



Legislative Fiscal Bureau

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January 18, 2018

TO: Representative Katrina Shankland
Room 304 West, State Capitol

FROM: Bob Lang, Director

SUBJECT: Unfunded Mandates and Items that Would Restrict Local Control

You asked that this office prepare a list of provisions enacted in the 2011-12 and 2013-14 legislative sessions that represent unfunded mandates or that would restrict the authority of local units of government. That list follows. The items on the list with page and line numbers are from either the state's 2011-13 budget (2011 Act 32) or the 2013-15 budget (2013 Act 20). The page and item numbers refer to this office's "Comparative Summary of Provisions" published either in August, 2011 (for 2011 Act 32), or in August, 2013 (for 2013 Act 20). For the other items on the list, the 2011 or 2013 act numbers are identified.

In addition, the list includes provisions of the 2015-17 budget act (2015 Act 55) that represent unfunded mandates or that restrict the authority of local units of government. The page and item numbers refer to this office's September, 2015, "Comparative Summary of Provisions -- 2015 Act 55." Other legislative enactments by the 2015 Legislature are also provided.

Finally, you also asked that the list include any provisions, enacted, to date, in the current legislative session that represent unfunded mandates or that restrict the authority of local units of government.

Listed for the 2017-18 legislative session are provisions contained in 2017 Act 59 (the 2017-19 budget). The page and item numbers refer to this office's "Comparative Summary of Provisions" published in November, 2017. This is followed by provisions, enacted to date, in non-budget legislation.

2011-12 LEGISLATIVE SESSION

Act 32

Agriculture, Trade and Consumer Protection

- Working Lands Initiative -- Repeal Authority to Enact Local Farmland Preservation Conversion Fees (Page 89, #7)

General Fund Taxes -- Regulation of Alcohol Beverages

- Three-Tiered Beer Laws (Page 323, #1)

Natural Resources

- Limits Local Regulation of State Licensed Bird Hunting Preserves (Page 497, #6)

Public Instruction

- Revenue Limits -- Base Reduction (Page 540, #5)
- Revenue Limits -- Prior Year Base Revenue Hold Harmless (Page 542, #8)
- Revenue Limits -- School Safety Expenditures (Page 543, #9)
- Revenue Limits -- Above Average Transportation Costs (Page 543, #10)
- Revenue Limits -- School Nurse Compensation Costs (Page 543, #11)
- Student Information System (Page 574, #5)

Shared Revenue

- Levy Limit for Counties and Municipalities (Page 624, #1)
- Expenditure of Local Room Tax Revenues in Certain Premier Resort Areas (Page 633, #1)

Transportation

- Repeal of Regional Transit Authorities (Page 670, #3)
- Bidding Requirements for Highway and Other Public Works Projects (Page 674, #12)
- Method of Bidding Local Projects (Page 676, #13)
- Bidding Requirements for Private Projects (Page 676, #14)
- Borrow and Disposal Sites for Transportation Projects (Page 692, #16)
- Local Government Reimbursement of Outdoor Advertising Sign Condemnation Costs (Page 693, #18)

Wisconsin Technical College System

- District Board Levy Limit (Page 816, #5)
- Fee Remissions for Veterans and Certain Dependents (Page 818, #10)

Workforce Development

- Prevailing Wage (Page 830, #17)

Other Acts

General Provisions

- Office of County Comptroller for Milwaukee County (Act 62)
- Prohibit Ordinances that Place Certain Limits or Requirements on Landlords (Act 108)
- Direct Annexations by Unanimous Approval (Act 128)
- Length of Time for Which Zoning Variance Applies (Act 135)
- Prohibiting a Local Government from Imposing a Moratorium on Eviction Actions (Act 143)
- Limiting Municipal Authority to Enact a Development Moratorium Ordinance (Act 144)

Natural Resources

- Shoreland Zoning Standards (Act 170)

Transportation

- Seasonal Weight Limitations for Certain Vehicles Transporting Agricultural Crops (Act 52)
- Seasonal Weight Limits for Certain Vehicles Transporting Manure (Act 279)

Workforce Development

- Pre-emption of Local Medical and Family Leave Ordinances (Act 16)

2013-14 LEGISLATIVE SESSION

Act 20

Children and Families

- Child Protective Services Appeals (Page 180, #9)

Financial Institutions

- Municipal Regulation of Residential Mortgage Loans and Real Estate Brokers (Page 265, #11 and Page 315, #11)

General Fund Taxes

- Repeal the Grain Storage Tax (Page 304, #4)

General Provisions

- Local Government Employee Residency Requirements (Page 305, #1)
- Commercial and Non-Commercial Radio Broadcast Facilities (Page 308, #5)
- Mobile Tower Siting Regulations (Page 310, #8)
- Prohibit Local Governments from Limiting the Sale of Certain Food and Beverages (Page 314, #9)
- Real Estate Brokers (Page 315, #11)

Natural Resources

- Uniform Statewide Standards for Commercial Erosion Control (Page 545, #9)

Public Instruction

- Community Service Levy and Expenditures (Fund 80) (Page 566, #8, and Act 306)

Public Service Commission

- Utility Relocation Costs to Accommodate Urban Rail Transit Systems (Page 619, #4)

Shared Revenue and Tax Relief

- County and Municipal Levy Limit -- Adjustment for Certain Fee and Payments in Lieu of Taxes Revenue (Page 674, #3)

Wisconsin Technical College System

- District Board Levy Limit (Page 782, #6, and Act 145)
- Use of Levy for Payments on Noncapital Notes (Page 784, #9)
- Eligibility of Veterans for Tuition and Fee Remissions (Page 785, #11)
- Eligibility of Children and Spouses of Certain Veterans for Tuition and Fee Remissions (Page 786, #12)

Other Acts

General Provisions

- Milwaukee County Governance (Act 14)
- Limitation on Development Regulation Authority (Act 74)
- Restriction of Landlord-Tenant Ordinances (Act 76)
- Create Milwaukee County Mental Health Board (Act 203)
- Limiting Security a Town May Require as a Condition of Plat Approval (Act 280)
- Nonconforming Uses and Manufactured Home Communities (Act 347)

Natural Resources

- Ferrous Mining Law -- Zoning Limits (Act 1)
- Sport Shooting Ranges Grandfathered (Act 35)
- Limiting Crossbow Restrictions (Act 71)
- Sport Shooting Range Immunity (Act 202)

Public Instruction

- Requires Additional Credits in Mathematics and Science for High School Graduation (Act 63)

Public Service Commission

- Municipal Utility Customer Information (Act 25)
- Unpaid Bills of Municipal Utilities (Act 274)

Revenue

- Alcohol Beverages Identification Scanners (Act 215)

Safety and Professional Services

- Local Building Code Restrictions (Act 270)

Transportation

- Energy Emergencies and Vehicle Weight Limits (Act 217)
- Operation of Agricultural Vehicles on Highways (Act 377)

Wisconsin Technical College System

- Requires District Boards to Give Veterans and Service Members Priority in Registering for Courses (Act 56)

2015-16 LEGISLATIVE SESSION

Act 55

Children and Families

- Work Experience Program Drug Testing and Treatment (Page 177, #4, as it relates to the Children First program)

District Attorneys

- Special Prosecutor Appointments (Page 223, #5)

Employment Relations Commission

- High-Deductible Health Plan Alternative for Local Protective Service Employees (Page 243, #5)

General Provisions

- New Methods for Towns Contiguous to a Third-Class City to Incorporate (Page 304, #3)
- Energy Savings Performance Contract (Page 307, #4)
- Madison Metropolitan Sewerage District (Page 308, #6)
- Mental Injury Duty Disability Benefits from Retirement Systems of First Class Cities and Counties With a Population of 500,000 or More (Page 310, #9)
- Extension of Water or Sewer Service Between Municipalities (Page 311, #11)
- Prohibit Local Governments from Imposing Time of Sale Requirements (Page 312, #12)
- Duties and Powers of the County Executive in Populous Counties (Page 313, #13)
- Limitation on Town and County Conditional Use and Insurance Requirements (Page 314, #14)
- Municipal Public Building Plan Information and Public Plan Rooms (Page 317, #16)

Health Services

- Changes to Family Care, IRIS, and Aging and Disability Resource Centers (Page 345, #1)
- Funeral and Cemetery Aids (Page 372, #5)

Legislature

- Division of Municipalities Into Election Wards (Page 458, #4)

Natural Resources

- Urban Bowhunting (Page 520, #3)
- Shoreland Zoning Standards and Ordinances (Page 532, #9)
- Areawide Water Quality Management Planning for Dane County (Page 541, #21)

Public Instruction

- Notice of Educational Options (Page 600, #3)
- Participation in Athletics and Extra-Curricular Activities (Page 605, #5)
- Geographic Representation for School Board of Unified School Districts (Page 606, #7)
- Civics Assessment Requirement for High School Graduation (Page 630, #24)

Safety and Professional Services

- Religious Waivers to Certain One- and Two-Family Building Code Provisions (Page 662, #15)
- Local Electrical and Multifamily Sprinkler Code Ordinances (Page 664, #17)

Shared Revenue and Tax Relief

- Property Tax Bill Information (Page 688, #2)
- Local Government Lodging ("Room") Tax (Page 691, #2)
- Public Fire Protection Charges (Page 694, #3)

Transportation

- Milwaukee County and Provision of Services or Funds for a Rail Fixed-Guideway Transit System (Page 729, #5)
- Rail Property Exemption from Local Special Assessment (Page 732, #5)

Other Acts

Children and Families

- Model Procedures for Investigating Abuse or Neglect (Act 365)

Criminal Justice

- Crime of Child Sex Trafficking (Act 367)

General Provisions

- Exemptions from Licensure and Fees for Disaster Relief Work (Act 84)
- Conveying Interests in Local Government Land for Construction of Natural Gas Lines (Act 148)
- Going Armed with a Switchblade (Act 149)
- County Shoreland Zoning (Act 167)
- Local Regulation of Rental Property (Act 176)
- County and Town Zoning Modifications (Act 178)
- One- and Two-Family Dwelling Permit Reports (Act 211)
- Acquiring Land by Adverse Possession (Act 219)
- Replacement of Nonconforming Structures (Act 223)
- Fire Suppression Systems at Certain Fairground Buildings (Act 240)
- Local Regulation of Certain Containers (Act 302)
- Christmas Trees in the Rotunda or Church (Act 333)
- Regulating the Production and Use of Photo ID Cards by Local Units of Government (Act 374)
- Government Actions Affecting Rights to Real Property (Act 391)

Government Accountability Board

- Electronic Voting and Voting Registration Modifications (Act 261)

Local Revenue Options

- Prohibit Local Real Estate Transfer Fees (Act 145)
- Restrict Fee Levels for Certain Services Provided by Coroners and Medical Examiners (Act 336)

Public Instruction

- Requiring Individuals Operating Certain School Lunchrooms to Hold Certificates of Food Protection Practices (Act 46)
- Requiring a Primary for the Election of School Board Members and Requiring School Boards to Adopt a Policy for Filling Vacancies (Act 63)
- Special Needs Scholarship Program (Act 289)
- School and School District Accountability Report (Act 338)
- Providing Livesaving Skills Instruction to Pupils (Act 390)

Regulation of Alcohol

- Municipal Liquor License Fees (Act 286)
- Eliminate Local Options Regarding Alcohol Beverage Licenses (Act 372)
- Alcohol Beverage Violations Involving Underage Persons that Occur on Licensed Premises (Act 339)

Shared Revenue and Tax Relief

- Additional Reporting Requirements for TIF Districts (Act 257)

Transportation

- Operation of Agricultural Vehicles on Highways (Act 15)
- Seasonal Weight Limitations for Certain Utility Vehicles (Act 44)
- Implements of Husbandry and Agricultural Commercial Motor Vehicles (Act 232)
- Seasonal Weight Limitations for Certain Vehicles Transporting Agricultural Crops (Act 235)

Wisconsin Technical College System

- Charging Resident Fees to Non-Resident Veterans and their Family Members (Act 21)
- Grants for Emergency Financial Need (Act 282)
- Information on Educational Costs and Financial Literacy (Act 284)

2017-18 LEGISLATIVE SESSION

Act 59

Administration

- Annual Report Regarding School District Employee Health Care Plans (Page 65, #29)

Children and Families

- Surplus Retention Limitations for Providers of Rate-Based Services (Page 157, #6 and Page 397, #10)

General Provisions

- Repeal Local Authority to License Soda Water Beverages (Page 300, #5)
- Discontinue Chapter 770 Domestic Partnership Registrations and Benefits for Partners of Public Employees (Page 300, #7)

Public Instruction

- Revenue Limit Adjustment for Energy Efficiency Measures (Page 546, #3)
- Scheduling of School District Referenda (Page 547, #7)
- Required Report on School District Health Plans (Page 548, #2)
- Opportunity Schools Partnership Program (Page 588, #43)

Safety and Professional Services

- Eliminate Rental Unit Energy Efficiency Program (Page 631, #9)
- Primitive Cabin Building Code Exemption (Page 634, #14)
- Not-for-Profit Wildlife Rehabilitation Facility Building Code Exemption (Page 634, #15)
- Possession, Use, and Transportation of Fireworks and Fireworks Manufacturer Fee (Page 635, #16)

Shared Revenue and Tax Relief

- State Aid for Tax Exempt Computers, Cash Registers, and Fax Machines (Page 651, #1)
- Personal Property Tax Exemption -- Machinery, Patterns, and Tools (Page 663, #3)
- Property Tax Exemption for Bible Camps (Page 665, #5)
- Property Tax Exemption for Marquette University (Page 665, #6)
- Property Tax Exemption for Property of Churches and Religious Associations (Page 665, #7)
- Municipal Levy Limit Referenda (Page 665, #8)
- Preventing BID Assessments on City of Milwaukee Residential Properties (Page 666, #9)
- Lodging Marketplace Sales and Room Tax Collections (Page 667, #2)

Transportation

- Limit Authority to Incur Expenses Related to a Rail Fixed Guideway System in the City of Milwaukee (Page 695, #6)
- Prohibit Condemnation Authority for Recreational and Pedestrian Trails (Page 703, #14)
- Repeal of Implements of Husbandry Sunset Provisions (Page 720, #22)

Other Acts

Health Services

- Drug Dependence (Act 34)

Local Government

- City and Village Officials must Execute and File an Official Bond (Act 51)
- Municipal Treasurer's Bond for Tax Distribution (Act 52)
- Limiting Authority of Local Government to Regulate Development on Substandard Lots and Merging of Lots (Act 67)
- Prohibit Regulating the Use of Certain Professional Credentials (Act 73)
- Drainage Districts and Regulating the Removal of Material (Act 115)

Natural Resources

- County Shoreland Zoning Ordinance Applicability to Certain Structures (Act 68)

Public Instruction

- Incorporating Financial Literacy into Curriculum of Public Schools (Act 94)

Transportation

- Personal Delivery Devices (Act 13)
- Traffic Violations Requiring Operating Privilege Suspension (Act 105)

Workforce Development

- Project Labor Agreements (Act 3)