

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

LRB-2277/P1dn

EVM:jld:ph

April 30, 2013

ATTN: Rob Kovach

Please review the attached draft carefully to ensure that it is consistent with your intent. This bill is the same as LRB-1591/P2 that was prepared for Rep. Steineke. The following are several issues you may wish to consider in your review of this draft.

1. I have added several definitions to this draft: “approval” meaning a building permit or other approval related to residential, commercial, or industrial development; and “existing requirement” meaning regulations, ordinances, rules, or other properly adopted requirements in effect at the time of the original application for an approval. These definitions retain much of the functional language of pars. (a) and (b) of the provided material. Both of these definitions appear broad, but quite vague. It is difficult to determine with any precision how these terms will be interpreted in the real world. Do you wish to provide any additional detail?
2. The provided language specifies that the political subdivision shall consider “the approval, disapproval, or conditional approval of the application” based on existing requirements. Is this intended to mean that only approvals, disapprovals, or conditional approvals are covered and other potential dispositions are not covered? Is this intended to mean a political subdivision may only approve, disapprove, or conditionally approve an application? If you want a broad application, “the political subdivision may consider the application based on only ...” might be less ambiguous. See, e.g., the similar treatment in s. 236.13.
3. The use of “original application” in the provided material is a little ambiguous. I understand the term to mean the initially filed application even if some additional material or amendment is necessary after the initial filing. Is this correct? I have omitted the use of “original application,” but I believe the draft has the effect described above. If you believe additional clarification is necessary, you may wish to consider specifying more explicitly that an application that meets a certain standard remains covered until the political subdivision takes a specified action.
4. The “fair notice” requirement in s. 66.10015 (2) (a) of this draft is ambiguous. Do you wish to clarify what elements are required to provide proper notice of the project?
5. In regards to the multiple approvals provision in s. 66.10015 (2) (b) of the draft, will it be apparent at the outset when something is a project that requires multiple approvals? If not, you may wish to consider adding clarifying language.

6. On a number of occasions, the provided language references only permits. In each instance, I have included other approvals. Please let me know if this is not what you intend.

7. I substantially rewrote the material at par. (e) of the provided material. Please let me know if s. 66.10015 (2) (c) of the draft does not meet your intent.

8. Do you want the application expiration authority to be exercised in a particular way? For example, should a political subdivision be required to enact an ordinance?

9. This draft omits the material at par. (g) of the provided material. What is the intent of this provision? Does it have any effect beyond that specified in existing law and s. 66.10015 (2) (d) of the draft?

10. This draft does not include any change related to par. (h) of the provided material. The initial applicability provision in this draft applies the changes made in the draft to an application submitted on the effective date of the draft. Is par. (h) of the provided material intended to change the initial applicability provision only with regard to projects that require multiple approvals? Is it intended to change the initial applicability for all applications from date of submission to date of initiation of a project? How is the project initiation date established?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)