

2003 DRAFTING REQUEST

Bill

Received: 04/22/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Mary Williams (608) 266-7506

By/Representing: Rep. Williams

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Munis - zoning
Counties - zoning

Extra Copies:

Submit via email: YES

Requester's email: Rep.WilliamsM@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Repeal the comprehensive planning (Smart Growth) statute

Instructions:

Repeal s. 66.1001

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>
/?							S&L
/1	mshovers 05/07/2003	kfollett 05/13/2003	rschluet 05/15/2003		sbasford 05/15/2003	sbasford 05/15/2003	
		kfollett 05/15/2003				sbasford 05/15/2003	

FE Sent For:

At Intro.

<END>

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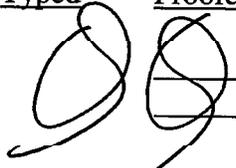
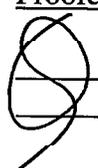
Topic:

Repeal the comprehensive planning (Smart Growth) statute

Instructions:

Repeal s. 66.1001

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/1	mshovers	1/11/03 5/15/03					
1/1	MES	5/7/03					
FE Sent For:							
5-15-03 <END>							



State of Wisconsin
2003 - 2004 LEGISLATURE

Other

LRB-2588/

MES. E. J. F. RMR

(Handwritten initials and signature)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(Handwritten initials)

1
2

AN ACT ...; relating to: repealing the comprehensive planning statute known as
Smart Growth.

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village, or town plan commission to engage in zoning and land use planning. If a city, village, or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village, or town, including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

Under the current law popularly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use.

1 needs. The integrated information shall be readily translatable, retrievable, and
2 geographically referenced to enable members of the public to use the information.

3 History: 1989 a. 31, 339; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 403, 9116 (5), 9126 (19); 1995 a. 201; 1997 a. 27; 1999 a. 9; 2001 a. 16.

4 ~~SECTION 20.395~~ **SECTION 20.395 (4) (ax)** of the statutes is amended to read:

5 20.395 (4) (ax) *Departmental management and operations, federal funds.* All
6 moneys received from the federal government for the administration and
7 management of departmental programs except those programs under subs. (2) (bx)
8 and (dx) and (3) (ix), and for departmental planning and administrative activities
9 including all moneys received as federal aid as authorized by the governor under s.
10 16.54 to promote highway safety and continue the local traffic safety representatives
11 program and for purposes of s. 85.07 and for activities related to the transportation
12 employment and mobility program under s. 85.24 that are not funded from the
13 appropriation under sub. (1) (bs), (bv), or (bx), ~~and to transfer to the appropriation~~
14 ~~account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z) for~~
such purposes.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109.

15 ~~SECTION 20.505~~ **SECTION 20.505 (1) (z)** of the statutes is repealed.

16 ~~SECTION 59.69~~ **SECTION 59.69 (3) (a)** of the statutes is amended to read:

17 59.69 (3) (a) The county zoning agency may direct the preparation of a county
18 development plan or parts of the plan for the physical development of the
19 unincorporated territory within the county and areas within incorporated
20 jurisdictions whose governing bodies by resolution agree to having their areas
21 included in the county's development plan. The plan may be adopted in whole or in
22 part and may be amended by the board and endorsed by the governing bodies of
23 incorporated jurisdictions included in the plan. The county development plan, in

1 whole or in part, in its original form or as amended, is hereafter referred to as the
2 development plan. ~~Beginning on January 1, 2010, if the county engages in any~~
3 ~~program or action described in s. 66.1001 (3), the development plan shall contain at~~
4 ~~least all of the elements specified in s. 66.1001 (2).~~

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69, 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 33; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

5 SECTION 59.72 (5) (b) 3. of the statutes is amended to read:

6 59.72 (5) (b) 3. The county uses \$4 of each \$5 fee retained under this paragraph
7 to develop, implement, and maintain the countywide plan for land records
8 modernization, and \$1 of each \$5 fee retained under this paragraph to develop and
9 maintain a computerized indexing of the county's land information records relating
10 to housing, ~~including the housing element of the county's land use plan under s.~~
11 ~~66.1001 (2) (b),~~ in a manner that would allow for greater public access via the
12 Internet.

9-1-03

NOTE: NOTE: This section is affected eff. 9-1-03 by 1997 Wis. Act 27 and 2001 Wis. Acts 16 and 104 to read:NOTE:

13 59.72 Land information. (1) DEFINITIONS. In this section:
14 (a) "Land information" means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface
15 resources or air in this state. "Land information" includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife,
16 associated natural resources, land ownership, land use, land use controls and restriction, jurisdictional boundaries, tax assessment, land value, land survey records and
17 references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.
18 (b) "Land records" means maps, documents, computer files and any other storage medium in which land information is recorded.
19 (c) "Local governmental unit" means a municipality, regional planning commission, special purpose district or local governmental association, authority, board,
20 commission, department, independent agency, institution or office.
21 (3) LAND INFORMATION OFFICE. The board may establish a separate county land information office or may direct that an office be established within an existing
22 department, board, commission, agency, institution, authority or office. If the board establishes a county land information office, the office shall coordinate land
23 information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental
24 units, the federal government and the private sector. If the board establishes a land information office, the board shall, within 2 years after the land information office
25 is established, develop a countywide plan for land records modernization.
26 (5) LAND RECORD MODERNIZATION FUNDING. A county which establishes a land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag) 1.
27 and (c) to develop, implement and maintain a countywide plan for land records modernization.

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104.

28 SECTION 62.23 (2) of the statutes is amended to read:

29 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
30 make and adopt a master plan for the physical development of the city, including any
31 areas outside of its boundaries that in the commission's judgment bear relation to the
32 development of the city provided, however, that in any county where a regional
33 planning department has been established, areas outside the boundaries of a city

1 may not be included in the master plan without the consent of the county board of
 2 supervisors. The master plan, with the accompanying maps, plats, charts, and
 3 descriptive and explanatory matter, shall show the commission's recommendations
 4 for such physical development, and shall, as described in sub. (3) (b), contain at least
 5 the elements described in s. 66.1001[✓](2). The commission may from time to time
 6 amend, extend, or add to the master plan or carry any part or subject matter into
 7 greater detail. The commission may adopt rules for the transaction of business and
 8 shall keep a record of its resolutions, transactions, findings, and determinations,
 9 which record shall be a public record.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50.

10 ~~SECTION 9.~~ 62.23 (3) (b) of the statutes is amended to read:

11 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
 12 resolution, or, as the work of making the whole master plan progresses, may from
 13 time to time by resolution adopt a part or parts of a master plan. Beginning on
 14 January 1, 2010, if the city engages in any program or action described in s. 66.1001[✓]
 15 (3), the master plan shall contain at least all of the elements specified in s. 66.1001[✓]
 16 (2). The adoption of the plan or any part, amendment, or addition, shall be by
 17 resolution carried by the affirmative votes of not less than a majority of all the
 18 members of the city plan commission. The resolution shall refer expressly to the
 19 elements under s. 66.1001[✓] and other matters intended by the commission to form the
 20 whole or any part of the plan, and the action taken shall be recorded on the adopted
 21 plan or part of the plan by the identifying signature of the secretary of the
 22 commission, and a copy of the plan or part of the plan shall be certified to the common
 23 council. The purpose and effect of the adoption and certifying of the master plan or

1 part of the plan shall be solely to aid the city plan commission and the council in the
2 performance of their duties.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 147, 108; 2001 a. 50.

3 ~~SECTION 10.~~ 66.0309 (8) (a) 1. b. of the statutes is amended to read:

4 66.0309 (8) (a) 1. ~~The regional planning commission may take any of the~~
5 following actions:

6 a. Conduct all types of research studies, collect and analyze data, prepare
7 maps, charts and tables, and conduct all necessary studies for the accomplishment
8 of its other duties.

9 ~~b. Consistent with the elements specified in s. 66.1001, make~~ Make plans for
10 the physical, social and economic development of the region, and, ~~consistent with the~~
11 ~~elements specified in s. 66.1001,~~ adopt by resolution any plan or the portion of any
12 plan so prepared as its official recommendation for the development of the region.

13 c. Publicize and advertise its purposes, objectives and findings, and distribute
14 reports concerning these items.

15 d. Provide advisory services on regional planning problems to the local
16 government units within the region and to other public and private agencies in
17 matters relative to its functions and objectives, and may act as a coordinating agency
18 for programs and activities of local units and agencies as they relate to its objectives.

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; 1999 a. 9; 1999 a. 150 ss. 608 to 612; Stats. 1999 s. 66.0309; 2001 a. 103.

19 ~~SECTION 11.~~ 66.0309 (9) of the statutes is amended to read:

20 66.0309 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
21 commission shall have the function and duty of making and adopting a master plan
22 for the physical development of the region. The master plan, with the accompanying
23 maps, plats, charts, programs and descriptive and explanatory matter, shall show

1 the commission's recommendations for physical development and shall contain at
2 least the elements described in s. 66.1001. The regional planning commission may
3 amend, extend or add to the master plan or carry any part or subject matter into
4 greater detail.

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; 1999
a. 9; 1999 a. 150 ss. 608 to 612; Stats. 1999 s. 66.0309; 2001 a. 103.

5 ~~SECTION 11.~~ 66.0309 (10) of the statutes is amended to read:

6 66.0309 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be
7 made with the general purpose of guiding and accomplishing a coordinated, adjusted
8 and harmonious development of the region which will, in accordance with existing
9 and future needs, best promote public health, safety, morals, order, convenience,
10 prosperity or the general welfare, as well as efficiency and economy in the process
11 of development. The regional planning commission may adopt the master plan as
12 a whole by a single resolution, or, as the work of making the whole master plan
13 progresses, may by resolution adopt a part or parts of the master plan, any part to
14 correspond with one or more of the elements specified in s. 66.1001. The resolution
15 shall refer expressly to the maps, plats, charts, programs and descriptive and
16 explanatory matter, and other matters intended by the regional planning
17 commission to form the whole or any part of the plan, and the action taken shall be
18 recorded on the adopted plan or part of the adopted plan by the identifying signature
19 of the chairperson of the regional planning commission and a copy of the plan or part
20 of the adopted plan shall be certified to the legislative bodies of the local
21 governmental units within the region. The purpose and effect of adoption of the
22 master plan shall be solely to aid the regional planning commission and the local

1 governments and local government officials comprising the region in the
2 performance of their functions and duties.

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; 1999 a. 9; 1999 a. 150 ss. 608 to 612; Stats. 1999 s. 66.0309; 2001 a. 103.

3 SECTION ~~15~~ 66.1001 of the statutes is repealed.

4 SECTION ~~14~~ 236.13 (1) (c) (intro.) of the statutes is amended to read:

5 236.13 (1) (c) ~~A comprehensive plan under s. 66.1001 or, if the municipality,~~

6 ~~town, or county does not have a comprehensive plan, either~~ Either of the following:

History: 1977 c. 29 ss. 1384, 1654 (8) (c); 1977 c. 162; 1979 c. 221, 248; 1981 c. 289 s. 19; 1981 c. 354; 1993 a. 414; 1995 a. 27 ss. 6310, 6311, 9116 (5); 1995 a. 227; 1997 a. 27; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 30.

7 (END)

SECTION #. AM; →

CT6.965 (2) ~~AMM~~

INS 2-2

16.965 (2)

(2) From the appropriations under s. 20.505 (1) (cm) and (if), the department may provide grants to local governmental units to be used to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department shall require any local governmental unit that receives a grant under this section to finance a percentage of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. The department shall determine the percentage of the cost to be funded by a local governmental unit based on the number of applications for grants and the availability of funding to finance grants for the fiscal year in which grants are to be provided. A local governmental unit that desires to receive a grant under this subsection shall file an application with the department. The application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant. ~~No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s.~~

~~66.1001 (2).~~

Barman, Mike

From: Shovers, Marc
Sent: Tuesday, May 06, 2003 11:56 AM
To: Barman, Mike
Subject: FW:

Could you please work your magic? Thanks, Mike.

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

From: Junck, Linda
Sent: Tuesday, May 06, 2003 11:43 AM
To: Shovers, Marc
Subject:

Good Morning.

Could you please jacket and send over LRB 2588/?

Linda
Rep Mary Williams office