



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 303

Assembly Amendments 1 and 2

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COMPREHENSIVE PLAN REQUIREMENT

Current Law

Under current law, if a city, village, town, or county (local governmental unit) enacts certain land use ordinances (subdivision, official mapping, and zoning ordinances), these ordinances must be consistent with a comprehensive plan. Without a comprehensive plan, a local governmental unit may not enact or amend any of these types of ordinances as there is no plan with which to be consistent.

2011 Assembly Bill 303

2011 Assembly Bill 303 (the bill) authorizes a local governmental unit to enact or amend a subdivision, official mapping, or zoning ordinance with or without a comprehensive plan. If the local governmental unit decides to have a comprehensive plan in effect, these ordinances must be consistent with the plan. On the other hand, if the local governmental unit decides not to have a comprehensive plan in effect, it may still enact or amend a subdivision, official mapping, or zoning ordinance, but the local governmental unit is expressly exempt from any consistency requirement.

COMPREHENSIVE PLANNING GRANT PROGRAM

Current Law

Current law provides the Department of Administration (DOA) with a continuing appropriation, entitled “Land,” to support the following: (1) comprehensive planning grants; (2) land information technical assistance and education aid; and (3) land information aids to counties. The “Land” appropriation receives its money from instrument recording or filing fees that a county register of deeds office submits to DOA.

Every county register of deeds is required to collect a fee of \$25 for recording or filing an instrument for a person. [s. 59.43 (2) (ag) 1. and (e), Stats.] The register of deeds must submit **\$10** of this fee to the DOA, however, this amount may be reduced to **\$2** (allowing the register of deeds to retain the other \$8) if all of the following four criteria apply:

- The county has created a land information office.
- The county has created a land information council.
- A land information office has been established for less than two years or has received approval for a countywide plan for land records modernization from DOA.
- The county uses \$6 of each \$8 fee retained to develop, implement, and maintain the countywide plan for records modernization and \$2 of each \$8 fee retained for the provision of land information on the Internet, including the county's land information records related to housing.

[s. 59.72 (5) (b) 1.-3., Stats.]

The Bill

The bill includes a provision that eliminates the comprehensive planning grant program administered by the DOA. In doing so, the bill requires DOA to lapse into the general fund \$2,000,000 each fiscal year, less any amount obligated or paid for comprehensive planning grants in that fiscal year. As previously mentioned, the money for this lapse is from the continuing appropriation entitled "Land," which funds the comprehensive planning grants as well as other grants and programs.

Assembly Amendment 1

Assembly Amendment 1 (AA1) makes the following changes to the bill:

- Deletes the requirement that DOA lapse into the general fund \$2,000,000 from the "Land" continuing appropriation.
- Reduces the fee that the register of deeds must submit to DOA from **\$2** to **\$1** if the county meets the four criteria listed in the previous section. As described above, a county register of deeds must submit \$10 of the instrument recording or filing fees to DOA, but this fee is reduced to \$2 if the county meets the four criteria.
- Increases the amount that the county register of deeds retains, from **\$8** to **\$9**, if the county meets the four criteria previously mentioned. The amendment allows the county register of deeds to decide whether to spend this additional \$1 for either of the following:
 - Developing, implementing, and maintaining the countywide plan for land records modernization.

- Providing land information on the Internet, including the county's land information records relating to housing.
- Creates an effective date provision that makes the reduction in the instrument recording or filing fee effective on July 1, 2015.

PROCESS FOR REPEALING COMPREHENSIVE PLANS

Current Law

Current law regarding comprehensive plans sets forth statutory procedures for adopting a comprehensive plan. Among the various procedures is the requirement that the local governmental unit must hold at least one public hearing, noticed by a class 1 notice published under ch. 985, Stats., at least 30 days before the hearing is held. Current law does not expressly direct how a local governmental unit is to repeal its comprehensive plan.

The Bill

The bill directs that a local governmental unit may repeal its comprehensive plan by a majority vote of the members-elect, as defined in s. 59.001 (2m), Stats., of the governing body.

Assembly Amendment 2

Assembly Amendment 2 (AA2) deletes this provision of the bill and instead requires that if a local governmental unit repeals its comprehensive plan, that it follow the statutory procedures for adopting a comprehensive plan.

LEGISLATIVE HISTORY

On October 17, 2011, Representative Williams introduced AA1. On October 25, 2011, the Assembly Committee on Urban and Local Affairs introduced AA2. Also on October 25, 2011, the committee voted to adopt AA1 by a vote of Ayes, 9; Noes, 0; and AA2 by a vote of Ayes, 9; Noes, 0. The committee then voted to recommend adoption of the bill as amended by a vote of Ayes, 5; Noes, 4.

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