

1999 DRAFTING REQUEST

Bill

Received: **11/13/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1040**

By/Representing: **Schmiedicke**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Topic:

DOA:.....Schmiedicke - Dane County Regional Planning Commission

Instructions:

See Attached. Specify certain membership for Dane Co. RPC; dissolve DCRPC on 12/31/02; create new procedure for forming a RPC that contains a county with a 2nd class city.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	shoveme 11/19/98	jgeller 11/19/98	ismith 11/20/98	_____	lrb_docadmin 11/20/98		S&L
/P2	shoveme 12/9/98	jgeller 12/9/98	martykr 12/10/98	_____	lrb_docadmin 12/10/98		S&L
/P3	shoveme 01/21/99	jgeller 01/21/99	jfrantze 01/21/99	_____	lrb_docadmin 01/21/99		S&L
/P4	shoveme 01/24/99	jgeller 01/25/99	hhagen 01/25/99	_____	lrb_docadmin 01/25/99		S&L
/P5	shoveme 02/8/99			_____			S&L
/P6		jgeller		_____			S&L

Vers. Drafted Reviewed Typist Proofed Submitted Jacketed Required

02/8/99

/P7

hhagen
02/8/99

/P8

lrb_docadmin
02/8/99

/P9

FE Sent For:

<END>

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1/2 MEG 2/10/99 12 3/8 jlg # 2/8 H/H 2/8

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1/P4 1/24/99
FE Sent For:

all 1/25 *km/25*

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1P3 1/21/99 1P3 1/21
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1/P2 MES 12/9 /p2 1/4 jcg Km 10

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/P1	shoveme	P1/11/19/98 JCG	IS 11/20	IS/LP 11/20			
<i>(P/NES 11/19)</i>							

FE Sent For:

<END>

CORRESPONDENCE\MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: November 11, 1998

To: Steve Miller
Legislative Reference Bureau

From: David P. Schmiedicke *DPS*
State Budget Office

Subject: 1999-01 Budget Draft - Dane County Regional Planning Commission

Please draft the following for inclusion in the Governor's 1999-01 biennial budget:

Statutorily require the following membership of the Dane County Regional Planning Commission, effective October 1, 1999:

- Two members selected by an association representing towns.
- One member selected by an association representing villages.
- One member selected by an association representing small cities (third and fourth class).
- Two members selected by the Mayor of the City of Madison.
- Five members selected by the Dane County Executive:
 - Two county board members selected from a list of 4 names submitted by the association representing towns.
 - Two county board members selected from a list of 4 names submitted by the Mayor of Madison.
 - One county board member selected from a list of three names submitted by the associations representing villages and small cities.

Dissolve the Dane County Regional Planning Commission, effective December 31, 2001. Require that any outstanding indebtedness upon dissolution of the Commission be assessed to Dane County. Prohibit the creation of a one county regional planning commission effective January 1, 2002.

Create the following process for forming a regional planning commission that includes a county with a city of the second class:

- By July 1, 2001, require the county board of every county that is not already in a regional planning commission and which is adjacent to a single county with a regional planning commission to vote on participating in a regional planning

commission. The county with a regional planning commission should also vote to participate by that date.

- Approval of participation shall be upon affirmation by a majority of the county board.
- A multi-county regional planning commission does not become effective unless at least two-thirds of the eligible counties vote in the affirmative to participate.
- The governance structure for a multi-county regional planning commission formed in this manner shall be the same as that required for regional planning commissions that include a city of the first class.
- A regional planning commission formed in this manner becomes effective January 1, 2002.

Please feel free to call me at 6-1040 with questions. Thanks.

CC: Rick Chandler



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/P1

MES...:.....

J19

DOA:.....Schmiedicke - Dane County Regional Planning Commission

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

D-note

SOON

WPO-check
auto refs

do not gen

1 AN ACT ...; relating to: the Dane County regional planning commission.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT ✓

OTHER LOCAL GOVERNMENT ✓

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (local governmental unit). A hearing on the petition is also required unless the governing bodies of all of the local governmental units in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of local governmental units that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

Generally under current law, the membership composition of RPCs is specified by statute. If a multi-county region does not contain a first class city (presently only Milwaukee), however, the local governmental units that constitute the RPC may determine the membership composition by resolutions passed by a majority of the local units in the region that contain at last half of the population of the region. If such resolutions do not pass, the RPC's membership composition follows the statute that applies to an RPC that contains a first class city.

governmental

1st

1st

after December 31, 2001,

LRB-0866/P1
MES.....

the bill prohibits the creation of a RPC that consists of only one county.

Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

This bill changes the membership composition of the Dane County RPC on October 1, 1999, and dissolves the commission on December 31, 2001. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the ~~boards~~ ^{boards} of the counties that are not in a RPC, and the Dane County board, to vote on whether they want to participate in a new multi-county RPC. If ~~a~~ ^{at} least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a ~~second~~ ^{2nd} class city shall follow the same statute that sets the membership composition for a RPC that contains a ~~first~~ ^{1st} class city. Finally,

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 66.945 (2) (d) of the statutes is created to read:
2 66.945 (2) (d) No regional planning commission that consists of only one county
3 may be created under this subsection after December 31, 2001.

4 SECTION 2. 66.945 (3) (b) (intro.) of the statutes is amended to read:
5 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
6 does not include a city of the first class, the membership composition of a regional
7 planning commission shall be in accordance with resolutions approved by the
8 governing bodies of a majority of the local units in the region, and these units shall
9 have in the aggregate at least half the population of the region. For the purposes of
10 this determination a county, part or all of which is within the region, shall be counted
11 as a local unit, but the population of an approving county shall not be counted. In

1 the absence of the necessary approval by the local units, the membership
2 composition of a commission shall be determined as follows:

3 History: 1971 c. 225, 227; 1977 c. 29, 187, 418; 1979 c. 110, 175, 248; 1979 c. 361 s. 112; 1991 a. 316; 1993 a. 184, 246; 1995 a. 27 s. 9116 (5); 1995 a. 225, 227.

3 SECTION 3. 66.945 (3) (bm) of the statutes is created to read:

4 66.945 (3) (bm) The membership composition of a regional planning
5 commission that includes a county that contains a ^{2nd}~~second~~ class city and that is
6 created after December 31, 2001, shall be as provided in par. (a).

7 SECTION 9158. Nonstatutory provisions; other.

8 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

9 (a) Notwithstanding the composition of the membership of the Dane County
10 regional planning commission that is determined under section 66.945 (3) (b) of the
11 statutes and the terms for such regional planning commission members that are
12 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
13 County regional planning commission who holds office on September 30, 1999
14 remain in his or her office beyond that date unless he or she is reappointed under
15 ^{a.r.} ~~par~~ ³ ~~par~~ ^{paragraph}

15 (b)

16 (b) Beginning on October 1, 1999, the Dane County regional planning
17 commission shall consist of the following:

- 18 1. Two members appointed by an association representing towns.
- 19 2. One member appointed by an association representing villages.
- 20 3. One member appointed by an association representing ^{3rd}~~third~~ and ^{4th}~~fourth~~ class
21 cities.
- 22 4. Two members appointed by the mayor of the City of Madison.
- 23 5. Five members appointed by the Dane County Executive, as follows:

1 a. Two Dane County board members selected from a list of 4[✓] names submitted
2 by the association representing towns.

3 b. Two Dane County board members selected from a list of 4 names submitted
4 by the mayor of the City of Madison.

5 c. One Dane County board members selected from a list of 3 names submitted
6 jointly by the associations representing villages and ~~third~~^{3rd} and ~~fourth~~^{4th} class cities.

7 (c) Notwithstanding the procedures for dissolution of a regional planning
8 commission that are specified under section 66.945 (15)[✓] of the statutes, the Dane
9 County regional planning commission shall be dissolved on December 31, 2001. All
10 unexpended funds of the commission on that date shall be applied to any outstanding
11 indebtedness of the commission. If any outstanding indebtedness of the commission
12 remains after the application of the unexpended funds to such debts, the remaining
13 indebtedness shall be assessed to Dane County. If the commission has no
14 outstanding indebtedness and has unexpended funds, such funds shall be returned
15 to the cities, villages, towns or county that supplied them.

16 (d) Not later than July 1, 2001, the county board of every county that is not in
17 a regional planning commission, ^{and that is adjacent to Dane County} and the Dane County board, shall vote on whether
18 to participate in a ^{new} regional planning commission under section 66.945 ~~(15)(a)~~ of the
19 statutes. Such a regional planning commission shall be created, [Ⓢ] on January 1, 2002, [Ⓢ]
20 if at least two-thirds of the county boards that may vote under this [✓] paragraph vote
21 to participate in the creation of such a regional planning commission.

22 (END) ✓
D-NOTE
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0866/P1dn

MES...:~:....

Jlg

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". Basically, this proposal is applicable only to Dane County. Although it could be argued that the general subject matter of the provision, regional planning commissions (RPCs), relates to a state responsibility, it could also be argued that reconstituting the membership of a particular RPC and dissolving a particular RPC that includes only one county is not a state responsibility of statewide dimension.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

I also have some questions about the associations that are supposed to appoint members to the Dane County RPC. I'm not aware of any associations that represent villages or third and fourth class cities. Do such organizations presently exist? What would happen if 2 or more groups of towns or villages set up rival "associations" to appoint members to the RPC? Who or what body would determine which association has the appointment authority specified in the bill?

Marc E. Shovers
Senior Legislative Attorney
266-0129

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0866/P1dn
MES:jlg:ijs

November 20, 1998

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Senior Legislative Attorney
266-0129

Shovers, Marc

From: Schmiedicke, David [david.schmiedicke@doa.state.wi.us]
Sent: Tuesday, December 08, 1998 6:22 PM
To: Shovers, Marc
Subject: FW: LRB Draft: 99-0866/P1 -- Dane County Regional Planning Commission



99-0866/P1



99-0866/P1dn

Marc: In response to your drafter's note, I would propose that the associations that provide the names be in existence on January 1, 1999. There are organizations in existence today (Dane County Towns Association and the Dane County Cities and Villages Association).

Please revise the draft accordingly. Let me know if you have any questions. Thanks.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

> -----Original Message-----
> From: Smith, Irma [SMTP:Irma.Smith@legis.state.wi.us]
> Sent: Friday, November 20, 1998 9:51 AM
> To: 'david.schmiedicke@doa.state.wi.us'
> Cc: 'vicky.labelle@doa.state.wi.us'; Hubli, Scott; Haugen, Caroline
> Subject: LRB Draft: 99-0866/P1
>
> Following is the PDF version of draft 99-0866/P1.
>
>
> <<99-0866/P1>> <<99-0866/P1dn>>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/P2

MES:jlg/AM

RMB

DOA:.....Schmiedicke - Dane County Regional Planning Commission

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

D-note

SOON

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Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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11 as a local unit, but the population of an approving county shall not be counted. In

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3 **SECTION 3.** 66.945 (3) (bm) of the statutes is created to read:

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9 (a) Notwithstanding the composition of the membership of the Dane County
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- that is in existence on
January 1, 1999*

*that are in existence
on January 1, 1999*

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3 c. One Dane County board members selected from a list of 3 names submitted
4 jointly by the associations representing villages and 3rd and 4th class cities.

5 (c) Notwithstanding the procedures for dissolution of a regional planning
6 commission that are specified under section 66.945 (15) of the statutes, the Dane
7 County regional planning commission shall be dissolved on December 31, 2001. All
8 unexpended funds of the commission on that date shall be applied to any outstanding
9 indebtedness of the commission. If any outstanding indebtedness of the commission
10 remains after the application of the unexpended funds to such debts, the remaining
11 indebtedness shall be assessed to Dane County. If the commission has no
12 outstanding indebtedness and has unexpended funds, such funds shall be returned
13 to the cities, villages, towns or county that supplied them.

14 (d) Not later than July 1, 2001, the county board of every county that is not in
15 a regional planning commission and that is adjacent to Dane County, and the Dane
16 County board, shall vote on whether to participate in a new regional planning
17 commission under section 66.945 of the statutes. Such a regional planning
18 commission shall be created, on January 1, 2002, if at least two-thirds of the county
19 boards that may vote under this paragraph vote to participate in the creation of such
20 a regional planning commission.

21

(END)

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

LRB-0866/P1An
MES:jlj:ijs

November 20, 1998 } new
date

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". Basically, this proposal is applicable only to Dane County. Although it could be argued that the general subject matter of the provision, regional planning commissions (RPCs), relates to a state responsibility, it could also be argued that reconstituting the membership of a particular RPC and dissolving a particular RPC that includes only one county is not a state responsibility of statewide dimension.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

~~I also have some questions about the associations that are supposed to appoint members to the Dane County RPC. I'm not aware of any associations that represent villages or third and fourth class cities. Do such organizations presently exist? What would happen if 2 or more groups of towns or villages set up rival "associations" to appoint members to the RPC? Who or what body would determine which association has the appointment authority specified in the bill?~~

Marc E. Shovers
Senior Legislative Attorney
266-0129

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0866/P2dn
MES;jlg:km

December 10, 1998

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". Basically, this proposal is applicable only to Dane County. Although it could be argued that the general subject matter of the provision, regional planning commissions (RPCs), relates to a state responsibility, it could also be argued that reconstituting the membership of a particular RPC and dissolving a particular RPC that includes only one county is not a state responsibility of statewide dimension.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
266-0129

Shovers, Marc

From: Schmiedicke, David [david.schmiedicke@doa.state.wi.us]
Sent: Wednesday, January 20, 1999 9:18 AM
To: Shovers, Marc
Subject: FW: LRB Draft: 99-0866/P2 -- Dane County RPC

Importance: High



99-0866/P2



99-0866/P2dn

Marc: Please make the following changes to this draft:

- 1. Repeal the existing Dane County RPC 30 days after the effective date of the budget.
- 2. The interim Dane County RPC would come into existence at the same time.
- 3. Membership of the interim RPC would be appointed by the Governor in the following manner:

- * 2 members selected from a list of names provided by the association representing towns (1 member must be from a town in western Dane County and 1 member must be from a town in eastern Dane County).

- * ^{of the} 5 members selected from a list of county board supervisors provided by the County Board (at least 2 members must represent towns, no more than 2 members can represent districts wholly or partially in the city of Madison, and at least 2 members must represent districts in western Dane County and at least 2 members must represent districts in eastern Dane County).

- * 2 members selected from a list of names provided by the small cities and villages association.

- * 2 members selected from a list of names provided by the Mayor of Madison.

at least 4 names

at least 8 names

county exec forwards names to gov.

at least 4 names

All other provisions of the draft remain unchanged.

Thanks.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

> -----Original Message-----

> From: Marty, Karen [SMTP:Karen.Marty@legis.state.wi.us]
 > Sent: Thursday, December 10, 1998 1:57 PM
 > To: 'david.schmiedicke@doa.state.wi.us'
 > Cc: 'vicky.labelle@doa.state.wi.us'; Hubli, Scott; Haugen, Caroline
 > Subject: LRB Draft: 99-0866/P2

> Following is the PDF version of draft 99-0866/P2.

> <<99-0866/P2>> <<99-0866/P2dn>>

Shovers, Marc

From: Schmiedicke, David [david.schmiedicke@doa.state.wi.us]
Sent: Thursday, January 21, 1999 10:00 AM
To: Shovers, Marc
Subject: RE: Dane Co. RPC

Marc: I replied by voice mail. Good thought. Let me know if you need anything else. Thanks.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

> -----Original Message-----

> From: Shovers, Marc [SMTP:Marc.Shovers@legis.state.wi.us]
> Sent: Thursday, January 21, 1999 10:02 AM
> To: David Schmiedicke (E-mail)
> Subject: Dane Co. RPC
>
> Hi Dave:
>
> One more question about LRB -0866. Do you want each of the lists
> submitted
> by various people or organizations to have a certain number of names? For
> example, if the Mayor of Madison submits a list of 2 people, those are the
> 2
> people the governor would have to appoint. I sent you a voice mail too
> 'cuz
> I wasn't sure what you'd see first.
>
> Thanks,
>
> Marc
>
> Marc E. Shovers
>
> Senior Legislative Attorney
> Legislative Reference Bureau
> Phone: (608) 266-0129
> Fax: (608) 264-8522
> e-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/P2

MES:jlg:km

SOON

PMK

DOA:.....Schmiedicke - Dane County Regional Planning Commission
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

D-note

As met
gen

1 AN ACT ...; relating to: the Dane County regional planning commission.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (local governmental unit). A hearing on the petition is also required unless the governing bodies of all of the local governmental units in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of local governmental units that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

Generally under current law, the membership composition of RPCs is specified by statute. If a multi-county region does not contain a 1st class city (presently only Milwaukee), however, the local governmental units that constitute the RPC may determine the membership composition by resolutions passed by a majority of the local governmental units in the region that contain at least half of the population of the region. If such resolutions do not pass, the RPC's membership composition follows the statute that applies to an RPC that contains a 1st class city.

ok the 31st day after ^{the} effective date of the bill
under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive.

Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

This bill changes the membership composition of the Dane County RPC on ~~November 1, 2000~~ and dissolves the commission on December 31, 2001. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in a RPC, and the Dane County board, to vote on whether they want to participate in a new multi-county RPC. If at least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city shall follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of a RPC that consists of only one county.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The mayor of the City of Madison and four class cities, villages and towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 66.945 (2) (d) of the statutes is created to read:
2 66.945 (2) (d) No regional planning commission that consists of only one county
3 may be created under this subsection after December 31, 2001.

4 SECTION 2. 66.945 (3) (b) (intro.) of the statutes is amended to read:

5 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
6 does not include a city of the first class, the membership composition of a regional
7 planning commission shall be in accordance with resolutions approved by the
8 governing bodies of a majority of the local units in the region, and these units shall
9 have in the aggregate at least half the population of the region. For the purposes of
10 this determination a county, part or all of which is within the region, shall be counted
11 as a local unit, but the population of an approving county shall not be counted. In

1 the absence of the necessary approval by the local units, the membership
2 composition of a commission shall be determined as follows:

3 **SECTION 3.** 66.945 (3) (bm) of the statutes is created to read:

4 66.945 (3) (bm) The membership composition of a regional planning
5 commission that includes a county that contains a 2nd class city and that is created
6 after December 31, 2001, shall be as provided in par. (a).

7 **SECTION 9158. Nonstatutory provisions; other.**

8 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

9 (a) Notwithstanding the composition of the membership of the Dane County
10 regional planning commission that is determined under section 66.945 (3) (b) of the
11 statutes and the terms for such regional planning commission members that are
12 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
13 County regional planning commission who holds office on ~~September 30, 1999~~
14 remain in his or her office beyond that date unless he or she is reappointed under
15 paragraph (b).

the 30th day after
the effective date of
this paragraph... [revisor
inserts date]

the 31st day after the effective date of this
paragraph... [revisor inserts date]

16 (b) Beginning on ~~October 1, 1999~~
17 commission shall consist of the following:

from a list submitted
of at least
4 names

18 1. Two members appointed by an association representing towns that is in
19 existence on January 1, 1999. One of the members appointed under this subdivision
shall reside in a town located in western Dane County
and the other member shall reside in a town that is
located in eastern Dane County.

20 2. ~~Two~~ ^{One} member appointed by an association representing villages that are in
21 existence on January 1, 1999. From a list submitted jointly
of at least 4 names and both of which
are

22 ~~One member appointed by an association representing 3rd and 4th class cities~~
23 ~~cities that is in existence on January 1, 1999.~~ from a list of at least four names submitted

24 3. ~~Two members appointed by the mayor of the city of Madison.~~ from a list
of at least ~~two~~ ^{one} Dane County board
supervisors
that is submitted

25 4. Five members appointed by the Dane County executive as follows:
From the list, at least ~~two~~ ^{two} of the appointees under this subdivision
shall represent towns, no more than ~~two~~ ^{two} of the appointees may
represent districts that are wholly or partially in the City of Madison,
at least ~~two~~ ^{two} of the appointees shall represent districts in western
Dane County and at least ~~two~~ ^{two} of the appointees shall represent districts in
eastern Dane County.

members who shall be appointed by the governor

1 a. Two Dane County board members selected from a list of 4 names submitted
2 by the association representing towns that is in existence on January 1, 1999.

3 b. Two Dane County board members selected from a list of 4 names submitted
4 by the mayor of the city of Madison.

5 c. One Dane County board members selected from a list of 3 names submitted
6 jointly by the associations representing villages and 3rd and 4th class cities that are
7 in existence on January 1, 1999.

8 (c) Notwithstanding the procedures for dissolution of a regional planning
9 commission that are specified under section 66.945 (15) of the statutes, the Dane
10 County regional planning commission shall be dissolved on December 31, 2001. All
11 unexpended funds of the commission on that date shall be applied to any outstanding
12 indebtedness of the commission. If any outstanding indebtedness of the commission
13 remains after the application of the unexpended funds to such debts, the remaining
14 indebtedness shall be assessed to Dane County. If the commission has no
15 outstanding indebtedness and has unexpended funds, such funds shall be returned
16 to the cities, villages, towns or county that supplied them.

17 (d) Not later than July 1, 2001, the county board of every county that is not in
18 a regional planning commission and that is adjacent to Dane County, and the Dane
19 County board, shall vote on whether to participate in a new regional planning
20 commission under section 66.945 of the statutes. Such a regional planning
21 commission shall be created, on January 1, 2002, if at least two-thirds of the county
22 boards that may vote under this paragraph vote to participate in the creation of such
23 a regional planning commission.

24 (END)

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

LRB-0866/P³₂₀
MES:jlg:km

December 10, 1998

3 new
date

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". Basically, this proposal is applicable only to Dane County. Although it could be argued that the general subject matter of the provision, regional planning commissions (RPCs), relates to a state responsibility, it could also be argued that reconstituting the membership of a particular RPC and dissolving a particular RPC that includes only one county is not a state responsibility of statewide dimension.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
266-0129

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0866/P3dn
MES:jlg:jf

January 21, 1999

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". Basically, this proposal is applicable only to Dane County. Although it could be argued that the general subject matter of the provision, regional planning commissions (RPCs), relates to a state responsibility, it could also be argued that reconstituting the membership of a particular RPC and dissolving a particular RPC that includes only one county is not a state responsibility of statewide dimension.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
266-0129

Shovers, Marc

From: Schmiedicke, David
Sent: Friday, January 22, 1999 9:59 AM
To: Shovers, Marc
Subject: RE: LRB Draft: 99-0866/P3

Importance: High
Sensitivity: Confidential

Marc: Allow the Governor to create a list of up to 5 names in addition to those submitted by the various groups and governments from which to select the membership of the interim RPC.

Also, would there be a way to strengthen the case against a private or local bill? One idea I had was to reference a "Single County Regional Planning Commission Containing a City of the Second Class" in lieu of "Dane County Regional Planning Commission".

Let me know what you think.

Thanks very much.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

> -----Original Message-----

> From: Frantzen, Jean [SMTP:Jean.Frantzen@legis.state.wi.us]
> Sent: Thursday, January 21, 1999 2:08 PM
> To: 'david.schmiedicke@doa.state.wi.us'
> Cc: 'vicky.labelle@doa.state.wi.us'; Hubli, Scott; Haugen, Caroline
> Subject: LRB Draft: 99-0866/P3

>
> Following is the PDF version of draft 99-0866/P3.

>
>
> << File: 99-0866/P3 >> << File: 99-0866/P3dn >>

Shovers, Marc

From: Shovers, Marc
Sent: Sunday, January 24, 1999 4:32 PM
To: Schmiedicke, David
Subject: RE: LRB Draft: 99-0866/P3

Sensitivity: Confidential

I don't think that your suggestion would make the bill any more immune to a "private/local law" challenge. First of all, the Dane Co. RPC is the only single county RPC in the state. Even if more generic language is used to describe it, the nonstatutory provisions regarding the new membership of the Dane Co. RPC is very specific to the DCPRC. Also, because the time frame specified in the bill (30 days after the effective date of the bill) is so tight, it may be hard to argue that the bill really applies to more than the Dane County RPC.

Marc

-----Original Message-----

From: Schmiedicke, David
Sent: Friday, January 22, 1999 9:59 AM
To: Shovers, Marc
Subject: RE: LRB Draft: 99-0866/P3
Importance: High
Sensitivity: Confidential

Marc: Allow the Governor to create a list of up to 5 names in addition to those submitted by the various groups and governments from which to select the membership of the interim RPC.

Also, would there be a way to strengthen the case against a private or local bill? One idea I had was to reference a "Single County Regional Planning Commission Containing a City of the Second Class" in lieu of "Dane County Regional Planning Commission".

Let me know what you think.

Thanks very much.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

> -----Original Message-----

> **From:** Frantzen, Jean [SMTP:Jean.Frantzen@legis.state.wi.us]
> **Sent:** Thursday, January 21, 1999 2:08 PM
> **To:** 'david.schmiedicke@doa.state.wi.us'
> **Cc:** 'vicky.labelle@doa.state.wi.us'; Hubli, Scott; Haugen, Caroline
> **Subject:** LRB Draft: 99-0866/P3

>
> Following is the PDF version of draft 99-0866/P3.

>
>
> << File: 99-0866/P3 >> << File: 99-0866/P3dn >>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/P⁴

MES:jlg:td

SOON

FMA

DOA:.....Schmiedicke - Dane County Regional Planning Commission

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

WFO-check auto
refs

don't
send

1

AN ACT ...; relating to: the Dane County regional planning commission.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (local governmental unit). A hearing on the petition is also required unless the governing bodies of all of the local governmental units in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of local governmental units that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

Generally under current law, the membership composition of RPCs is specified by statute. If a multi-county region does not contain a 1st class city (presently only Milwaukee), however, the local governmental units that constitute the RPC may determine the membership composition by resolutions passed by a majority of the local governmental units in the region that contain at least half of the population of the region. If such resolutions do not pass, the RPC's membership composition follows the statute that applies to an RPC that contains a 1st class city.

Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the commission on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in a RPC, and the Dane County board, to vote on whether they want to participate in a new multi-county RPC. If at least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city shall follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of a RPC that consists of only one county.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.945 (2) (d) of the statutes is created to read:

2 66.945 (2) (d) No regional planning commission that consists of only one county
3 may be created under this subsection after December 31, 2001.

4 **SECTION 2.** 66.945 (3) (b) (intro.) of the statutes is amended to read:

5 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
6 does not include a city of the first class, the membership composition of a regional
7 planning commission shall be in accordance with resolutions approved by the
8 governing bodies of a majority of the local units in the region, and these units shall
9 have in the aggregate at least half the population of the region. For the purposes of

1 this determination a county, part or all of which is within the region, shall be counted
2 as a local unit, but the population of an approving county shall not be counted. In
3 the absence of the necessary approval by the local units, the membership
4 composition of a commission shall be determined as follows:

5 **SECTION 3.** 66.945 (3) (bm) of the statutes is created to read:

6 66.945 (3) (bm) The membership composition of a regional planning
7 commission that includes a county that contains a 2nd class city and that is created
8 after December 31, 2001, shall be as provided in par. (a).

9 **SECTION 9158. Nonstatutory provisions; other.**

10 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

11 (a) Notwithstanding the composition of the membership of the Dane County
12 regional planning commission that is determined under section 66.945 (3) (b) of the
13 statutes and the terms for such regional planning commission members that are
14 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
15 County regional planning commission who holds office on the 30th day after the
16 effective date of this paragraph [revisor inserts date], may remain in his or her
17 office beyond that date unless he or she is reappointed under paragraph (b).

18 (b) Beginning on the 31st day after the effective date of this paragraph
19 [revisor inserts date], the Dane County regional planning commission shall consist
20 of the following members who shall be appointed by the governor. *from the lists described under*

21 1. Two members from a list of at least 4 names submitted by an association
22 representing towns that is in existence on January 1, 1999. One of the members
23 appointed under this subdivision shall reside in a town located in western Dane
24 County and the other member shall reside in a town that is located in eastern Dane
25 County.

paragraph *NO \$* *-this paragraph ✓ or from the list described under para (c), or from a combination of the lists under this paragraph and para (c) auto-ref c*

1 2. Two members from a list of at least 4 names submitted jointly by an
2 association representing villages and by an association representing 3rd and 4th
3 class cities, both of which are in existence on January 1, 1999.

4 3. Two members from a list of at least 4 names submitted by the mayor of the
5 city of Madison.

6 4. Five members from a list of at least 8 Dane County board supervisors that
7 is submitted by the Dane County executive. From the list, at least 2 of the appointees
8 under this subdivision shall represent towns, no more than 2 of the appointees may
9 represent districts that are wholly or partially in the city of Madison, at least 2 of the
10 appointees shall represent districts in western Dane County and at least 2 of the
11 appointees shall represent districts in eastern Dane County.

12 (d) ~~(b)~~ Notwithstanding the procedures for dissolution of a regional planning
13 commission that are specified under section 66.945 (15) of the statutes, the Dane
14 County regional planning commission shall be dissolved on December 31, 2001. All
15 unexpended funds of the commission on that date shall be applied to any outstanding
16 indebtedness of the commission. If any outstanding indebtedness of the commission
17 remains after the application of the unexpended funds to such debts, the remaining
18 indebtedness shall be assessed to Dane County. If the commission has no
19 outstanding indebtedness and has unexpended funds, such funds shall be returned
20 to the cities, villages, towns or county that supplied them.

21 (e) ~~(d)~~ Not later than July 1, 2001, the county board of every county that is not in
22 a regional planning commission and that is adjacent to Dane County, and the Dane
23 County board, shall vote on whether to participate in a new regional planning
24 commission under section 66.945 of the statutes. Such a regional planning
25 commission shall be created, on January 1, 2002, if at least two-thirds of the county

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1 boards that may vote under this paragraph vote to participate in the creation of such
2 a regional planning commission.

3 (END)

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0866/P4ins
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(c) The governor may prepare a list of 5 individuals who shall have experience in land use planning issues. The governor may make the appointments described under ~~par~~ ^{paragraph} (b) solely from the lists described under ~~par~~ ^{paragraph} (b), or the governor may make some of the appointments from the list created under this paragraph. ✓
a.s. a.s.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/14

MES:jlg:hmk

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RMR

DOA:.....Schmiedicke - Dane County Regional Planning Commission
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the Dane County regional planning commission.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (local governmental unit). A hearing on the petition is also required unless the governing bodies of all of the local governmental units in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of local governmental units that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

Generally under current law, the membership composition of RPCs is specified by statute. If a multi-county region does not contain a 1st class city (presently only Milwaukee), however, the local governmental units that constitute the RPC may determine the membership composition by resolutions passed by a majority of the local governmental units in the region that contain at least half of the population of the region. If such resolutions do not pass, the RPC's membership composition follows the statute that applies to an RPC that contains a 1st class city.

Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the commission on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in a RPC, and the Dane County board, to vote on whether they want to participate in a new multi-county RPC. If at least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city shall follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of a RPC that consists of only one county.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.945 (2) (d) of the statutes is created to read:

2 66.945 (2) (d) No regional planning commission that consists of only one county
3 may be created under this subsection after December 31, 2001.

4 **SECTION 2.** 66.945 (3) (b) (intro.) of the statutes is amended to read:

5 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
6 does not include a city of the first class, the membership composition of a regional
7 planning commission shall be in accordance with resolutions approved by the
8 governing bodies of a majority of the local units in the region, and these units shall
9 have in the aggregate at least half the population of the region. For the purposes of

1 this determination a county, part or all of which is within the region, shall be counted
2 as a local unit, but the population of an approving county shall not be counted. In
3 the absence of the necessary approval by the local units, the membership
4 composition of a commission shall be determined as follows:

5 **SECTION 3.** 66.945 (3) (bm) of the statutes is created to read:

6 66.945 (3) (bm) The membership composition of a regional planning
7 commission that includes a county that contains a 2nd class city and that is created
8 after December 31, 2001, shall be as provided in par. (a).

9 **SECTION 9158. Nonstatutory provisions; other.**

10 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

11 (a) Notwithstanding the composition of the membership of the Dane County
12 regional planning commission that is determined under section 66.945 (3) (b) of the
13 statutes and the terms for such regional planning commission members that are
14 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
15 County regional planning commission who holds office on the 30th day after the
16 effective date of this paragraph [revisor inserts date], may remain in his or her
17 office beyond that date unless he or she is reappointed under paragraph (b).

18 (b) Beginning on the 31st day after the effective date of this paragraph
19 [revisor inserts date], the Dane County regional planning commission shall consist
20 of the following members who shall be appointed by the governor from the lists
21 described under this paragraph or from the list described under paragraph (c), or
22 from a combination of the lists under this paragraph and paragraph (c):

23 1. Two members from a list of at least 4 names submitted by an association
24 representing towns that is in existence on January 1, 1999. One of the members
25 appointed under this subdivision shall reside in a town located in western Dane

1 County and the other member shall reside in a town that is located in eastern Dane
2 County.

3 2. Two members from a list of at least 4 names submitted jointly by an
4 association representing villages and by an association representing 3rd and 4th
5 class cities, both of which are in existence on January 1, 1999.

6 3. Two members from a list of at least 4 names submitted by the mayor of the
7 city of Madison.

8 4. Five members from a list of at least 8 Dane County board supervisors that
9 is submitted by the Dane County executive. From the list, at least 2 of the appointees
10 under this subdivision shall represent towns, no more than 2 of the appointees may
11 represent districts that are wholly or partially in the city of Madison, at least 2 of the
12 appointees shall represent districts in western Dane County and at least 2 of the
13 appointees shall represent districts in eastern Dane County.

14 (c) The governor may prepare a list of 5 individuals who shall have experience
15 in land use planning issues. The governor may make the appointments described
16 under paragraph (b) solely from the lists described under paragraph (b), or the
17 governor may make some of the appointments from the list created under this
18 paragraph.

19 (d) Notwithstanding the procedures for dissolution of a regional planning
20 commission that are specified under section 66.945 (15) of the statutes, the Dane
21 County regional planning commission shall be dissolved on December 31, 2001. All
22 unexpended funds of the commission on that date shall be applied to any outstanding
23 indebtedness of the commission. If any outstanding indebtedness of the commission
24 remains after the application of the unexpended funds to such debts, the remaining
25 indebtedness shall be assessed to Dane County. If the commission has no

1 outstanding indebtedness and has unexpended funds, such funds shall be returned
2 to the cities, villages, towns or county that supplied them.

3 (e) Not later than July 1, 2001, the county board of every county that is not in
4 a regional planning commission and that is adjacent to Dane County, and the Dane
5 County board, shall vote on whether to participate in a new regional planning
6 commission under section 66.945 of the statutes. Such a regional planning
7 commission shall be created, on January 1, 2002, if at least two-thirds of the county
8 boards that may vote under this paragraph vote to participate in the creation of such
9 a regional planning commission.

10 (END)

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(f) For ^{the} purposes of this subsection, the
secretary of administration shall
determine the border between the
eastern and western halves of Dane
County.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0866/2
MES;jlg:hmh

DOA:.....Schmiedicke - Dane County Regional Planning Commission
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the Dane County regional planning commission.

Analysis by the Legislative Reference Bureau

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Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

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- 2 66.945 (2) (d) No regional planning commission that consists of only one county
- 3 may be created under this subsection after December 31, 2001.
- 4 **SECTION 2.** 66.945 (3) (b) (intro.) of the statutes is amended to read:
- 5 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
- 6 does not include a city of the first class, the membership composition of a regional
- 7 planning commission shall be in accordance with resolutions approved by the
- 8 governing bodies of a majority of the local units in the region, and these units shall
- 9 have in the aggregate at least half the population of the region. For the purposes of

1 this determination a county, part or all of which is within the region, shall be counted
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4 composition of a commission shall be determined as follows:

5 **SECTION 3.** 66.945 (3) (bm) of the statutes is created to read:

6 66.945 (3) (bm) The membership composition of a regional planning
7 commission that includes a county that contains a 2nd class city and that is created
8 after December 31, 2001, shall be as provided in par. (a).

9 **SECTION 9158. Nonstatutory provisions; other.**

10 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

11 (a) Notwithstanding the composition of the membership of the Dane County
12 regional planning commission that is determined under section 66.945 (3) (b) of the
13 statutes and the terms for such regional planning commission members that are
14 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
15 County regional planning commission who holds office on the 30th day after the
16 effective date of this paragraph [revisor inserts date], may remain in his or her
17 office beyond that date unless he or she is reappointed under paragraph (b).

18 (b) Beginning on the 31st day after the effective date of this paragraph
19 [revisor inserts date], the Dane County regional planning commission shall consist
20 of the following members who shall be appointed by the governor from the lists
21 described under this paragraph or from the list described under paragraph (c), or
22 from a combination of the lists under this paragraph and paragraph (c):

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24 representing towns that is in existence on January 1, 1999. One of the members
25 appointed under this subdivision shall reside in a town located in western Dane

1 County and the other member shall reside in a town that is located in eastern Dane
2 County.

3 2. Two members from a list of at least 4 names submitted jointly by an
4 association representing villages and by an association representing 3rd and 4th
5 class cities, both of which are in existence on January 1, 1999.

6 3. Two members from a list of at least 4 names submitted by the mayor of the
7 city of Madison.

8 4. Five members from a list of at least 8 Dane County board supervisors that
9 is submitted by the Dane County executive. From the list, at least 2 of the appointees
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12 appointees shall represent districts in western Dane County and at least 2 of the
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17 governor may make some of the appointments from the list created under this
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19 (d) Notwithstanding the procedures for dissolution of a regional planning
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21 County regional planning commission shall be dissolved on December 31, 2001. All
22 unexpended funds of the commission on that date shall be applied to any outstanding
23 indebtedness of the commission. If any outstanding indebtedness of the commission
24 remains after the application of the unexpended funds to such debts, the remaining
25 indebtedness shall be assessed to Dane County. If the commission has no

1 outstanding indebtedness and has unexpended funds, such funds shall be returned
2 to the cities, villages, towns or county that supplied them.

3 (e) Not later than July 1, 2001, the county board of every county that is not in
4 a regional planning commission and that is adjacent to Dane County, and the Dane
5 County board, shall vote on whether to participate in a new regional planning
6 commission under section 66.945 of the statutes. Such a regional planning
7 commission shall be created, on January 1, 2002, if at least two-thirds of the county
8 boards that may vote under this paragraph vote to participate in the creation of such
9 a regional planning commission.

10 (f) For the purposes of this subsection, the secretary of administration shall
11 determine the border between the eastern and western halves of Dane County.

12 (END)