

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1367/P1dn

MES:wlj:km

February 24, 1999

Representative Albers:

This bill is based on the instructions that you sent to me. Apparently, the instructions are based on a statute that has been enacted by Florida. Please review this bill very carefully to ensure that it is consistent with your intent.

In many respects, the instructions were incomplete, confusing or ambiguous. Instead of writing you a memo that asks for clarifications on the instructions or requests more details for provisions that were not well developed, I decided to produce a bill based on what I gathered was the overall intent of the instructions. This way, you at least have a preliminary bill to serve as a basis for discussion of the issues addressed by the bill.

In some cases, I tried to draft a provision based on what I thought the instructions meant but, in other cases, I was not able to execute the instructions because there simply wasn't enough information. In either case, however, I included a ****NOTE which explains what I did, asks for more information or points out a problem with the instructions.

One of the most difficult parts of the bill is the definition of "inordinate burden". I tried to draft a definition that makes sense but, because the instructions were so difficult to interpret, I'm not sure if the definition works or reflects your intent. Some of the most incomplete parts of the instructions are the exact procedures that are supposed to be followed, details relating to the body that is to decide whether there is an inordinate burden, the types of zoning actions to which mitigation could apply and the actual mitigation measures that are supposed to be made available to a landowner who is subject to an inordinate burden. Because few details were provided regarding the body that is supposed to preside over the request for mitigation, I created many of the provisions in s. 66.034 (2) and (4) (a) with little information to go on. Please pay particular attention to these parts of the bill.

Before I can prepare an analysis and produce an introducible version of the bill, I will need answers to the questions I have asked and other issues I have raised will need to be addressed. I would be happy to meet with you or your staff members to discuss any issues related to this bill.

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