## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

CARYL TORRELL
(Name)

222 So HAMILTON #1
(Street Address or Route Number)

MADISON WI 53703
(City & Zip Code)

SIERRA CLUB-JOHN MUIR CHAPTER
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: 806, [redacted]

Michael Stapleton
(Name)

W8002 Whitetail Dr.
(Street Address or Route Number)

Pardeeville 53954
(City & Zip Code)

Wis. County Code Administrators
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Ann JABLONSKI
(Name)

League of Wisconsin Municipalities
(Street Address or Route Number)

2 E. Mifflin St. Ste 707 Madison
(City & Zip Code)

League of Wi Municipalities
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 26 Feb 98

Bill No. Or Subject: AB 806

ELMER A. GOETSCH
(Name)

7524 ISLAND VIEW RD
(Street Address or Route Number)

THREE LAKES WI 54562
(City & Zip Code)

WIS ASSN OF LAKES
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Richard Yde
(Name)

1115 S. Main St.
(Street Address or Route Number)

West Bend 53095
(City & Zip Code)

City of West Bend
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806, ~~807, 808, 810~~

Lawrence Classen
(Name)

222 So. Bedford
(Street Address or Route Number)

Madison 53703
(City & Zip Code)

Wisconsin's Environmental Decade
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806 TAKINGS

DAN WISNIEWSKI
(Name)

(Street Address or Route Number)

MADISON
(City & Zip Code)

Dane County Executive Kathleen Falk
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☐
- Registering *in favor:* ☐
- Registering *against:* ☑
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: Feb 26, 1998

Bill No. Or Subject: AB 806, ~~[illegible]~~

Amy Kester
(Name)

140 Main Street
(Street Address or Route Number)

Menasha 54952
(City & Zip Code)

City of Menasha
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☒
- Registering *in favor:* ☐
- Registering *against:* ☒
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB - 806

DAVE CZESLEWICZ (CHESS LEVICH)
(Name)

16 N. CARROLL ST.
(Street Address or Route Number)

MDSN 53703
(City & Zip Code)

1000 FRIENDS OF WI
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☒
- Registering *in favor:* ☐
- Registering *against:* ☒
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

David Krahn
(Name)

Rm 170 515 West Moreland Blvd
(Street Address or Route Number)

Waukesha 53188
(City & Zip Code)

Waukesha County
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 02-26-98

Bill No. Or Subject: AB 806

RANDALL J. RADTKE
(Name)

433 E. WASHINGTON ST
(Street Address or Route Number)

LAKE MILLS, 53551
(City & Zip Code)

LEAGUE OF WISCONSIN MUNICIPALITIES
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Jim O'Keefe
(Name)

210 Martin Luther King Jr Blvd
(Street Address or Route Number)

Madison 53701
(City & Zip Code)

City of Madison
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-27-98

Bill No. Or Subject: AB-806

William P. O'Connor
(Name)

25 W. Main Suite 801
(Street Address or Route Number)

Madison
(City & Zip Code)

Wis Assoc of Lakes
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Joanne Ricca
(Name)

6333 W. Bluemound
(Street Address or Route Number)

Milwaukee 53213
(City & Zip Code)

WI State AFL-CIO
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806 Takings

Steve Jacquart
(Name)

City Hall, 200 E. Wells
(Street Address or Route Number)

Milwaukee, WI 53202
(City & Zip Code)

City of Milwaukee
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☒

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Armin Reichow
(Name)

N7177 Hwy 26
(Street Address or Route Number)

Juneau, WI 53039
(City & Zip Code)

WI Farm Bureau
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☐
- Registering *in favor:* ☒
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Jerry Deschaine
(Name)

(Street Address or Route Number)

Madison
(City & Zip Code)

Wisc. Builders Assoc
(Representing)

- Speaking *in favor:* ☑
- Speaking *against:* ☐
- Registering *in favor:* ☒
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Kathy Markelard
(Name)

100 River Place Suite 101
(Street Address or Route Number)

Monona 53716
(City & Zip Code)

Wisconsin Counties Association
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☐
- Registering *in favor:* ☐
- Registering *against:* ☑
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806 TAXINGS

Russ Weisensel
(Name)

2820 Walton Common W
(Street Address or Route Number)

Madison 53718
(City & Zip Code)

WI Agribusiness Council
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Rep Mark Green
(Name)

(Street Address or Route Number)

115 West - State Capitol
(City & Zip Code)

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☑

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB806

Joan Spillner
(Name)

N 5095 Town Hall Rd
(Street Address or Route Number)

Mondello 53949
(City & Zip Code)

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Dean Pelkey
(Name)

(Street Address or Route Number)

Tomahawk, 54487
(City & Zip Code)

Lake States Resource Alli.
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 26 FEB 98

Bill No. Or Subject: AB ~~[illegible]~~ 806

Richard M. Smith
(Name)

868 W Grigglas Rd
(Street Address or Route Number)

Walcs 53183
(City & Zip Code)

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2.26.98

Bill No. Or Subject: AB 806 Gov't. Actions re: private prop.

Michael Theo
(Name)

4801 Forest Run Rd.
(Street Address or Route Number)

Madison, WI 53704
(City & Zip Code)

Wisc. Realtors Assoc.
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Alice O'Connor
(Name)

(Street Address or Route Number)

(City & Zip Code)

LSCA asst Timber Producers Assn
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☑

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Nadine Bailey
(Name)

Timber Producers Assoc.
(Street Address or Route Number)

(City & Zip Code)

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☑

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 3-26-98

Bill No. Or Subject: 806

TERRY PETERS
(Name)

Rt 1 Bx 178
(Street Address or Route Number)

MELLEN WI 54546
(City & Zip Code)

Self
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806 TAKING OF PRIVATE

Name: RICK STADELMAN

Street Address or Route Number: W7686 Hwy 29

City & Zip Code: SHAWANO WIS

Representing: WIS TOWNS ASSOC

- Speaking *in favor:* ☐
- Speaking *against:* ☒
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Name: ROGER CLIFF

Street Address or Route Number: BOX 5550

City & Zip Code: MADISON 53705

Representing: WIS. FARM BUREAU

- Speaking *in favor:* ☒
- Speaking *against:* ☐
- Registering *in favor:* ~~☒~~
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: Feb 26, 1998

Bill No. Or Subject: AB 806

Name: Dan Thompson

Street Address or Route Number: 202 State St.

City & Zip Code: Madison, WI 53703

Representing: League of Wisconsin Municipalities

- Speaking *in favor:* ☐
- Speaking *against:* ☒
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: Feb 26, 1998

Bill No. Or Subject: AB 806

BOB BOWMAN
(Name)

4417 Rocky Dell Rd
(Street Address or Route Number)

CROSS PLAINS, WI 53528
(City & Zip Code)

MYSELF
(Representing)

- Speaking *in favor:* ☒
- Speaking *against:* ☐
- Registering *in favor:* ☒
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Tom Tekst
(Name)

1001 W. Hwy 73
(Street Address or Route Number)

Portage WI 53901
(City & Zip Code)

Lake States Lumber Assoc.
(Representing) Leg. Co-Chair

- Speaking *in favor:* ☒
- Speaking *against:* ☐
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-97

Bill No. Or Subject: AB 806

Gene Fuchs
(Name)

15930 Shady Hollow Lane
(Street Address or Route Number)

Woodman, WI
(City & Zip Code)

Private Landowners of Wisconsin
(Representing)

- Speaking *in favor:* ☒
- Speaking *against:* ☐
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. 806 ~~807 808 810~~
Or
Subject TAKINGS

FRANCES LOCKE
(Name)

2242 WEST LAWN
(Street Address or Route Number)

MADISON WI 53711
(City & Zip Code)

WISCONSIN AUDUBON SOCIETY
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;*
Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: Feb 26 1998

Bill No. 806
Or
Subject

Earl Ellickson
(Name)

415 Jarlsberg Lane
(Street Address or Route Number)

Cambridge Wis 53523
(City & Zip Code)

(Representing)

Speaking *in favor:* ☒

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;*
Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. AB 806
Or
Subject

Alan Hastreiter
(Name)

1015 Sturgeon Eddy Rd.
(Street Address or Route Number)

Wausau, 54403
(City & Zip Code)

(Representing)

Speaking *in favor:* ☒

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;*
Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Byron Hawkins
(Name)

E. G. Trunk 4, P.O. Box 297
(Street Address or Route Number)

Bangor, WI. 54614
(City & Zip Code)

Lake States Lumber Assoc.
(Representing)

- Speaking *in favor:* ☑
- Speaking *against:* ☐
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

(AAG) JoAnne Kloppenburg
(Name) Dept of Justice

123 W. Washington Ave
(Street Address or Route Number)

Madison WI 53705
(City & Zip Code)

Attorney General James Doyle
(Representing)

- Speaking *in favor:* ☐
- Speaking *against:* ☒
- Registering *in favor:* ☐
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

GEORGE ROBAK
(Name)

11813 W. WATERFORD AV
(Street Address or Route Number)

GREENFIELD 53228
(City & Zip Code)

MY SELF
(Representing)

- Speaking *in favor:* ☒
- Speaking *against:* ☐
- Registering *in favor:* ☒
- Registering *against:* ☐
- Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Alan Russell Sr
(Name)

RR2 Box 270
(Street Address or Route Number)

Prairie du Chien WIS 5382
(City & Zip Code)

Myself + Plow
(Representing)

Speaking *in favor:* ☒

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Private Land Owners of WI

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/97

Bill No. Or Subject: AB 806 ~~AB 870~~

Bill Weber
(Name)

413738 Hwy 33
(Street Address or Route Number)

Barron, 54913
(City & Zip Code)

Myself and family
(Representing)

Speaking *in favor:* ☒

Speaking *against:* ☐

Registering *in favor:* ☒

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

James W. Conway
(Name) Kenosha City Attorney

625-52nd Street
(Street Address or Route Number)

Kenosha, WI 53142
(City & Zip Code)

City of Kenosha
(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Rep Albers/author

(Name)

(Street Address or Route Number)

(City & Zip Code)

(Representing)

Speaking *in favor:* ☒

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. Or Subject: AB 806

Jim Kurtz

(Name)

101 S. Webster St

(Street Address or Route Number)

Madison

(City & Zip Code)

DNR

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☐

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☒

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

## Assembly Hearing Slip

(Please print plainly)

Date: 2-26-98

Bill No. Or Subject: AB 806

Ed Huck

(Name)

14 W Mifflin

(Street Address or Route Number)

Madison, WI

(City & Zip Code)

WI Alliance of Cities

(Representing)

Speaking *in favor:* ☐

Speaking *against:* ☒

Registering *in favor:* ☐

Registering *against:* ☐

Speaking for *information only;* Neither for nor against: ☐

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

# Committee Meeting Attendance Sheet

## Assembly Committee on Land Use

Date: 2-26-98 Meeting Type: Hearing

Location: 328NW, State Capitol

| Committee Member | Present | Absent | Excused |
|---|---|---|---|
| Rep. Michael Powers, Chair | ☒ | ☐ | ☐ |
| Rep. John Ainsworth | ☒ | ☐ | ☐ |
| Rep. Carol Owens | ☒ | ☐ | ☐ |
| Rep. Peter Bock | ☒ | ☐ | ☐ |
| Rep. John Steinbrink | ☒ | ☐ | ☐ |
| Totals: | 5 | 0 | 0 |

Kathi Kilgore

Kathi Kilgore, Committee Clerk

The City of WEST BEND

**MEMORANDUM**

**TO:** ASSEMBLY COMMITTEE ON LAND USE

**FROM:** RICHARD C. YDE, CITY ATTORNEY RCY

**RE:** AB 806-810

**DATE:** FEBRUARY 25, 1998

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Thank you for the opportunity to comment on Assembly Bills 806, 807, 808, 809 and 810. Based on the bills themselves and the literature distributed by their sponsors, it appears the sponsors feel that people need to be protected from their local governments. What is the basis for such a belief? Have local governments run amok abusing their citizens? The bills are a bad solution to a nonexistent problem.

Local governments are very much governments of the people, by the people and for the people. Local governments are on the front line mediating disputes between property owners. They are elected by their fellow citizens to perform that job and do so conscientiously. It is contrary to the public interest to make it more difficult and more expensive for them to do their jobs. If they make a mistake, there are already numerous statutory and constitutional protections in place to protect citizens' rights. Additional micromanagement of local affairs by the state legislature and the courts is not good for anyone.

The bills before you will increase red tape and property taxes without any corresponding public benefit. Specific problems with the individual bills include the following:

**BILL 806**

— If the City chose to update its zoning code, it would have to get two appraisals done of every parcel in the City. Failure to do so would subject the City to the risk that the entire zoning code could be voided at any time because one property owner can find an appraiser to say his property has been reduced in value by half. The City generally waits several months and



Location Address: 1115 South Main Street / West Bend, Wisconsin / 53095
Mailing Address: P.O. Box 1975 / West Bend, Wisconsin / 53095-9975

pays well in excess of $1000 for each appraisal for eminent domain purposes. Two appraisals for each of 9,000 parcels in the City would likely take several years and cost in excess of $20,000,000. The City's annual budget is about $15,000,000.

— If an owner requests a zoning amendment for property, this bill would require the City to obtain appraisals of surrounding properties if their values might be affected. Thus a process that now takes a few weeks and costs a few hundred dollars would take months and cost thousands of dollars.

— Since the bill applies to boards and agencies of the City, it would apply to the Board of Zoning Appeals and Plan Commission among others. What is now a relatively cheap and streamlined process for property owners to obtain variances or conditional use permits would take months and cost thousands of dollars.

— It is not clear whether the costs of the appraisals can be passed on to property owners. Either way it is unreasonable. The property owner has to pay thousands of dollars for a simple variance request; or the taxpayers pay thousands of dollars every time a property owner makes such a request.

— It is not clear whether a denial of a variance or a conditional use permit is an action or a failure to act. However, it really does not make any difference since the City must obtain the appraisals before it is known how the board of appeals or plan commission will decide a request for either one.

— Proposed sec. 895.45(4)(b) requires the department of administration to "commence an action. . . if the interests of the public are at stake." Since the interests of the public are at stake in <u>every</u> action taken by a governmental unit, there are no cases in which the department would not be required to act.

— Based on the language of the bill, it apparently also would require the City to obtain appraisals of property outside the City if the value of that property might be affected by actions within the City.

— The bill lacks definitions of terms used such as "parcel", "probability", "owners", "good faith belief", "immediate and substantial threat", and "certain activities."

— Sec. 893.78 as created by this bill would eliminate any statute of limitations for private actions challenging the validity of ordinance since it is based on actual knowledge by the plaintiff rather than constructive knowledge (e.g.

"discovers or should have discovered"). There is no way to show that the plaintiff knew about the reduction in value before the plaintiff claims to know.

**BILL 807**

— Because the bill requires the City to prove receipt of the notice by every owner of property, the City would be forced to use registered mail to serve the notices. Even if we assume only one owner for each parcel and only a one page notice, the mailing cost alone for a rewrite of the City's zoning code would be in excess of $56,000. In addition to that would be staff time in creating the notices, identifying owners, mailing the notices, tracking the return receipts and trying to determine what to do about owners who did not receive the notice.

— This bill does not define what constitutes a good faith effort. Therefore, it is impossible to know what the City must do to determine who owners are.

— Nor does the bill define owner. Does it include only fee owners or all persons with ownership interests? Does it include land contract vendors and vendees, tenants, mortgagees, persons with life estates, others?

— Nor does it explain what happens when property is conveyed during proceedings.

— Ultimately no ordinance will be enforceable because it will be impossible to prove that every owner got notice at the appropriate time.

**BILL 808**

— This Bill reverses over 200 years of the law of this country that laws enacted by the elected representatives of the people are presumed to be valid.

— Again, terms such as "natural values" and "environmentally sensitive areas" are not defined. Would it apply to zoning designed to protect the City's water supply? It appears that it would make it much more difficult to protect the City's water supply from contamination.

— In order to adopt any such ordinance, the City would have to hire consultants at who knows what cost to prepare a comprehensive written record.

**BILL 809**

— This bill simply imposes more red tape on cities and places additional limits on the ability of local elected officials to exercise their discretion in the public interest.

**BILL 810**

— This bill allows the loser in a lawsuit to have his court costs paid by the taxpayers. What is the sense in that?

— This bill also requires the taxpayers to pay actual attorney fees for a private litigant if he can convince a court that a board of appeals made an unreasonable mistake. The City's board of appeal is made up of citizen volunteers, not lawyers. What is the sense in making the taxpayers pay more money if that citizen board made a mistake?

In summary, the bills before you would increase red tape for both property owners and local governments, increase uncertainty in the adoption and enforcement of laws, increase litigation and increase property taxes. The only obvious beneficiaries of the bills would be appraisers and trial lawyers. There is no public benefit. Bills such as these only encourage the perception that legislators do the bidding of special interests rather than acting in the public interest.

Before you make such drastic changes in the law and impose such huge costs on taxpayers, please do some investigation to be certain there really is a problem which needs addressing. If you find a general problem with a regulatory program, as opposed to an isolated incident, the solution should be to reduce or eliminate that program rather than to add another dysfunctional layer of regulation with unknown costs and consequences. Any solutions should be considered long and hard before changing a system of government which has served this country well for over 200 years and the state for 150 years.

# *WAUKESHA COUNTY*

*515 West Moreland Boulevard*
*Waukesha, Wisconsin 53188-2428*

*County Board Office*

*Phone: (414) 548-7002*
*Fax: (414) 548-7005*

February 26, 1998

TO: Representative Michael Powers, Chair
Members of the Assembly Committee on Land Use

FR: Dave Krahn
Legislative Assistant

RE: **AB 806, 807, 808, 810 - "Takings" Legislation**

Taken together, these bills severely limit the ability of local governments to manage land use within their boundaries. The exercise of land use controls is a long standing government responsibility in this country per a U.S. Supreme Court decision in the early 1900's, and is one of the oldest and well established principles of regulation in our society. While there have been problems in bringing about a perfect balance of land uses via past efforts, certainly future efforts will be greatly hampered if these bills are enacted. They will severely curtail communities' efforts to bring about "land use order", increase litigation, and severely impact the already overburdened court system.

Without reasonable regulation of land use control, environmental degradation will be the result, endangering public health, safety and welfare. Governments will be reluctant to act because of perceived adverse affects of taking any action. The public suffers because of such inaction. Adverse impacts on property values may also result as neighborhoods will not enjoy the long standing ideal of local governments' affording some protection of their property rights. Increased costs, and correspondingly, higher property taxes will result because of the need to rely on litigation and remediation rather than prevention.

For example, in 1997, our county had 65 rezoning reviews and 71 conditional use applications for which we had to prepare a response. Although we have not done appraisals for such items, we do have appraisals done for land acquisitions through our Park Division. Such appraisals average $2,500 each. Because there are two appraisals required under AB 806, the cost to Waukesha County in 1997 would have been $680,000, not including any other expenses incurred during the process of evaluating such matters. Further, if others come forward claiming property impact, the costs will go even higher. AB 807 does not have as severe an impact, but in conjunction with AB 806, it would require substantial staff time and incur significant dollars, thereby having a chilling affect on continued effective regulation of land use.

These bills will also have a negative impact on the effort to bring about the ideals stated in land use plans. Many communities adopt plans and opt to zone their lands for their current use and consider rezoning lands if the proposed new use will be consistent with the adopted land use plan. This technique affords more control, while also setting forth in a community wide document, the long term land use vision of the community. This practice will be severely impacted and will not allow the community the opportunity to enforce its plans because of the requirements of these bills.

This legislature, in cooperation with the governor, established the Wisconsin Land Council in the biennial budget of 1997-99. The Council has been delegated to comprehensively study land use in the state of Wisconsin for the 21st century. It has not as yet had its first meeting. Is it not well-advised, to at least give this important effort a chance before legislation such as this is placed on the books. Prudence and good government demands no less.

Waukesha County urges you to table this legislation.

Thank you for your consideration.

**WISCONSIN REALTORS® ASSOCIATION**

REALTOR®

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608-241-2047 • in WI 1-800-279-1972
Fax 608-241-2901 • E-mail wra@wra.org
URL http://www.wra.org

**DAVE STARK, GRI,** President

**WILLIAM MALKASIAN, CAE,** Executive Vice President

TO: Members, Assembly Land Use Committee

FROM: Michael Theo and Thomas Larson

DATE: February 26, 1998

RE: AB 806 – Economic Impact Assessments

---

The Wisconsin REALTORS Association (WRA) urges your support for AB 806, legislation requiring state and local governments to consider the impact of proposed land use regulations on the use and value of property before they enact such regulations.

Under current law, state and local governments may enact land use regulations without first considering the economic impact of the regulations on the affected parcels of land. As a result, the impact on the landowner generally is considered only if the affected landowner challenges the regulation in court -- after the regulation has been enacted. Even when challenged, the regulation is presumed to be valid and will be nullified only if the landowner can successfully prove that the regulation resulted in a total loss of economic viability -- an almost impossible burden to meet.

To provide landowners with some protection against unreasonable restrictions on their land that fall short of total devaluation, AB 806 requires state and local governments to "assess" whether a proposed regulation would unreasonably impact the use and value of the property, and, if so, compensate the landowner or refrain from enacting the regulation. Because this is merely a codification of the requirements currently in place under the Fifth Amendment of the U.S. Constitution, AB 806 does not impose any substantive limitations on the ability to engage in effective land use planning or regulation. Rather, AB 806 requires local and state governments to make more informed and responsible land use decisions.

Specifically, AB 806 requires state and local governments to perform an assessment before enacting a land use regulation that will likely reduce the value of property. If the assessment indicates that the land use regulation reduces the fair market value of a parcel of property by 50%, the government may implement the proposed land use regulation only if three-fourths of all the members of the elected body vote in favor of it. However, if the state or local government did not conduct an assessment, the landowner may request that the regulation be nullified.

AB 806 is not a form compensation legislation. Rather, AB 806 would merely require state and local governments to weigh the regulatory benefits provided to the general public against the severity of the restrictions on the use of the landowner's property before enacting a land use regulation. By requiring state and local governments to consider property impacts in advance, unreasonable land use regulations and costly legal battles would be minimized.

We urge you to support AB 806. Please feel free to contact us with any questions or comments.

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PH: (906) 774-6767
FAX: (906) 774-7255

February 26, 1998

TO: Chairman Powers and Members of the Assembly Land Use Committee

FR: Byron Hawkins, President
Lake States Lumber Association

RE: Assembly Bill 806 -- Regulatory Forethought

**We strongly support Assembly Bill 806** because state and local units of government would have to look at what they're doing before they charge ahead. They have to decide if what they're doing might cut the value of somebody's property in half or more. If so -- if they will be stripping that much value out of somebody's private land -- then the unit of government needs a three-quarters majority vote to pass that ordinance. This seems fair.

This shouldn't be asking too much. It's not asking them to spend more money. It's not asking them to pay that landowner. It's just saying they need to think before they act, then justify their actions publicly as well as provide a reasonable amount of time for the affected property owner to respond.

An important part of the bill says that if the board or agency pushes through an ordinance without doing the assessment of the affected property -- without the super-majority vote -- then the private landowner has the legal means to fight back and have that awful ordinance voided. Under current law, I know of a lot of people in this state who have spent years in court and spent thousands and thousands of dollars fighting unfair ordinances. If nothing else, this bill might help to speed up that process and save everyone on both sides a lot of time and money.

For people who can't afford to hire an attorney, it will also ensure with a three-quarters majority that benefits for the "public" are believed by a healthy majority of local elected officials.

I don't think we can get any more basic than that. I would think that most of the people in this state assume this is already law. I think most people are unaware of the ease with which their livelihood or retirement nest egg can be taken away by a plan commission or zoning board that hasn't even thought about the full consequences of its actions. And once the action is taken, we all know how hard it is to reverse it without going to court.

The Lake States Lumber Association supports AB 806 and asks that you do the same.

OFFICE OF THE CITY ATTORNEY
MUNICIPAL BUILDING
625 - 52ND STREET 53140
PHONE (414) 653-4170
FAX (414) 653-4176

JAMES W. CONWAY
CITY ATTORNEY

EDWARD R. ANTARAMIAN
ASSISTANT CITY ATTORNEY

T. CHRISTOPHER DEE
ASSISTANT CITY ATTORNEY

PATRICK J. SHEEHAN
ASSISTANT CITY ATTORNEY

February 25, 1998

Honorable Members of the State
Assembly Land Use Committee

RE: AB 806

Dear Committee Members:

Please be advised that the City of Kenosha opposes the above bill for the reasons provided in the report which follows. This report, for background purposes, addresses relevant court decisions in the land use area.

## A. Introduction

The City, in general, expresses the following concerns:

- The bill challenges the integrity of the municipal decision making process by implying that land use decisions are not made in good faith.

- The bill contains provisions which impose enormous fiscal burdens on municipalities, who are unable to comply without relief from the State's fiscal restraint program.

- The bill contains provisions which are not only impractical, but in cases impossible to administer.

- The bill fails to protect abutting and neighboring property owners from the negative effects of land development.

- The bill abrogates 75 years of Supreme Court decisions which balance the rights of a developer with the duties of a municipality.

- The bill addresses matters of local concern without showing any deference to local expertise and experience.

## B. Relevant Legal Concepts

An understanding of several general principles of Wisconsin law will provide a guide to an analyzing these bills.

**1. Zoning Ordinances Carry a Presumption of Validity**

It is a basic maxim of statutory construction that ordinances, like statutes, enjoy a presumption of validity. **State ex rel. Grand Bazaar v. Milwaukee**, 105 Wis. 2d 203 (1982).

A party challenging an ordinance must establish its invalidity beyond a reasonable doubt. **J & N Corp. v. Green Bay**, 28 Wis. 2d 583 (1965).

The shaping of zoning districts for land is primarily a legislative function and when the validity of the ordinance is fairly debatable it should be upheld and the court should not substitute its judgment for that of the municipality. **State ex rel. American Oil Co. v. Bessent**, 27 Wis. 2d 537 (1965).

Before a zoning ordinance can be declared unconstitutional, it must be shown to be clearly arbitrary and unreasonable. **Euclid v. Ambler Realty Co.**, 71 L.Ed. 303 (1926).

**2. Purpose of Zoning Ordinances**

The purpose of zoning ordinances is to control land use in an attempt to obtain orderly community development. **Kmiec v. Town of Spider Lake**, 60 Wis. 2d 640 (1973) recognized this goal as commendable.

**3. Nature of Zoning Regulations**

McQuillin on Municipal Corporations (3rd Ed.), in Section 25.01, defines zoning as a matter of local concern.

> Zoning is governmental regulation of the uses of land and buildings according to districts or zones...
>
> Zoning or urban land has its main effect upon the rights of inhabitants of the municipality and is therefore a matter of local or municipal, rather than of state-wide concern (emphasis supplied).

McQuillin in Section 25.02, states that zoning is desirable.

> Hence, the desirability of regulating the growth and development of urban communities through zoning laws is no longer open to question.

McQuillin on Municipal Corporations, (3rd Ed.), in Section 25.41, explains the broad scope of to zoning regulations.

> Zoning ordinances are valid even though they prohibit uses which are neither offensive nor dangerous, unless the prohibition passes the bounds of reason.

Section 62.23(7)(a), Wisconsin Statutes, grants cities the power to zone:

> (7) ZONING. (a) *Grant* **of** *power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subjection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere (emphasis supplied).

In 1923, zoning ordinances were declared constitutional in Wisconsin. **State ex rel. Carter v. Harper**, 182 Wis. 148 (1923).

**4. Zoning, By Its Very Nature, Limits Property Use**

**State ex rel Schleck v. Zoning Board of Appeals**, 254 Wis. 42, (1948), stated, "The very purpose of a zoning law is to establish limitations upon the use of private property and prescribe how it may be used" (emphasis supplied).

**5. Use Restrictions Incidental to Zoning Laws are Valid Even Where They May Reduce Value of Land or Make Land More Difficult to Sell**

The Federal and State courts have held that use restrictions are inherent in zoning laws and are valid so long as the restriction does not practically or substantially render the land useless for all reasonable purposes.

**Jefferson County v. Timmel**, 261 Wis. 39 (1952) held that hardship and incidental damages are not a basis for invalidating zoning regulations; and went on to adopt 58 Am. Jur., Zoning, p. 1016, sec. 140, which states:

> However, the pecuniary loss is only one of the considerations on which the final decision is to be based, **and the fact that a zoning ordinance causes a loss of revenue or profits, or a depreciation of the value of the property, or makes it more difficult for the owner to sell or dispose of the same, does not necessarily invalidate the ordinance** as a confiscatory, or unreasonable or arbitrary exercise of the police power. In this respect, it has been declared that the public health, safety, morals, and general welfare are superior in importance to the pecuniary profits of the individual owner. [Emphasis supplied.]

**Buhler v. Racine County**, 33 Wis. 2d 137 (1966), held that each individual parcel of land is not entitled to be zoned or rezoned for its highest financial use.

**Klinger v. Oneida County**, 149 Wis. 2d 838 (1988), concluded that, "[I]ncidental damage such as the dimunition of value of land because of a restricted use does not violate due process unless the restriction practically or substantially renders the land useless for all reasonable purposes" (emphasis supplied).

## C. Application of Legislation

The bill, if adopted, would apply to an estimated 296 city projects in 1998. See Exhibit "A". Many of these projects affect more than one parcel of property. There are 27,978 parcels of property in the City (as of 1-1-97) which would be affected in the event of a comprehensive rezoning.

## D. Need for Legislation In Issue

In the past 25 years the City has had 1 taking claim (involving extraterritorial zoning) filed against it involving the Vasey property at 12929 - 60th Street, Bristol. This complaint was dismissed without hearing when the plaintiffs sold their property for a reasonable price. The property owners had claimed a city zoning ordinance prevented

its sale. The lack of taking litigation is evidence that municipal land use policies have been fairly applied.

**E. Appraisal Process**

The bill contains a provision for an appraisal process which is impractical to administer. As noted above, the city will process about 300 land use transactions this year. There are 11 other municipalities (towns and villages), in Kenosha County, plus the county (we have county zoning), which process their own land use transactions.

There are 18 appraisers in the county. See Exhibit "B". It is impossible for them to do 600 appraisals for the city plus the volume of work required by the county and 11 other municipalities. Even if they could perform the appraisals, this would mean they would be unavailable to the private sector to do the work required to permit private land sales, property financing, divorce settlements and bankruptcies.

Further, appraisers do not have the training or experience to make subjective appraisals (what would be the value of parcel one if...?). The job of an appraiser is to determine the fair market value of property based upon objective, known factors.

The costs of appraisals is substantial. Attached as Exhibit "C" is an invoice for $1,960 from the City's appraiser in the Vasey taking claim, before referenced. The Vasey property was residential in nature. The appraisal cost did not involve testimony or the furnishing of a written report (which work did not continue due to the dismissal of the lawsuit). A typical residential appraisal invoice under a condemnation proceeding costs $850. See Exhibit "D".

**F. Analysis of AB 806**

This bill is difficult to understand because of the multiple concepts, which create a process which seems to be without end.

The appraisal requirement is impractical to administer because appraisers are not trained to evaluate property based on speculation. Due to vague definitions, it is impossible for a municipality to determine if there is a probability of fair market value reduction. This means, before acting on any land use issue, a municipality would need to procure 2 appraisals. The city, under this bill, would need to perform at least 600 appraisals a year and there are only 18 appraisers in the county. The city has paid nearly $2,000 for 1 residential appraisal in a takings case and routinely pays $850 per residential appraisal in condemnation proceedings. The fiscal effect upon just this city in

a given year would be $510,000 (600 x $850). In the event of a comprehensive rezoning the fiscal effect would be $23,781,300 (27,978 x 850).

Most land use decisions are undertaken by municipalities at the request of the property owner or developer. This bill would build in the land use review process a 1 or 2 year delay, penalizing property owners who desire to work with the municipality. If these bills were adopted it would probably become standard practice to have each owner or developer sign a waiver form, which would make the Statute meaningless.

This bill does not consider the effect of land use decisions on abutting and neighboring property owners which are not the direct subject of action. s. 62.23(7) 2m.a. provides that property owners within 100 feet of a proposed rezoning may file a protest petition which would then require a 3/4 vote for Common Council adoption. The function of zoning is to provide for orderly land use, not to provide each property owner with a potential to maximize their investment. Any bill which lessens the voice of property owners, affected by a land use decision respecting anothers property must be strictly scrutinized.

Let me provide you with an example of how a denial of a rezoning may be in the public interest: A developer desired to purchase a residential lot in a residential neighborhood to build a gas station, requiring a rezoning. The lot is worth $40,000 as a residential lot but $300,000 as a commercial lot. A denial of the rezoning will cost the developer $260,000. The 50% reduction in value of property requirement of the bill would be net. However, the granting of the rezoning will reduce the value of all properties in the neighborhood. The denial of rezoning is in the public interest and the loss of future profit or revenue to the developer is not of public concern.

Any legislation which increases the liability exposure of a municipality which denies a land use will put pressure on a municipality to grant a land use approval. Such legislation is contrary to the public interest. **Land use decisions must be made for the common good - not to maximize a developers profits.**

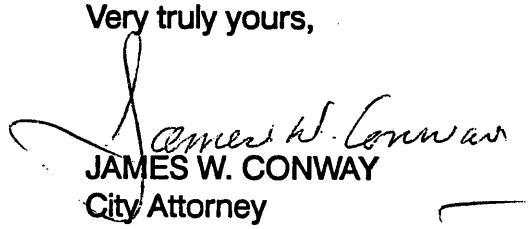
The bill creates an enormous procedural handle to accomplish an end result of a 3/4 vote for Common Council approval. Why not just require all land use decisions to be adopted by a 3/4 vote and avoid the procedural hurdles and economic burdens. We are close to that point now. A protest of a zoning ordinance now requires a 3/4 vote. City ordinances now require a 3/4 vote on zoning ordinances if there is an adverse recommendation from the City Plan Commission. Annexation ordinances must now be adopted by a 2/3 vote. However, there is a downside to this concept. Remember that nearly all land use decisions are made upon petition of a land owner to permit property

development. Do we want to make property development a political issue? That may be the result of requiring a super majority vote.

It should also be noted that real estate appraisals are not necessarily objective by their nature. An appraiser could appraise high or low depending on who hires them and their instructions.

In conclusion, the bill should be rejected.

Very truly yours,



JAMES W. CONWAY
City Attorney

JWC:bjb

# CITY DEVELOPMENT

## *Overview*

The Department of City Development consists of two divisions – the City Planning Division with eight employees and the Community Development division with four employees.

## *Purpose*

* Rezonings, annexations, subdivisions and developer's agreements, street and alley vacations.
* Neighborhood Vision Project, a multi–year neighborhood planning activity.
* Five year Capital Improvement Plan budget preparation.
* Census analysis and presentation.
* Official street map, district and ward map, quarter section maps, and zoning map preparation and updating.
* Strategic planning.
* Community Focus Commission events and survey.
* Community Development Block Grant Program.
* Assistance in the design and implementation of Harborpark.

## *Major Activities*

| | 1996 Actual | 1997 Estimated | 1998 Estimated |
|---|---|---|---|
| Annexation/Boundary Adjustment | 6 | 10 | 11 |
| Rezonings | 17 | 14 | 15 |
| Vacations (streets & alleys) | 19 | 12 | 13 |
| Subdivisions/Certified Surveys/Plats of Survey | 46 | 60 | 66 |
| Conditional Use Permits/Airport Plan Reviews/ Site Plan Reviews | 135 | 125 | 148 |
| Future Street Designations | 0 | 1 | 1 |
| Industrial Park Projects | 6 | 8 | 9 |
| Historic Nominations/Certs. | 50 | 30 | 33 |

## *Authorized Full–Time Positions*

| | 1996 | 1997 | Proposed 1998 |
|---|---|---|---|
| Director of City Development | 1 | 1 | 1 |
| Assistant City Planner | 1 | 1 | 1 |
| Planner II (1) | 3 | 3 | 4 |
| Engineering Technician IV (1) | 2 | 2 | 2 |
| Executive Secretary | 1 | 1 | 1 |
| Community Development Specialist II (1) | 2 | 2 | 2 |
| Real Estate Agent | 1 | 1 | 1 |
| Secretary II | 1 | 1 | 1 |
| Total City Development | 12 | 12 | 13 |

(1) Position may filled at a lower level.



EXHIBIT

" A "

J

K

# Real Estate Appraisers

*See also Appraisers*

L

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N

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*Certified Residential Appraiser*
DILHR ENERGY Inspections
10720 32nd Av Keno — 697-1335

O

GALLAGHER APPRAISAL ASSOCIATES
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**GRAVES WADE E & CO MAI**
5910 22nd Av Keno — 652-8041

P

HIGH MOUNTAIN APPRAISAL SERVICE
7328 25th Av Keno — 657-3820

Q

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**MIDDLE EARTH** 1221 39th Av Keno — 552-2760

V

**PITTS BROTHERS & ASSOCIATES**
PROFESSIONAL APPRAISALS OF ALL TYPES
OF REAL ESTATE

W

STATE LICENSED APPRAISERS
Michael A. Pitts
Wisconsin Certified General Appraiser #334

X

John M. Hogan, Jr.
Wisconsin Certified General Appraiser #387

Y

Donna R. Hanks
Wisconsin Certified Residential Appraiser #583
1000 60th Keno — 654-4900

PRUDENTIAL PREMIER PROPERTIES
6905 Green Bay Rd Keno — 697-2980

Z

**SELSBERG CHARLES M**
*Wisconsin Certified Residential Appraiser*
3824 Roosevelt Rd Keno — 694-5300

*Ameritech Pag*

**SHOVERS HENRY B COMPANY**
Robert M. Shovers, SRA
*WI RESIDENTIAL CERTIFIED APPRAISER*
3001 Douglas Av Racine — 639-8012

**SOUTHERN WISCONSIN APPRAISAL SERVICE**
Gene Bock, SRA, ASA, CRA
Wisconsin Certified General Appraisal
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• Employee Relocation
• DILHR Energy Inspections
6929 Mariner Dr Racine — 886-2450

**STACEY STANICH APPRAISAL SERVICE INC**
Stacey Stanich
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Service Inc.
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Fax 652-2425

STATEWIDE APPRAISAL SERVICE
1315 Douglas Av Racine — 552-9260

SWARTZ ADELAIDE R
5631 6th Av Keno — 657-1112

Z-ASSOCIATES APPRAISALS — 857-9106

EXHIBIT
" B "

**PAYMENT VOUCHER**

# CITY OF KENOSHA

**MUNICIPAL OFFICE BUILDING — KENOSHA, WISCONSIN 53140**

Vendor # _____

Date: December 9, 1996

**PAYEE** PITTS BROTHERS & ASSOCIATES,
1000 - 60th Street,
Kenosha, Wisconsin 53140.

(Invoice No. 1 Attached)

Account Distribution:

| DATE | EXPLANATION | AMOUNT |
|---|---|---|
| | PAYMENT FOR SERVICES RENDERED IN THE INVESTIGATION AND APPRAISAL OF VASEY PROPERTY, 12929 - 60th Street, Bristol, WI..... | $1,960.00 |

**APPROVED**

JAMES W. CONWAY, City Attorney
DEPARTMENT HEAD

DATE December 9 19 96

**APPROVED FOR PAYMENT**

DIRECTOR OF FINANCE

DATE

**EXHIBIT**

" C "

Southern Wisconsin Appraisal
6929 Mariner Drive
Racine, WI 53406-3938
Office #414-886-2450 / Fax #414-886-6145

**Invoice No. G9712029**

# INVOICE

**Customer**

Name: Department of City Development
Address: 625 52nd Street, Room 308
City: Kenosha State: WI ZIP: 53140
Phone: 414-653-4028

Date: 2/5/98
Order No.: Project 97-1021
Rep: Sharon Krewson
FOB:

| Hours | Description | Unit Price | TOTAL |
|---|---|---|---|
| | **Project 97-1021** | | |
| | Fee for Appraisal,5915 60th Street Antonacci & Fournier | $850.00 | $850.00 |

**Payment Details**

- ○ Cash
- ○ Check
- ○ -

Name
CC #

| | | |
|---|---|---|
| | SubTotal | $850.00 |
| | Shipping & Handling | |
| Taxes | State | |
| | | |
| | **TOTAL** | $850.00 |

Office Use Only

*Due on Receipt*

*Thank You For Your Order*

**EXHIBIT**
"D"

TESTIMONY OF ATTORNEY GENERAL JAMES E. DOYLE
IN OPPOSITION TO 1997 ASSEMBLY BILL 806

Hearing Before the Committee on Land Use
February 26, 1998

Attorney General James Doyle strongly opposes this bill because it is contrary to good government and sound policy-making, it advances only the parochial agenda of the very few who do not share the conservation and environmental ethic of the electorate, and it prohibits protective resource and environmental regulation, all at great direct and indirect cost to the citizens and taxpayers of this state. It is baffling to confront this bill that is so directly contrary to the will of the people when it comes to preserving the natural resources of this state, as expressed so dramatically in the form of the recently passed mining moratorium.

The proponents propose this bill because they must believe that the balance struck in the state constitution is weighted too heavily in favor of the public interest. The evenhanded regulation of Wisconsin's state and local governments has not gone far enough to require compensation, so that no takings claims have lately succeeded in this state. This bill lowers the threshold definition of a taking, and makes resource and environmental regulation, including protection of the public trust in state waters, bureaucratically and fiscally impossible. The Attorney General cannot condone this end-run around the state constitution.

This bill will require enormous expenditures of resources to prepare assessments, and will chill or outright prohibit governmental actions to promote rational land use and to protect the environment and natural resources of the state. The fiscal note on this bill should be stratospheric. The major problems with the bill aside from cost are many.

1. The scope of the bill is extreme, requiring outside assessments whenever there is a "probability" of **any reduction** (no matter how slight) in the fair market value of a parcel. Sec. 895.34(2)(a). This would sweep in routine zoning matters, as well as routine dredging, filling, and pier permit matters.

For example, a zoning administrator denies a permit to build a two-car garage because of setback encroachment, or a local government approves a commercial development in the midst of a residential neighborhood, or the DNR denies a permit to add slips to a pier serving multiple backlot owners. In all three cases, it is likely that the restriction will reduce the fair market value, no matter how modestly, so that the assessment provision would be triggered. That provision requires two assessments by two separate appraisers other than a town, city, county or agency appraiser. This will put great pressure on local and state government decision makers to cave in to applicants, to avoid the expense and bother of burdensome assessments.

2. The bill requires the impossible--assessments of individual properties when the action in question affects large numbers of parcels, throughout a municipality, county or even the state. For example, when DNR promulgates statewide restrictions, like water quality standards or confined animal feedlot provisions, or when a local government imposes municipality-wide requirements like sidelot or frontyard setback requirements, literally interpreted the bill would require the DNR and local government to identify all potentially affected parcels--an impossible task--and then hire outside appraisers to conduct assessments, two each, of those parcels. The same applies to permitting decisions that affect blocs of parcels, like landfill approvals.

3. The bill **flatly prohibits environmental regulations** that could reduce the value of a single, isolated parcel--the new definition of a "taking" under the bill--rather than requiring compensation. Sec. 895.45(3)(b). By contrast, the takings clause in the constitution does not prohibit takings, only **uncompensated** takings. It is presumably because the proponents have been unable to get compensation for the costs all state citizens must bear that this bill is proposed to ban the offending regulation altogether. This bill would preclude important statewide environmental regulations--often in areas in which Wisconsin has been a proud leader in the nation--even though the "taking" of property by the regulation might be minuscule. This is a frontal assault on environmental regulation.

4. The bill does not define the **measuring point** for reductions in fair market value. Sec. 895.32(1)(g)2. Is the difference in value to be based on no regulation vs. regulation (likely to be large), or is the difference to be between the property as regulated prior to the new regulation and afterward (likely to be smaller)? The assumptions used by the assessors in determining pre-governmental fair market value are critical, but are not addressed in the bill.

For example, DNR denies an application to place a ten-slip pier at a property, but allows three slips. It is undisputed that the market value of the property would be significantly higher if the owner could place ten slips. From the state's perspective, there was never any "entitlement" to place more than three slips, never mind ten slips, and so DNR's action has not reduced the fair market value beyond its real level. However, the owner is likely to argue that the court (and the agency) should measure the difference between the property with three slips and the property with ten slips. This is a huge discrepancy.

5. The bill voids government actions merely because they **"may"** result in a reduction in value, the bill's new definition of taking. Sec. 895.43(4)(a) and (5). This will spawn substantial litigation over the process, and will chill governmental decision makers. The path of least resistance will become caving in to the demands of applicants, at the expense of the community as a whole and neighbors of a project.

6. The bill provides **free state lawyers** to property owners who believe that a governmental restriction has reduced the fair market value of their property, even though by a minuscule amount. Sec. 895.43(4)(a)(2-3). The bill requires litigation when "the interests of the public are at stake"--a nebulous standard under which unhappy owners will now sue the DAs and DOA when they refuse to bring an action. Government must be sued under the bill when the interests of the public are at stake, but government is not free to act to promote the interests of the public (under the bill government is free to act under the bill only when necessary to prevent an immediate threat to life or property or to respond to an immediate threat to public health and safety). The imbalance is extreme.

7. The bill pays government lawyers to sue government agencies to redress private injuries. The Attorney General opposes any such "**private intervenor**" provisions.

8. The bill inadequately defines "reasonable response to an obligation mandated by federal law." Sec. 895.43(7)(d). Does this exception cover the wetland rules (NR 103)? On the one hand, these rules are part of the federal delegated program; on the other, a state is not required to adopt standards and seek delegation. And what is a reasonable response, and how is a court supposed to decide what is reasonable?

If there are regulations or zoning or permitting decisions that so often go so far that individuals are bearing too much of the burden of public costs, then identify those regulations or decisions or standards, and enlist the public in an open and vigorous debate over those restrictions. This bill quashes any such debate and sneaks through the back door what Wisconsin citizens would likely never invite through the front door.