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Politics

Bills on property rights, environmental rules get hearings

By Jason Stein and Lee Bergquist of the Journal Sentinel Jan. 5, 2016

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Madison —GOP proposals to broadly expand property rights, shrink environmental protections and limit powers of local government spurred sharp divisions Tuesday in a packed day of committee action at the Capitol.

The bills are part of a five-year trend in which Republican lawmakers have sought to use their control of state government to shift the balance toward development and individual property owners over other priorities such as water quality, tenant rights and local control.

In one action Tuesday, two GOP lawmakers said they were scaling back a proposal to dramatically limit local governments' ability to enact historic preservation rules.

With Assembly Speaker Robin Vos (R-Rochester) saying he wants to wrap up the Legislature's two-year session in February, lawmakers are rushing to hold hearings and committee votes on bills in an attempt to get them passed before legislators leave the Capitol for the rest of 2016.

The Assembly Environment and Forestry Committee took up a bill that would rewrite regulations dealing with waterways and land around them — an often stormy nexus that involves lake beds, wetlands, piers, boathouses and beaches.

Supporters of the changes in the Republican-backed bill say that protections for wetlands and other affected properties will remain, but landowners will have more flexibility to dig and construct in these sensitive areas.

"We can have both," said Rep. Adam Jarchow (R-Balsam Lake), a key sponsor, who touted his bill as a catalyst for development that would restore rights of property owners while reining in authority of the Department of Natural Resources.

But environmental groups said the measure went too far.

Also, officials of the DNR — which took no official stand on the bill — raised questions during testimony.

Pam Biersach, director of the bureau of watershed management, said some language appears to conflict with federal regulations and would inadvertently slow down the state approval process.

The DNR's concerns and others raised by the U.S. Army Corps of Engineers prompted legislators from both parties to suggest the bill needed changes to pass.

One hotly contested measure would allow a property owner who receives a general permit from the DNR to remove 30 cubic yards from the bed of an inland lake and 100 cubic yards of material in outlying waters every year.

Thirty cubic yards are equivalent to two or three loads from a dump truck.

The bill would also limit the types of areas the DNR could identify as special natural resources areas — a designation that affords higher levels of protection. The DNR would have to re-evaluate these areas, with final approval going to the Legislature.

The proposal would remove artificial bodies of water like ditches from regulation if not connected to natural waterways.

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Language would also make it easier to build or dredge in wetlands by limiting the scope of alternatives a property owner would need to first consider.

The provision allowing property owners to dig up lake beds was especially contentious.

Supporters said it would allow waterfront property owners to gain access to waterfronts that have filled up with sediment. The digging would still get oversight from the DNR, they said.

But Rep. Nick Milroy (D-South Range), an Assembly Environment and Forestry Committee member, said, "It would be an absolute destruction of fish and wildlife habitat along Wisconsin waterways."

Also Tuesday, the Senate housing committee held a hearing on a second local government bill that seeks to overhaul local restrictions on property owners. That proposal seeks to codify a past court decision by stating that in cases where an ordinance is challenged and found to be unclear, the court ruling should favor the rights of the property owner.

The Senate committee also held a hearing on another Republican bill aimed at allowing towns in Dane County to opt out of the zoning ordinances restricting development that are approved by the county's liberal board. Under the legislation, the towns that opt out of the county zoning would have to approve some form of joint zoning ordinance of their own.

Senate Majority Leader Scott Fitzgerald (R-Juneau), one of the lead sponsors of the bill, said Tuesday that he believed it had the support among GOP senators needed to pass his house.

The Senate panel also took testimony on a bill to overhaul the state's landlord tenant laws. Among a number of provisions, the proposal allows for landlords to evict tenants with a five-day notice who engage in drug crimes or crimes that threaten the health and safety of other tenants or the landlord.

This landlord legislation sponsored by Rep. Robert Brooks (R-Saukville) and Sen. Frank Lasee (R-De Pere) would prohibit municipalities from designating properties as historic landmarks or taking similar actions without the consent of their owners.

Lasee said Tuesday that the proposal would be amended to allow for new historic preservation districts to be enacted by local governments if two-thirds of the property owners in the affected area agree.

In other action, the Senate labor committee approved on a 3-2 party line vote a bill that would disqualify applicants for jobless benefits for seven years after two instances of fraud or misrepresentation in their applications.

The Senate Committee on Natural Resources and Energy held a separate hearing Tuesday on a bill to repeal Wisconsin's ban on building new nuclear reactors.

The bill has failed in past legislative sessions, but supporters say the proposal could get traction this time because Wisconsin will need energy that doesn't emit greenhouse gases to meet new federal climate regulations.

A companion proposal passed an Assembly committee unanimously in December, and that bill is scheduled for a floor vote on Jan. 12.

Critics say building nuclear reactors is an expensive way to comply with the plan.

Jason Stein reported for this story in Madison and Lee Bergquist in Milwaukee.

About Jason Stein

Jason Stein covers the state Capitol and is the author with his colleague Patrick Marley of "More than They Bargained For: Scott Walker, Unions and the Fight for Wisconsin." His work has been recognized by journalism groups such as the American Society of News Editors, the Society of American Business Editors and Writers, and the Association of Capitol Reporters and Editors.

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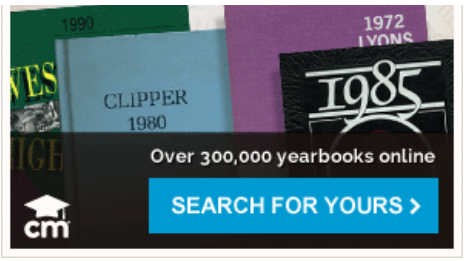

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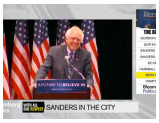

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