



State of Wisconsin
2017 - 2018 LEGISLATURE

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EM/KRP/JK/MD/MS:all

2017 SENATE BILL 388

August 10, 2017 - Introduced by Senators TIFFANY, NASS, DARLING and LASEE, cosponsored by Representatives JARCHOW, R. BROOKS, STAFSHOLT, FELZKOWSKI, HORLACHER, ALLEN, KREMER, QUINN, GANNON, KRUG, HUTTON and TUSLER. Referred to Committee on Insurance, Housing and Trade.

1 **AN ACT** *to repeal* 227.115 (5); *to renumber and amend* 66.1105 (2) (ab) and
2 227.115 (2); *to amend* 13.099 (2), 13.099 (3) (title), 13.099 (3) (a) (intro.), 13.099
3 (3) (a) 2., 13.099 (3) (a) 3., 13.099 (3) (b), 16.848 (2) (f), 20.002 (2) (a), 20.835 (3)
4 (title), 25.29 (1) (a), 25.29 (7) (intro.), 25.29 (7) (a), 25.29 (7) (b), 30.12 (3) (a) 3g.,
5 30.12 (3) (a) 3r., 41.41 (10) (b), 41.41 (10) (c) 1., 66.0617 (7), 66.10015 (2) (b),
6 66.1105 (2) (f) 3. (intro.), 66.1105 (4) (c), 66.1105 (4) (gm) 4. a., 66.1105 (4) (gm)
7 4. bm., 66.1105 (4) (gm) 6., 66.1105 (4m) (b) 2., 66.1105 (6) (a) 8., 66.1105 (6) (g)
8 3., 70.57 (4) (b) 1., 70.57 (4) (b) 2., 70.58 (1), 70.58 (2), 227.115 (2) (title), 227.115
9 (3) (title), 227.115 (3) (a) (intro.), 227.115 (3) (a) 2., 227.115 (3) (a) 3., 227.115 (3)
10 (b), 227.15 (1) and 706.05 (2m) (b) 1.; *to repeal and recreate* 227.115 (1) and
11 227.19 (3) (g); and *to create* 13.099 (3) (a) 6., 13.099 (3) (c), 13.099 (3) (d), 20.835
12 (3) (ef), 66.1105 (2) (n) 1., 66.1105 (2) (n) 2., 66.1105 (2) (o), 66.1105 (4) (gm) 4.
13 am., 66.1105 (6) (a) 14., 66.1105 (7) (ak) 5., 70.58 (3), 101.63 (5m), 227.115 (2)
14 (b), 227.115 (3) (a) 6., 227.115 (3) (c), 227.115 (3) (d), 348.16 (3) (d) and 349.16

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1 (3) (d) of the statutes; **relating to:** review by the Department of Safety and
2 Professional Services of the state electrical wiring code applicable to
3 one-family and two-family dwellings; the legal description required for
4 recording an easement for the construction, operation, or maintenance of sewer
5 lines or facilities; expanding the use of tax incremental financing for workforce
6 housing development and allowing a reduction in the amount of certain impact
7 fees; effect of changes in requirements for development-related permits or
8 authorizations on persons who apply for the permits or authorizations;
9 exempting certain vehicles delivering propane from class B highway weight
10 limitations and certain special or seasonal weight limitations; elimination of
11 the forestation state property tax; reviews of and reports on bills and proposed
12 administrative rules that affect housing; general permits to place riprap on the
13 bed of a navigable water; and making an appropriation.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill makes various changes relating to the following:

1. Review by the Department of Safety and Professional Services of the state electrical wiring code applicable to one-family and two-family dwellings.
2. The legal description required for recording an easement for the construction, operation, or maintenance of sewer lines or facilities.
3. Expanding the use of tax incremental financing for workforce housing development and requiring a reduction in the amount of certain impact fees.
4. The effect of changes in requirements for development-related permits or authorizations on persons who apply for the permits or authorizations.
5. Exempting certain vehicles delivering propane from class B highway weight limitations and certain special or seasonal weight limitations.
6. Eliminating the forestation state property tax.
7. Reviews of and reports on bills and proposed administrative rules that affect housing.
8. General permits to place riprap on the bed of a navigable water.

SENATE BILL 388**REVIEW OF STATE ELECTRICAL WIRING CODE**

This bill requires the Department of Safety and Professional Services to review, once every six years, those portions of the state electrical wiring code that apply to one-family and two-family dwellings. In reviewing the code, DSPS must consult with the Uniform Dwelling Code Council and any council or committee created by the secretary of DSPS to advise DSPS regarding the code.

FORMAL REQUISITES FOR RECORDING SEWER EASEMENTS

This bill provides that a document that is recorded in the real estate records does not need to contain a full legal description of an easement for the construction, operation, or maintenance of sewer lines or facilities. Under current law, with certain exceptions, a document that affects title to land in this state that is recorded in the real estate records must contain a full legal description of the property affected by the document. One exception provides that a full legal description is not required for a description of an easement for the construction, operation, or maintenance of electric, gas, railroad, water, telecommunications, or telephone lines or facilities. The bill adds sewers to the types of easements that are not required to have a full legal description.

TAX INCREMENTAL FINANCING, IMPACT FEES

This bill authorizes the creation of workforce housing development tax incremental districts and changes the method of imposing certain impact fees.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board (JRB) that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Also under current law, once a TID has been created, the Department of Revenue calculates the "tax incremental base" value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment." The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID.

The project costs of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created. Also under current law, a city or village may not generally

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make expenditures for project costs later than five years before the unextended termination date of the TID. Under certain circumstances, the life of the TID, the expenditure period, and the allocation period may be extended. A TID is required to terminate, under current law and with some exceptions, once its project costs are paid back.

Generally under current law, project costs may be expended to benefit residential development but only certain TIDs for which a project plan was approved before September 30, 1995, or for a mix-use development. With regard to a mixed-use development, lands proposed for newly platted residential use may not exceed 35 percent, by area, of real property within the TID.

Under the bill, a workforce housing TID may contain only newly platted residential uses, 100 percent of which must be workforce housing. Before such a TID may be created, the JRB must approve the TID by a unanimous vote. For other TIDs, only a majority vote is required. A workforce housing TID has a maximum life of 15 years, and DOR may allocate tax increments for only 15 years.

Also under the bill, workforce housing is defined to mean housing based on the following two factors, which are subject to the five year average median costs as determined by the U.S. bureau of census:

1. Housing that costs no more than 30 percent of the household's gross median income.

2. The construction cost per housing unit, including rental housing, is no more than 80 percent of the median price for new residential construction in the county.

Under current law, if a city, village, or town imposes an impact fee on a developer to pay for certain capital costs that are necessary to accommodate land development, the ordinance may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing. Under this bill, the impact fee exemption or reduction provisions also apply to workforce housing. Current law prevents the shifting of an exemption from or reduction in impact fees to any other development in the land development in which the low-cost housing is located. The bill applies this provision to workforce housing as well.

DEVELOPMENT REGULATION

Under current law, if a project requires more than one approval or approvals from more than one political subdivision and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing are applicable to all subsequent approvals required for the project.

Under this bill, for any project that requires an approval, if the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision from which a subsequent approval is necessary at the time of filing are applicable to all subsequent approvals required for the project.

PROPANE TRANSPORT

Under current law, in general, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless that person obtains a permit issued by the Department of Transportation or a local

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highway authority. Among the weight limitations are, generally, limitations on the gross weight imposed on the highway by the wheels of any one axle or by consecutive axles of the vehicle. In general, the maximum weight that may be imposed on the highway by one axle is 20,000 pounds and the maximum weight that may be imposed on the highway by two axles is 35,000 pounds if the axles are eight feet apart and 34,000 pounds if the axles are less than eight feet apart.

Also under current law, local highway authorities may impose special or seasonal weight limitations on highways that, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if limitations were not imposed. For vehicles carrying certain commodities or being used to perform certain services, local highway authorities may set different weight limitations or exempt the vehicles from the special or seasonal weight limitations if an exemption or limitation is in the interest of public health, safety, and welfare.

Local authorities may also designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight for vehicles on a class "B" highway is 60 percent of the weight allowed by statute if the vehicles were operating on a highway that is not designated as a class "B" highway.

This bill provides that special or seasonal weight limitations imposed by a highway authority and class "B" highway weight limitations do not apply to a motor vehicle that is being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the tank. The bill provides that a tank vehicle must be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of capacity of the tank and must carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle.

FORESTATION STATE PROPERTY TAX

This bill eliminates the forestation state property tax. Proceeds from the tax are paid into the conservation fund and used to acquire, preserve, and develop the forests of the state. The tax rate is 0.1697 mills for each dollar of the assessed value of the property of the state as determined by the Department of Revenue. The bill provides that in each fiscal year an amount equal to 0.1697 mills for each dollar of the assessed value of the property of the state is transferred from the general fund to the conservation fund to be used for the same purpose as the tax.

REPORTS ON BILLS AND RULES AFFECTING HOUSING

Current law requires the Department of Administration to prepare a report on any bill or any proposed administrative rule that directly or substantially affects the development, construction, cost, or availability of housing in this state. A report for a bill must be completed within 30 days after the bill affecting housing is introduced, and a report for a proposed rule must be completed within 30 days after the rule is submitted to DOA and must be completed before the rule is submitted to the Legislative Council Staff for review. A report on either a bill or a proposed rule that affects housing must include information on the effect of the bill or proposed rule on

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the state housing strategy plan, the cost of constructing, rehabilitating, improving, or maintaining housing, the cost and availability of financing to purchase or develop housing, the purchase price of housing, and other housing costs such as rent, utilities and property taxes.

This bill does all of the following with respect to reports on bills or rules affecting housing:

1. Retitles such a report a “housing impact analysis.”
2. Requires a housing impact analysis for any bill or proposed rule that may increase or decrease, either directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state.
3. Makes various changes to the information and analysis that is required to be included in a housing impact analysis and specifies how that information is expressed in the report.
4. With respect to a housing impact analysis for a proposed rule, requires the agency proposing the rule, rather than DOA, to prepare the housing impact analysis. The bill also requires that a housing impact analysis be included in an agency’s submission to the Legislative Council Staff during the rule-making process and that an agency prepare a revised housing impact analysis if the housing impact of the rule is significantly changed.

RIPRAP GENERAL PERMITS

Current law requires a Department of Natural Resources permit in order to deposit any material or place any structure upon the bed of any navigable water where no bulkhead line has been established or beyond a lawfully established bulkhead line. Under current law, DNR must issue general permits allowing riparian owners to place riprap on the bed or bank of a navigable water adjacent to the owner’s property in an amount up to and including 100 continuous feet in an inland lake of 300 acres or more and up to and including 300 continuous feet in a Great Lakes water body. This bill increases the amount of riprap that may be placed in an inland lake of 300 acres or more to 200 continuous feet. The bill also adds that these general permits must allow a riparian owner to place riprap in a location extending landward to the top of the bank or four feet above the ordinary high water mark, whichever is lower.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.099 (2) of the statutes is amended to read:

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1 13.099 (2) ~~REPORT ON~~ ANALYSIS OF ~~BILLS AFFECTING HOUSING.~~ (a) If any bill that
2 is introduced in either house of the legislature ~~directly or substantially affects~~ may
3 increase or decrease, either directly or indirectly, the cost of the development,
4 construction, ~~cost,~~ financing, purchasing, sale, ownership, or availability of housing
5 in this state, the department shall prepare a ~~report on~~ housing impact analysis for
6 the bill within 30 days after it is introduced. The department may request any
7 information from other state agencies, local governments, or individuals, or
8 organizations that is reasonably necessary for the department to prepare the ~~report~~
9 analysis.

10 (b) A bill that requires a ~~report by the department~~ housing impact analysis
11 under this section shall have that requirement noted on its jacket when the jacket
12 is prepared. When a bill that requires a ~~report~~ housing impact analysis under this
13 section is introduced, the legislative reference bureau shall submit a copy of the bill
14 to the department.

15 (c) ~~The report~~ A housing impact analysis prepared under this section shall be
16 printed as an appendix to that applicable bill and shall be distributed in the same
17 manner as amendments.

18 **SECTION 2.** 13.099 (3) (title) of the statutes is amended to read:

19 13.099 (3) (title) ~~FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT~~
20 HOUSING IMPACT ANALYSIS.

21 **SECTION 3.** 13.099 (3) (a) (intro.) of the statutes is amended to read:

22 13.099 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis
23 shall contain information about the effect of the bill on housing in this state,
24 including information on the effect of the bill on all of the following:

25 **SECTION 4.** 13.099 (3) (a) 2. of the statutes is amended to read:

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1 13.099 (3) (a) 2. The cost of developing, constructing, rehabilitating, improving
2 ~~or, maintaining single-family, or owning single-family~~ or multifamily dwellings.

3 **SECTION 5.** 13.099 (3) (a) 3. of the statutes is amended to read:

4 13.099 (3) (a) 3. The purchase price of housing new homes or the fair market
5 value of existing homes.

6 **SECTION 6.** 13.099 (3) (a) 6. of the statutes is created to read:

7 13.099 (3) (a) 6. The density, location, setback, size, or height of development
8 on a lot, parcel, land division, or subdivision.

9 **SECTION 7.** 13.099 (3) (b) of the statutes is amended to read:

10 13.099 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative
11 impact of the effects of the bill on low- and moderate-income households.

12 **SECTION 8.** 13.099 (3) (c) of the statutes is created to read:

13 13.099 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall
14 provide reasonable estimates of the information under pars. (a) and (b) expressed as
15 dollar figures and shall include descriptions of the immediate effect and, if
16 ascertainable, the long-term effect. The department shall include a brief summary
17 or worksheet of computations used in determining any such dollar figures.

18 2. If, after careful consideration, the department determines that it is not
19 possible to make an estimate expressed as dollar figures as provided in subd. 1., the
20 analysis shall instead contain a statement to that effect setting forth the reasons for
21 that determination.

22 **SECTION 9.** 13.099 (3) (d) of the statutes is created to read:

23 13.099 (3) (d) Except as otherwise specified in par. (a), a housing impact
24 analysis shall be prepared on the basis of a median-priced single-family residence

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1 but may include estimates for larger developments as an analysis of the long-term
2 effect of the bill.

3 **SECTION 10.** 16.848 (2) (f) of the statutes is amended to read:

4 16.848 (2) (f) Subsection (1) does not apply to lands acquired with revenues
5 collected paid into the conservation fund under s. 70.58.

6 **SECTION 11.** 20.002 (2) (a) of the statutes is amended to read:

7 20.002 (2) (a) Solely for purposes of relating annual taxes to estimated
8 expenses, amounts withheld under s. 71.64 prior to July 1 and taxes imposed by
9 subch. III of ch. 77 for periods ending prior to July 1 shall be deemed accrued tax
10 receipts as of the close of the fiscal year but no revenue shall be deemed accrued tax
11 receipts unless deposited by the state on or before the August 15 following the end
12 of the fiscal year. Solely for purposes of relating annual taxes to estimated expenses,
13 fees imposed under subch. II of ch. 77, taxes imposed under ss. 139.02, 139.03 (2m)
14 and (2n), 139.31 and 139.76 and assessments imposed under s. 50.14 (2) shall be
15 deemed accrued tax receipts as of the close of the fiscal year, but no revenue shall be
16 deemed accrued tax receipts unless deposited by this state on or before July 31.
17 ~~Solely for purposes of relating annual taxes to estimated expenses, taxes imposed~~
18 ~~under s. 70.58 shall be deemed accrued tax receipts as of the close of the fiscal year,~~
19 ~~but no revenue shall be deemed accrued tax receipts unless it is deposited by this~~
20 ~~state on or before August 31.~~

21 **SECTION 12.** 20.835 (3) (title) of the statutes is amended to read:

22 20.835 (3) (title) STATE PROPERTY TAX CREDITS RELIEF

23 **SECTION 13.** 20.835 (3) (ef) of the statutes is created to read:

24 20.835 (3) (ef) *Transfer to conservation fund; forestry.* A sum sufficient in an
25 amount equal to the amount to be paid into the conservation fund as determined

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1 under s. 70.58 (3) for the forestry purposes described under s. 70.58 (1). The amounts
2 may be paid at such intervals during each fiscal year as the secretary of
3 administration considers appropriate or necessary.

4 **SECTION 14.** 25.29 (1) (a) of the statutes is amended to read:

5 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
6 to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,
7 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33, 23.335, except as
8 provided in s. 25.40 (1) (bt), 23.35 to 23.42, 23.50 to 23.99, 30.50 to 30.55, ~~70.58~~, 71.10
9 (5), 71.30 (10), and 90.21, including grants received from the federal government or
10 any of its agencies except as otherwise provided by law.

11 **SECTION 15.** 25.29 (7) (intro.) of the statutes is amended to read:

12 25.29 (7) (intro.) ~~All of the proceeds of the tax which is levied~~ moneys received
13 under s. 70.58, and all moneys paid into the state treasury as the counties' share of
14 compensation of emergency fire wardens under s. 26.14 shall be used for acquiring,
15 preserving and developing the forests of the state, including the acquisition of lands
16 owned by counties by virtue of any tax deed and of other lands suitable for state
17 forests, and for the development of lands so acquired and the conduct of forestry
18 thereon, including the growing and planting of trees; for forest and marsh fire
19 prevention and control; for grants to forestry cooperatives under s. 36.56; for
20 compensation of emergency fire wardens; for maintenance, permanent property and
21 forestry improvements; for other forestry purposes authorized by law and for the
22 payment of aid for forests as authorized in s. 28.11 and subchs. I and VI of ch. 77.

23 **SECTION 16.** 25.29 (7) (a) of the statutes is amended to read:

24 25.29 (7) (a) Eight percent of the ~~tax levied~~ moneys received under s. 70.58 or
25 of the funds provided for in lieu of the levy shall be used to acquire and develop forests

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1 of the state for the purposes or capable of providing the benefits described under s.
2 28.04 (2) within areas approved by the department and the governor and located
3 within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan, Fond
4 du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson, Racine,
5 Kenosha, Walworth, Rock, and Outagamie counties.

6 **SECTION 17.** 25.29 (7) (b) of the statutes is amended to read:

7 25.29 (7) (b) An additional 4 percent of the tax levied moneys received under
8 s. 70.58 or of the funds provided in lieu of the levy shall be used to purchase forests
9 for the state for the purposes or capable of providing the benefits described under s.
10 28.04 (2) within areas approved by the department and the governor and located
11 within the region specified under par. (a).

12 **SECTION 18.** 30.12 (3) (a) 3g. of the statutes is amended to read:

13 30.12 (3) (a) 3g. Place riprap on the bed or bank of a navigable ~~water~~ inland lake
14 of 300 acres or more adjacent to an owner's property in an amount up to and including
15 100 200 continuous feet ~~in an inland lake of 300 acres or more~~ and in a location
16 extending landward to the top of the bank or 4 feet above the ordinary high water
17 mark, whichever is lower.

18 **SECTION 19.** 30.12 (3) (a) 3r. of the statutes is amended to read:

19 30.12 (3) (a) 3r. Place riprap on the bed or bank of a navigable ~~water~~ Great
20 Lakes water body adjacent to an owner's property in an amount up to and including
21 300 continuous feet ~~in a Great Lakes water body~~ and in a location extending
22 landward to the top of the bank or 4 feet above the ordinary high water mark,
23 whichever is lower.

24 **SECTION 20.** 41.41 (10) (b) of the statutes is amended to read:

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1 41.41 (10) (b) Each year, the department shall ascertain from the clerk of each
2 taxation district in which the reserve or any land acquired by the board is located the
3 aggregate gross general property tax rate for the taxation district, ~~exclusive of the~~
4 ~~rate that applies under s. 70.58 and~~ without respect to the school levy tax credit
5 under s. 79.10.

6 **SECTION 21.** 41.41 (10) (c) 1. of the statutes is amended to read:

7 41.41 (10) (c) 1. Except as provided in par. (d), on or before each January 31,
8 the department shall pay to the treasurer of each taxation district specified in par.
9 (b), with respect to all land in the Kickapoo valley reserve and all land acquired by
10 the board on or before January 1 of the preceding year, an amount determined by
11 multiplying the estimated value of the land equated to the average level of
12 assessment in the taxation district by the aggregate gross general property tax rate,
13 ~~exclusive of the rate that applies under s. 70.58 and~~ without respect to the school levy
14 tax credit under s. 79.10, that would apply to the land in that taxation district for that
15 year if it were taxable.

16 **SECTION 22.** 66.0617 (7) of the statutes is amended to read:

17 66.0617 (7) LOW-COST, WORKFORCE HOUSING. An ordinance enacted under this
18 section may provide for an exemption from, or a reduction in the amount of, impact
19 fees on land development that provides low-cost housing, ~~except that no~~ or workforce
20 housing, as defined in s. 66.1105 (2) (n). Under no circumstances may the amount
21 of an impact fee for which an exemption or reduction is provided under this
22 subsection may be shifted to any other development in the land development in
23 which the low-cost housing or workforce housing is located or to any other land
24 development in the municipality.

25 **SECTION 23.** 66.10015 (2) (b) of the statutes is amended to read:

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1 66.10015 (2) (b) If a project requires more than one approval or approvals from
2 ~~more than one or more political subdivision subdivisions~~ and the applicant identifies
3 the full scope of the project at the time of filing the application for the first approval
4 required for the project, the existing requirements applicable in each political
5 subdivision at the time of filing the application for the first approval required for the
6 project shall be applicable to all subsequent approvals required for the project, unless
7 the applicant and the political subdivision agree otherwise.

8 **SECTION 24.** 66.1105 (2) (ab) of the statutes is renumbered 66.1105 (2) (n)
9 (intro.) and amended to read:

10 66.1105 (2) (n) (intro.) “Affordable Workforce housing” means housing that
11 ~~costs a household no more than 30 percent of the household’s gross monthly income.~~
12 ~~to which all of the following apply, as adjusted for family size and the county in which~~
13 ~~the household is located, based on the county’s 5 year average median income and~~
14 ~~housing costs as calculated by the U.S. bureau of census in its American community~~
15 ~~survey:~~

16 **SECTION 25.** 66.1105 (2) (f) 3. (intro.) of the statutes is amended to read:

17 66.1105 (2) (f) 3. (intro.) Notwithstanding subd. 1., project costs may include
18 any expenditures made or estimated to be made or monetary obligations incurred or
19 estimated to be incurred by the city for newly platted residential development only
20 for any tax incremental district for which a project plan is approved before
21 September 30, 1995, for any workforce housing development, or for a mixed-use
22 development tax incremental district to which one of the following applies:

23 **SECTION 26.** 66.1105 (2) (n) 1. of the statutes is created to read:

24 66.1105 (2) (n) 1. The housing costs a household no more than 30 percent of the
25 household’s gross median income.

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1 **SECTION 27.** 66.1105 (2) (n) 2. of the statutes is created to read:

2 66.1105 (2) (n) 2. With regard to a workforce housing development district, the
3 construction cost per housing unit, including rental housing, is no more than 80
4 percent of the median price for new residential construction in the county.

5 **SECTION 28.** 66.1105 (2) (o) of the statutes is created to read:

6 66.1105 (2) (o) “Workforce housing development” means development that
7 contains only newly platted residential uses, and 100 percent of the residential
8 development must be workforce housing.

9 **SECTION 29.** 66.1105 (4) (c) of the statutes is amended to read:

10 66.1105 (4) (c) Identification of the specific property to be included under par.
11 (gm) 4. as blighted, in need of workforce housing, or in need of rehabilitation or
12 conservation work. Owners of the property identified shall be notified of the
13 proposed finding and the date of the hearing to be held under par. (e) at least 15 days
14 prior to the date of the hearing. In cities with a redevelopment authority under s.
15 66.1333, the notification required under this paragraph may be provided with the
16 notice required under s. 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days
17 prior to the date of the hearing to be held under par. (e).

18 **SECTION 30.** 66.1105 (4) (gm) 4. a. of the statutes is amended to read:

19 66.1105 (4) (gm) 4. a. ~~Not~~ Except as provided in subd. 4. am., not less than 50
20 percent, by area, of the real property within the district is at least one of the following:
21 a blighted area; in need of rehabilitation or conservation work, as defined in s.
22 66.1337 (2m) (a); suitable for industrial sites within the meaning of s. 66.1101 and
23 has been zoned for industrial use; or suitable for mixed-use development; and

24 **SECTION 31.** 66.1105 (4) (gm) 4. am. of the statutes is created to read:

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1 66.1105 (4) (gm) 4. am. If the district is a workforce housing development
2 district, 100 percent, by area, of the real property within the district is suitable for
3 a workforce housing development district and will be used for workforce housing.

4 **SECTION 32.** 66.1105 (4) (gm) 4. bm. of the statutes, as affected by 2017
5 Wisconsin Act 15, is amended to read:

6 66.1105 (4) (gm) 4. bm. The project costs relate directly to eliminating blight,
7 directly serve to rehabilitate or conserve the area, directly increase workforce
8 housing, or directly serve to promote industrial or mixed-use development,
9 consistent with the purpose for which the tax incremental district is created under
10 subd. 4. a. or am.; and

11 **SECTION 33.** 66.1105 (4) (gm) 6. of the statutes is amended to read:

12 66.1105 (4) (gm) 6. Declares that the district is a blighted area district, a
13 rehabilitation or conservation district, an industrial district, a workforce housing
14 development district, or a mixed-use district based on the identification and
15 classification of the property included within the district under par. (c) and subd. 4.
16 a. or am. If the district is not exclusively blighted, rehabilitation or conservation,
17 industrial, workforce housing, or mixed use, the declaration under this subdivision
18 shall be based on which classification is predominant with regard to the area
19 described in subd. 4. a.

20 **SECTION 34.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

21 66.1105 (4m) (b) 2. No tax incremental district may be created and no project
22 plan may be amended unless the board approves the resolution adopted under sub.
23 (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5)
24 (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a
25 majority vote within 45 days after receiving the resolution, except that with regard

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1 to a workforce housing development district, the board must approve the resolution
2 adopted under sub. (4) (gm) or (h) 1. by a unanimous vote. With regard to a
3 multijurisdictional tax incremental district created under this section, each public
4 member of a participating city must be part of the majority that votes for approval
5 of the resolution or the district may not be created. The board may not approve the
6 resolution under this subdivision unless the board's approval contains a positive
7 assertion that, in its judgment, the development described in the documents the
8 board has reviewed under subd. 1. would not occur without the creation of a tax
9 incremental district. The board may not approve the resolution under this
10 subdivision unless the board finds that, with regard to a tax incremental district that
11 is proposed to be created by a city under sub. (17) (a), such a district would be the only
12 existing district created under that subsection by that city.

13 **SECTION 35.** 66.1105 (6) (a) 8. of the statutes is amended to read:

14 66.1105 (6) (a) 8. Twenty-seven years after the tax incremental district is
15 created if the district is created on or after October 1, 2004, and if the district is a
16 district specified under sub. (4) (gm) 6. other than a district specified under subd. 7.
17 or 14. If the life of the district is extended under sub. (7) (am) 3. an allocation under
18 this subdivision may be made 30 years after such a district is created. If the life of
19 the district is extended under sub. (7) (am) 4., an allocation under this subdivision
20 may be made for not more than an additional 3 years after allocations would
21 otherwise have been terminated under this subdivision. For a tax incremental
22 district created after March 3, 2016, the period during which a tax increment may
23 be allocated under this subdivision shall be increased by one year if that district's
24 project plan is adopted under sub. (4) (g) after September 30 and before May 15.

25 **SECTION 36.** 66.1105 (6) (a) 14. of the statutes is created to read:

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1 66.1105 (6) (a) 14. Fifteen years after the tax incremental district is created if
2 the district is a workforce housing development district.

3 **SECTION 37.** 66.1105 (6) (g) 3. of the statutes is amended to read:

4 66.1105 (6) (g) 3. If a city receives tax increments as described in subd. 2., the
5 city shall use at least 75 percent of the increments received to benefit affordable
6 workforce housing in the city. The remaining portion of the increments shall be used
7 by the city to improve the city's housing stock.

8 **SECTION 38.** 66.1105 (7) (ak) 5. of the statutes is created to read:

9 66.1105 (7) (ak) 5. For a workforce housing development district, 15 years after
10 the district is created.

11 **SECTION 39.** 70.57 (4) (b) 1. of the statutes is amended to read:

12 70.57 (4) (b) 1. For the year in which the error occurred, apportion county,
13 school district, technical college district, and metropolitan sewerage district
14 property taxes, ~~and state forestation taxes under s. 70.58,~~ to the taxation district
15 using the taxation district's erroneous valuation.

16 **SECTION 40.** 70.57 (4) (b) 2. of the statutes is amended to read:

17 70.57 (4) (b) 2. For the year in which the error occurred, apportion county,
18 school district, technical college district, and metropolitan sewerage district
19 property taxes, ~~and state forestation taxes under s. 70.58,~~ to the taxation district
20 using the taxation district's correct valuation.

21 **SECTION 41.** 70.58 (1) of the statutes is amended to read:

22 70.58 (1) Except as provided in ~~sub.~~ subs. (2) and (3), there is levied an annual
23 tax of two-tenths of one mill for each dollar of the assessed valuation of the property
24 of the state as determined by the department of revenue under s. 70.57, for the
25 purpose of acquiring, preserving and developing the forests of the state and for the

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1 purpose of forest crop law and county forest law administration and aid payments,
2 for grants to forestry cooperatives under s. 36.56, and for the acquisition, purchase
3 and development of forests described under s. 25.29 (7) (a) and (b), the proceeds of
4 the tax to be paid into the conservation fund. The tax shall not be levied in any year
5 in which general funds are appropriated for the purposes specified in this section,
6 equal to or in excess of the amount which the tax would produce.

7 **SECTION 42.** 70.58 (2) of the statutes is amended to read:

8 70.58 (2) In each of 3 years beginning with the property tax assessments as of
9 January 1, 2005, the department of revenue shall adjust the rate of the tax imposed
10 under this section so that the percentage increase from the previous year in the total
11 amount levied under this section does not exceed 2.6 percent. The rate determined
12 by the department of revenue for the property tax assessment as of January 1, 2007,
13 shall be the rate of the tax imposed under this section for all subsequent years,
14 ending with the property tax assessments as of January 1, 2017.

15 **SECTION 43.** 70.58 (3) of the statutes is created to read:

16 70.58 (3) In fiscal year 2017-18, and in each fiscal year thereafter, an amount
17 equal to 0.1697 mills for each dollar of the assessed valuation of the property of the
18 state as determined by the department of revenue under s. 70.57 shall be transferred
19 from the general fund to the conservation fund for the purposes described under sub.
20 (1).

21 **SECTION 44.** 101.63 (5m) of the statutes is created to read:

22 101.63 (5m) Once every 6 years, review those portions of the state electrical
23 wiring code promulgated by the department under s. 101.82 (1) that apply to
24 dwellings. In its review, the department shall consult with the uniform dwelling code

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1 council and any council or committee created by the secretary to advise the
2 department regarding the state electrical wiring code.

3 **SECTION 45.** 227.115 (1) of the statutes is repealed and recreated to read:

4 227.115 (1) DEFINITION. In this section, “state housing strategy plan” means the
5 plan developed under s. 16.302.

6 **SECTION 46.** 227.115 (2) (title) of the statutes is amended to read:

7 227.115 (2) (title) ~~REPORT ON~~ ANALYSIS OF RULES AFFECTING HOUSING.

8 **SECTION 47.** 227.115 (2) of the statutes is renumbered 227.115 (2) (a) and
9 amended to read:

10 227.115 (2) (a) If a proposed rule ~~directly or substantially affects~~ may increase
11 or decrease, either directly or indirectly, the cost of the development, construction,
12 cost, financing, purchasing, sale, ownership, or availability of housing in this state,
13 the department agency promulgating the proposed rule shall prepare a ~~report on the~~
14 housing impact analysis for the proposed rule before it is submitted to the legislative
15 council staff under s. 227.15. The department agency may request any information
16 from other state agencies, local governments, or individuals or organizations that is
17 reasonably necessary for the department agency to prepare the report. ~~The~~
18 ~~department shall prepare the report within 30 days after the rule is submitted to the~~
19 ~~department~~ analysis.

20 **SECTION 48.** 227.115 (2) (b) of the statutes is created to read:

21 227.115 (2) (b) On the same day that the agency submits the housing impact
22 analysis to the legislative council staff under s. 227.15 (1), the agency shall also
23 submit that analysis to the department of administration, to the governor, and to the
24 chief clerks of each house of the legislature, who shall distribute the analysis to the
25 presiding officers of their respective houses, to the chairpersons of the appropriate

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1 standing committees of their respective houses, as designated by those presiding
2 officers, and to the cochairpersons of the joint committee for review of administrative
3 rules. If a proposed rule is modified after the housing impact analysis is submitted
4 under this paragraph so that the housing impact of the proposed rule is significantly
5 changed, the agency shall prepare a revised housing impact analysis for the proposed
6 rule as modified. A revised housing impact analysis shall be prepared and submitted
7 in the same manner as an original housing impact analysis is prepared and
8 submitted.

9 **SECTION 49.** 227.115 (3) (title) of the statutes is amended to read:

10 227.115 (3) (title) ~~FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT~~
11 HOUSING IMPACT ANALYSIS.

12 **SECTION 50.** 227.115 (3) (a) (intro.) of the statutes is amended to read:

13 227.115 (3) (a) (intro.) ~~The report of the department~~ A housing impact analysis
14 shall contain information about the effect of the proposed rule on housing in this
15 state, including information on the effect of the proposed rule on all of the following:

16 **SECTION 51.** 227.115 (3) (a) 2. of the statutes is amended to read:

17 227.115 (3) (a) 2. The cost of developing, constructing, rehabilitating,
18 improving ~~or~~, maintaining single-family, or owning single-family or multifamily
19 dwellings.

20 **SECTION 52.** 227.115 (3) (a) 3. of the statutes is amended to read:

21 227.115 (3) (a) 3. The purchase price of housing new homes or the fair market
22 value of existing homes.

23 **SECTION 53.** 227.115 (3) (a) 6. of the statutes is created to read:

24 227.115 (3) (a) 6. The density, location, setback, size, or height of development
25 on a lot, parcel, land division, or subdivision.

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1 **SECTION 54.** 227.115 (3) (b) of the statutes is amended to read:

2 227.115 (3) (b) ~~The report~~ A housing impact analysis shall analyze the relative
3 impact of the effects of the proposed rule on low- and moderate-income households.

4 **SECTION 55.** 227.115 (3) (c) of the statutes is created to read:

5 227.115 (3) (c) 1. Except as provided in subd. 2., a housing impact analysis shall
6 provide reasonable estimates of the information under pars. (a) and (b) expressed as
7 dollar figures and shall include descriptions of the immediate effect and, if
8 ascertainable, the long-term effect. The agency shall include a brief summary or
9 worksheet of computations used in determining any such dollar figures.

10 2. If, after careful consideration, the agency determines that it is not possible
11 to make an estimate expressed as dollar figures as provided in subd. 1., the analysis
12 shall instead contain a statement to that effect setting forth the reasons for that
13 determination.

14 **SECTION 56.** 227.115 (3) (d) of the statutes is created to read:

15 227.115 (3) (d) Except as otherwise specified in par. (a), a housing impact
16 analysis shall be prepared on the basis of a median-priced single-family residence
17 but may include estimates for larger developments as an analysis of the long-term
18 effect of the proposed rule.

19 **SECTION 57.** 227.115 (5) of the statutes is repealed.

20 **SECTION 58.** 227.15 (1) of the statutes, as affected by 2017 Wisconsin Act ...
21 (Senate Bill 15), is amended to read:

22 227.15 (1) SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. Prior to a public hearing
23 on a proposed rule required under s. 227.16 or, if no such public hearing is required,
24 prior to notice under s. 227.19, an agency shall submit the proposed rule to the
25 legislative council staff for review. The proposed rule shall be in the form required

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1 under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3),
2 and (4), any housing impact analysis required under s. 227.115 (2) (a), any revised
3 housing impact analysis required under s. 227.115 (2) (b), the economic impact
4 analysis required under s. 227.137 (2), and any revised economic impact analysis
5 required under s. 227.137 (4). An agency may not hold a public hearing on a proposed
6 rule or give notice under s. 227.19 until after it has received a written report of the
7 legislative council staff review of the proposed rule or until after the initial review
8 period of 20 working days under sub. (2) (intro.), whichever comes first. An agency
9 may give notice of a public hearing prior to receipt of the legislative council staff
10 report. This subsection does not apply to rules promulgated under s. 227.24.

11 **SECTION 59.** 227.19 (3) (g) of the statutes is repealed and recreated to read:

12 227.19 (3) (g) Any housing impact analysis prepared under s. 227.115 (2) (a)
13 and any revised housing impact analysis prepared under s. 227.115 (2) (b).

14 **SECTION 60.** 348.16 (3) (d) of the statutes is created to read:

15 348.16 (3) (d) Subsection (2) does not apply to a motor vehicle that is being
16 operated to deliver propane for heating purposes if the gross weight imposed on the
17 highway by the vehicle does not exceed 30,000 pounds, for a vehicle with a single rear
18 axle, or 40,000 pounds, for a vehicle with tandem rear axles, and, if the motor vehicle
19 is a tank vehicle, the tank is loaded to no more than 50 percent of the capacity of the
20 tank. A tank vehicle operated under this paragraph shall be equipped with a gauge
21 on the tank that shows the amount of propane in the tank as a percent of the capacity
22 of the tank and shall carry documentation of the capacity of the tank either on the
23 cargo tank or in the cab of the vehicle.

24 **SECTION 61.** 349.16 (3) (d) of the statutes is created to read:

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1 349.16 (3) (d) The authority in charge of the maintenance of the highway shall
2 exempt from the special or seasonal weight limitations imposed under sub. (1) (a) a
3 motor vehicle that is being operated to deliver propane for heating purposes if the
4 gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds,
5 for a vehicle with a single rear axle, or 40,000 pounds, for a vehicle with tandem rear
6 axles, and, if the motor vehicle is a tank vehicle, the tank is loaded to no more than
7 50 percent of the capacity of the tank. A tank vehicle operated under this paragraph
8 shall be equipped with a gauge on the tank that shows the amount of propane in the
9 tank as a percent of the capacity of the tank and shall carry documentation of the
10 capacity of the tank either on the cargo tank or in the cab of the vehicle. A motor
11 vehicle operated under this paragraph shall, to the extent practicable, make
12 deliveries on seasonally weight-restricted roads at times of the day when the
13 highways used are the least vulnerable.

14 **SECTION 62.** 706.05 (2m) (b) 1. of the statutes is amended to read:

15 706.05 (2m) (b) 1. Descriptions of easements for the construction, operation,
16 or maintenance of electric, gas, railroad, water, sewer, telecommunications, or
17 telephone lines or facilities.

18 **SECTION 63. Nonstatutory provisions.**

19 (1) FORESTATION STATE TAX. For the property tax assessments as of January 1,
20 2017, the department of revenue shall prescribe a form for the property tax bills
21 prepared under section 74.09 of the statutes that indicates that the state no longer
22 imposes the forestation state tax. The form shall also indicate the amount of the
23 forestation state tax that the taxpayer paid in the previous year.

24 **SECTION 64. Initial applicability.**

