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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: May 10, 1999

TO: REPRESENTATIVE THOMAS SYKORA, CHAIRPERSON, AND  
MEMBERS OF THE ASSEMBLY COMMITTEE ON HOUSING

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 177, Relating to the Razing of a Historic Building  
Following Preparation of a Historic Record of the Building and LRB-0263/1,  
an Amendment to the Bill

1999 Assembly Bill 177, relating to the razing of a historic building following preparation of a historic record of the building by the State Historical Society, was introduced on March 8, 1999 by Representative La Fave and others, cosponsored by Senator Robson and others. The bill was referred to the Assembly Committee on Housing, which held a public hearing on the bill on April 1, 1999.

LRB-0263/1, an amendment to the bill, was drafted at Representative La Fave's request to address concerns raised at the public hearing. The amendment has not been introduced. A copy of the amendment is attached to this memorandum.

Under current law, the State Historical Society is required to notify a city, village, county or town (a municipality) of any historic building located in the municipality. If an application is made or an order is issued to raze a historic building, or if a municipality intends to raze a historic building, the municipality in which the building is located must notify the State Historical Society of the order, application or intent. The historic building may not be razed for 30 days after the notice is given. During the 30-day period, the State Historical Society must be granted access to the historic building to create or preserve a historic record.

The bill provides that if the State Historical Society *completes* its creation or preservation of a historic record of the building before the end of the 30-day period, the State Historical Society may waive its right to access to the building and may "authorize" the person who intends to raze the building to proceed before the end of the 30-day period.

(OVER)

The amendment does the following:

1. Provides that the State Historical Society may authorize the person who intends to raze the building to proceed before the end of the 30-day period if the State Historical Society *decides not to create or preserve a historic record* of the building.

2. Clarifies that if the State Historical Society authorizes a person to proceed with razing a historic building before the end of the 30-day period, the person intending to raze the building is still subject to any applicable local ordinances regarding the razing of buildings.

If you have any questions about the bill or the amendment, please contact me at the Legislative Council Staff offices. My direct phone number is 266-0932.

MM:jal:rv:jal

Attachment



# State Historical Society of Wisconsin

816 State Street ♦ Madison, Wisconsin 53706-1488 ♦ 608/264-6400 ♦ Fax: 264-6404

*Office of the Director  
Phone 608/264-6440  
Fax 608/264-6542*

VIA FACSIMILE

March 29, 1999

Hon. Tom Sykora  
Chair, Housing Committee  
Wisconsin Assembly

**RE A.B. 177**

Dear Tom:

The mayor's office in Milwaukee informed me that your Housing Committee is going to hold a hearing on A.B. 177 this week. I would respectfully request that the committee give favorable consideration to the bill, which would repair a flaw in the existing legislation.

At present, local governments are obliged to observe a 30-day moratorium on demolition of potentially historic structures even if the State Historical Society (and our Historic Preservation Office) have completed any necessary documentation work or have decided that the structure merits no special attention. Last year, this caused an unfortunate and completely unnecessary delay in issuing a demolition permit in Milwaukee for an important project.

The State Historic Preservation Office fully supports A.B. 177.

Many thanks for you consideration of this matter.

Sincerely,

George L. Vogt  
Director

cc: Alicia Goehring, State Historic Preservation Office

# Vote Record

## Assembly Committee on Housing

Date: 5/19/99  
 Moved by: Hebl      Seconded by: Seratti  
 AB: \_\_\_\_\_      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: LRB 0263  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Tom Sykora, Chair  
 Rep. Steve Wieckert  
 Rep. Neal Kedzie  
 Rep. Lorraine Seratti  
 Rep. Tom Hebl  
 Rep. Johnnie Morris-Tatum  
 Rep. Marty Reynolds

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:    7      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

# Vote Record

## Assembly Committee on Housing

Date: 5/19/99  
 Moved by: Hebl      Seconded by: Morris-Tatum  
 AB: 177      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      SB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Tom Sykora, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Wieckert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Johnnie Morris-Tatum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 7      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Motion Carried       Motion Failed



## BILL SUMMARY

AB 177: Razing of a Historic Building

Date: March 9, 2000

### BACKGROUND

Under current law, the State Historical Society is required to notify a city, village, county or town (a municipality) of any historic building located in the municipality. If an application is made or an order is issued to raze a historic building, or if a municipality intends to raze a historic building, the municipality in which the building is located must notify the State Historical Society of the order, application or intent. The historic building may not be razed for 30 days after the notice is given. During the 30-day period, the State Historical Society must be granted access to the historic building to create or preserve a historic record.

### SUMMARY OF AB 177 (As Amended by Committee)

Assembly Bill 177 provides that the State Historical Society may waive its right to access to the building and may "authorize" the person who intends to raze the building to proceed before the end of the 30-day period if the State Historical Society decides not to create or preserve a historic record of the building. The person intending to raze the building is still subject to any applicable local ordinances regarding the razing of buildings.

### AMENDMENTS

**Assembly Amendment 1** to Assembly Bill 177 does the following:

1. Provides that the State Historical Society may authorize the person who intends to raze the building to proceed before the end of the 30-day period if the State Historical Society *decides not to create or preserve a historic record* of the building.
2. Clarifies that if the State Historical Society authorizes a person to proceed with razing a historic building before the end of the 30-day period, the person intending to raze the building is still subject to any applicable local ordinances regarding the razing of buildings.

[adopted 7-0]

### FISCAL EFFECT

This bill allows more flexibility for the Historical Society in approving the razing an historic building after all requirements are met. The approval and permitting work in documenting the building to be razed will remain the same after enactment of the law as it is now.

### PROS

1. Unnecessary delays in issuing permits for razing projects will be prevented.

### CONS

None apparent.

### SUPPORTERS

Rep. John LaFave, author; Senator Judy Robson, lead co-sponsor; Rep. Tom Sykora, co-sponsor; Dextra Hadnot, City of Milwaukee; Kathy Bull, League of WI Municipalities; State Historical Society of Wisconsin

### OPPOSITION

No one registered or testified in opposition to AB 177.

### HISTORY

Assembly Bill 177 was introduced on March 8, 1999, and referred to the Assembly Committee on Housing. A public hearing was held on April 1, 1999. On May 19, 1999, the Committee voted 7-0 to recommend passage of AB 177.

**CONTACT:** Sara Jermstad, Office of Rep. Tom Sykora