

Vote Record

Senate Committee on Economic Development, Housing and Government Operations

Date: 3-28-00
 Moved by: 872 Grob Seconded by: Zien
 AB: _____ Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member

Sen. Robert Wirch, Chair
 Sen. Gwendolynne Moore
 Sen. Richard Grobschmidt
 Sen. Gary Drzewiecki
 Sen. David Zien

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-28-00

BILL NO. AB 872

OR
SUBJECT _____

SENATE FOR AN SERPE
(NAME)

3RD SENATE DISTRICT
(Street Address or Route Number)

MCWATKES
(City and Zip Code)

WI
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-28-00

BILL NO. AB 872

OR
SUBJECT Comp. Planning

Rep. Mike Powers
(NAME)

125 West, State Capitol
(Street Address or Route Number)

WI
(City and Zip Code)

3rd Assembly District
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-28-00

BILL NO. AB 872

OR
SUBJECT _____

Mike Serpe
(NAME)

1010 56th St.
(Street Address or Route Number)

Kenosha WI 53140
(City and Zip Code)

Kenosha County
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/28/00
BILL NO. AB 872
OR
SUBJECT _____

Richard Lehman
(NAME)
150 Pincer Street
(Street Address or Route Number)
Madison
(City and Zip Code)
Wis (Chpt), American Planning Assn
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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PL2 call w/ Tom Larson

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/28/00
BILL NO. A-872
OR
SUBJECT _____

Doug Cesuener
(NAME)
(CRESS LEU ZCH)
16 N. Carroll Street
(Street Address or Route Number)
WDSN 53703
(City and Zip Code)
1000 BIZARDS OF WI
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

CAUSE w/ Dave Cisneruz

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/28/00
BILL NO. AB 872
OR
SUBJECT _____

TOM LARSON
(NAME)
4801 Forest Run Road
(Street Address or Route Number)
MADISON WI 53704
(City and Zip Code)
WI REALTORS ASSOC.
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882



**WISCONSIN
REALTORS®
ASSOCIATION**

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TO: Members of the Senate Committee on Economic Development, Housing & Government Operations

FROM: Thomas Larson

DATE: March 28, 2000

RE: AB 872 – Technical Corrections to Comprehensive Planning Law

The Wisconsin REALTORS® Association urges you to support AB 872, legislation that makes necessary technical changes and clarifications to Wisconsin's comprehensive planning law.

Background

As part of the state's 1999-2001 biennial budget, the Wisconsin legislature included comprehensive planning legislation that provides local governmental units with a statutory framework to make more informed land-use decisions and encourages state agencies to create more balanced land-use rules and policies. This legislation represented a bi-partisan effort that was supported by a diverse coalition of groups who worked together to update Wisconsin's antiquated planning framework.

Some of the language that was included in the budget bill, however, does not reflect the intent of the authors and has caused confusion among both the local planning community and state agencies.

On March 16, 2000, this bill received unanimous support from the Assembly Committee on Conservation and Land Use.

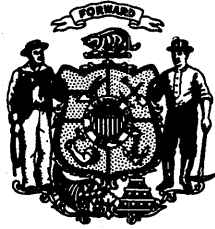
AB 872

In an effort to clarify this confusion and address the inconsistencies between the actual language and the legislative intent, AB 872 makes the following technical corrections to the comprehensive planning law:

- **Clarifies that master plans and county development plans that do not meet the comprehensive planning requirements remain valid prior to year 2010.** The comprehensive planning law requires all local land-use decisions to be consistent with the community's local comprehensive plan by January 1, 2010. The intent of this provision was to provide communities with the ability to use their existing plans as the basis for local land-use decisions until they had sufficient time (10 years) to update their plans to meet the comprehensive plan definition. However, as drafted, some confusion exists relating to the status of land-use plans prior to the year 2010 that do not satisfy the comprehensive planning requirements. AB 872 clarifies that land-use plans which do not meet the comprehensive planning requirements prior to the year 2010 remain valid.

- **Clarifies state agency responsibility in regards to their planning requirements.** State agencies require local governmental units to prepare numerous land-use plans (e.g., shoreland management, agricultural preservation, etc.). These plans, however, are often uncoordinated and sometimes conflict with one another and/or the local land-use plan. To encourage more coordinated and harmonious local land-use decision-making, the comprehensive planning legislation sought to incorporate these plans into one document – the local comprehensive plan. This intent, however, is veiled by the manner in which this provision was drafted. This bill clarifies the intent of this provision by encouraging state agencies to design its planning requirements in a manner that it makes it practical for local governmental units to incorporate these plans into local comprehensive plans.
- **Changes the transportation planning grant funding from an annual appropriation to a biennial appropriation.** To provide the Department of Administration with a safety net in the event it is unable to allocate the \$ 1 million appropriated for this year by June 1, AB 872 changes the transportation planning grant funding from an annual appropriation to a biennial appropriation.
- **Clarifies who has to adopt the model TND ordinance and conservation subdivision ordinance.** As drafted, the comprehensive planning law requires all cities and villages, and towns with a population over 12,500 to adopt both a traditional neighborhood development (“TND”) and a conservation subdivision ordinance. However, as part of the bi-partisan political compromise relating to this legislation, the intent was to require only cities and villages with a population greater than 12,500 to adopt the TND ordinance. Also, it was intended to make it optional for all cities, villages, and towns to adopt the conservation subdivision ordinance. Accordingly, AB 872 makes the changes necessary to achieve the intent and the political compromise reached by the authors.
- **Simplifies the list of entities that must receive a copy of the completed comprehensive plan.** The comprehensive plan creates two lists of entities that must receive a copy of the completed comprehensive plan. One list must receive a copy of the comprehensive plan after the plan commission approves it, but before the governing body adopts it. The other list must receive a copy only after the governing body adopts it. To simplify this process and to further encourage more public participation and intergovernmental cooperation, AB 872 requires local governmental units to provide two copies of the comprehensive plan to all of the enumerated entities -- one copy after the plan commission approves it and another copy after the governing body adopts it. To correct an omission in the budget bill, AB 872 also includes regional planning commissions to the list of entities entitled to receive a copy of the comprehensive plan.
- **Makes minor grammatical changes.** Finally, AB 872 makes some minor grammatical changes that will make the statutory language more clear and technically correct (i.e., changing the term “planning commission” to “plan commission”).

Please support AB 872. If you have any questions, please feel free to contact us.



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

**TESTIMONY
OF SENATOR BRIAN BURKE
ON ASSEMBLY BILL 872**

**Before the Senate Committee on Economic Development,
Housing & Government Operations
March 28, 2000**

Chairman Wirch and Committee Members, thank you for taking public testimony today on Assembly Bill 872, which is follow-up legislation to the Smart Growth standards that were passed in 1999 Act 9. AB 872 passed the Assembly 99-0 last week.

First of all, I want to thank and commend Representative Mike Powers for his continuing leadership on land use issues. He and Representative Sheryl Albers were instrumental in our efforts to move forward with the most important land use legislation in 50 years - Smart Growth for Wisconsin.

I also want to thank 1000 Friends of Wisconsin, the Wisconsin Realtors Association and University of Wisconsin Professor Brian Ohm for their expert input and advice on this legislation and all other related land use matters. There are many other people and organizations involved in these efforts, but some devote more time and energy to the work and deserve special mention.

AB 872, and its Senate companion - SB 468, make largely technical changes to the comprehensive planning laws enacted in the biennial budget bill. The changes correct drafting errors and other unintended consequences of the Smart Growth budget language to better reflect the authors' original intent.

There are also a few other changes that are not purely technical, but make the law work better and clarify misunderstandings. The most significant substantive changes include the elimination of the requirement that certain towns must adopt traditional neighborhood ordinances, a provision to make state consistency standards more clearly voluntary, and a modification to make the transportation planning grants a biennial appropriation.

Smart Growth planning requirements are now law. AB 872 just makes them work better. I respectfully urge your support.



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: March 15, 2000

TO: REPRESENTATIVE MICHAEL POWERS AND MEMBERS OF THE ASSEMBLY COMMITTEE ON CONSERVATION AND LAND USE

FROM: Mark C. Patronsky, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 872, Relating to Various Provisions Regarding Comprehensive Plans

Assembly Bill 872 makes a number of changes to the statutes regarding comprehensive plans, comprehensive subdivision ordinances and traditional neighborhood development ordinances that were created by 1999 Wisconsin Act 9, the budget act. Current law, as created by the budget act, is described in the analysis prepared by the Legislative Reference Bureau. This memorandum contains a brief summary of the changes to current law made by Assembly Bill 872. These changes are as follows:

- The provision regarding state agency administration of any law for which a local governmental unit prepares a land use plan is modified so that the state agency is encouraged, rather than directed, to design its own planning requirements so that it is practical for a local governmental unit to incorporate these plans into local comprehensive plans required to be prepared under s. 66.0295, Stats. [SECTION 1.]
- For planning grants to local governmental units, the Department of Administration is required to give "preference," rather than "greater precedence," to applications that contain elements specified in the statute. [SECTION 2.]
- The appropriation for transportation planning grants to local governmental units, from the transportation fund, is changed from annual to biennial. The appropriation is increased by an amount that lapsed to the general fund on July 1, 2000. [SECTIONS 3 and 17.]

- A new requirement is created for a county development plan or a master plan of a city, village or town exercising village powers, commencing on January 1, 2010. If the city, village, town or county engages in any program or action that must be consistent with the comprehensive plan, then the development plan or master plan must have the elements specified in s. 66.0295 (2), Stats. [SECTIONS 4, 5 and 6.]
- The requirement for detailed maps in the land-use element of the comprehensive plan is deleted. [SECTION 7.]
- The requirement for a majority vote of the plan commission to approve or amend a comprehensive plan is changed to a majority of all of the members of the commission, rather than a single majority vote. [SECTION 8.]
- The list of recipients of the adopted comprehensive plan is modified so that it must be provided to the clerk of every adjacent local governmental unit, the regional planning commission in which the local governmental unit is located and the public library that serves the area in which the local governmental unit is located. [SECTIONS 9, 10, 11 and 13.]
- The sequence of recommending and then either adopting or amending a local comprehensive plan is clarified. [SECTION 12.]
- The requirement to adopt a traditional neighborhood development and conservation subdivision ordinance is modified, so that this requirement applies to a city or village of at least 12,500 population. [SECTIONS 15 and 16.]

If I can provide further information on this subject, please feel free to contact me.

MCP:tlu:rv;wu