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.

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
(3) (d) of the statutes; relating to: review by the Department of Safety and Professional Services of the state electrical wiring code applicable to one-family and two-family dwellings; the legal description required for recording an easement for the construction, operation, or maintenance of sewer lines or facilities; expanding the use of tax incremental financing for workforce housing development and allowing a reduction in the amount of certain impact fees; effect of changes in requirements for development-related permits or authorizations on persons who apply for the permits or authorizations; exempting certain vehicles delivering propane from class B highway weight limitations and certain special or seasonal weight limitations; elimination of the forestation state property tax; reviews of and reports on bills and proposed administrative rules that affect housing; general permits to place riprap on the 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.
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
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
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:
13.099 (2) **REPORT ON ANALYSIS OF BILLS AFFECTING HOUSING.** (a) If any bill that is introduced in either house of the legislature directly or substantially affects may increase or decrease, either directly or indirectly, the cost of the development, construction, cost, financing, purchasing, sale, ownership, or availability of housing in this state, the department shall prepare a report on housing impact analysis for the bill within 30 days after it is introduced. The department may request any information from other state agencies, local governments, or individuals, or organizations that is reasonably necessary for the department to prepare the report analysis.

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

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

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

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

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

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

**SECTION 4.** 13.099 (3) (a) 2. of the statutes is amended to read:
13.099 (3) (a) 2. The cost of developing, constructing, rehabilitating, improving or maintaining single family or owning single-family or multifamily dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Solely for purposes of relating annual taxes to estimated expenses, taxes imposed under s. 70.58 shall be deemed accrued tax receipts unless it is deposited by this state on or before August 31.

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

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

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

20.835 (3) (ef) Transfer to conservation fund; forestry. A sum sufficient in an amount equal to the amount to be paid into the conservation fund as determined
under s. 70.58 (3) for the forestry purposes described under s. 70.58 (1). The amounts
may be paid at such intervals during each fiscal year as the secretary of
administration considers appropriate or necessary.

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

25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,
subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33, 23.335, except as
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
(5), 71.30 (10), and 90.21, including grants received from the federal government or
any of its agencies except as otherwise provided by law.

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

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

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

25.29 (7) (a) Eight percent of the tax levied moneys received under s. 70.58 or
of the funds provided for in lieu of the levy shall be used to acquire and develop forests
of the state for the purposes or capable of providing the benefits described under s. 28.04 (2) within areas approved by the department and the governor and located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan, Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson, Racine, Kenosha, Walworth, Rock, and Outagamie counties.

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

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

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

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

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

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

SECTION 20. 41.41 (10) (b) of the statutes is amended to read:
41.41 (10) (b) Each year, the department shall ascertain from the clerk of each taxation district in which the reserve or any land acquired by the board is located the aggregate gross general property tax rate for the taxation district, exclusive of the rate that applies under s. 70.58 and without respect to the school levy tax credit under s. 79.10.

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

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

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

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

SECTION 23. 66.10015 (2) (b) of the statutes is amended to read:
66.10015 (2) (b) If a project requires more than one approval or approvals from more than one or more political subdivision subdivisions 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 the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise.

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

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

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

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

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

66.1105 (2) (n) 1. The housing costs a household no more than 30 percent of the household’s gross median income.
SECTION 27. 66.1105 (2) (n) 2. of the statutes is created to read:

66.1105 (2) (n) 2. With regard to a workforce housing development district, 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.

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

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

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

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

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

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

SECTION 31. 66.1105 (4) (gm) 4. am. of the statutes is created to read:
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66.1105 (4) (gm) 4. am. If the district is a workforce housing development district, 100 percent, by area, of the real property within the district is suitable for a workforce housing development district and will be used for workforce housing.

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

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

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

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

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

   66.1105 (4m) (b) 2. No tax incremental district may be created and no project plan may be amended unless the board approves the resolution adopted under sub. (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5) (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a majority vote within 45 days after receiving the resolution, except that with regard
to a workforce housing development district, the board must approve the resolution
adopted under sub. (4) (gm) or (h) 1. by a unanimous vote. With regard to a
multijurisdictional tax incremental district created under this section, each public
member of a participating city must be part of the majority that votes for approval
of the resolution or the district may not be created. The board may not approve the
resolution under this subdivision unless the board’s approval contains a positive
assertion that, in its judgment, the development described in the documents the
board has reviewed under subd. 1. would not occur without the creation of a tax
incremental district. The board may not approve the resolution under this
subdivision unless the board finds that, with regard to a tax incremental district that
is proposed to be created by a city under sub. (17) (a), such a district would be the only
existing district created under that subsection by that city.

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

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

SECTION 36. 66.1105 (6) (a) 14. of the statutes is created to read:
66.1105 (6) (a) 14. Fifteen years after the tax incremental district is created if the district is a workforce housing development district.

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

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

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

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

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

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

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

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

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

70.58 (1) Except as provided in sub. subs. (2) and (3), there is levied an annual tax of two-tenths of one mill for each dollar of the assessed valuation of the property of the state as determined by the department of revenue under s. 70.57, for the purpose of acquiring, preserving and developing the forests of the state and for the
purpose of forest crop law and county forest law administration and aid payments, 
for grants to forestry cooperatives under s. 36.56, and for the acquisition, purchase 
and development of forests described under s. 25.29 (7) (a) and (b), the proceeds of 
the tax to be paid into the conservation fund. The tax shall not be levied in any year 
in which general funds are appropriated for the purposes specified in this section, 
equal to or in excess of the amount which the tax would produce.

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

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

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

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

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

101.63 (5m) Once every 6 years, review those portions of the state electrical 
wiring code promulgated by the department under s. 101.82 (1) that apply to 
dwellings. In its review, the department shall consult with the uniform dwelling code
council and any council or committee created by the secretary to advise the
department regarding the state electrical wiring code.

SECTION 45. 227.115 (1) of the statutes is repealed and recreated to read:
227.115 (1) DEFINITION. In this section, “state housing strategy plan” means the
plan developed under s. 16.302.

SECTION 46. 227.115 (2) (title) of the statutes is amended to read:
227.115 (2) (title) REPORT ON ANALYSIS OF RULES AFFECTING HOUSING.

SECTION 47. 227.115 (2) of the statutes is renumbered 227.115 (2) (a) and
amended to read:
227.115 (2) (a) If a proposed rule directly or substantially affects may increase
or decrease, either directly or indirectly, the cost of the development, construction,
cost, financing, purchasing, sale, ownership, or availability of housing in this state,
the department agency promulgating the proposed rule shall prepare a report on the
housing impact analysis for the proposed rule before it is submitted to the legislative
council staff under s. 227.15. The department agency may request any information
from other state agencies, local governments, or individuals or organizations that is
reasonably necessary for the department agency to prepare the report. The
department shall prepare the report within 30 days after the rule is submitted to the
department analysis.

SECTION 48. 227.115 (2) (b) of the statutes is created to read:
227.115 (2) (b) On the same day that the agency submits the housing impact
analysis to the legislative council staff under s. 227.15 (1), the agency shall also
submit that analysis to the department of administration, to the governor, and to the
chief clerks of each house of the legislature, who shall distribute the analysis to the
presiding officers of their respective houses, to the chairpersons of the appropriate
standing committees of their respective houses, as designated by those presiding
officers, and to the cochairpersons of the joint committee for review of administrative
rules. If a proposed rule is modified after the housing impact analysis is submitted
under this paragraph so that the housing impact of the proposed rule is significantly
changed, the agency shall prepare a revised housing impact analysis for the proposed
rule as modified. A revised housing impact analysis shall be prepared and submitted
in the same manner as an original housing impact analysis is prepared and
submitted.

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

227.115 (3) (title) Findings of the department to be contained in the report
HOUSING IMPACT ANALYSIS.

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

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

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

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

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

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

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

227.115 (3) (a) 6. The density, location, setback, size, or height of development
on a lot, parcel, land division, or subdivision.
**SECTION 54.** 227.115 (3) (b) of the statutes is amended to read:

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

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

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

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

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

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

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

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

227.15 (1) **SUBMITTAL TO LEGISLATIVE COUNCIL STAFF.** Prior to a public hearing on a proposed rule required under s. 227.16 or, if no such public hearing is required, prior to notice under s. 227.19, an agency shall submit the proposed rule to the legislative council staff for review. The proposed rule shall be in the form required
under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3), and (4), any housing impact analysis required under s. 227.115 (2) (a), any revised housing impact analysis required under s. 227.115 (2) (b), the economic impact analysis required under s. 227.137 (2), and any revised economic impact analysis required under s. 227.137 (4). An agency may not hold a public hearing on a proposed rule or give notice under s. 227.19 until after it has received a written report of the legislative council staff review of the proposed rule or until after the initial review period of 20 working days under sub. (2) (intro.), whichever comes first. An agency may give notice of a public hearing prior to receipt of the legislative council staff report. This subsection does not apply to rules promulgated under s. 227.24.

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

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

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

348.16 (3) (d) Subsection (2) does 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. A tank vehicle operated under this paragraph shall be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of the capacity of the tank and shall carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle.

**SECTION 61.** 349.16 (3) (d) of the statutes is created to read:
349.16 (3) (d) The authority in charge of the maintenance of the highway shall exempt from the special or seasonal weight limitations imposed under sub. (1) (a) 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. A tank vehicle operated under this paragraph shall be equipped with a gauge on the tank that shows the amount of propane in the tank as a percent of the capacity of the tank and shall carry documentation of the capacity of the tank either on the cargo tank or in the cab of the vehicle. A motor vehicle operated under this paragraph shall, to the extent practicable, make deliveries on seasonally weight-restricted roads at times of the day when the highways used are the least vulnerable.

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

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

SECTION 63. Nonstatutory provisions.

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

SECTION 64. Initial applicability.
(1) **Formal requisites for recording sewer easements.** The treatment of section 706.05 (2m) (b) 1. of the statutes first applies to a description of an easement that is recorded on the effective date of this subsection.

(2) **Development regulation.** The treatment of section 66.10015 (2) (b) of the statutes first applies to an application for an approval that is filed on the effective date of this subsection.

(3) **Housing impact analyses for bills.** The treatment of section 13.099 (2) and (3) (title), (a) (intro.), 2., 3., 6., (b), (c), and (d) of the statutes first applies to a bill introduced on the effective date of this subsection.

(4) **Housing impact analyses for rules.** The treatment of sections 227.115 (1), (2) (b), (3) (title), (a) (intro.), 2., 3., and 6., (b), (c), and (d), and (5), 227.15 (1), and 227.19 (3) (g) of the statutes, the renumbering and amendment of section 227.115 (2) of the statutes, and the amendment of section 227.115 (2) (title) of the statutes first apply to a proposed rule whose statement of scope is presented for approval under section 227.135 (2) of the statutes on the effective date of this subsection.

(END)