



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 582

**Assembly Substitute
Amendment 2, Assembly
Amendment 1 and Senate
Amendment 1**

Memo published: March 8, 2016

Contact: Larry Konopacki, Principal Attorney (267-0683)

ASSEMBLY SUBSTITUTE AMENDMENT 2

Assembly Substitute Amendment 2 to 2015 Assembly Bill 582 does all of the following:

- Generally prohibits a local governmental unit from requiring a person to take certain actions with respect to real property, or pay a related fee, before purchasing, taking title to, or occupying the property (similar to the current law prohibition against local regulation imposed on sellers at the time of sale).
- Prohibits a county from enacting a “development moratorium” as defined under current law.
- Prohibits a city, village, town, or county from prohibiting or unreasonably restricting the sale or transfer of title to any interest in real property.
- Requires a political subdivision to provide a method for landowners to receive written notice of potential action by the political subdivision that may affect the allowable use of the landowner’s property.
- Provides that a setback line from the ordinary high-water mark established by a professional land surveyor may be legally relied upon for purposes of development near a water body, in certain circumstances.
- Generally prohibits local regulation of the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a structure wholly or partially located in the shoreland setback area that is legally located there by operation of a variance granted before July 13, 2015.

- Requires an authority issuing building permits to send a copy of certain building permits related to shoreland projects to the county clerk.
- Allows the use of a flat roof on a boathouse as a deck if specified conditions are met.
- Makes other changes to shoreland zoning laws related to runoff control structures and utility equipment.
- Specifies that conditional use permits issued by a political subdivision need not be consistent with the political subdivision's comprehensive plan.
- Requires a court to resolve any ambiguity in the meaning of a word or phrase in a zoning ordinance or shoreland zoning ordinance in favor of the free use of private property.
- Prohibits a political subdivision from enacting a "down zoning ordinance" unless the ordinance is approved by at least two-thirds of the members of its governing body or approved of by the landowner (a down zoning ordinance decreases allowable development density or reduces permitted uses).
- Provides that land that is not in agricultural use that is platted and zoned for residential, commercial, or manufacturing use is generally to be taxed at 50% of its assessed value until such time that the last approval for initial use of the land for one of these purposes is issued. This only applies to land that was taxed as agricultural land immediately prior to its conversion to one of these uses.
- Requires an economic impact analysis of a proposed administrative rule to include an analysis of the ways in which and the extent to which the proposed rule would place any limitations on the free use of private property, including a discussion of alternatives to the proposed rule that would minimize any such limitations.
- Allows the applicant one substitution of an administrative law judge overseeing a contested case hearing involving a contract, permit, or other approval issued or denied by the Department of Natural Resources or Department of Agriculture, Trade, and Consumer Protection.
- Directs courts to give agency decisions of law restricting a property owner's free use of the owner's property no deference when reviewing such a decision.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 2

This amendment modifies the provision in the substitute amendment related to taxation of undeveloped land so that this special tax treatment would only apply to a property until a building permit was issued.

SENATE AMENDMENT 1

Senate Amendment 1 removes the provision related to taxation of undeveloped land.

BILL HISTORY

Assembly Substitute Amendment 2 was offered by Representative Jarchow on January 19, 2016. On January 21, 2016, the Assembly Committee on Housing and Real Estate recommended adoption of the substitute amendment on a vote of Ayes, 7; Noes, 0, and passage of the bill as amended on a vote of Ayes, 5; Noes, 2.

Assembly Amendment 1 to Assembly Substitute Amendment 2 was offered by Representative Jarchow on February 8, 2016. On February 9, 2016, the Assembly adopted Assembly Substitute Amendment 2, as amended by Assembly Amendment 1, and passed the bill, as amended, on a vote of Ayes, 56; Noes, 39; and Paired, 2.

On February 16, 2016, Senator Lasee offered Senate Amendment 1 and the Senate adopted the amendment and concurred in the bill, as amended, by a vote of Ayes, 19; Noes, 13.

LAK;jal:ksm