

City of Madison
2013 – 2014 Legislative Agenda

BROAD POLICY RECOMMENDATIONS

Maintain Local Control – During every legislative session there are efforts to erode the ability of local leaders to make decisions that affect their constituents. The city opposes all efforts to take authority away from municipalities. Decisions should be made at a local level whenever possible.

Protect Property Tax Base –The City of Madison has tremendous amount of property that is tax exempt, and the list of property that is removed from the tax rolls continues to grow. This places an increasing burden on the remaining property owners who are subject to taxation.

FINANCIAL/BUDGET ISSUES

Fully Fund Payment for Municipal Services Program –The PMS program aims to reimburse municipalities for the police and fire protection provided to state facilities. For years, municipalities have been receiving a prorated portion of their entitlement, but recent funding has declined sharply. In 2011, the state paid only 50% of its obligation. The state should stop forcing local taxpayers to subsidize its obligation, and fully fund the PMS program.

Shared Revenue –The shared revenue program has faced numerous cuts over the past few state budgets. In 2011- 2012, the city’s shared revenue was cut 25%. The result is that, over the past 20 years, the percentage of the City’s operating budget coming from property taxes has risen sharply. Funding for shared revenue should be increased to relieve the increasing pressure on homeowners.

The distribution formula also needs modification. Historically, the shared revenue formula sought to equalize communities’ wealth using property value as a relative measure. However, property value alone fails to reflect the costs of poverty to a community. The pressures that poverty puts on the police and social safety net are not reflected by equalized value.

Repeal Revenue Caps - Revenue caps violate principals of local control and should be eliminated. The City of Madison has effectively and prudently managed taxpayer funds. The city has had a Aaa bond rating for years, and has qualified for the expenditure restraint program every year since the inception of the program. While previous revenue caps have allowed increases based on inflation and new construction, the current revenue caps do not even allow for inflation. This is an unrealistic an unwarranted limitation. Further, it discourages residential development because residential property tax only provides 70 to 80 percent of revenue needed for residential property infrastructure.

Increase Funding for Local Roads – Ninety percent of the state’s road miles are under local government jurisdiction. The state should increase funding from the Transportation Fund for local roads.

Increase State Transit Funding and Maintain at a Consistent Level – The transit funding formula was originally designed to cover 44.6% of transit expenses. However, the formula has not kept pace with inflation, and the 2011- 1012 state budget implemented a 10% cut to all transit funding. For Madison, that cut was \$1.8 million. Given the essential role that transit plays in economic development and energy conservation, transit funding should be increased to 42%. Further, the state should commit to providing a consistent funding rate. Fluctuating funding levels make planning difficult.

SPECIFIC LEGISLATIVE INIATIVES

Allow Municipalities to Give Preference to Local Contractors for Public Works Projects –Under current state statutes, the city is prohibited from using a bidding method that gives preference to local contractors, or uses any criterion other than the lowest responsible bidder. The law should be changed to allow preference to be given to contractors who hire local employees.

Reestablish Regional Transportation Authorities -Authorize local governments to create RTAs with the ability to levy a sales tax to finance their capital costs and operations.

Increase Allowable Municipal Court Fee– Under current law, a municipal court may impose a court fee of between \$15 and \$28 on a person who is found to have violated an ordinance. That amount is not sufficient to cover the operating costs of municipal court. The law should be changed to allow the municipality, by ordinance, to increase the court fee up to \$38. *See* 2011 Assembly Bill 285

Allow Municipal Attorneys to Issue Subpoenas in Municipal Court - District Attorneys, defense attorneys, any attorney in a civil case, and a number of other persons can issue subpoenas by virtue of being a lawyer and having the authority under state law. But, in municipal court, city attorneys need to get all subpoenas signed by the municipal court judge. The statute should be amended to allow town, village or city attorneys to issue subpoenas in cases in municipal court.

Increase the Penalties for Loud Cars– Under current law, a municipality may prohibit a car from emitting radio or other electronic sound that is clearly audible from a distance of 50 feet or more. Wis. Stat. §349.135 authorizes a fine range of between \$40 and \$80 for the first offense, and between \$100 and \$200 for subsequent offense. Vehicle noise is an increasing problem, and the current fine range is too low to provide deterrence. The penalty range should be increased to \$100-\$200 for the first offence, and \$200-\$400 for

the second offence. In addition, the statute should be amended to cover vibrations that may be felt at the same distance.

Allow Minor Property Damage to Vehicles to be Subject to Forfeiture – Under current law, the operator of a vehicle is required to stop after hitting a person or an occupied vehicle. A failure to stop can be charged only as a crime by the District Attorney. (secs. 346.67 and 346.74) Generally, DA's will not file a criminal charge if a hit-and-run causes less than \$1000 in damage. A smaller penalty should be created so that a person violating 346.67 where there is less than \$1000 in property damage may be subject to a forfeiture of no less than \$200 nor more than \$750.

Support Public Records and Open Meetings Law Reform - Current law pertaining to public records and open meetings is outdated given the new technology available. While the City of Madison has adopted ordinances that are more up-to-date, this issue needs to be addressed at the state level.

Limit Pres House Tax Exemption - Current law contains a property tax exemption designed for the Pres House, a student housing facility on the UW Madison campus affiliated with the Presbyterian Church. The qualifications for this exemption need to be tightened so that fraternities and sororities do not qualify for the exemption. *See* 2011 Assembly Bill 496.

Reduce Interest on Tax Refunds –Wis. Stat. sec. 74.35(4) requires municipalities to pay 9.6% annual interest on tax refunds for entities later found to be tax exempt. The law should be amended to be consistent with sec. 74.37(5), which limits the interest paid on excessive assessment claims to the average annual discount rate of 6-month U.S. treasury bonds.

Reverse the Walgreens case– The State Supreme Court has ruled that the value of a lease can only affect the assessed value of a property when the lease decreases the market value of a property; above market leases never increase the value of a property.

Remedy the Difficulties in Assessing Billboards Caused by the Adams Case– In 2006 the Wisconsin Supreme Court held that a billboard permit is real property, and cannot be included in the valuation of the billboard structure, which is personal property. This has led to a large amount of the value of property escaping taxation, and an increase of the tax burden on homeowners. Legislation should be passed that would allow for the appropriate taxation of billboard permits.

Allow Municipalities With Populations Over 35,000 to Combine Wards for Election Reporting –Under current law, any municipality can designate two or more wards to vote at a single polling location. When the ballot is the same in each ward, municipalities with a population under 35,000 can also combine those wards for reporting purposes. Municipalities over 35,000 must report those wards separately, even if the ballot is identical. Allowing the combination of wards is more efficient and cost effective. All municipalities should be given the same authority. *See* 2011 Senate Bill 267.

Allow the Use of TIF for Police and Fire Stations –A 1981 legislative audit concluded that TIF project costs should not include routine municipal services. As a result, police and fire buildings are excluded from the list of costs. However, development cannot exist without those municipal services. The inability of a municipality to finance some of these costs can discourage growth by driving up the costs of development.

Reduce Incentives for Municipalities to use TIF to Compete for Business – Tax Incremental Financing was designed to facilitate development that would not otherwise occur. Unfortunately, TIF funds have increasingly been used as a way to lure companies from one community to another. This leads to municipalities bidding against each other with taxpayer money. State law should be changed to reduce the incentive for municipalities to use tax dollars to compete for business.

Repeal of Same Sex Marriage Ban –The city opposes the ban on same sex marriage for two basic reasons. First, as a matter of policy, marriage is a basic civil right and the state of Wisconsin’s current prohibition is unfair and unjust. Second, as a matter of economics, the law places the city at a competitive disadvantage. In an era of mobility, the state’s constitutional ban on same-sex marriage hinders efforts to recruit the best and brightest to settle in the state, and in Madison.

Require Colleges and Universities to Have a Tuberculosis Control and Prevention Plan – Kansas currently has a law that requires colleges and universities to have a plan to test high risk students for TB, and notify the health department of cases active or latent infection. A similar model should be adopted in Wisconsin.

Allow Rolling Renewal of Liquor Licenses – Under current law, in cities other than 1st class cities liquor licenses are renewed every year on a fixed deadline. Regardless of when they are issued, all licenses must be renewed on the same date (June 30). In 1st class cities, licenses are renewed one year from the date they are issued. The work of the clerk could be more evenly distributed if licenses were renewed one year from the date of issuance. Municipalities should be given the authority to adopt by ordinance a cycle of license renewal like that of 1st class cities.

Restore State Funding for Paramedic Training –EMT-Paramedics are required to maintain an EMT-Basic license by the State of Wisconsin, and by the City of Madison. Previously, the state had provided reimbursement for this basic training. The State of Wisconsin has stopped providing the reimbursement for Paramedics that take the Emergency Medical Technician-Basic (EMT-B) refresher training.

Regulate the Process of Scarification - Scarification is process that involves burning or cutting a person’s skin to leave a scar as a type of “tattoo.” There is currently no regulation of the process. The State should either prohibit the practice, or regulate it to prevent communicable diseases.