

State of Wisconsin



2003 Assembly Bill 728

Date of enactment: **April 22, 2004**

Date of publication*: **May 6, 2004**

2003 WISCONSIN ACT 307

AN ACT *to amend* 66.1001 (2) (e) and 66.1001 (4) (a); and *to create* 66.1001 (4) (e) and 66.1001 (5) of the statutes; relating to: comprehensive planning by local governmental units.

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

SECTION 2. 66.1001 (2) (e) of the statutes is amended to read:

66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

SECTION 3. 66.1001 (4) (a) of the statutes is amended to read:

66.1001 (4) (a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall

provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures shall describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract non-metallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan.

SECTION 4. 66.1001 (4) (e) of the statutes is created to read:

66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:

1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).

2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.

3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 66.1001 (5) of the statutes is created to read:

66.1001 (5) COMPREHENSIVE PLAN MAY TAKE EFFECT. Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect

even if a local governmental unit fails to provide the notice that is required under sub. (4) (e), unless the local governmental unit intentionally fails to provide the notice.
