

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 09/28/1999

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**

Extra Copies:

**Pre Topic:**

LFB:.....Olin -

**Topic:**

Dane County regional planning commission changes

**Instructions:**

See attached. Also see b0124, b0981, -2844/2 and -2847/1

**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 09/30/1999	gilfokm 10/01/1999	jfrantze 10/01/1999	_____	lrb_docadmin 10/01/1999		

FE Sent For:

<END>

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Dane County regional planning commission changes

**Instructions:**

See attached. Also see ~~b0174~~, ~~b0984~~ -2844/2 and -2847/1

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1?	shoveme	11-9-30-99 King	26 10/11	26 cjs 107			

11 MES 9/30/99

FE Sent For:

<END>



State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

To: cc: FISCAL  
BUREAU

all 60124

FAX COVER SHEET

TO: LRB DRAFTING

FROM: DOUG BURNETT

RE: RPC AGREEMENT

PAGES: \_\_\_\_\_ (Including Cover)

DATE: \_\_\_\_\_

cc: BRETT  
FISCAL BUREAU NOTES

6-7445

PLEASE DRAFT AS A CONFERENCE COMPROMISE  
ON DANE CTY RPC AGREEMENT. LADD WILEY  
FROM THE GOV. OFFICE MAY BE CONTACTED. You  
CONTACT  
MAY AS WELL - TUPF WELLS AT DANE COUNTY.  
TUPF WELLS PHONE NUMBER IS 266-9069

# INTERIM DANE COUNTY REGIONAL PLANNING COMMISSION

## Statutory Changes

1. **Board Structure.** The Dane County Regional Planning Commission (hereinafter "DCRPC") shall be governed by a thirteen-member board with the following composition and governing structure:

a. Members of the board shall be appointed as follows:

- (1) City of Madison: Four Members
- (2) Towns: Three Members
- (3) Villages and other cities: Three Members
- (4) County Executive: Three Members (one each from the City of Madison, towns, and small cities & villages.

b. No more than three members of the DCRPC may be County Board Members.

c. A supermajority of 8 votes shall be required for Urban Service Area changes (Sec. 208) and for changes to the Dane County Land Use and Transportation Plan (for example, the Vision 2020 as required under ISTEPA)

*Change to an  
USA designated  
under  
33 USC  
1288*

*Red  
Clean  
water  
act*

2. **Life of the DCRPC.** The DCRPC shall sunset on October 1, 2002.

3. **Task Force.** A fifteen member task force shall be appointed by the Governor to study and make recommendations on the creation of a multi-county regional planning commission to replace the DCRPC after dissolution on October 1, 2002.

## Non-Statutory Agreement

1. **Agreement.** The Dane County Towns Association and the Dane County Executive shall support the merger of staffs, as discussed over the past two years.

*try to make this general  
I only applies to 1*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1871/1  
MES.....

*Today*

*King*  
*RMR*

LFB:.....Olin - Dane County regional planning commission changes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

*D-note*

*INS. A from page 3*

*nonstat.*

At the locations indicated, amend the substitute amendment as follows:

1. Page 1570, line ~~10~~<sup>8</sup>: after that line insert:

~~(D)~~ <sup>D W C</sup> DANE COUNTY REGIONAL PLANNING COMMISSION.

(a) Notwithstanding the composition of the membership of the Dane County regional planning commission that is determined under section 66.945 (3) (b) of the statutes and the terms for such regional planning commission members that are determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane County regional planning commission who holds office on the 30th day after the effective date of this paragraph <sup>✓</sup> may remain in his or her office beyond that date unless he or she is reappointed under paragraph (b).

1 (b) Beginning on the 31st day after the effective date of this paragraph, the  
2 Dane County regional planning commission shall consist of the following members,  
3 subject to ~~plan~~(c): *paragraph*

4 1. Four members who are appointed by the mayor of the ~~City~~ of Madison.

5 2. Three members who are appointed by the governor from a list of names  
6 submitted by an association representing towns that is in existence on January 1,  
7 1999.

8 3. Three members who are appointed by the governor from a list of names  
9 submitted jointly by an association representing villages and by an association  
10 representing 3rd and 4th class cities, both of which are in existence on January 1,  
11 1999.

12 4. Three members who are appointed by the Dane County executive, one of  
13 whom shall be a resident of the ~~City~~ of Madison, one of whom shall be a resident of  
14 a town that is located in Dane County and one of whom shall be a resident of a village  
15 or a 3rd or 4th class city that is located in whole or in part in Dane County.

16 (c) Not more than 3 of the members appointed under ~~that~~ *paragraph* (b) may be members  
17 of the Dane County board. If more than 3 members of the Dane County board are  
18 appointed under ~~that~~ *paragraph* (b), the first 3 Dane County board members who are appointed  
19 shall be on the Dane County regional planning commission and the individual who  
20 appointed Dane County board members who may not be on the commission shall  
21 appoint other individuals for those positions on the commission.

22 (d) For any action taken by the Dane County regional planning commission in  
23 any of the following areas, a supermajority of 8 votes is required:

24 1. Any changes to an urban service area, as designated under 33 USC 1288.

25 2. Any changes to the Dane County ~~Land Use and Transportation Plan~~.

1 (e) Notwithstanding the procedures for dissolution of a regional planning  
 2 commission that are specified under section 66.945 (15) of the statutes, the Dane  
 3 County regional planning commission shall be dissolved on October 1, 2002. All  
 4 unexpended funds of the commission on that date shall be applied to any outstanding  
 5 indebtedness of the commission. If any outstanding indebtedness of the commission  
 6 remains after the application of the unexpended funds to such debts, the remaining  
 7 indebtedness shall be assessed to Dane County. If the commission has no  
 8 outstanding indebtedness and has unexpended funds, such funds shall be returned  
 9 to the cities, villages, towns or county that supplied them. "

10 ~~The~~ The governor shall appoint a task force, consisting of 15 members, which  
 11 shall study, and make recommendations regarding, the creation of a multi-county  
 12 regional planning commission to replace the Dane County regional planning  
 13 commission after its dissolution. "

(END)

14

#, page 15, line 24; after that line insert:

resubstat. A "(1w) (CS) Dane county regional planning commission."

~~the~~

D-note

CA

INSA - move to p. 1, l. 1

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

LRBb18717/dn  
MES.....

*Kmg*

*Do this OK?*

*of the DCRPC that*

*by an association representing*

This amendment is based on the instructions I received, which were incomplete. Please review the amendment carefully and let me know if it needs to be redrafted. In particular, please note the following:

1. The instructions do not indicate who is supposed to appoint the "Towns" or "Villages" members. Doug from Sen. Chvala's office said that the mayor of Madison is to appoint the City of Madison members. Under the amendment, the governor appoints the Towns and Villages members from lists provided by an association representing towns and by an association representing villages and 3rd and 4th class cities. I left a message with Ladd Wiley of the Governor's office to see if he knew who should appoint the Towns and Villages members, but I haven't heard back from him yet.

*jointly*

2. There was no information on how to proceed if more than 3 members of the Dane County board are appointed to the DCRPC. Does par. (c) meet your intent?

3. Please review par. (d); the term "urban service area" does not appear in section 208 of the federal Clean Water Act, 33 USC 1288, so I'm not sure if par. (d) 1. meets your intent. The reference to the "Dane County Land Use and Transportation Plan" seems sort of vague. Do you want to refer to an ordinance that has been enacted by the Dane County board?

You should also be aware that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". This proposal is applicable only to the Dane County regional planning commission.



Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

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

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

LRBb1871/1dn  
MES:kmg:jf

October 1, 1999

This amendment is based on the instructions that I received, which were incomplete. Please review the amendment carefully and let me know if it needs to be redrafted. In particular, please note the following:

1. The instructions do not indicate who is supposed to appoint the "towns" or "villages" members of the DCRCP. Doug from Sen. Chvala's office said that the mayor of Madison is to appoint the city of Madison members. Under the amendment, the governor appoints the towns and villages members from lists provided by an association representing towns, and jointly by an association representing villages and by an association representing 3rd and 4th class cities. Is this OK? I left a message with Ladd Wiley of the governor's office to see if he knew who should appoint the towns and villages members, but I haven't heard back from him yet.

2. There was no information on how to proceed if more than 3 members of the Dane County board are appointed to the DCRPC. Does par. (c) meet your intent?

3. Please review par. (d); the term "urban service area" does not appear in section 208 of the federal Clean Water Act, 33 USC 1288, so I'm not sure if par. (d) 1. meets your intent. The reference to the "Dane County land use and transportation plan" seems sort of vague. Do you want to refer to an ordinance that has been enacted by the Dane County board?

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Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1871/1  
MES:kmg:jf

LFB:.....Olin – Dane County regional planning commission changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1511, line 24: after that line insert:

3 “(1w) DANE COUNTY REGIONAL PLANNING COMMISSION. The governor shall appoint  
4 a task force, consisting of 15 members, which shall study, and make  
5 recommendations regarding, the creation of a multicounty regional planning  
6 commission to replace the Dane County regional planning commission after its  
7 dissolution.”.

8 **2.** Page 1570, line 8: after that line insert:

9 “(8w) DANE COUNTY REGIONAL PLANNING COMMISSION.

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2 regional planning commission that is determined under section 66.945 (3) (b) of the  
3 statutes and the terms for such regional planning commission members that are  
4 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane  
5 County regional planning commission who holds office on the 30th day after the  
6 effective date of this paragraph may remain in his or her office beyond that date  
7 unless he or she is reappointed under paragraph (b).

8 (b) Beginning on the 31st day after the effective date of this paragraph, the  
9 Dane County regional planning commission shall consist of the following members,  
10 subject to paragraph (c):

11 1. Four members who are appointed by the mayor of the city of Madison.

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13 submitted by an association representing towns that is in existence on January 1,  
14 1999.

15 3. Three members who are appointed by the governor from a list of names  
16 submitted jointly by an association representing villages and by an association  
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18 1999.

19 4. Three members who are appointed by the Dane County executive, one of  
20 whom shall be a resident of the city of Madison, one of whom shall be a resident of  
21 a town that is located in Dane County and one of whom shall be a resident of a village  
22 or a 3rd or 4th class city that is located in whole or in part in Dane County.

23 (c) Not more than 3 of the members appointed under paragraph (b) may be  
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1 who are appointed shall be on the Dane County regional planning commission and  
2 the individual who appointed Dane County board members who may not be on the  
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14 indebtedness shall be assessed to Dane County. If the commission has no  
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16 to the cities, villages, towns or county that supplied them.”

17

(END)