

WCCA Legislative Report: As of 12/16/2011

Assembly Bills

Proposal	Description	Status	WCCA Position	Position Explanation
ASSEMBLY BILL 2	An Act to amend 560.799 (3) (a) and 560.799 (5) (d) (intro.); and to create 560.799 (3) (d) of the statutes; relating to: authorizing the designation of additional enterprise zones and requiring the designation of enterprise zones in rural areas.	Note: Increasing the number of “enterprise zones” from 12 to 16 in rural areas. Referred to Committee on Economic Development and Rural Affairs 6/10 – Signed by Governor as WI Act 26	Neutral	
ASSEMBLY BILL 8	relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state.	January 2011 Special Session 5/24 – Signed by governor as WI Act 21	Cautious	Our initial concern is that the Governor would acquire the sole authority to provide final approval of Administrative Codes. Amendments of the bill provide for final approval by the legislature, which in the current political climate may differ little from the governor’s wishes.
ASSEMBLY BILL 9	An Act to renumber 196.378 (4g) (a) 1.; to amend to: requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule-making authority.	To Energy and Utilities 1/24/11 No action anticipated as Special Session concludes	Neutral	Our concern is that counties lose local control over wind siting. However, currently with no local control over major infrastructure projects (pipelines, power lines), we will retain control over small wind projects.
ASSEMBLY BILL 10	An Act to amend 59.692 (6m), 62.231 (6m), 87.30 (1) (d) and 281.165 (1); and to create 281.165 (4) of the statutes; relating to: an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and surface water use that apply to a wetland area in Brown County; and review of certain	To Natural Resources 1/24/11 Public Hearing scheduled 1/26/11 Executive Session 1/27/11 Referred to Assembly calendar of 2/2/11 and Laid on the Table 2/3/11 Referred to the Governor	Opposed	Letter sent 1/25/11 to Committee Chairman Mursau – 1) Project-specific 2) Negates due

	changes to shoreland, wetland, and floodplain zoning ordinances that apply to a wetland area in Brown County.	2/7/11 See SB10		process 3) Entering wedge to future exemptions See SB 10
ASSEMBLY BILL 6	relating to: creation of an authority, to be known as the Wisconsin Economic Development Corporation, and making appropriations.	Published 2/23/11 as WI Act 7	Cautious	WI Department of Commerce Safety and Buildings division will transfer to the WI Department of Regulation and Licensing.
ASSEMBLY BILL 34	An Act to repeal 20.115 (7) (br), 20.115 (7) (i), 20.115 (7) (tb), .115 (7) (tg), 20.866 (2) (wg), 91.48 (1) (a) (intro.),4.; to consolidate, renumber and amend 91.48 (2) (intro.) and (a); and to amend of the statutes; relating to: eliminating the fee for having land rezoned out a farmland preservation zoning district and eliminating the program for purchasing agricultural conservation easements.	2/23 Introduced 2/23 Referred to the Committee on Urban and Local Affairs 3/24 – Fiscal estimate received	Cautious	
ASSEMBLY BILL 72	An Act relating to: wind energy system rules	4/4 – Introduced 4/5 – To JCRAR 5/10 – Referred to the Committee on Rules	Cautious	
ASSEMBLY BILL 163	An Act to amend chapter 709 (title), 709.01 (1), 709.02 (1), 709.02 (2) (intro.), 709.03 (intro.) and 709.07; and to create 709.001 and 709.033 of the statutes; relating to: a disclosure report for sellers of vacant land.	5/31 – Introduced 6/22 – Public hearings held 6/29 – Executive Action taken 8/2- Passed by Committee and sent to Committee on Rules 10/19-Referred to Committee on Energy, Biotechnology and Consumer Protection See SB 136	Cautious	Potential for burden on zoning offices to provide disclosure
ASSEMBLY BILL 177	AN ACT to renumber and amend 30.208 (2); of the statutes; relating to: procedures for applications and hearings relating to permits and contracts for structures, deposits, and other activities in or near navigable waters	6/13 – Introduced 6/13 – Referred to Committee on Housing 6/22 – Public hearing held 6/29 – Executive Session 6/29 – Executive Action taken 8/2-Passed by Committee and referred to Committee on Rules 9/13 – Scheduled for Committee on Rules – Passed and ordered immediately messaged	Concerned	Potential for poor-decision making by DNR to meet new timelines

		9/14 – Read first time and referred to Committee		
ASSEMBLY BILL 421	An Act to repeal 30.12 relating to: the issuance of, and exemptions from, certain individual permits, contracts, and general permits for structures, deposits, and other activities in or near navigable waters; areas of significant scientific value that are areas of special natural resource interest; repair and maintenance of boathouses and fixed houseboats; information required to be published on the Department of Natural Resources Internet Web site; expedited procedures for certain plan approvals; deadlines for action on certain approval applications; and granting rule-making authority.	12/7 – Introduced by Rep. Mursau 12/7- Referred to the Committee on Natural Resources 12/14- Executive session scheduled 9:30AM 12/14 – Executive action taken See AB 326	Opposed	
ASSEMBLY BILL 422	AN ACT to repeal 703.15 (2) (c) 1. a.; to consolidate, renumber and amend relating to: length of declarant control; period for expanding condominiums; community manager requirements; requiring a written agreement between the declarant and the municipality, declarant warranties, and posting securities; requiring approval by the municipality of condominium instruments; and requiring certification of condominium financial statements.	12/14 – Introduced 12/14 – Referred to Committee on Housing	Monitor	
ASSEMBLY BILL 24 (Special Session)	An Act to repeal 30.12 (1k) (b) 1., relating to: the issuance of, and exemptions from, certain individual permits, contracts, and general permits for structures, deposits, and other activities in or near navigable waters; areas of significant scientific value that are areas of special natural resource interest; repair and maintenance of boathouses and fixed houseboats; information required to be published on the Department of Natural Resources Internet Web site; expedited procedures for certain plan approvals; deadlines for action on certain approval applications; and granting rule-making authority	10/18- Introduced 10/26 – Public hearings held 12/13 – Failed to pass See SS-SB 24 (Failed to pass) See AB 421	Concerned	WCCA letter sent to Committee Chair

Senate Bills

Proposal	Description	Current Status	WCCA Position	Position Explanation
<p>SENATE BILL 8</p>	<p>relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard , requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules;</p>	<p>Introduced by committee on Senate Organization 1/19/2011 Referred to Committee on Economic Development and Veterans and Military Affairs 1/19/2011 Amendment offered by Senator Hopper 1/28/2011 Public hearing held - 2/1/2011 CEDVMA Executive Session scheduled – 2/8/2011 at 9AM</p>	<p>Cautious</p>	<p>Our initial concern is that the Governor would acquire the sole authority to provide final approval of Administrative Codes. Amendments of the bill provide for final approval by the legislature, which in the current political climate may differ little from the governor’s wishes.</p>
<p>SENATE BILL 9</p>	<p>January 2011 Special Session An Act to renumber 196.378 (4g) (a) 1.; to amend 196.378 (4g) (b) and 196.378 (4g) (e); and to create 196.378 (4g) (a) 1g., 196.378 of the statutes; relating to: requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule-making authority.</p>	<p>Referred to Committee on judiciary, Utilities, Commerce and Government Operations 1/19/2011 No action anticipated on Bill</p>	<p>Neutral</p>	<p>Our concern is that counties lose local control over wind siting. However, currently with no local control over major infrastructure projects (pipelines, power lines), we will retain control over small wind projects.</p>
<p>SENATE BILL 10</p>	<p>January 2011 Special Session An Act to amend 59.692 (6m), 62.231 (6m), 87.30 (1) (d) and 281.165 (1); and to create 281.165 (4) of the statutes; relating to: an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and</p>	<p>2/7/2011 – Signed into law as WI Act 6</p>	<p>Opposed</p>	<p>1/28/11 - Letter sent to Senator Kedzie, Chair</p> <p>See AB 10</p>

	surface water use that apply to a wetland area in Brown County;			
SENATE BILL 6	January 2011 Special Session An Act to amend chapter 238 of the statutes; relating to: creation of an authority, to be known as the Wisconsin Economic Development Corporation, and making appropriations.	Published 2/23/11 as WI Act 7	Neutral	WI Department of Commerce Safety and Buildings division will transfer to the WI Department of Regulation and Licensing.
SENATE BILL 24	An Act to repeal 20.115 of the statutes; relating to: eliminating the fee for having land rezoned out a farmland preservation zoning district and eliminating the program for purchasing agricultural conservation easements. (FE)	2/24 Introduced 2/24 Read first time and referred to Committee on Financial Institutions and Rural Issues. 3/24 – Fiscal estimate received	Cautious	
SENATE BILL 33	An Act to amend 31.187 (1) and 31.253 (1) of the statutes; relating to: removal of abandoned dams.	3/9 - Introduced and referred to the Committee on Natural Resources and Environment 3/31 – Fiscal estimate received	Neutral	Monitoring RE: effect on NR116
SENATE BILL 4	authorizing the designation of additional enterprise zones and requiring the designation of enterprise zones in rural areas. (FE)	6/10 – Signed by Governor as WI Act 26	Neutral	
SENATE BILL 36	An Act to renumber and amend 59.692 (1m); to amend 289.35; and to create 59.692 (1m) (b) and 59.692 (1m) (c) of the statutes; relating to: the application of shoreland zoning ordinances to certain unincorporated areas.	3/16 – Introduced by Holperin, Jauch, Grothman 3/16- Referred to Committee on Natural Resources and Environment 4/8 – Fiscal estimate received	Opposed	Sets precednet contrary to stated DNR policy

SENATE BILL 50	An Act relating to: wind energy system rules.	4/1 – Introduced to the Committee on Review of Administrative Rules 5/2 – Available for scheduling 5/9 – Placed on calendar for 5/10 5/10 – Available for scheduling	Neutral	Monitoring results
SENATE BILL 83	An Act to repeal 32.07 WI statutes; relating to: various changes to the eminent domain	4/28 – Introduced 5/3 – Public Hearing held 5/12 – Available for scheduling	Cautious	
SENATE BILL 98	relating to: requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule-making authority.	5/19 – Introduced by Senator Lasse 5/20 - Read first time and referred to Committee on Energy, Biotechnology, and Consumer Protection 12/2 – Withdrawn from Committee on Energy, Biotechnology and Consumer Protection and referred to Committee on Judiciary, Utilities, Commerce and Government Operations	Neutral	Monitoring results
SENATE BILL 27	An Act relating to: state finances and appropriations, constituting the executive budget act of the 2011 legislature.	3/1 – Introduced by JFC 3/29 – 4/4 – Agency briefings 4/7- 4/13 – Public hearings 4/26 – 6/2 – Executive action taken 6/16 – Laid on the table	Cautious	Potential impact on regulation of POWTS and WI Fund – while the offending portion removed from budget bill, WCCA will monitor
SENATE BILL 130	An Act to amend 236.45 (2) (ac) and 236.45 (2) (b); and to create 236.45 (2) (c) of the statutes; relating to: the authority of a county to enact ordinances governing certain land divisions.	6/15 – Introduced 6/15 – Referred to Committee on Judiciary, Utilities, Commerce and Government Operations	Cautious	Monitoring
SENATE BILL 133	An Act to renumber and amend 30.208of the statutes; relating to: procedures for applications and hearings relating to permits and contracts for structures, deposits, and other activities in or near navigable waters. (FE)	6/21 – Introduced 6/21 – Read First time and transferred to the Committee on Natural Resources and Environment 7/14- Fiscal report received See AB 177	Cautious	
SENATE BILL 136	An Act to amend chapter 709 (title), 709.01 (1), 709.02 (1),	6/27 – Introduced 6/27 – Referred to Committee on Energy, Biotechnology and	Cautious	

	709.02 (2) (intro.), 709.03 (intro.) and 709.07; and to create 709.001 and 709.033 of the statutes; relating to: a disclosure report for sellers of vacant land.	Consumer Protection 11/11 – Enrolled in 12/12 – Published as Act 107 See AB 163		
SENATE BILL 199	An Act to amend 145.20 (5) (am) Relating to the adoption by governmental units of a maintenance program that applies to private sewage systems.	9/26 – Introduced 11/3- Immediately messaged	Supportive	POC is Dale Dimond
SENATE BILL 24 (Special Session)	An Act to repeal 30.12 (1k) (b) 1., relating to: the issuance of, and exemptions from, certain individual permits, contracts, and general permits for structures, deposits, and other activities in or near navigable waters; areas of significant scientific value that are areas of special natural resource interest; repair and maintenance of boathouses and fixed houseboats; information required to be published on the Department of Natural Resources Internet Web site; expedited procedures for certain plan approvals; deadlines for action on certain approval applications; and granting rule-making authority	10/18 - Introduced 10/26 - Public hearings held 12/13 – Failed to pass See SS-AB-24 (Failed to pass) See SB 326	Concerned	WCCA letter sent to committee chair
SENATE BILL 300	AN ACT to amend 59.694 (7) (c) and 62.23 (7) (e) 7. of the statutes; relating to: the length of time for which a variance applies.	11/21 – Introduced 11/21- Referred to Committee on Judicial, Utilities, Commerce and Government Operations	Monitor	
SENATE BILL 263	An Act to amend 66.0401 (1m) (intro.), 66.0401 (4) (f) 1., 196.378 (4g) (b) and 196.491 (3) (dg); and to create 196.378 (4g) (f) of the statutes; relating to: setback requirements for wind	10/28 – Introduced, read first time and referred to Committee on Energy, Biotechnology and Consumer Protection 12/2 – Withdrawn from Committee and referred to Committee on Judiciary, Utilities, Commerce and Government Operations	Monitor	

	energy systems and granting rule-making authority.			
SENATE BILL 326	An Act to repeal 30.12 relating to: the issuance of, and exemptions from, certain individual permits, contracts, and general permits for structures, deposits, and other activities in or near navigable waters; areas of significant scientific value that are areas of special natural resource interest; repair and maintenance of boathouses and fixed houseboats; information required to be published on the Department of Natural Resources Internet Web site; expedited procedures for certain plan approvals; deadlines for action on certain approval applications; and granting rule-making authority. (FE)	12/8- Introduced by Sen. Kedzie and referred to Committee on Natural Resources and Environment 12/14 – Executive action taken 12/14 – Immediately messaged See AB 421	Opposed	

Senate Joint Resolutions

Proposal	Description	Current Status	WCCA Position	Position Explanation

Clearinghouse Rules

Proposal	Description	Current Status	WCCA Position	Position Explanation
10-057	<p>Create WI Public Service Commission Administrative Code PSC 128 – Wind siting rules</p> <p>PSC 128. Wind siting rules. The following motion was adopted, 6-2 with two Senate Democrats (Risser, Taylor) absent. The motion:</p> <ul style="list-style-type: none"> That the Joint Committee for Review of Administrative Rules suspend Ch. PSC 128, pursuant to s.227.26(2)(d), Stats., effective March 1, 2011, on the basis of testimony received at its February 9, 2011 meeting, and on the grounds that the contents of Ch. PSC 128 create an emergency relating to public health, safety, or welfare; are arbitrary and capricious; and impose an undue hardship on landowners and residents adjacent to wind turbine site as stated in s. 227.19(4)(d)2 and 6. <p>Wind siting There will be a meeting of the Administrative Rules Committee on a bill that would repeal the wind siting rules adopted as a compromise between environmentalists, realtors and landowners last year. Here is the information on the meeting time and place.</p> <p>Administrative Rules, 11 am, Tue, March 29, 330-SW Executive Session on: LRB-1483/1. Wind energy system rules.</p> <p>4/8 - See SB 50</p>	Under review by JCAR Eff. 3/1/2011	Neutral	

Recent Court Decisions

Appeal #	Issue	Date / Court
2008AP3182	Steve Ottman v. Town of Primrose: Development of a single-family dwelling in the Exclusive Agriculture District and conversion of a field road to an access driveway.	1/4/2011 Supreme Court
09AP1559	Daniel R. Northrop, Plaintiff, Kay M. Boerst and Peter S. Boerst, Property line dispute involving a town Plaintiffs-Appellants-Petitioners v. road in Ashland County Betty Opperman, Connie Henn, Floyd Opperman, Keith Opperman, Mark Henn and Pamela Opperman, Defendants-Respondents.	

2010AP84	Oneida County v Collins Outdoor Sign	
2010AP2398	<p>The Town of Cooks Valley in Chippewa County adopted an ordinance requiring a permit for any new or expanded sand or gravel pit. Loran Zwiefelhofer and others challenged the ordinance as zoning, but the Town argued it was a general ordinance. A Chippewa County circuit court invalidated the ordinance on grounds it was a zoning regulation not approved by the county board. The Town appealed.</p> <p>The District III Court of Appeals has certified the case to the Supreme Court “to clarify the factors that distinguish a zoning ordinance from an ordinance enacted under the Town’s general police powers.</p> <p>Link to certification of <i>Loran B. Zwiefelhofer v. Town of Cooks Valley</i>:</p>	
