

2003 DRAFTING REQUEST

Bill

Received: 12/11/2003

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Ellen**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - zoning
Munis - miscellaneous
Counties - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Comprehensive planning (Smart Growth) by, and fees imposed by, local governmental units

Instructions:

See Attached

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> |
|--------------|------------------------|------------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /? | chanaman 12/11/2003 | wjackson 12/11/2003 | | _____ | | | |
| /P1 | | | pgreensl 12/11/2003 | _____ | sbasford 12/11/2003 | | |

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|--------------|------------------------|------------------------|------------------------|----------------|-----------------------|----------------------|-----------------|
| /1 | chanaman 12/22/2003 | wjackson 12/23/2003 | pgreensl 12/23/2003 | _____ | mbarman 12/23/2003 | lemery 01/05/2004 | |

FE Sent For:

*None
needed*

<END>

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| /? | chanaman 12/11/2003 | wjackson 12/11/2003 | 12/23 | 12/23 | | | |
| /P1 | | 1 wlj 12/23 | pgreensl 12/11/2003 | 12/23 | sbasford 12/11/2003 | | |

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Page 2

FE Sent For:

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | chanaman | /plw/j 12/11 | 12/11 D8 | 12/11 /ll | | | |

FE Sent For:

<END>

Today

PI

Y.....

MES:Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{gen cat} relating to: ^{comprehensive} units ^{and} ^{planning by local governmental} fees imposed by political ^{subdivisions} [⊙]

Analysis by the Legislative Reference Bureau

INS A ✓

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

2

(END)

INS 7-2 ✓

ASSEMBLY BILL 655

MES
~~NO~~ PARTS of AB 655

retain such a portion, the utility must contribute 1.75 percent of the portion to the PSC, which the PSC must deposit in the fund for DOA to use for programs for research and development for energy conservation and efficiency. In addition, the utility must contribute 4.5 percent of the portion to the PSC for deposit in the fund for DOA to use for renewable resource programs. The bill also prohibits a utility from paying for expenses related to administration, marketing, or delivery of services for the utility's energy conservation programs from the portion of a contribution the utility is allowed to retain.

The bill also requires the PSC to promulgate rules for the grants made by DOA from the fund for energy conservation and other programs. Under the bill, an applicant is not eligible for such a grant unless the applicant's proposal for the grant complies with rules promulgated by the PSC. The rules must require an applicant to demonstrate that, within a reasonable period of time determined by the PSC, the economic benefits resulting from the proposal will be equal to the amount of the grant. The rules must also specify annual energy savings targets that a such proposal must be designed to achieve.

RECIPROCAL AGREEMENTS FOR REAL ESTATE LICENSES

Under current law, the Department of Regulation and Licensing (DRL) grants licenses that allow persons to practice as real estate brokers or salespersons. Current law specifies the requirements a person must satisfy to obtain such a license. The Real Estate Board (board) advises DRL on rules regarding licensing and other matters.

This bill allows DRL to grant licenses to persons licensed as real estate brokers or salespersons in other states and territories, in addition to persons who satisfy the requirements specified under current law. Under the bill, DRL may, after consulting with the board, enter into reciprocal agreements with officials of other states or territories for granting licenses to persons licensed in those states or territories.

COMPREHENSIVE PLANNING BY LOCAL GOVERNMENTAL UNITS

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 zoning development plan or a zoning 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.

Beginning on January 1, 2010, under Smart Growth, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans, and impact fee ordinances. Also beginning on January 1, 2010, under Smart Growth, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

*INS
A*



ASSEMBLY BILL 655

Before the plan may take effect, however, a local governmental unit must comply with a number of requirements, such as adopting written procedures that are designed to foster public participation in the preparation of the plan.

Under this bill, before the plan may take effect, a local governmental unit must provide written notice to all owners of property, and leaseholders who have an interest in property pursuant to which the persons may extract nonmetallic mineral resources, in which the allowable use or intensity of use, of the property, is changed by the comprehensive plan, and must create written procedures that describe the methods the local governmental unit will use to distribute elements of a comprehensive plan to owners of, and other persons who have such interests in, such property.

FEES IMPOSED BY POLITICAL SUBDIVISIONS

Under current law, cities, villages, towns, and counties (political subdivisions) provide various services for which those political subdivisions may impose a fee. This bill requires that any fee imposed by a political subdivision bear a reasonable relationship to the service for which the fee is imposed and that, when a political subdivision first imposes or raises a fee, the political subdivision issue written findings that demonstrate that the fee bears a reasonable relationship to the service for which the fee is imposed.

PATIENT HEALTH CARE RECORDS

Under current state law, patient health care records must remain confidential and may be released by a health care provider only with the informed consent of the patient or of a person authorized by the patient. However, patient health care records are required to be released without informed consent by the health care provider in specified circumstances, including for patient treatment, health care provider payment and medical records management, and certain audits, program monitoring, accreditation, and health care services review activities by health care facility staff committees or accreditation or review organizations.

Under current federal law, patient health care information may be released without patient authorization by health care providers for, among other purposes, treatment, payment, and health care operations. "Health care operations" is defined in federal law to include quality assessment and improvement activities; credentialing or evaluating of health care practitioners and training; underwriting; medical review, legal services, and auditing; business planning and development; and business management and general administrative activities.

This bill modifies the requirement for release of patient health care records without patient consent to authorize, rather than require, release under specified circumstances, and to eliminate the requirement that a request for the records be received before release. The bill also increases the circumstances under which patient health care records are authorized to be released without patient informed consent, to include purposes of health care operations, as defined and authorized in federal law.

APPRENTICESHIP-TO-JOURNEYMAN JOB-SITE RATIOS

Under current law, the Department of Workforce Development (DWD) may determine reasonable classifications, promulgate rules, issue general or special

end of
Ins
A

ASSEMBLY BILL 655

SECTION 150

1 30.29 (3) (d) *Activities for which a permit is issued.* A person or agent of a person
 2 who is issued a permit by the department while the person or agent is engaged in
 3 activities related to the purpose for which the permit is issued as authorized under
 4 a general or individual permit issued under this subchapter or as authorized under
 5 a contract entered into under this subchapter.

6 SECTION 151. 30.298 (3) of the statutes is amended to read:

7 30.298 (3) Any person who violates a general permit under s. 30.206 shall
 8 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
 9 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
 10 subsequent time.

11 SECTION 152. 31.39 (2m) (c) of the statutes is amended to read:

12 31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) ~~(a)~~ or 281.22
 13 is applicable to a project, the department shall charge only the highest fee of those
 14 that are applicable.

15 SECTION ~~151~~[#] 66.0628[✓] of the statutes is created to read:

16 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
 17 "political subdivision" means a city, village, town, or county.

18 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
 19 relationship to the service for which the fee is imposed.

20 (3) With regard to a fee that is first imposed, or an existing fee that is increased,
 21 on or after the effective date of this subsection [revisor inserts date], a political
 22 subdivision shall issue written findings that demonstrate that the fee meets the
 23 standard in sub. (2).

24 SECTION ~~151~~[#] 66.1001 (2) (e)[✓] of the statutes is amended to read:

3340
1/15
1-2



ASSEMBLY BILL 655

1 66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A
 2 compilation of objectives, policies, goals, maps and programs for the conservation,
 3 and promotion of the effective management, of natural resources such as
 4 groundwater, forests, productive agricultural areas, environmentally sensitive
 5 areas, threatened and endangered species, stream corridors, surface water,
 6 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources
 7 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical
 8 and cultural resources, community design, recreational resources and other natural
 9 resources.

*(CS) ***NOTE: eliminate this section if the compile includes an identical section. (CS)*

10 SECTION ~~155~~ 66.1001 (4) (a) of the statutes is amended to read:

11 66.1001 (4) (a) The governing body of a local governmental unit shall adopt
 12 written procedures that are designed to foster public participation, including open
 13 discussion, communication programs, information services, and public meetings for
 14 which advance notice has been provided, in every stage of the preparation of a
 15 comprehensive plan. The written procedures shall provide for wide distribution of
 16 proposed, alternative, or amended elements of a comprehensive plan and shall
 17 provide an opportunity for written comments on the plan to be submitted by
 18 members of the public to the governing body and for the governing body to respond
 19 to such written comments. The written procedures shall describe the methods the
 20 governing body of a local governmental unit will use to distribute proposed,
 21 alternative, or amended elements of a comprehensive plan to owners of property, or
 22 to persons who have a leasehold interest in property pursuant to which the persons
 23 may extract nonmetallic mineral resources in or on property, in which the allowable
 24 use or intensity of use, of the property, is changed by the comprehensive plan.

25 SECTION ~~155~~ 66.1001 (4) (e) of the statutes is created to read:



ASSEMBLY BILL 655

SECTION 156

1 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,
 2 a local governmental unit shall provide written notice to all owners of property, and
 3 all leaseholders who have an interest in property pursuant to which the persons may
 4 extract nonmetallic mineral resources, in which the allowable use or intensity of use,
 5 of the property, is changed by the comprehensive plan, including all of the following:

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

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

10 3. Any other person who the local governmental unit knows has a property
 11 interest in nonmetallic mineral resources in the jurisdiction.

*END
OF INS 1-2*

12 ~~SECTION 157. 84.18 (6) of the statutes is amended to read:~~

13 ~~84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. 30.12 (4) 30.2022 and~~
 14 ~~the control exercised by the United States, the construction under this section of any~~
 15 ~~local bridge project shall be wholly under the supervision and control of the~~
 16 ~~department. The secretary shall make and execute all contracts and have complete~~
 17 ~~supervision over all matters pertaining to such construction and shall have the~~
 18 ~~power to suspend or discontinue proceedings or construction relative to any bridge~~
 19 ~~project at any time in the event any county, city, village or town fails to pay the~~
 20 ~~amount required of it for any project eligible for construction under this section, or~~
 21 ~~if the secretary determines that sufficient funds to pay the state's part of the cost of~~
 22 ~~such bridge project are not available. All moneys provided by counties, cities,~~
 23 ~~villages and towns shall be deposited in the state treasury, when required by the~~
 24 ~~secretary, and paid out on order of the secretary. Any of the moneys deposited for a~~
 25 ~~project eligible for construction under this section which remain in the state treasury~~

(



~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Tues
P.M.

refer cat

1 AN ACT *to amend* 66.1001 (2) (e) and 66.1001 (4) (a); and *to create* 66.0628 and
2 66.1001 (4) (e) of the statutes; **relating to:** comprehensive planning by local
3 governmental units and fees imposed by political subdivisions.

Analysis by the Legislative Reference Bureau

COMPREHENSIVE PLANNING BY LOCAL GOVERNMENTAL UNITS

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 zoning development plan or a zoning 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.

Beginning on January 1, 2010, under Smart Growth, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans, and impact fee ordinances. Also beginning on January 1, 2010, under Smart Growth, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

Before the plan may take effect, however, a local governmental unit must comply with a number of requirements, such as adopting written procedures that are designed to foster public participation in the preparation of the plan.

BILL

Under this bill, before the plan may take effect, a local governmental unit must provide written notice to all owners of property, and leaseholders who have an interest in property pursuant to which the persons may extract nonmetallic mineral resources, in which the allowable use or intensity of use of the property is changed by the comprehensive plan, and must create written procedures that describe the methods the local governmental unit will use to distribute elements of a comprehensive plan to owners of, and other persons who have such interests in, such property.

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Under current law, cities, villages, towns, and counties (political subdivisions) provide various services for which those political subdivisions may impose a fee. This bill requires that any fee imposed by a political subdivision bear a reasonable relationship to the service for which the fee is imposed and that, when a political subdivision first imposes or raises a fee, the political subdivision issue written findings that demonstrate that the fee bears a reasonable relationship to the service for which the fee is imposed.

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

1 **SECTION 1.** 66.0628 of the statutes is created to read:

2 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
3 “political subdivision” means a city, village, town, or county.

4 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
5 relationship to the service for which the fee is imposed.

6 (3) With regard to a fee that is first imposed, or an existing fee that is increased,
7 on or after the effective date of this subsection [revisor inserts date], a political
8 subdivision shall issue written findings that demonstrate that the fee meets the
9 standard in sub. (2).

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

11 66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A
12 compilation of objectives, policies, goals, maps and programs for the conservation,
13 and promotion of the effective management, of natural resources such as

1 groundwater, forests, productive agricultural areas, environmentally sensitive
2 areas, threatened and endangered species, stream corridors, surface water,
3 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources
4 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical
5 and cultural resources, community design, recreational resources and other natural
6 resources.

~~***NOTE: Eliminate this SECTION if the compile includes an identical section.~~

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

8 66.1001 (4) (a) The governing body of a local governmental unit shall adopt
9 written procedures that are designed to foster public participation, including open
10 discussion, communication programs, information services, and public meetings for
11 which advance notice has been provided, in every stage of the preparation of a
12 comprehensive plan. The written procedures shall provide for wide distribution of
13 proposed, alternative, or amended elements of a comprehensive plan and shall
14 provide an opportunity for written comments on the plan to be submitted by
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16 to such written comments. The written procedures shall describe the methods the
17 governing body of a local governmental unit will use to distribute proposed,
18 alternative, or amended elements of a comprehensive plan to owners of property, or
19 to persons who have a leasehold interest in property pursuant to which the persons
20 may extract nonmetallic mineral resources in or on property, in which the allowable
21 use or intensity of use of the property is changed by the comprehensive plan.

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

23 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,
24 a local governmental unit shall provide written notice to all owners of property, and

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8 3. Any other person who the local governmental unit knows has a property
9 interest in nonmetallic mineral resources in the jurisdiction.

10 (END)

Emery, Lynn

From: Nowak, Ellen
Sent: Monday, January 05, 2004 1:37 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3868/1 Topic: Comprehensive planning (Smart Growth) by, and fees imposed by, local governmental units

It has been requested by <Nowak, Ellen> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3868/1 Topic: Comprehensive planning (Smart Growth) by, and fees imposed by, local governmental units