

2009 - 2010 Legislative Agenda Summaries

Draft

Support money in the Stewardship Fund

Source: Mayor's Office

Issue: The availability of money in the Stewardship Fund is a concern. The current program favors northern, rural communities in setting aside large tracts of land for public stewardship.

Position: Support continued financing of the fund and work to revert back to the fund's original statutory language that included non-nature based recreation and urban green space purposes.

State transit funding formula should be changed to promote equal allocation

Source: Metro Transit

Issue: The transit funding formula established 10-12 years ago that was targeted to cover 44.6% of state transit expenses was changed to a multi-tiered system where Milwaukee and Madison receive flat funding amounts, while two tiers aimed at smaller municipalities receive 60-65% in state and federal funds. While Madison's funding rate has fluctuated (its high was 46.5% in 2004), the City currently receives 40.6% funding, which translates into a \$1.6 million reduction compared to a 44.6% level, and local funding would be approximately \$9 million instead of \$11 million. As a whole, the state transit aid formula has not kept pace with inflation, causing local shares to increase by amounts that far exceed inflation.

Wisconsin Urban and Rural Transit Association is seeking legislation that would return \$3.44 for every \$1 invested and begin to return spending to previous commitment levels. Additional tenets of that legislation include land use, energy conservation, economic development and national security benefits that can be discussed at a later time.

Position: Support WURTA's legislative efforts in reestablishing funding levels.

Support Cable Consumer Repair Legislation

Source: City Channel

Issue: Pursue remedial legislation to amend Statewide Cable Franchising Law to:

- a. Remove the sunset of PEG fees;
- b. Require availability of PEG channels to all video service subscribers without the purchase of any additional equipment;
- c. Ensure that video service providers accept PEG signals in the format provided by the transmitting PEG station;
- d. Ensure that providers transmit PEG signals at the same level of technical quality as commercial stations;
- e. Ensure that PEG channels will be given free drops and any equipment necessary to monitor their channel's signal on any video service provider's system;
- f. Eliminate language allowing video service providers to break out a separate line item on subscribers' bills for a "PEG Transport Fee."

Position: Preserve funding that makes PEG programming possible, remove barriers to public's enjoyment of PEG programming, remove barriers to PEG channel transmission.

Change Composition of Madison Cultural Arts District

Source: Mayor's Office

Issue: Current law provides that the Madison Cultural Arts District Board of Directors, the governmental body charged with operating the Overture Center for the Arts, be composed of persons appointed by the City of Madison, Dane County and the State of Wisconsin (Governor). However, only the City of Madison provides financial support for the Overture Center. Despite repeated requests, the State of Wisconsin and Dane County have refused to provide any financial support for the Overture Center.

Position: Amend applicable statutes to provide that only the City of Madison shall appoint representatives to the MCAD Board of Directors.

Repeal Marriage Amendment to State Constitution

Source: Mayor's Office

Issue: In 2006, the Wisconsin State Constitution was amended to include the following language: "Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to

that of marriage for unmarried individuals shall not be valid or recognized in this state.” This is the first time in our history that discrimination has been added to our Constitution. This amendment is unfair and detrimental to the development of our State.

Position: The City of Madison supports the repeal of this amendment.

Support public records law reform

Source: City Attorney’s Office

Issue: Current law pertaining to public records is outdated given the new technology available to facilitate making information available. While the City of Madison has adopted an ordinance to establish procedures that are more up-to-date, this is an issue that needs to be dealt with at the state level.

Position: Support reform of the public records law to take advantage of technological advances in records retention and public records access.

Change the maximums of specific ordinance fines

Source: City Attorney’s Office

Issue: The maximum penalties of various motor vehicle citations are governed by the state statute. However, these penalties have not been increased in a long time.

Position: (1) Create separate bail deposits for parking deposits for sections 346.505 through 346.55 for municipalities that have court costs of \$28.00. Under our current parking citation process a parking enforcement officer issues the parking ticket through an auto-cite system, not on a uniform citation. Only police officers are authorized to issue parking tickets on a uniform citation, which allows them to include the court costs because a uniform citation commences a court action. A parking ticket issued on an auto-cite system does not commence a court action and therefore, no court costs are included and the fine is the deposit amount.

Wisconsin State Statute	Current Deposit	Proposed Deposit
346.505(2)(a-c) Disabled parking violations	\$50.00	\$100.00 +
346.51(1) Improper parking on/off roadway	\$50.00	no specific proposal
346.52(1)(a-i) Stopping, Standing where prohibited	\$30.00	\$35.00
346.52(2) Stopping,	\$30.00	\$35.00

Standing by grade school		
346.53(1-6) Parking where prohibited (fire hydrant)	\$30.00	\$35.00
346.54(2) Improper parking/standing	\$30.00	\$35.00
346.55(1) Parking on left side of highway	\$75.00	no specific proposal
346.55(3),(4) Parking on posted private property	\$30.00	\$40.00

(2) This past year the Legislature created new penalties that appear inconsistent. Currently, a driver who is operating while suspended (OAS) and causes property damage is fine \$1000 plus costs, an OAS driver who causes injury is fined \$5000 plus costs. (Sec. 343.05(5)(b) & 343.44(1)(am)). The other statute involves a driver who is convicted of the Failure to Yield Statute (Sec. 346.18) and causes bodily harm is find \$200 plus costs; causes great bodily harm \$500 plus costs; or causes death \$1000 plus costs (under this new section the driver is also required to attend traffic safety school and will have a driver's license suspension imposed) even with these other penalties for the OAS violations be brought into line with the penalties for the failure to yield violations.

(3) Section 346.675 was recently created that holds a vehicle owner liable for a hit and run accident causing property damage. The penalty is \$50 plus costs. This is obviously a low forfeiture amount and doesn't encourage vehicle owners to come forward with the driver's identiy. We would recommend that the bail amount be increased \$100 which is the current bail for the identified driver of a hit and run property damage (the driver also has 6 points added to his/her driver's license).

Support state legislation to allow municipalities to use cameras to issue red light running citations

Source: Madison Police Department

Issue: Attempts at red light deterrence through increased patrolling and additional officer efforts are not working. Once stepped up officer enforcement ends, motorist behavior resumes. If enforcement efforts are consistent, red light running would decrease substantially. Camera enforcement (i.e. ticket to owner of vehicle that runs a red light) provides a cost-effective alternative to officer enforcement. However, local governments are not authorized to issue red light running citations to the vehicle owners, as would be the case under camera enforcement.

Position: Pass legislation enabling municipalities to enact camera-based enforcement for running red lights, with citations and photo of the incident mailed to the home of the car's license registrant.

Change state funding allocation for homeless program

Source: Community Development Division

Issue: The state funds housing and services to homeless households through the Bureau of Supportive Housing (BSH) in the WI Department of Commerce. BSH is charged with operating the ESG/THP/HPP Grant Program (Emergency Shelter Grant/Transitional Housing Program/Homeless Protection Program.) Wisconsin has a competitive grant process allocating approximately \$3.7 million annually between the federally funded ESG program and the state funded THP and HPP programs. Municipalities and non-profits submit funding applications to the BSH, who have designed the application and criteria for scoring the applications.

Currently, state regulations dictate that for HPP and THP funds, the total available funds are to be divided into three equal shares – Milwaukee, Metro, Other Metro and the Balance of State, and although not required by law, ESG funds are treated similarly. According to BSH staff, the Other Metro area, of which Dane County is included has the most applications and is the most competitive. Based on the number of grant proposals submitted, Milwaukee Metro is the least competitive area.

Also, in the 2007 grant competition BSH instituted a new restriction on applicants that gives an advantage to Milwaukee-area agencies. For applications from Other Metro and the Balance of State, the maximum request is set at \$50,000, while the cap for Milwaukee Metro is set at \$80,000. State staff attributes this discrepancy to the lack of competitive applications.

The City of Madison's application on behalf of the Dane County Homeless Services Consortium has consistently scored very high in the Other Metro competition. However, in 2006, the City lost approximately \$140,000 from the previous year's award. The majority of the lost funds had been allocated for prevention activities with the Community Action Coalition of South Central Wisconsin, that consistently has 75-85% of previously homeless households assisted maintaining stable housing.

Position: The option that would both benefit Dane County without penalizing other metro areas, including Milwaukee, would be to combine Other Metro and Milwaukee Metro into one group, where Milwaukee applications would compete against Other Metro applications. The result would be that lower scoring Milwaukee applications will be ranked below better scoring applications from the Other Metro group, and there will be better run programs with solid measurable outcomes receiving high levels of funding.

Madison-Milwaukee High-Speed Rail

Source: Mayor's Office

The City of Madison and the City of Milwaukee wish to re-establish rail service between the two cities, taking advantage of new technologies in rail transportation.

Position: Support all efforts to make high-speed rail passenger service between Madison and Milwaukee a reality.

Alcohol Regulation

Source: Alcohol Policy Coordinator

1. **Proposal:** Allow municipalities to require additional training for operator license applicants. See Wis. Stats. 125.17(6)©.

Rationale: Under current state law, operator applicants must complete one responsible beverage course, which may include computer-based training. Municipalities are not allowed to require any additional training. The City of Madison currently offers free Comprehensive Tavern Safety Training Courses. Municipalities should be allowed to require additional training in order to proactively address specific alcohol-related issues.

2. **Proposal:** Grant municipalities more flexibility to control the closing hours of licensed Establishments. See Wis. Stats. 125.32(3)(d).

Rationale: Under current law, municipalities cannot restrict or expand closing times for certain types of licensed establishments. The current law takes away an important enforcement tool to control problematic bars, i.e., force them to close earlier. In addition, municipalities need additional tools to be able to avoid the disorder associated with a large influx of intoxicated people on the street at one time.

3. **Proposal:** Change state law to criminalize first time OWI. See Wis. Stats. 346.63.

Rationale: Wisconsin has the highest rate of drunk driving in the nation. According to a recent U.S. Department of Health and Human Services survey, more than 26% of Wisconsin adults who were surveyed admitted that they had driven under the influence of alcohol in the previous year. More than 42,000 drivers – about equal to the population of **Fond du Lac** – **were convicted of drunk driving offenses in Wisconsin in 2007.**

4. **Proposal:** Lower felony OWI from fifth offense to third offense. See Wis. Stats. 939.50(3)(h).

Rationale: Wisconsin is one of only two states that do not issue a felony charge until a Person's fifth OWI. Twenty-two states, including neighboring Illinois, Iowa, Minnesota and Michigan, have adopted the three-strike rule, in which they issue a felony charge after the third OWI offense.

Opposition: Attorney General Van Hollen, Wisconsin Tavern League, Majority Leader Russ Decker (if no time limit is set.)

Additional Considerations: The Legislative Fiscal Bureau estimated the cost to prosecute this influx of felony offenders, if the law was changed to be around \$100 Million a year for prison time.

Advocacy Groups: Dane County Executive, Kathleen Falk, Mothers Against Drunk Drivers, UW Health System/AWARE Coalition, Governor Jim Doyle.

5. **Proposal:** Increase cost of a “Class B” liquor license from \$500 to a maximum of \$2,500. See Wis. Stats. 125.51(1)(e)(1).

Rationale: The City of Madison currently collects approximately \$300,000 in liquor license fees annually, but spends upwards of \$560,000 to administer and police liquor licensed establishments. The State of Wisconsin caps the annual cost of a grandfathered “Class B Combination” license at \$500, an amount that has not been increased in over 12 years.

6. **Proposal:** Increase beer tax. Please see 2007 Assembly Bill 474.

Rationale: WI has the third lowest beer tax in the nation @ 6.5 cents per gallon. Wisconsin’s beer tax has not been raised since 1969. According to the NIAAA, lower Prices on alcohol are associated with drinking more frequently and in greater quantities, especially among underage drinkers. Additional revenues generated by this increase would fund enforcement, education and prevention efforts.

Other alcohol regulation proposals the City of Madison could support:

- Change state law to require scanners for alcohol purveyor’s convicted of second offense for fake ID’s.
- Change state law to adopt “first warning rule” for expectant mothers who admit alcohol abuse to health care providers.
- Change state law to lower BAC for OWI repeat offenders.
- Adopt a state law to require ignition interlocks upon conviction of OWI.
- Change state law in order to allow health care providers to recover from insurance companies the costs related to injuries from drunk drivers.
- Change law to include mandatory elimination of late-night drink specials after 10:00 p.m.
- Include a checkbox on state law enforcement report forms to indicate alcohol influence in any arrest.

Economic Development

BioAg Consortium

Source: Office of Business Resources

Proposal: Creation of a BioAg Consortium (modeled after World Dairy Center Authority in Chapter 235, Wis. Stats.) for the promotion and commercialization of ag/bio based technologies.

Rationale: The City of Madison has expended time and resources to position the BioAg Gateway (SW part of the City) as a site for the growth of ag/bio technologies and industries. However, the effort needs long-term participation and collaboration by State and regional partners – including the State of Wisconsin (DATCP, DCOMM, OEI) the University of Wisconsin, and private sector partners – in order to be successful and sustainable.

TIF Law Changes

Source: Mark Olinger, Director of Dept. of Planning, Community and Economic Development

Proposal: Amend TIF law to allow donor-donee TIF even when the joint review boards have different representative composition.

Rationale: Currently, Allied Drive's TID cannot be a donee TID because its Board of Review includes the Verona School District and other possible donor TIDs have MMSD as part of its Board of Review.

Property Assessment Legislation

Reversal of Walgreens v. City of Madison decision

Source: Assessor's Office, City Attorney's Office

Issue: The City of Madison urges the reversal of a recent Wisconsin Supreme Court decision pertaining to the procedures for valuing real estate by local assessors. The provision requires assessors employing the income approach to property valuation of a leased property to consider the effects of the actual rent and provisions of all leases affecting the property. The City of Madison supports this provision.

Proposal: Reverse the *Walgreens v. City of Madison* decision.

Rationale: The long-standing and rational approach of basing real estate taxes on income approach is preferable.

Billboard Valuation

Source: Mayor's Office, City Attorney's Office

Issue: The City of Madison and Adams Outdoor Advertising have been involved in litigation over the value of Adams' billboards for property tax purposes. The cases have been in courts for years, having gone to the Wisconsin Supreme Court and back, and are now working through the courts again.

In *Adams Outdoor Advertising, Ltd v. City of Madison*, 294 Wis. 2d 441, 717 N.W. 2d 803 (2006), the Supreme Court made a number of rulings. One portion of the decision discusses how to value the billboard structures themselves, and how to value related permits. This legislation does not deal with the question of valuation, meaning that Wisconsin's traditional three-tiered approach discussed in *Adams* still applies.

Another portion of the *Adams* decision discusses whether the billboard structures and related permits are to be treated as real property or personal property for tax purposes. The tax rate is the same whether considered real or personal property, but different procedures may apply. The Court did not make a ruling on the billboard structures themselves, which the City had assessed and taxed as personal property. The *Adams* decision did find that the related permits are to be assessed and taxed as real property.

These very technical distinctions between real and personal property unduly complicate the Assessor's task in valuing the billboard structures and related permits. The goal should be proper valuation of the property, not a game of legal artifice over the nature of the property.

Proposal:

A bill currently being drafted would relax the rule of *Adams* and allow taxing authorities to treat the billboards and permits as real property, or as personal property. The effect is that assessors would be allowed to consider the billboard structures and permits together as one type of property, rather than an artificial dichotomy.

This is accomplished by two statutory changes. First, the definition of real property in sec. 70.03, Wis. Stats., is changed to include structures (such as billboards) and their related rights and privileges, including permits, licenses and leases. Thus, the entire bundle of rights associated with a billboard could be considered as real property and assessed as such.

Second, sec. 70.17(1), Wis. Stats., which allows certain improvements on real estate to be treated either as personal or real property, is expanded to include structures and the related rights and privileges, which would again include permits, licenses and leases.

This bill would erase the unduly complicated structure established by the *Adams* decision, allowing taxing authorities to assess billboard structures together with their related rights, without imposing any specific method of valuation.

Parking Regulation

Disabled/Veteran parking permits

Source: Transit and Parking Commission

Proposal: Amend Wis. Stats. to permit charging holders of DIS/VET parking permits/plates for on and off-street parking once barrier-free and easy-to-use parking meter technology is deployed by a municipality.

Rationale: Discourse abuse/misuse of DIS/VET parking permits/plates and increase needed revenues for municipalities.

Regulation of Moped Parking

Source: Transit and Parking Commission

Proposal: Allow municipal regulation of moped parking (similar to other types of motor vehicle parking regulation.)

Rationale: Currently, municipalities must allow mopeds to park wherever bicycles can park and have no express authority to further regulate moped parking. As gas prices continue to rise, more people are buying mopeds, and naturally, more mopeds are being parked in places where bicycles park.

Support Madison Metropolitan School District

Source: MMSD

Legislative Goals

- Work with state and local K-12 education advocates to create a school Finance system that provides the resources necessary to guarantee that every student meets the Wisconsin Model Academic Standards, the standard of achievement set by the Legislature.
- Support thorough legislative review of Wisconsin's tax system, examining all taxing. The revised system to pay for K-12 schools should embrace progressive taxation, reduce the burden of residential property taxpayers and ensure tax fairness.

Revenue Limit Flexibility and Reform

The revenue limit law, originally designed as a short-term solution to school spending, does not take into account many fixed costs of school districts. Such costs are utilities, transportation and similar expenses. School districts should be allowed more revenue limit flexibility in the areas of:

- Energy conservation measures and facility maintenance;
- School safety and security measures, including personnel and equipment;
- Transportation, including fuel and expenses related to transporting students to school;
- Technology, including hardware and software, to ensure that Madison Schools students have access to the technology they will need in the working world;
- Four-year old Kindergarten – the state aid formula does not fully reimburse school districts in the first two years of a new 4K program (while the state *does fully reimburse* in the first year Milwaukee voucher schools that begin 4K programs.) Public schools should have revenue limit flexibility in the first two years of a new 4K program.

- Oppose elimination of the Qualified Economic Offer, *unless* it is part of a comprehensive overhaul of the school funding system.
- Support allowing a school district to use the highest enrollment in a 5-year period for purposes of calculating its revenue limit.
- Support additional resources for mandated special education and English as a Second Language program, currently reimbursed at 28% and 11%, respectively (when revenue limits began, the reimbursement was 45% and 33% respectively.)
- Modify the school aid formula so negative tertiary school district (Madison) taxpayers aren't penalized when the district borrows. (Madison taxpayers will pay up to \$1.21 on a dollar borrowed related to the recently passed referendum.)
- Work to create a school finance system that defines what resources are necessary to provide students with a "sound basic education." Using Wisconsin's Academic Standards, coupled with proven research that lays out what is necessary to achieve those standards.
- Provide revenue limit relief to school districts for uncontrollable costs such as utilities and transportation. Allow school districts to exceed the revenue limits for security-related expense by up to \$100 per pupil enrolled in the district.
- Modify the school aid formula so negative tertiary school district (Madison) taxpayers aren't penalized when the district borrows.
- Support state aid reimbursement for four year old kindergarten programs, similar to the reimbursement for four year old kindergarten in Milwaukee choice and charter schools.
- Support increasing state aid for public school transportation costs; support allowing a declining enrollment school district to use the highest enrollment in a five year period for purposes of calculating its revenue limit.
- Support changes to the Tax Incremental Financing statute that would eliminate the fiscal penalty to school districts upon closure of Tax Incremental Districts, resulting in lump-sum distributions to all taxing jurisdictions, including school districts.

Other Issues

Repeal State-Issued Revenue Caps

In 1993, Wisconsin passed legislation to control school costs and reduce property taxes. To accomplish these purposes, the amount of revenue that districts can raise from one year to the next is limited. Districts are allowed to increase per pupil expenditures from year-to-year by a specified amount.

Over the years, these education caps have forced school districts to cut programs and lay off staff, severely damaging the quality of education they can provide for students. In some districts, the caps have forced schools to close and have even threatened to force the closing of entire school districts.

Position: Repeal the State-issued revenue caps.

Maintaining Local Control

Many efforts have been made to erode the ability of local public leaders to make decisions that affect their constituents. It is imperative to maintain the integrity of our government system and assure the public that decisions remain at the level of government that is closest to them.

Illegal Guns

The proliferation of illegal guns in our community has resulted in an immeasurable cost in human lives, health care services and public safety. We must close the loopholes in state law that allow for easy access to firearms by criminals.

Protecting Local Property Tax Base

Property tax exemptions, either enacted by the legislature or created by court decision, reduce the City's total taxable property base which results in increasing taxes on other property. This shift is particularly unfair to homeowners.

Youth Programs

Support continuation and expansion of programs focusing on prevention of delinquency, alcohol and other drug use, child abuse and neglect and domestic violence. Support increased funding and support for youth after school programs, especially at the middle school level.

Response to Local Public Health Emergencies

Support legislation that recognizes the critical role of local Public Health Departments in responding to public health emergencies and provides adequate funding to respond to all threats of public health.

Bicycle Trail Funds

Work with Legislators and State Agencies to obtain transportation aids for bicycle trails with significant commuter traffic. Support allowing bike path maintenance costs to be eligible for transportation aids. Support the creation and development of a statewide Bike Trail Task Force.