David J. Cieslewicz, Mayor of Madison

2007-2008 Legislative Agenda



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2007-2008 Legislative Agenda Summaries

Support money in the Stewardship Fund

<u>Issue</u>: 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.

<u>Position:</u> Support continued financing of the fund and work to revert back to the fund's original statutory language that included non-nature based recreation.

State transit funding formula should be changed to promote equal allocation

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-fiered 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.

Fight efforts to take away local control through statewide cable franchising legislation. There is an effort underway across the country, to take away municipal control of public right-of-ways and place them at the state level and move customer service out of local control and into state or possibly federal (FCC) jurisdiction. Legislation is being advanced that would reduce locally negotiated fees that support PEG (Public, Educational and Government) Access television. The history behind these efforts stems from cable companies recently using advances in technology and upgrades to infrastructure to start offering voice services, putting many previously uncompetitive telephone company markets into play for market share.

Telephone companies have been legally able to enter into the cable industry since the passage of the 1996 Telecommunications Bill, but have actively decided not to It is only with cable companies offering "triple play" services of voice, video and data that telephone companies have market, and change regulations and laws to do so. Telephone companies claim that the local franchising process is too tiresome and time-consuming, and is pushing to take franchising out of the hands of the municipalities and put it at the state level. The fact that Verizon has been successfully negotiating and signing franchises at the municipal level on the east coast belies these claims by telephone companies.

Losing municipal control of the public right-of-way would mean losing control of cable box zoning requirements and oversight. Since telephone companies have not invested in the same level of infrastructure as other cable companies, giving them a franchise at the state level would result in a very present increase in large, unsightly cable boxes on city streets, with the city unable to do much of anything about it.

Existing state law only allows cities to collect franchise fee revenues (Madison will collect about \$2 million from Charter in 2006) from specifically franchised cable companies, so even if the city was able to come up with an agreement and a percentage fee on a "video services contract" with telephone companies, it may not be legally enforceable.

Position: Reject legislative attempts to take away local control on this issue.

Change Composition of Madison Cultural Arts District

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.

<u>Position</u>: 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

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 a state-wide smoke-free law

Issue: Madison has enacted a successful smoke-free law, while the state has not.

<u>Position</u>: Amend Sec. 101.123, Wis. Stats to enact a statewide smoke-free law to promote better public health. Also, maintain Madison's current level of enforcement of the law, without a roll back in its strength.

Support an increase in the cigarette tax

<u>Issue:</u> The cigarette tax can be amended to generate additional revenue and as an increased measure to lower smoking efforts

<u>Position:</u> Support amendment of Sec. 139.31 Wis. Stats. to allow a \$1 increase in the cigarette tax.

Continue or increase funding for tobacco control programs

Issue: While the CDC recommends minimal state funding of \$32 million per year for tobacco control programs, Wisconsin is currently only funding programs at \$10 million per year, and Dane County Public Health receives tobacco prevention funding from this source. Further information on the impact this funding deficit has on Dane County's program efforts is available.

Position: Support continued and increased funding

Support public records law reform

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

<u>Position:</u> Support reform of the public records laws to take advantage of technological advances in records retention and public records access.

Support changes in required retention periods for video and other electronic data

<u>Issue:</u> The state record's board is taking unrealistic positions on storage period requirements for certain video and other electronic data. The cost of compliance would be excessive.

Position: Amend applicable statutes to create more reasonable retention periods.

Change the maximums of specific ordinance fines

<u>Issue</u>: The maximum penalties of various motor vehicle citations are governed by 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 officers issue the parking ticket through an auto-cite system, not on a uniform citation. Only police officers are authorized to issue parking tickets on the 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	\$50.00	\$100.00 +
parking violations		
346.51(1) Improper parking on/off roadway	\$50.00	no specific proposal
346.52(1)(a-i) Stopping,	\$30.00	\$35.00
Standing where prohibited		
346.52(2) Stopping,	\$20.00	\$35.00
Standing by grade school		
346.53(1-6) Parking where	\$20.00	\$35.00
prohibited (fire hydrant)		May m. m. a.
346.54(2) Improper	\$20.00	\$35.00
parking/standing		
346.55(1) Parking on left	\$75.00	no specific proposal
side of highway		
346.55(3),(4) Parking on	\$30.00	\$40.00
posted private property		A CASE

- (2) Wis. Stat. 349 135 Cities authority to regulate radios and electric sound devices: current fine range is \$40-\$80 for the first offense and \$100-\$200 for the second or subsequent offense. The deposit is \$40.00 for the first offense and the second offense is \$100.00. Vehicle noise is an increasing problem and the deposit of \$40.00, with municipal court costs is \$96.40, is much to low to deter the problem. We would recommend raising the penalty range and making the first offense \$100 and the second \$200.
- (3) 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 fined \$1000 + costs, an OAS driver who causes injury is fined \$5000 + costs (Sec. 343.05(b)3). If a driver is knowingly OAS and causes great bodily harm the penalty is \$1000 + costs and if the result is death the penalty is \$5000 + 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 fined \$200 + costs, causes great bodily harm \$500 + costs or causes death \$1000 + 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 the monetary difference appears extreme. We would recommend that the penalties for the OAS violations be brought into line with the penalties for the failure to yield violations.
- (4) Sec. 346.675 was recently created that holds a vehicle owner liable for a hit and run accident causing property damage. The penalty is \$50 + costs. This is obviously a low forfeiture amount and doesn't encourage vehicle owner's to come forward with the driver's identity. We would recommend that the bail amount be increased to \$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)

Close loophole for parking ticket violations

<u>Issue:</u> Commonly, citizens with parking tickets raise a defense that they sold their car prior to the parking violation, but the title is not recorded and they cannot "remember" to whom the car, and therefore claim not to be liable for the parking ticket issued as a result of their illegally parked car

<u>Position:</u> Enact a statute that declares such a defense invalid and unless the citizen has a record of the purchaser's identity

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

running citations.

<u>Issue:</u> 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.

<u>Position:</u> 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.

Issue Correction legislation regarding prosecution of fraudulent use of handicapped

parking permits on AB715 (Rep. Krusick)

Issue: The word "use" was removed from language of AB715 (Act 455) that affected statutes used by police departments to charge people who fraudulently used a handicapped tag, and removed the ability of enforcement. Because of this, the city attorney's staff, has advised the Police Department to refrain from issuing fraudulent use tickets under this section.

<u>Position:</u> Support corrective legislation that would clarify law enforcement's authority to issue wrongful use citations.

Comprehensive Health Care Reform

<u>Issue</u>: Employers and employees in Wisconsin and the rest of the country struggle to obtain and pay for health insurance.

<u>Position</u>: The Governor and the Legislature should work with local government and the private sector, in a bi-partisan spirit, to develop comprehensive health care reform

Change statutes to allow for temporary relocation signs for disabled/veteran parking

Issue: When event or construction prevents use of a disabled/veteran parking space, the
city must relocate the spot, using parking meter hoods that have a dis/vet sign on the
hood. Not only is the current signage on the hoods not up to Wisconsin Administrative

Code Trans 200.07(3) in their size and height, which is smaller than required, but the frequency of parking disruption within Madison makes it extremely impractical to comply with the code as written.

<u>Position:</u> Change the Wisconsin Administrative Code to provide for temporary signs which would allow the use of parking meter hoods with appropriately (smaller) sized signs incorporated into the hoods, like the ones the city is currently using

Change state funding allocation for homeless program

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 summit 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 amount 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 WI that consistently has 75-85% of previously homeless households assisted maintaining stable housing.

<u>Position:</u> 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.

Recognize Inclusionary Zoning ordinances as exceptions to the rent control prohibition

<u>Issue</u>: A recent Wisconsin Supreme Court opinion declared that the City of Madison's inclusionary zoning ordinance violates the State's prohibition against rent control ordinances.

Position: Create an inclusionary zoning exception to the rent control prohibition.

Madison-Milwaukee high-speed rail

Information: 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. Funding authorization by the State of Wisconsin currently stands at \$50 million, enacted within the 1993-1995 biennial budget

Position: Support \$25 million in additional bonding authority for this project.

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.

Group Legislative Agendas

City of Milwaukee

General Transportation Aid and Other Transportation Assistance Increase funding to the State's General Transportation fund.

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.

Other Issues

- Modify §70.11(21) to limit the property tax exemption for waste treatment and pollution abatement.
- Amend Wis. Stat. §70.11(4) to specify that residential property owned by "benevolent associations" is only tax exempt if it is used to provide housing for persons of low-income or special needs.
- Monitor cable television/video programming legislation to protect city interests.

Dane County

Homeless Services

Provide additional State funding for services to assist individuals and families who are homeless.

Birth to Three

Support additional financial support from the state for this program. Support a modification of state statutes to require health insurers to make third party payments to defray the cost of Birth to Three care for families that have private health insurance policies

Mental Health/Substance Abuse Parity

Support Legislation and/or administrative changes to provide expanded coverage of mental health and substance treatment services.

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.

Regional Train

Support state-federal funding for Amtrak service to Milwaukee and Madison.

Midwest High Speed Train

Support state/federal funding for the Midwest Regional Rail Initiative

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.

Stewardship Fund

Annually adjust the State Stewardship Fund for inflation to maintain at least 1990 funding levels.

Phosphorous Ban

Oppose any legislation, policy/rule change limiting local government control over the use of phosphorous in lawn fertilizer

League of Wisconsin Municipalities

Comprehensive Health Care Reform

Urge the state government to work with local governments and the private sector to develop a comprehensive plan for addressing the health care cost crisis in Wisconsin.

Health care costs are consuming more of municipal budgets and making it impossible for municipalities to provide the same level of services while holding the line on property taxes.

Eliminate Certain Tax Exemptions to Reduce the Property Tax Burden on Homeowners.

To reduce the property tax burden on local homeowners, the legislature should focus its efforts on shrinking the number and scope of property tax exemptions created in the state for special interests. Increases in property tax exemptions over the years have unfairly shifted more of the burden of paying for municipal services onto homeowners.

In 1970, residential owners paid 50.6% of all property taxes in Wisconsin Currently, as a result of property tax exemptions granted by the legislature and increases in the value of residential property, homeowners pay over 70% of the total property taxes in Wisconsin.

Urge the legislature to establish a process for reviewing all existing property tax exemptions and retaining only those that clearly advance important policy goals.

Fairly Apportion Costs of Property Tax Assessment Among all Taxing Jurisdictions
The League supports the enactment of legislation establishing a fair method of sharing
the cost of property tax assessment by requiring all taxing jurisdictions within a
municipality to contribute a proportionate share towards such costs.

Eliminate The Tax Exemption for High-End Senior Housing Facilities Owned by Benevolent Associations

Reintroduce and enact AB 573 to end the unfair shifting of the property tax burden onto residential homeowners that occurs under current law as a result of high-end nonprofit senior housing facilities claiming tax-exempt status

Legislation should be enacted exempting city and village taxpayers from paying property taxes for sheriff patrol services, county zoning and planning, and other services the county does not provide to city of village residents

Video Franchising Legislation

Oppose statewide video franchising unless it:

- 1) Maintains franchising authority of local governments over cable and video services
- 2) Requires payment of franchise fee to municipalities by all video and cable providers operating within the municipality based on a broad definition of gross revenues.
- 3) Requires that PEG channels be offered and supported by all providers
- 4) Requires reasonable levels of "build out" by new and existing providers within a municipality to guarantee investment, jobs, competition and choice for all neighborhoods.
- 5) Allows a cable company to opt into a streamlined franchise only if it faces competition from another provider operating under a streamlined franchise.
- 6) Retains local authority to manage rights-of-way and protect local property taxpayers and cable customers.

Madison Metropolitan School District

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 expenses 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.

University of Wisconsin-Madison

Stem Cell Research

In favor of Senator Miller's proposed legislation

Domestic Partner Benefits

Strongly support enacting domestic partner benefits that cover state employees

WI Alliance of Cities

Propose that state shared revenue be supplemented with a new revenue sharing proposal. Under the Regional Economic Development Incentive (REDI) both state and local governments would share in economic growth

The new incentive payment would be diverted into two appropriations.

- 25% to increase the base from the old shared revenue program. This would provide every community an increase in non-property tax revenues as personal income within its region increases.
- 75% to mitigate need for additional non-property tax revenue, money that would be distributed based on the income growth within each metropolitan statistical area or region instead of statewide, and based on an individual community's tax effort.

Advocate for the expansion of the Expenditure Restraint Program

Levy limits are ineffective and should be eliminated. Given the rise in health care and energy costs, any reasonable levy limit imposed on local governments would contain so many exceptions as to be meaningless.

Today, many communities that have restrained spending risk falling off the levy formula due to declining tax rates, and so it needs to be retooled to keep Expenditure Restraint Program incentives alive

Urge the Legislature to plug a loophole in the definition of waste treatment that could shift huge amounts of tax base from manufacturers to homeowners and other businesses.

Several paper mills, chemical companies and at least one cheese plant recently applied to the state for tax exemptions.

Potential legislation:

1) Restore requirement for Department of Revenue approval before manufacturing property owners can receive a waste-treatment tax exemption.

2) Limit the exemption to only that part of the property that is used exclusively and

directly for treatment of industrial waste

3) Limit solid wastes eligible for the exemption to those enumerated by law: "wood chips, sawdust, and other wood residue..."

4) Prohibit the exemption from being used for facilities that create products that are saleable or have value.

Encourage regional transportation authorities

Support legislation to encourage and enable creation of regional transportation authorities wherever the need arises across Wisconsin, with built-in flexibility in structure, governance and financing to allow for the state's diversity in regional transportation needs.

Preserve Video (Cable) Franchising

Support legislation that fosters video competition and maintains its support of local control over limited local rights of way and the video democracy that local public access, educational and governmental (PEG) channels represent.

Oppose statewide or national video franchising unless it:

- 1) Maintains franchising authority of local governments over cable and video services
- 2) Requires payment of franchise fee to municipalities by all video and cable providers operating within the municipality based on a broad definition of gross revenues.
- 3) Requires that PEG channels be offered and supported by all providers

- 4) Requires reasonable levels of "build out" by new and existing providers within a municipality to guarantee investment, jobs, competition and choice for all neighborhoods.
- 5) Allows a cable company to opt into a streamlined franchise only if it faces competition from another provider operating under a streamlined franchise.
- 6) Retains local authority to manage rights-of-way and protect local property taxpayers and cable customers.

Tap TIF money for neighborhood revitalization

WAC asks that all cities of Wisconsin be given the ability to use TIF funds in neighborhoods surrounding their TIF districts to help revitalize those neighborhoods.

Dane County Chiefs of Police Association

The population growth in Dane County, together with increases in the number of law enforcement personnel have created the need for additional Assistant District Attorneys at the Dane County Office of the District Attorney. A 2006 Wisconsin Department of Administration survey revealed that Dane County needs an additional 8.21 ADA positions to properly serve our area — the greatest number of ADA positions for any one county. The State of Wisconsin must provide adequate funding for these prosecution positions, so that the fight against crime is not lost at the steps of our county courthouse.

