

## **Additional Items in Governor Evers's State Budget Proposal, [AB 68/SB 111](#), Affecting Municipalities**

2/21/2021

**Mandatory collection of data from traffic stops.** The bill requires a law enforcement agency to collect the following information concerning motor vehicle stops made on or after January 1, 2022: 1) the name, address, gender, and race of the operator of the motor vehicle, with the officer subjectively determining the person's race as being Caucasian, Black or African American, Hispanic, American Indian or Alaska Native, or Asian or Pacific Islander; 2) the reason for the motor vehicle stop; 3) the make and year of the motor vehicle; 4) the date, time, and location of the motor vehicle stop; 5) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger and, if so, whether the search was with consent or by other means; 6) the name, address, gender, and race of any person searched; and 7) the name and badge number of the officer making the motor vehicle stop. The information collected must be forwarded to DOJ, which must then compile and analyze it, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority.

**Changing minimum age for cigarettes, tobacco products, and nicotine products; imposing a minimum age for vapor products.** The bill changes the age for purchasing cigarettes, tobacco products, or nicotine products from 18 to 21, and imposes the same minimum age for purchasing vapor products. The bill also requires a person who sells vapor products to obtain an annual cigarette and tobacco products retailer license from the clerk of the city, village, or town in which the retailer is located.

**Extended Tavern and Restaurant closing hours during special events.** The bill allows a municipality to designate by ordinance a special event lasting fewer than eight consecutive days during which closing hours for premises that obtain a special event permit from the municipality and that are operating under a Class "B," "Class B," or "Class C" license in the municipality are extended. Under the bill, the municipality may extend the closing hour for such premises to no later than 4 a.m. during the special event. A municipality may not designate more than four special events in a calendar year.

**Changes to the state's main street program.** The bill substantially replaces WEDC's duties under the state main street program and instead requires WEDC, in accordance with guidelines of the national main street center, to assist municipalities in planning, managing, and implementing programs for the revitalization of downtown areas and historic commercial districts, including by doing all of the following: 1. Assisting communities in restoring and retaining the historic character of their downtown areas and historic commercial districts. 2.

Promoting business investment, assisting in retaining existing small businesses, and promoting new businesses in downtown areas and historic commercial districts. 3. Assisting in strengthening the local tax base. 4. Assisting in the creation of employment opportunities in downtown areas and historic commercial districts. 5. Enhancing the economic viability of downtown areas and historic commercial districts. The bill also requires WEDC to annually select, upon application, up to five new municipalities to participate in the state main street program, but a municipality's participation in the program is not limited to five years. The bill continues to require the corporation to provide related training, technical assistance, and information to municipalities not participating in the state main street program. Finally, under the bill, WEDC is no longer required to expend up to \$250,000 annually on the state main street program.

**Recycling--Local regulation of certain containers.** Current law limits the ability of municipalities to regulate auxiliary containers. "Auxiliary container" is defined as "a bag, cup, bottle, can, or other packaging that is designed to be reusable or single-use; that is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and that is designed for transporting or protecting merchandise, food, or beverages from a food service or retail facility." In general, a municipality may not 1) enact or enforce an ordinance regulating the use, disposition, or sale of auxiliary containers, 2) prohibit or restrict auxiliary containers, or 3) impose a fee, charge, or surcharge on auxiliary containers. Under the bill, DNR may grant a municipality an exemption from these prohibitions. A municipality seeking an exemption must make an application to DNR describing the type of container to which the exemption would apply and demonstrating that the municipality cannot sell the type of container at a price exceeding the recycling processing costs of the container.

**Increasing Public Construction Competitive Bidding Threshold.** The bill increases the amount at which a municipal public construction contract must be competitively bid from \$25,000 to \$50,000.

**Local government civil service system and grievance procedure requirements.** The bill modifies the requirements for any grievance system established by local governments, including adding a requirement for any civil service system or grievance procedure to include a just cause standard of review for employee terminations. Current law also requires that if a local governmental unit creates a grievance procedure, the procedure must contain certain elements, including a written document specifying the process that a grievant and an employer must follow; a hearing before an impartial hearing officer; and an appeal process in which the highest level of appeal is the governing body of the local governmental unit. The bill provides that the hearing officer must be from the Wisconsin Employment Relations Commission, and adds two additional required elements in the grievance procedure: 1) a provision indicating the grievant is entitled to representation throughout the grievance process; and 2) a provision indicating that the employer must bear all fees and costs related to the grievance process, except the grievant's representational fees and costs.

**Public records location fee.** Under the bill, the cost of locating a public record must be \$100 or more before an authority may impose a fee to cover the actual, necessary, and direct cost of locating the record. Under current law, the location costs must be \$50 or more before a fee may be charged.

**Expenditure Restraint Program and levy limits.** The bill clarifies that additional revenues a municipality receives because of a referendum to increase the municipality's property tax levy limit or the tax rate of a premier resort area tax does not disqualify the municipality from receiving expenditure restraint program payments.

**Video service provider fee.** Under current law, the state provides an aid payment to municipalities to compensate the municipalities for a state-mandated reduction in the amount of video service provider franchise fees that a municipality may impose and collect. The bill changes the appropriation for the aid payment from an annual appropriation to a sum sufficient appropriation.