

2009 ASSEMBLY BILL 89

February 24, 2009 – Introduced by Representatives GUNDERSON, DAVIS, BIES, GOTTLIEB, HONADEL, KERKMAN, KESTELL, KNODL, LEMAHIEU, LOTHIAN, NASS, PRIDEMORE, RHOADES, SPANBAUER, TOWNSEND, VOS and VUKMIR, cosponsored by Senators DARLING, KANAVAS, HOPPER, KEDZIE, LAZICH and SCHULTZ. Referred to Committee on Labor.

1 **AN ACT** *to create* 111.70 (4) (m) 5. and 119.16 (11) of the statutes; **relating to:**
2 prohibiting the Milwaukee Public Schools from imposing residency
3 requirements on teachers.

Analysis by the Legislative Reference Bureau

Beginning July 1, 2011, this bill prohibits the Milwaukee Public Schools from requiring, as a condition of employment, that a teacher reside within the school district. The bill defines “teacher” as any person whose employment by a school district requires that he or she hold a license or permit issued by the state superintendent of public instruction.

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.** 111.70 (4) (m) 5. of the statutes is created to read:
5 111.70 (4) (m) 5. The prohibition under s. 119.16 (11) against requiring teachers
6 employed by a board of school directors to reside within the 1st class city school
7 district.



2009 ASSEMBLY BILL 145

March 13, 2009 – Introduced by Representatives KESSLER, A. WILLIAMS and TURNER, cosponsored by Senator TAYLOR. Referred to Committee on State Affairs and Homeland Security.

1 AN ACT *to amend* 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (d), 5.18, 59.10 (2) (a), 59.10
2 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (6), 62.08 (1), 62.08 (5) and 119.08 (1) (b) of the
3 statutes; **relating to:** legislative review of municipal ward, supervisory
4 district, aldermanic district, and certain school district election district plans.

Analysis by the Legislative Reference Bureau

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This bill shortens the maximum time period specified for action at each of the above stages of the redistricting process to 45 days. The bill also provides that upon enactment or adoption of a municipal ward division plan, the clerk of a municipality must submit a certified copy of the plan to the appropriate standing committees of

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the legislature. If, within 45 days of the receipt of the plan, the legislature enacts a law making changes to the wards within a municipality, the municipality must incorporate the changes into its ward division plan, which then takes effect. If, within 45 days of the receipt of the plan, the legislature does not enact a law making changes to the wards within the municipality, the municipal ward division plan takes effect as submitted. In addition, the bill provides that upon enactment or adoption of a final county supervisory district plan, an aldermanic district plan or an election district plan in a school district serving a first class city (Milwaukee), the county, city, or school district clerk must submit a certified copy of the plan to the appropriate standing committees of the legislature. If, within 30 days of receipt of the plan, the legislature enacts a law making changes in the supervisory, aldermanic, or election districts, the county, city, or school district must incorporate the changes into its plan, which then takes effect. If, within 30 days of receipt of the plan, the legislature does not enact a law making changes to the supervisory, aldermanic, or election districts within the plan, the plan takes effect as submitted. Because the legislature has inherent authority to establish municipal wards or to change ward boundaries as a part of a congressional or legislative redistricting plan, the bill does not preclude the legislature from making other changes in municipal ward boundaries as a part of such a plan.

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

1 **SECTION 1.** 5.15 (1) (b) of the statutes is amended to read:

2 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the
3 receipt of a tentative supervisory district plan and written statement, if any, from the
4 county board of each county in which a municipality is located, the governing body
5 of the municipality shall adjust its wards according to the schedule shown in sub. (2).
6 All territory contained within the municipality, and only the territory so contained,
7 on August 1 following the year of the federal decennial census shall be contained
8 within a ward. Except as authorized in sub. (2), each ward shall consist of whole
9 blocks. To suit the convenience of the voters residing therein each ward shall, as far
10 as practicable, be kept compact and observe the community of interest of existing
11 neighborhoods and other settlements. All territory within a ward shall be
12 contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or



2009 ASSEMBLY BILL 147

March 13, 2009 – Introduced by Representatives SCHNEIDER and VOS, cosponsored by Senator TAYLOR. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to create* 66.0406 of the statutes; **relating to:** regulating the amount of
2 a forfeiture for failure to remove snow.

Analysis by the Legislative Reference Bureau

This bill limits the amount of a forfeiture which a political subdivision (any city, village, town, or county) may impose on a person for the failure to remove snow from the person's property in a timely manner. The amount of the forfeiture may not exceed \$25 for the first violation, \$35 for the second violation, or \$50 for a violation subsequent to the second violation. If a political subdivision has in effect an ordinance that is inconsistent with this bill, the local ordinance does not apply and may not be enforced once the bill takes effect.

For further information see the **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:

3 SECTION 1. 66.0406 of the statutes is created to read:
4 **66.0406 Removal of snow. (1) ALLOWABLE FORFEITURES FOR SNOW REMOVAL.**
5 If a political subdivision imposes a forfeiture on any person who violates an
6 ordinance which requires the person to remove snow from the person's property



2009 ASSEMBLY BILL 149

March 13, 2009 – Introduced by Representatives GOTTLIEB, SUDER, GUNDERSON, LOTHIAN, MURSAU, MURTHA, A. OTT, TOWNSEND and VOS, cosponsored by Senator TAYLOR. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to amend* 74.47 (1) of the statutes; **relating to:** the interest rate on
2 delinquent property taxes.

Analysis by the Legislative Reference Bureau

Under current law, the interest rate on delinquent property taxes is 1 percent per month for each month that the taxes remain unpaid. Under this bill, beginning on the bill's effective date and ending on December 31, 2010, the interest rate on delinquent property taxes is 0.5 percent per month for each month that the taxes remain unpaid.

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:

3 SECTION 1. 74.47 (1) of the statutes is amended to read:

4 74.47 (1) INTEREST. The interest rate on delinquent general property taxes,
5 special charges, special assessments, and special taxes included in the tax roll for
6 collection is one percent per month or fraction of a month, except that the interest
7 rate under this subsection beginning on the effective date of this subsection ... [LRB

DNR Ballast Water Regulations Impact on the Port of Milwaukee

The WisDNR's proposed ballast water rules set water quality standards at 100-times those of the International Maritime Organization (IMO). To date vendors of onboard ballast water cleaning technology are struggling to come up with cleaning processes that can meet the IMO standard, let alone 100-times that standard.

Wisconsin neighboring states, Illinois and Minnesota (as well as Indiana, Ohio, and Pennsylvania) have regulations that require meeting the IMO standards. Both these states, plus Indiana, operate ports that directly compete with the Port of Milwaukee for business. Ship owners will certainly avoid Milwaukee (and any other Wisconsin port) and instead take their business to Duluth or Chicago if the 100-times rule stands.

If the majority of states and provinces in North America require the IMO standard for onboard cleaning of ballast water, the equipment ship owners purchase to put on their ships will have technology to meet that standard – not 100-times. Any port that requires a stricter standard will be passed by.

If ocean ships stop calling at Milwaukee, the results will be a loss of revenue to the City, closing of port terminals and a loss of jobs. Area manufacturers and Wisconsin farmers who use the port and these ships will see their transportation cost rise as they are forced to use other transportation modes to reach an alternate port and their competitiveness will suffer.

At the Port of Milwaukee two operations almost exclusively rely on ocean ships through the St. Lawrence Seaway:

- 1) Federal Marine Terminals (FMT), the Port's general cargo stevedore and largest tenant.
- 2) Nidera Grain Elevator, a private operation in the harbor.

FMT employs International Longshoremen's Association (ILA) labor. Nidera hires America Grain Trimmers union. Between these two employers, they may create 50-70 jobs. FMT employs 5 full time staff and 39 ILA members; Nidera, 17 full time staff and 15 trimmers.

Other related port service providers would also suffer a job loss with the business ocean ships bring. Truck drivers, rail crews, surveyors, tug boat crews, etc. FMT loads or unloads 7,000 to 8,000 trucks each year. Most of these are local trucking companies and the loss of FMT's business would be significant to them.

Port revenues related to ocean shipping in 2008 were \$ 642,249 and 2007 it was higher at about \$ 1.1 million. Revenues for 2008 were down mostly due to the loss of the wind energy business because of the onerous WisDOT regulations on road permits and a drop in steel shipments due to the soft manufacturing economy.

Additional freight costs that would be paid by area manufacturers if ocean ships are no longer available are difficult to estimate. These companies use ocean ships mostly to bring in steel products purchased overseas. In 2007, the Port handled 173,000 tons of steel. A port study done last year estimates it would cost these Milwaukee area companies an additional \$5 million in added freight costs to route these shipments via other ports.

The Port also handles 4 to 8 “project cargoes” power plants, shovels or draglines manufactured by P&H or Bucyrus, or purchased by WE Energies, for example. The Port of Milwaukee and ocean ships are the cheapest way to route these big and heavy pieces – any one of the shipment weighs thousands of tons and can fill an entire ship. Freight savings on some of these projects can amount to \$0.5 million to \$1 million when compared to trucking or railing them to the East Coast or Houston.

Southeast Wisconsin farmers sell their grain for export through the Nidera grain elevator, again because of the cost advantage on direct ocean shipping. During an average grain year when 250,000 tons are exported through that facility, they save an estimated \$4.25 million over railing or barging to New Orleans.

In 2007 when 380,000 tons of grain was exported, the extra cost would have been closer to \$6 million. Grain exports markets are very competitive and these added costs could make these farmers uncompetitive.

The biggest hit to the Port if ocean shipping ended here would be to the new biofuel investment projects that are scheduled to begin here this year. The new biodiesel plant at Jones Island is reliant on ocean ships to carry their product and ethanol to Europe. That \$4 million plant would close even before it started operation. Their investment dollars and 10 employees would go elsewhere. The \$20 million wood pelletizing plant scheduled to begin construction this spring needs ocean ships to carry their biofuel to Europe. That investment money and their 15 jobs will go elsewhere. Neither of these projects will continue if the DNR casts a dark shadow over the future of shipping at the Port of Milwaukee.

The Port’s biggest money earner in 2007 was wind energy components from Europe. This is business that needs future direct ocean shipping.

There is also an environmental cost to our community to modal shift the 1/2 to 1 million tons of overseas freight the Port handles or will handle from ships to truck and rail.



Tom Barrett
Mayor, City of Milwaukee

March 23, 2009

Mr. Matthew J. Frank, Secretary
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Dear Secretary Frank:

As you know, Milwaukee is deeply committed to protection of the Great Lakes, and in particular Lake Michigan. I worked hard with the Department of Natural Resources and state legislature to pass the Great Lakes Water Resources Compact and have supported efforts to clean up tributaries to the Great Lakes, including our effort with the State of Wisconsin, Army Corps of Engineers, and U.S. Environmental Protection Agency to clean up contaminated sediment in the Kinnickinnic River.

Lake Michigan is the source of our drinking water, provides recreational benefits to our residents and economic benefits to the City and the State of Wisconsin. As a steward of this important natural resource, I understand the threat posed to Lake Michigan and the other great lakes by invasive species and the need to regulate discharge of ballast tanks from ocean-going vessels that visit the Great Lakes and our ports. As a member of the Great Lakes – St. Lawrence Cities initiative, I joined with other Mayors from both the United States and Canada in calling for federal legislation to address invasive species. However, the Wisconsin Department of Natural Resources' (DNR) proposed language for vessel permitting will do little to protect the integrity of the Great Lakes and much to hurt the state's economy. We need consistent regulations across the Great Lakes to ensure the highest level of protection as well as recognition of the importance of the economic benefits associated with international trade provided by shipping on the Great Lakes.

The City of Milwaukee urges the passage of federal legislation that applies across the Great Lakes to address the basin-wide threats associated with invasive species. The proposed DNR rules will merely exacerbate the piecemeal approach to addressing this issue. The current inconsistency of ballast water regulations across the Great Lakes makes it virtually impossible for shipping companies to comply with ballast water rules and for individual states to monitor and enforce such rules.



Wisconsin's neighboring states, Illinois and Minnesota (as well as Indiana, Ohio, and Pennsylvania) have regulations that require meeting the International Maritime Organization (IMO) standards. The Wisconsin Department of Natural Resources proposed ballast water rules set water quality standards at 100 times those of the IMO. To date vendors of onboard ballast water cleaning technology are struggling to come up with cleaning processes that can meet the IMO standard, let alone 100 times that standard. DNR's proposed standards may be a goal for us to reach in the future but do not appear to be attainable in the short term. Until more advanced technology is developed, tested and certified, I encourage the DNR to adopt the IMO standards and its regulations as most other Great Lakes states have done.

Under the proposed DNR ballast water regulations, ship owners will certainly avoid Milwaukee (and any other Wisconsin port) and instead take their business to Duluth or Chicago if the DNR's proposed rule is adopted. If ocean ships stop calling at Milwaukee, the results will be a loss of revenue to the City, closing of port terminals and a loss of jobs. Area manufacturers and Wisconsin farmers who use the port and these ships will see their transportation costs rise as they are forced to use other transportation modes to reach an alternate port. Their ability to compete will suffer as will the State's economy.

We clearly understand the environmental and economic costs of invasive species, but here are a few examples of the economic cost of the proposed rule on two Port of Milwaukee operations that rely almost exclusively on ocean ships through the St. Lawrence Seaway.

Federal Marine Terminals (FMT) is the Port's general cargo stevedore and largest tenant and Nidera Grain Elevator is a private operation in the harbor. These two operations create approximately 50-100 jobs in our local economy. Other related port service providers including truck drivers, rail crews, tug crews and others would also suffer a job loss. For example, FMT loads or unloads 7,000 to 8,000 trucks each year. Most of these are local trucking companies and the loss of FMT's business would be significant to them.

Port revenues related to ocean shipping in 2008 were \$642,249 and in 2007 it was higher at about \$1.1 million. Revenues for 2008 were down mostly due to the loss of the wind energy business because of the onerous WisDOT regulations on road permits and a drop in steel shipments due to the soft manufacturing economy.

The Port serves Wisconsin's manufacturers. For example, the Port also handles 4 to 8 "project cargoes" power plants, shovels or draglines manufactured by P&H or Bucyrus, or purchased by WE Energies. The Port of Milwaukee and ocean ships are the cheapest way to route these big and heavy pieces – any one of the shipment weighs thousands of tons and can fill an entire ship. Freight savings on some of these projects can amount to \$0.5 million to \$1 million when compared to trucking or railing them to the East Coast or Houston.

The Port also serves Southeast Wisconsin farmers who sell their grain for export through the Nidera grain elevator, again because of the cost advantage on direct ocean shipping. During an average grain year when 250,000 tons are exported through that facility, they save an estimated \$4.25 million over railing or barging to New Orleans. In 2007 when 380,000 tons of grain were

exported, the extra cost would have been closer to \$6 million. Grain export markets are very competitive and these added costs could make these farmers uncompetitive.

The Port of Milwaukee will host new biofuels tenants, and this new industry would be significantly impacted if ocean going vessels no longer found it economically viable to use the Port. The new biodiesel plant at Jones Island is reliant on ocean ships to carry their product and ethanol to Europe. That \$4 million plant would close even before it started operation. Their investment dollars and 10 employees would go elsewhere. The \$20 million wood pelletizing plant scheduled to begin construction this spring needs ocean ships to carry their biofuel to Europe. That investment money and their 15 jobs will go elsewhere.

The City of Milwaukee also understands that much additional information is needed to make sure that we make the correct decisions regarding treatment of ballast water. The Port of Milwaukee has actively supported the Great Ships Initiative (GSI), a research program at the University of Wisconsin in Superior. The role of the GSI is to accelerate the development of ballast water treatment technologies by providing a variety of assistance to those companies doing research and development in this area. We are heartened by the \$950,000 included in the Omnibus Appropriations Act for Fiscal Year 2009 for the Great Ships Initiative testing lab in Superior, Wisconsin.

In summary, Milwaukee understands the urgency in addressing ballast water discharges. However, I firmly believe that Federal legislation is needed to address the issues of water quality and nuisance species to ensure the future for the St. Lawrence Seaway. Anything short of a uniform national approach would be a distraction and completely ineffective. Backed by Federal law, the marketplace will respond by quickly developing the needed technology. Industry, environmental groups and legislators need to join together to make this happen.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Barrett", with a stylized flourish at the end.

Mayor Tom Barrett

TB:pv:mo