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2003 ASSEMBLY BILL 433

July 15, 2003 – Introduced by Representatives Balow, Gronemus, Bies, Staskunas and Plouff, cosponsored by Senators Plale and A. Lasee. Referred to Committee on Urban and Local Affairs.

1 AN ACT to amend 66.0143 (title); and to create 66.0143 (1) (c) and 66.0143 (5)

of the statutes; **relating to:** authorizing cities, villages, towns, and counties to suspend their compliance with certain state mandates.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county (political subdivision) may request a waiver from a state mandate, other than a state mandate in the area of health or safety. A state mandate is defined as a requirement for a political subdivision to engage in an activity or provide a service, or to increase the level of its activities or services.

To act under current law, a political subdivision may file a request for a waiver from a state mandate with the Department of Revenue (DOR). DOR is required to forward the request to the administrative agency that is responsible for administering the state mandate. If no agency is responsible, the request remains with DOR. The agency, or DOR, determines whether to grant the request and notifies the political subdivision and DOR in writing. A waiver is effective for four years and may be extended.

Under this bill, a political subdivision may enact an ordinance to suspend its compliance with an unfunded state mandate, other than a mandate that relates to health or safety, for four years. An unfunded state mandate is defined as a state mandate for which the state does not provide a political subdivision with at least 70% of the amount of the political subdivision's costs of complying with the state mandate. A political subdivision may renew its ordinance to suspend its compliance with unfunded state mandates for additional four year periods.

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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:

SECTION 1. 66.0143 (title) of the statutes is amended to read:

66.0143 (title) Local appeals for exemption from, or suspension of compliance with, state mandates.

Section 2. 66.0143 (1) (c) of the statutes is created to read:

66.0143 (1) (c) "Unfunded state mandate" means a state mandate for which the state does not provide a political subdivision with at least 70% of the amount of the political subdivision's costs of complying with the state mandate.

Section 3. 66.0143 (5) of the statutes is created to read:

66.0143 (5) Suspension of mandate compliance. (a) A political subdivision may enact an ordinance to suspend its compliance with an unfunded state mandate for 4 years, and every unfunded state mandate, other than a state mandate that relates to health or safety, is subject to this subsection unless otherwise explicitly specified.

(b) A political subdivision may renew an ordinance to suspend its compliance with an unfunded state mandate for additional 4-year periods by following the procedures under this subsection.

17 (END)