterfront development program and creating a council on that program.
- AB-483 County and municipal support for a public library system.
- AB-492 Service charges of municipal storm water utilities and complaints about municipal storm water and other sewer utilities.
- AB-558 Limiting the reasons for which a local government may withhold approval of a permit.

2005 ASSEMBLY BILL 388

April 27, 2005 – Introduced by Representatives WIECKERT, KRAWCZYK, NISCHKE, VOS, TOWNSEND, VRAKAS, HINES, PRIDEMORE and MOLEPSKE, cosponsored by Senator ROESSLER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to create** 15.157 (13), 20.143 (1) (fr) and 560.085 of the statutes; **relating**
2 **to:** establishing a state waterfront development program and creating a council
3 on that program.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Commerce (department) to establish and administer a state waterfront development program, entitled the "On-the-waterfront Program," for the purpose of assisting cities, villages, and towns (municipalities) to coordinate, plan, manage, and implement programs for the revitalization of areas that are adjacent to lakes or streams. Revitalization includes constructing, renovating, and rehabilitating buildings or other improvements to increase economic activity and tourism. Under the program, the department must provide technical assistance, training, and information on revitalization of waterfront areas to municipalities, and must coordinate state grant programs that are available to municipalities for waterfront development. The authorized positions for the department are increased by one for administration of the program.

The bill also creates the On-the-waterfront Program Council (council), which is made up of the secretaries of commerce, tourism, natural resources, and transportation, or their designees, and representatives of a local chamber of commerce, a local visitor and convention bureau, a city, village, or county, a town, the planning profession, the financial community, and the business community. The council is charged with helping the secretary of commerce to develop a plan to operate the On-the-waterfront Program, reviewing the effectiveness of the program, and recommending procedures to improve the program.

2005 ASSEMBLY BILL 483

June 14, 2005 – Introduced by Representatives GOTTLIEB, AINSWORTH, GIELOW, HINES, JENSEN, JESKEWITZ, LEMAHIEU and TOWNS. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to repeal* 43.15 (2) (b) to (e), 43.15 (4) (c) 5. and 43.15 (4) (e); and *to*
2 *renumber* 43.15 (2) (a) of the statutes; **relating to:** county and municipal
3 support for a public library system.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires each county in a public library system to maintain its financial support for library services at a level that is not lower than the average of the previous three years. Similarly, a municipal, county, or joint public library participating in a public library system must receive funding from the municipality or county at a level that is not lower than the average of the previous three years. This bill eliminates these requirements.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 43.15 (2) (a) of the statutes is renumbered 43.15 (2).
5 SECTION 2. 43.15 (2) (b) to (e) of the statutes are repealed.
6 SECTION 3. 43.15 (4) (c) 5. of the statutes is repealed.

2005 ASSEMBLY BILL 492

June 14, 2005 – Introduced by Representatives UNDERHEIM and VOS. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to renumber* 66.0821 (1) (a); *to amend* 66.0821 (3) (a), 66.0821 (4) (c)
2 and 66.0821 (5) (a); and *to create* 66.0821 (1) (ag) and 66.0821 (4) (am) of the
3 statutes; **relating to:** service charges of municipal storm water utilities and
4 complaints about municipal storm water and other sewer utilities.

Analysis by the Legislative Reference Bureau

This bill prohibits cities, villages, and towns (municipalities) from using both property taxes and service charges to pay for the same costs that are incurred for storm water utilities. Under current law, a municipality is allowed to construct and operate a system for collecting, transporting, pumping, treating, or disposing of storm water and surface water. The costs for such a system may be funded with property taxes, special assessments, service charges, municipal obligations or revenue bonds, or any combination of the foregoing.

Current law allows a municipality to establish service charges in amounts to meet all or part of the costs for any of the following requirements of such a system: constructing, reconstructing, improving, extending, operating, maintaining, repairing, or depreciating the system, or paying all or part of the principal and interest of any indebtedness incurred for the system.

This bill refers to such a system as a “municipal storm water utility.” The bill allows a municipality to use any of the sources allowed under current law to meet the costs of a municipal storm water utility. However, if a municipality establishes a service charge to meet all or part of the costs for any requirement described above, the bill prohibits the municipality from including in its property tax levy any

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expenditure that is made for the purpose of meeting the requirement. In addition, if any portion of an expenditure can be allocated to meeting the requirement, the municipality may not include the allocated portion of the expenditure in its property tax levy.

In addition, the bill requires a municipality to consider the following when it establishes the amount of a service charge: 1) the volume or peaking of storm water or surface water discharge that is caused by impervious surfaces of the property served by the municipal storm water utility; 2) topography and other surface characteristics of the property; 3) the extent and reliability of mitigation or treatment measures available to service the property, apart from measures provided by the utility; and 4) any other reasonably relevant considerations. Under current law, a municipality is allowed, but not required, to consider these characteristics.

The bill also makes a change to the provisions for complaints about municipal storm water utilities and other municipal sewer utilities. Under current law, a person who uses such a utility may complain to the Public Service Commission (PSC) that the rates, rules, or practices of the municipality regarding the utility are unreasonable or unjustly discriminatory. If the PSC finds sufficient cause for the complaint, the PSC must hold a public hearing after providing ten days' notice to the person who filed the complaint and the municipality. After the hearing, if the PSC determines that the rates, rules, or practices are unreasonable or unjustly discriminatory, the PSC must issue an order establishing reasonable and just rates, rules, or practices.

This bill specifies that a user of a municipal storm water or other sewer utility may also complain to the PSC if the municipality violates any requirements under law that apply to the utility, including the requirements created in the bill.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0821 (1) (a) of the statutes is renumbered 66.0821 (1) (ar).

2 **SECTION 2.** 66.0821 (1) (ag) of the statutes is created to read:

3 66.0821 (1) (ag) "Municipal storm water utility" means a municipal public
4 utility operated for the collection, transportation, pumping, treatment, or final
5 disposition of storm water and surface water.

6 **SECTION 3.** 66.0821 (3) (a) of the statutes is amended to read:

2005 ASSEMBLY BILL 558

July 12, 2005 – Introduced by Representative ALBERS. Referred to Committee on Property Rights and Land Management.

- 1 AN ACT *to amend* 59.69 (2) (bm); and *to create* 60.61 (4) (e) and 62.23 (7) (gm)
2 of the statutes; **relating to:** limiting the reasons for which a local government
3 may withhold approval of a permit.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town that is authorized to exercise village powers (municipality), or county is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; and the location and use of buildings, structures, and land for various purposes.

Also under current law a municipality or county, or a body that handles zoning issues such as a city plan commission, board of appeals, or county zoning agency (zoning entity), may issue permits under their zoning authority.

Under this bill, no zoning entity may condition or withhold approval of a permit that it may issue under its zoning authority based on the property owner entering into, discontinuing, modifying, extending, or renewing a contract with a third party under which the third party is engaging in a lawful use of the property.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: