

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3145/1dn
MES:med:rs

November 16, 2011

Representative Steineke:

In this version of the bill I added the substance of created s. 66.1002 (2) (a) and (b) from the /P1 version of the draft to the intro. of sub. (2); the bill just didn't seem to work with those two items not in the intro. Because the intro. already is predicated on a municipality having enacted a comprehensive plan, I think created sub. (2) (a) and (b) from /P1 had to be added to the intro. Is this OK?

I also created an initial applicability provision that is based on sub. (4) (c) from the /P1 version of the bill. The rest of the bill is similar to the /P1 version, although I still have some of the concerns that I discussed in the ****NOTES in the /P1 version, especially with regard to sub. (4) (b).

It seems odd to condition a moratorium taking effect based on a municipality's zoning or land development ordinance that "requires" the submission of a plat or certified survey map to the municipality because state law already requires the submission of those items. Therefore, I'm not sure what the intent or legal effect of that paragraph is. Perhaps sub. (4) (b) should say something similar to the following, which would have a very broad effect: "A development moratorium ordinance enacted under this section does not apply . . . to any land development plan if a landowner must submit to the municipality a plat or certified survey map for approval by the municipality." Please let me know if you have any additional questions about the bill.

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