

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/22/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters: **kuesejt
rmarchan**

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus # 1404,

Topic:

Technical changes to comprehensive planning, smart growth motion

Instructions:

See Attached. See 1999 b0519/5

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/27/99 kuesejt 06/27/99	wjackson 06/28/99	mclark 06/28/99	_____	lrb_docadmin 06/28/99		
/2	rmarchan 06/28/99	wjackson 06/28/99	martykr 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

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/1	shoveme 06/27/99	wjackson 06/28/99	mclark 06/28/99	_____	lrb_docadmin 06/28/99		
	kuesejt 06/27/99	<i>/2 6/28 WLj</i>		_____			

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/1	shoveme	/1 WLJ 6/28	MRC 6/28	rjm WLJ			

FE Sent For:

kmj/29

<END>

yes

61013

Agency: Comprehensive Planning

caucus number 1404

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1110	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provides for technical changes to the omnibus comprehensive planning/smart growth motion

other notes

drafting instructions: see FM 1110 and attached memo

more instructions:

Agency: **Comprehensive Planning**

Number of Amendments: 1

DATE: June 18, 1999

RE: Senate Caucus Budget Motion Request #4
Comprehensive Planning - Technical Changes

See attached technical changes to the omnibus comprehensive planning/smart growth motion.

In addition, we would like to reserve the ability to make any other technical changes - especially with respect to the smart growth dividend formula - once we see and review the statutory language in the LRB draft.

CN 1404

Comprehensive Planning

- Problem areas
1. Remove definition of "comprehensive plan" in s. 66.0295 (1)(a). Replace references to "county development plan" in sections 1578 and 1579 with "comprehensive plan". Replace references to "master plan" in sections 1579, 1590, 1591, 1645 and 1646 with "comprehensive plan".
- NOT done

This is a technical amendment which replaces references to development and master plan with comprehensive plan. The intent is to avoid confusion and the necessity for readers of the statutes to reference back and forth through the statutes.

2. Replace the references in s. 59.69(3) from "county development plan" to "county comprehensive plan". Change language in s. 59.69(3)(a) to read:
- Done

(3) The county development ~~comprehensive~~ plan. (a) The county zoning agency shall ~~may~~ direct the preparation of a county development ~~comprehensive~~ plan or parts thereof..."

This amendment, at the request of the Wisconsin Counties Association, removes a statutory requirement for preparation of a plan, but requires that if a comprehensive plan is prepared it must be complete.

- JTK
3. Remove the requirement in the Joint Finance action that assessments of state agencies to fund the planning grants must come from each agency's GPR-funded general program operations appropriations.

This amendment would give agencies more flexibility in determining where to find funding for this program.

6-21-99

ADDITIONAL CHANGE TO COMPREHENSIVE PLANNING PROVISION,

REPLACE "SMART GROWTH DIVIDEND" PROVISION WITH THE FOLLOWING FORMULA:

1. Create a Smart Growth Dividend Credit Program in FY 2005-006.
2. Only communities with comprehensive plans and consistent supporting zoning and subdivision ordinances recognized by the Land Council would be eligible to apply.
3. Communities would get one credit for each new housing unit that was sold or rented on lots of one quarter acre or less in the preceding calendar year.
4. Communities would get an extra credit for every unit that was sold at 80% or less of the county median sale price for new homes that year.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1013/2
MES/.../...
WLj
EJTK

wanted soon

SDC:.....Walter - Caucus # 1404, Technical changes to comprehensive planning, smart growth motion

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-noted

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 *# Page 59, line 13: delete "from general purpose revenue" (C)*
- 3 ✓ 1. Page 761, line 23: delete "shall" and substitute "shall may".
- 4 ✓ 2. Page 1479, line 22: after "aid" insert "credit".
- 5 ✓ 3. Page 1479, line 24: after "aid" insert "credits".
- 6 ✓ 4. Page 1480, line 3: after "act" insert "and must also have in effect zoning
- 7 ordinances and subdivision regulations, as described in section 66.0295 (3) (h), (j),
- 8 (k) and (L) of the statutes, as created by this act, that are consistent with the
- 9 comprehensive plan,".
- ✓ 5. Page 1480, line 10: after that line insert:

NON STATIS

1 “(c) The proposal shall specify that a city, village, town or county shall receive
2 one aid credit for each new housing unit that was sold or rented, on lots that are no
3 more than one-quarter acre, in the year before the year in which the grant
4 application is made. The proposal shall also specify that a city, village, town or
5 county shall receive one credit for each housing unit that was sold at no more than
6 80% of the median sale price for new homes in the county in which the city, village
7 or town is located or primarily located in the year before the year in which the grant
8 application is made. Grants shall be awarded based on the number of credits that
9 a city, village, town or county receives in the year to which its application relates.” ©

10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1013/1dn

MES.../:...
WJ

This amendment is based on the instructions contained in caucus number 1404. The first instruction requests the removal of the definition of "comprehensive plan" from s. 66.0295 (1) (a) and requests that statutory uses of "county development plan" in s. 59.69, and other areas of the statutes, and uses of "master plan" in s. 62.23, and other areas of the statutes, be amended with the term "comprehensive plan." The instructions state that this is a "technical change" that is designed "to avoid confusion and the necessity for readers of the statutes to reference back and forth through the statutes." After consulting with Doug Burnett of Senator Chvala's office and Rick Olin of the LFB, ~~we~~^{she} decided that I should not implement this instruction.

The requested change is substantive, not technical, because it seems to have the effect of making all current county development plans and city, village and town master plans in violation of the requirements of s. 66.0295 (2). It is my understanding that it is not the intent of s. 66.0295 to require every city, village, town and county in the state to adopt a comprehensive plan under s. 66.0295 upon the effective date of the AB-133, which the requested technical change appears to do.

In addition, s. 66.0295⁽¹⁾ (a) would still cross-reference plans under ss. 59.69 and 62.23, so readers of the statutes would still have to look at a number of statutes that are in different places. It seems to me that instituting the requested change would make the statutes more confusing, not less, and would create circular definitions.

If your intent is to require every city, village, town and county in the state to adopt a comprehensive plan under s. 66.0295 upon the effective date of the AB 133, please let me know and I will implement the requested technical change.

Also, the instructions regarding the "smart growth dividend" proposal were a little vague. There is no definition of "housing unit" so I don't know what the effect of the change will be. It seemed to me that your intent is to make the smart growth grants available only to units of government that earn "credits" under the formula in the instructions. Is this correct? Please review these changes carefully to ensure that they meet your intent.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb101341
MES&JTK:wlj/mtt

SDON

RMR

SDC:.....Walter - Caucus # 1404, Technical changes to comprehensive planning, smart growth motion

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

Dr Note

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 59, line 13: delete "from general purpose revenue".
- 3 2. Page 761, line 23: delete "shall" and substitute "shall may"
- 4 3. Page 1479, line 22: after "aid" insert "credit".
- 5 4. Page 1479, line 24: after "aid" insert "credits".
- 6 5. Page 1480, line 3: after "act," insert "and must also have in effect zoning
- 7 ordinances and subdivision regulations, as described in section 66.0295 (3) (h), (j),
- 8 (k) and (L) of the statutes, as created by this act, that are consistent with the
- 9 comprehensive plan,".

1 **6.** Page 1480, line 10: after that line insert:

2 “(c) The proposal shall specify that a city, village, town or county shall receive
3 one aid credit for each new housing unit that was sold or rented, on lots that are no
4 more than one-quarter acre, in the year before the year in which the grant
5 application is made. The proposal shall also specify that a city, village, town or
6 county shall receive one credit for each ^{new} housing unit that was sold at no more than
7 80% of the median sale price for new homes in the county in which the city, village
8 or town is located or primarily located in the year before the year in which the grant
9 application is made. Grants shall be awarded based on the number of credits that
10 a city, village, town or county receives in the year to which its application relates.”

11

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1013/lan ^{rdh}
MES:wlj:mrc

June 28, 1999

This amendment is based on the instructions contained in caucus number 1404. The first instruction requests the removal of the definition of "comprehensive plan" from s. 66.0295 (1) (a) and requests that statutory uses of "county development plan" in s. 59.69, and other areas of the statutes, and uses of "master plan" in s. 62.23, and other areas of the statutes, be amended with the term "comprehensive plan." The instructions state that this is a "technical change" that is designed "to avoid confusion and the necessity for readers of the statutes to reference back and forth through the statutes." After consulting with Doug Burnett of Senator Chvala's office and Rick Olin of the LFB, we decided that I should not implement this instruction.

The requested change is substantive, not technical, because it seems to have the effect of making all current county development plans and city, village and town master plans in violation of the requirements of s. 66.0295 (2). It is my understanding that it is not the intent of s. 66.0295 to require every city, village, town and county in the state to adopt a comprehensive plan under s. 66.0295 upon the effective date of AB 133, which the requested technical change appears to do.

In addition, s. 66.0295 (1) (a) would still cross-reference plans under ss. 59.69 and 62.23, so readers of the statutes would still have to look at a number of statutes that are in different places. It seems to me that instituting the requested change would make the statutes more confusing, not less, and would create circular definitions.

If your intent is to require every city, village, town and county in the state to adopt a comprehensive plan under s. 66.0295 upon the effective date of the AB 133, please let me know and I will implement the requested technical change.

Also, the instructions regarding the "smart growth dividend" proposal were a little vague. There is no definition of "housing unit" so I don't know what the effect of the change will be. It seemed to me that your intent is to make the smart growth grants available only to units of government that earn "credits" under the formula in the instructions. Is this correct? Please review these changes carefully to ensure that they meet your intent.

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E-mail: Marc.Shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1013/2dn
MES:wlj:km

June 29, 1999

This amendment is based on the instructions contained in caucus number 1404. The first instruction requests the removal of the definition of "comprehensive plan" from s. 66.0295 (1) (a) and requests that statutory uses of "county development plan" in s. 59.69, and other areas of the statutes, and uses of "master plan" in s. 62.23, and other areas of the statutes, be amended with the term "comprehensive plan." The instructions state that this is a "technical change" that is designed "to avoid confusion and the necessity for readers of the statutes to reference back and forth through the statutes." After consulting with Doug Burnett of Senator Chvala's office and Rick Olin of the LFB, we decided that I should not implement this instruction.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1013/2
MES&JTK:wlj:km

SDC:.....Walter - Caucus # 1404, Technical changes to comprehensive
planning, smart growth motion

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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6 than 80% of the median sale price for new homes in the county in which the city,
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8 grant application is made. Grants shall be awarded based on the number of credits
9 that a city, village, town or county receives in the year to which its application
10 relates.”.

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(END)