

2005 DRAFTING REQUEST

Bill

Received: **01/31/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Brian Hayes (1-9482)**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**
Local Gov't - misc

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to impact fee statute

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>
/?				_____			Local
/1	mshovers 02/08/2006	lkunkel 02/17/2006	jfrantze 02/17/2006	_____	sbasford 02/17/2006		Local
/2	mshovers 02/20/2006	lkunkel 02/28/2006	rschlue 03/01/2006	_____	sbasford 03/01/2006	sbasford 03/08/2006	
	mshovers 02/28/2006	lkunkel 03/01/2006		_____			

FE Sent For:

at intro

3/29

<END>

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See attached

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see 99-3668/P1

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/?	mshovers	1/mk 2/15					
1/1	MES	2/8/06					
FE Sent For:		1/2/mk 3/11					

316

<END>

Brian Hayes

19482

Drafting instructions:

The intent of the proposed legislation is to be more prescriptive on the transparency, duration, uses and timing of impact fees that municipalities use to recompense the cost of new development. To the greatest extent possible, impact fees should be limited to the development for which they are intended. To that end:

see sub (a)

Yes

1) Require impact fees to be used within ten years of the date of collection (currently unlimited). If there is no construction within ten years, then the fees should be refunded to the individual, with applicable interest.

? see def of "public fac" in 0660617(1)(f) "other recreational facilities"

2) Require impact fees to be used for **specified** facilities (courts have interpreted that **similar** facilities are acceptable). For example, fees for a swimming pool cannot be switched to a spray park. *req. specifically - delineation - transparent*

3) Require standardized accounting and reporting of all fees (currently only minimal standards are applied to impact fees but not to other municipal fees). Require yearly reporting and publishing. *each sep. account shall be published or kept separately*

req use of "gen. accepted accounting principles"

see sub. (b)?
don't draft

4) Make the definition of public facilities more precise - limited to "bricks and mortar" physical facilities maintained by the fee-levying municipality with a nexus to the value of the property. *? see sub. (6) (a), (b), (c), & (f) sub (4) (a) 1, 2, 3.*

5) Limit fees as a condition of subdivision plat approval. Building permit or occupancy permit approval is a more probative point to assess fees. Specify timing of assessment and payment within 14 days of one of these points. *see 0660617(6)(g)*

6) Remove the ability of counties to assess impact fees. (It's my understanding that none currently do.)

Shovers, Marc

From: Hayes, Brian
Sent: Friday, January 06, 2006 10:36 AM
To: Shovers, Marc
Subject: Impact fee draft.doc

Attachments: Impact fee draft.doc

Marc

I've tried to focus and clarify the drafting request we discussed this morning in the attached document. We can talk the first of next week.

Thanks for your help.

Brian Hayes
Policy Director
Office of the Speaker
(608) 261-9482



Impact fee
draft.doc (27 KB)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4537/1

MES.....

Thursday
(per requester)

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

gen

1 AN ACT ...; relating to: changes to the impact fee law. ✓

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county (political subdivision) may impose an impact fee on a developer to pay for the capital costs to construct certain public facilities that are necessary to accommodate land development. ✓ The definition of "public facilities" includes highways; facilities for treating sewage, storm waters, and surface waters; facilities for pumping, storing, and distributing water; parks; playgrounds; fire protection, emergency medical, and law enforcement facilities; and libraries. ✓ Also under current law, an impact fee ordinance must require that an impact fee that is imposed and collected by a political subdivision, but not used within a reasonable time after it is collected, be refunded to the current owner of the property with regard to which the impact fee was imposed. ✓

Under this bill, an impact fee may only be imposed by a municipality (a city, village, or town), and must be used within 10 years of its collection or it must be returned, with interest, to the current owner of the property. ✓

Currently, impact fees must be placed in a segregated, interest-bearing account, and must be accounted for separately from other funds of the political subdivision. ✓ Under the bill, a municipality must use generally accepted accounting principals to keep track of each particular impact fee, and each such impact fee must be kept in a separate account. ✓ Annually, the bill requires a municipality to issue a report on the amount of impact fees collected and the uses to which the fees are being put. ✓

Under current law, an impact fee must be paid by a developer to a political subdivision, either in full or in installments, before a building permit may be issued

or other required approval may be given by the political subdivision. ✓ Under the bill, a developer must pay an impact fee in full to a municipality within 14 days of the municipality's issuance of a building permit or an occupancy permit. ✓

set → ~~FE~~ ~~SL~~

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

1 **SECTION 1.** 66.0617 (1) (a) of the statutes is amended to read:

2 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand or

3 improve public facilities, including the cost of land, and including legal, engineering

4 and design costs to construct, expand or improve public facilities, except that not

5 more than 10% of capital costs may consist of legal, engineering and design costs

6 unless the ~~political subdivision~~ municipality can demonstrate that its legal,

7 engineering and design costs which relate directly to the public improvement for

8 which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does

9 not include other noncapital costs to construct, expand or improve public facilities

10 or the costs of equipment to construct, expand or improve public facilities.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

11 **SECTION 2.** 66.0617 (1) (c) of the statutes is amended to read:

12 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land

13 or interests in land or any other items of value that are imposed on a developer by

14 a ~~political subdivision~~ municipality under this section.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

15 **SECTION 3.** 66.0617 (1) (d) of the statutes is amended to read:

16 66.0617 (1) (d) "Land development" means the construction or modification of

17 improvements to real property that creates additional residential dwelling units

18 within a ~~political subdivision~~ municipality or that results in nonresidential uses that

1 create a need for new, expanded or improved public facilities within a political
2 ~~subdivision~~ municipality.

3 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 4. 66.0617 (1) (e) of the statutes is amended to read:

4 66.0617 (1) (e) "~~Political subdivision~~" "Municipality" means a city, village, town
5 ~~or county~~ ^{plain} or town.

6 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 5. 66.0617 (1) (f) of the statutes is amended to read:

7 66.0617 (1) (f) "Public facilities" means highways, as defined in s. 340.01 (22),
8 and other transportation facilities, traffic control devices, facilities for collecting and
9 treating sewage, facilities for collecting and treating storm and surface waters,
10 facilities for pumping, storing, and distributing water, parks, playgrounds, and other
11 recreational facilities, solid waste and recycling facilities, fire protection facilities,
12 law enforcement facilities, emergency medical facilities and libraries ^{plain} ~~except that,~~
13 ~~with regard to counties, "public facilities" does not include highways, as defined in~~
14 ~~s. 340.01 (22), other transportation facilities or traffic control devices.~~ "Public
15 facilities" does not include facilities owned by a school district.

16 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 6. 66.0617 (1) (g) of the statutes is amended to read:

17 66.0617 (1) (g) "Service area" means a geographic area delineated by a ^{plain} political
18 ~~subdivision~~ municipality within which there are public facilities.

19 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 7. 66.0617 (1) (h) of the statutes is amended to read:

20 66.0617 (1) (h) "Service standard" means a certain quantity or quality of public
21 facilities relative to a certain number of persons, parcels of land or other appropriate
22 measure, as specified by the ~~political subdivision~~ municipality.

23 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 8. 66.0617 (2) (a) of the statutes is amended to read:

SECTION 8

strike
↓

A
↓

1 66.0617 (2) (a) ~~Subject to par. (am), a political subdivision~~ municipality may
2 enact an ordinance under this section that imposes impact fees on developers to pay
3 for the capital costs that are necessary to accommodate land development.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

4 SECTION 9. 66.0617 (2) (am) of the statutes is repealed.

5 SECTION 10. 66.0617 (2) (b) of the statutes is amended to read:

6 66.0617 (2) (b) Subject to par. (c), this section does not prohibit or limit the
7 authority of a ~~political subdivision~~ municipality to finance public facilities by any
8 other means authorized by law, except that the amount of an impact fee imposed by
9 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to
10 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
11 municipality on developers to provide or pay for capital costs.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

12 SECTION 11. 66.0617 (2) (c) of the statutes is amended to read:

13 66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
14 may impose and collect impact fees only under this section.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

15 SECTION 12. 66.0617 (3) of the statutes is amended to read:

16 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes
17 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~
18 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
19 amendment. Notice of the public hearing shall be published as a class 1 notice under
20 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
21 the public facilities needs assessment may be obtained.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

22 SECTION 13. 66.0617 (4) (a) (intro.) of the statutes is amended to read:

1 66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees
2 or amending an ordinance that imposes impact fees by revising the amount of the fee
3 or altering the public facilities for which impact fees may be imposed, a political
4 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities
5 for which it is anticipated that impact fees may be imposed. The public facilities
6 needs assessment shall include, but not be limited to, the following:

7 3. A detailed estimate of the capital costs of providing the new public facilities
8 or the improvements or expansions in existing public facilities identified in subd. 2.,
9 including an estimate of the effect of recovering these capital costs through impact
10 fees on the availability of affordable housing within the ~~political subdivision~~
11 municipality.

12 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

12 **SECTION 14.** 66.0617 (4) (a) 3. of the statutes is amended to read:

13 66.0617 (4) (a) 3. A detailed estimate of the capital costs of providing the new
14 public facilities or the improvements or expansions in existing public facilities
15 identified in subd. 2., including an estimate of the effect of recovering these capital
16 costs through impact fees on the availability of affordable housing within the
17 ~~political subdivision~~ municipality.

18 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

18 **SECTION 15.** 66.0617 (4) (b) of the statutes is amended to read:

19 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
20 needs assessment that is prepared under this subsection shall be available for public
21 inspection and copying in the office of the clerk of the ~~political subdivision~~
22 municipality at least 20 days before the hearing under sub. (3).

23 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

23 **SECTION 16.** 66.0617 (5) (b) of the statutes is amended to read:

1 66.0617 (5) (b) An ordinance enacted under this section may delineate
2 geographically defined zones within the ~~political subdivision~~ municipality and may
3 impose impact fees on land development in a zone that differ from impact fees
4 imposed on land development in other zones within the ~~political subdivision~~
5 municipality. The public facilities needs assessment that is required under sub. (4)
6 shall explicitly identify the differences, such as land development or the need for
7 those public facilities, which justify the differences between zones in the amount of
8 impact fees imposed.

9 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

9 **SECTION 17.** 66.0617 (6) (b) of the statutes is amended to read:

10 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
11 are required to serve land development, as compared to existing uses of land within
12 the ~~political subdivision~~ municipality.

13 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

13 **SECTION 18.** 66.0617 (6) (d) of the statutes is amended to read:

14 66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed
15 by the ~~political subdivision~~ municipality with respect to land development to provide
16 or pay for public facilities, including special assessments, special charges, land
17 dedications or fees in lieu of land dedications under ch. 236 or any other items of
18 value.

19 **History:** 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

19 **SECTION 19.** 66.0617 (6) (g) of the statutes is amended to read:

20 66.0617 (6) (g) Shall be payable by the developer to the ~~political subdivision,~~
21 either municipality in full or in installment payments that are approved by the
22 ~~political subdivision, before~~ within 14 days of the issuance of a building permit may

1 be issued or other required approval may be given within 14 days of the issuance of
2 an occupancy permit by the political subdivision municipality. ✓

3 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 20. 66.0617 (7) of the statutes is amended to read:

4 66.0617 (7) LOW-COST HOUSING. An ordinance enacted under this section may
5 provide for an exemption from, or a reduction in the amount of, impact fees on land
6 development that provides low-cost housing, except that no amount of an impact fee
7 for which an exemption or reduction is provided under this subsection may be shifted
8 to any other development in the land development in which the low-cost housing is
9 located or to any other land development in the political subdivision municipality. ✓

10 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 21. 66.0617 (8) of the statutes is amended to read:

11 66.0617 (8) REQUIREMENTS FOR AND REPORTING ✓ ON IMPACT FEE REVENUES.

12 Revenues from each ✓ impact fees fee that is imposed ✓ shall be placed in a separated ✓ and
13 segregated ✓, interest-bearing account and shall be accounted for, in accordance with
14 generally accepted accounting practices, separately from the other funds of the
15 political subdivision municipality. ✓ Impact fee revenues and interest earned on
16 impact fee revenues may be expended only for the particular ✓ capital costs for which
17 the impact fees were ✓ fee was ✓ imposed, unless the fee is refunded ✓ under sub. (9).
18 Annually, a municipality shall publish, as a class 1 notice under ch. 985, a report that
19 lists each impact fee imposed by the municipality which is in an account described
20 in this subsection and the capital costs for which the fee was spent or is to be spent. ✓

21 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 22. 66.0617 (9) of the statutes is amended to read:

22 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section
23 shall specify that impact fees that are imposed and collected by a political subdivision
24 municipality but are not used, or construction has not started on the public facilities

SECTION 22

1 for which the fees were collected, within a reasonable period of time 10 years after
2 they are collected to pay the capital costs for which they were imposed shall be
3 refunded to the current owner of the property with respect to which the impact fees
4 were imposed, along with any interest that has accumulated, as described in sub. (8).

5 The ordinance shall specify, by type of public facility, reasonable time periods within
6 which impact fees must be spent or refunded under this subsection. In determining
7 the length of the time periods under the ordinance, a ~~political subdivision~~
8 municipality shall consider what are appropriate planning and financing periods for
9 the particular types of public facilities for which the impact fees are imposed.

10 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

SECTION 23. 66.0617 (10) of the statutes is amended to read:

11 66.0617 (10) APPEAL. A ~~political subdivision~~ municipality that enacts an
12 impact fee ordinance under this section shall, by ordinance, specify a procedure
13 under which a developer upon whom an impact fee is imposed has the right to contest
14 the amount, collection or use of the impact fee to the governing body of the ~~political~~
15 ~~subdivision~~ municipality.

16 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

(END)

2005 DRAFTING REQUEST

Bill

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By/Representing: Brian Hayes (1-9482)

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12 MES 2/20/06

FE Sent For:

<END>

Shovers, Marc

From: Hayes, Brian
Sent: Tuesday, February 28, 2006 9:44 AM
To: Shovers, Marc
Subject: Impact fees -- LRB-4537/1

Marc

Please draft an amendment to LRB-4537/1 that does the following:

- 1) Inserts the words ": or vehicles" in sec. 66.0617(1)(a) that describes what are not to be included in capital costs -- as we talked about last week.
- 2) Remove the "and other recreational facilities" language in sec. 66.0617(1)(f) -- as we talked about last week.
- 3) Further tighten the window of allowable use of impact fees by allowing for their spending to be used within 10 years of their approval. After ten years, any residual should be sent back to the payee. The language in the bill states that they must be used within ten years of their collection. This will force municipal planning for this revenue.
- 4) Apply the fee reporting language in the bill that is intended to provide a GAAP-type transparent accounting to sec. 66.028

66.0628 Fees imposed by a political subdivision.

(1) In this section, "political subdivision" means a city, village, town, or county.

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

History: 2003 a. 134.

And to the plat fees found in sec.236.12

(7) The department and the state agencies referred to in s. 236.13 (1) may charge reasonable service fees for all or part of the costs of activities and services provided by the department under this section and s. 70.27. A schedule of such fees shall be established by rule by each such agency.

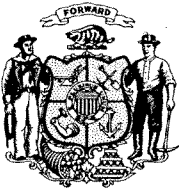
5) Section 19, page 6, line 14 should include "developer or current property owner" language. The property owner gets hung with the cost in any case.

We want to introduce this by Thursday. Call if you have a question. 261-9482 Thanks

Brian Hayes

*do not include,
as per Brian Hayes
by phone*

BTK



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4537/1

MES:lmk:jf

in 2/20

RMR

2005 BILL

ASB
Wed. 3/1

ReGen ✓

and imposing certain requirements on other political subdivisions

1 AN ACT to repeal 66.0617 (2) (am); and to amend 66.0617 (1) (a), 66.0617 (1) (c),
2 66.0617 (1) (d), 66.0617 (1) (e), 66.0617 (1) (f), 66.0617 (1) (g), 66.0617 (1) (h),
3 66.0617 (2) (a), 66.0617 (2) (b), 66.0617 (2) (c), 66.0617 (3), 66.0617 (4) (a)
4 (intro.), 66.0617 (4) (a) 3., 66.0617 (4) (b), 66.0617 (5) (b), 66.0617 (6) (b), 66.0617
5 (6) (d), 66.0617 (6) (g), 66.0617 (7), 66.0617 (8), 66.0617 (9) and 66.0617 (10) of
6 the statutes; relating to: changes to the impact fee law.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county (political subdivision) may impose an impact fee on a developer to pay for the capital costs to construct certain public facilities that are necessary to accommodate land development. The definition of "public facilities" includes highways; facilities for treating sewage, storm waters, and surface waters; facilities for pumping, storing, and distributing water; parks; playgrounds; fire protection, emergency medical, and law enforcement facilities; and libraries. Also under current law, an impact fee ordinance must require that an impact fee that is imposed and collected by a political subdivision, but not used within a reasonable time after it is collected, be refunded to the current owner of the property with regard to which the impact fee was imposed.

Under this bill, an impact fee may only be imposed by a municipality (a city, village, or town), and must be used within 10 years of its collection or it must be returned, with interest, to the current owner of the property. Also under the bill, "public facilities" does not include other recreational facilities.

and other recreational facilities

↑

on the property owner, may only be imposed

BILL

a political subdivision for other fees that it imposes.

ability

Currently, impact fees must be placed in a segregated, interest-bearing account, and must be accounted for separately from other funds of the political subdivision. Under the bill, a municipality must use generally accepted accounting principals, to keep track of each particular impact fee, and each such impact fee must be kept in a separate account. Annually, the bill requires a municipality to issue a report on the amount of impact fees collected and the uses to which the fees are being put.

The bill also imposes these accounting, GAAP, and reporting requirements on

Under current law, an impact fee must be paid by a developer to a political subdivision, either in full or in installments, before a building permit may be issued or other required approval may be given by the political subdivision. Under the bill, a developer must pay an impact fee in full to a municipality within 14 days of the municipality's issuance of a building permit or an occupancy permit.

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

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

1 SECTION 1. 66.0617 (1) (a) of the statutes is amended to read:

2 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand or
3 improve public facilities, including the cost of land, and including legal, engineering
4 and design costs to construct, expand or improve public facilities, except that not
5 more than 10% of capital costs may consist of legal, engineering and design costs
6 unless the ~~political subdivision~~ municipality can demonstrate that its legal,
7 engineering and design costs which relate directly to the public improvement for
8 which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does
9 not include other noncapital costs to construct, expand or improve public facilities;
10 or the costs of equipment to construct, expand or improve public facilities.

11 SECTION 2. 66.0617 (1) (c) of the statutes is amended to read:

12 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
13 or interests in land or any other items of value that are imposed on a developer by
14 a ~~political subdivision~~ municipality under this section.

BILL

1 **SECTION 3.** 66.0617 (1) (d) of the statutes is amended to read:

2 66.0617 (1) (d) “Land development” means the construction or modification of
3 improvements to real property that creates additional residential dwelling units
4 within a ~~political subdivision~~ municipality or that results in nonresidential uses that
5 create a need for new, expanded or improved public facilities within a ~~political~~
6 ~~subdivision~~ municipality.

7 **SECTION 4.** 66.0617 (1) (e) of the statutes is amended to read:

8 66.0617 (1) (e) ~~“Political subdivision”~~ “Municipality” means a city, village, town
9 ~~or county~~ or town.

10 **SECTION 5.** 66.0617 (1) (f) of the statutes is amended to read:

11 66.0617 (1) (f) “Public facilities” means highways, as defined in s. 340.01 (22),
12 and other transportation facilities, traffic control devices, facilities for collecting and
13 treating sewage, facilities for collecting and treating storm and surface waters,
14 facilities for pumping, storing, and distributing water, parks, ^{① and} playgrounds, [↓] and other
15 ~~recreational facilities~~, solid waste and recycling facilities, fire protection facilities,
16 law enforcement facilities, emergency medical facilities and libraries ~~except that,~~
17 ~~with regard to counties, “public facilities” does not include highways, as defined in~~
18 ~~s. 340.01 (22), other transportation facilities or traffic control devices. “Public~~
19 ~~facilities” does not include facilities owned by a school district.~~

20 **SECTION 6.** 66.0617 (1) (g) of the statutes is amended to read:

21 66.0617 (1) (g) “Service area” means a geographic area delineated by a ~~political~~
22 ~~subdivision~~ municipality within which there are public facilities.

23 **SECTION 7.** 66.0617 (1) (h) of the statutes is amended to read:

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1 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
2 facilities relative to a certain number of persons, parcels of land or other appropriate
3 measure, as specified by the ~~political subdivision~~ municipality.

4 **SECTION 8.** 66.0617 (2) (a) of the statutes is amended to read:

5 66.0617 (2) (a) ~~Subject to par. (am), a political subdivision~~ A municipality may
6 enact an ordinance under this section that imposes impact fees on developers to pay
7 for the capital costs that are necessary to accommodate land development.

8 **SECTION 9.** 66.0617 (2) (am) of the statutes is repealed.

9 **SECTION 10.** 66.0617 (2) (b) of the statutes is amended to read:

10 66.0617 (2) (b) Subject to par. (c), this section does not prohibit or limit the
11 authority of a ~~political subdivision~~ municipality to finance public facilities by any
12 other means authorized by law, except that the amount of an impact fee imposed by
13 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to
14 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
15 municipality on developers to provide or pay for capital costs.

16 **SECTION 11.** 66.0617 (2) (c) of the statutes is amended to read:

17 66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
18 may impose and collect impact fees only under this section.

19 **SECTION 12.** 66.0617 (3) of the statutes is amended to read:

20 66.0617 (3) **PUBLIC HEARING; NOTICE.** Before enacting an ordinance that imposes
21 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~
22 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
23 amendment. Notice of the public hearing shall be published as a class 1 notice under
24 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
25 the public facilities needs assessment may be obtained.

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1 **SECTION 13.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

2 66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees
3 or amending an ordinance that imposes impact fees by revising the amount of the fee
4 or altering the public facilities for which impact fees may be imposed, a ~~political~~
5 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities
6 for which it is anticipated that impact fees may be imposed. The public facilities
7 needs assessment shall include, but not be limited to, the following:

8 **SECTION 14.** 66.0617 (4) (a) 3. of the statutes is amended to read:

9 66.0617 (4) (a) 3. A detailed estimate of the capital costs of providing the new
10 public facilities or the improvements or expansions in existing public facilities
11 identified in subd. 2., including an estimate of the effect of recovering these capital
12 costs through impact fees on the availability of affordable housing within the
13 ~~political subdivision~~ municipality.

14 **SECTION 15.** 66.0617 (4) (b) of the statutes is amended to read:

15 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
16 needs assessment that is prepared under this subsection shall be available for public
17 inspection and copying in the office of the clerk of the ~~political subdivision~~
18 municipality at least 20 days before the hearing under sub. (3).

19 **SECTION 16.** 66.0617 (5) (b) of the statutes is amended to read:

20 66.0617 (5) (b) An ordinance enacted under this section may delineate
21 geographically defined zones within the ~~political subdivision~~ municipality and may
22 impose impact fees on land development in a zone that differ from impact fees
23 imposed on land development in other zones within the ~~political subdivision~~
24 municipality. The public facilities needs assessment that is required under sub. (4)
25 shall explicitly identify the differences, such as land development or the need for

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1 those public facilities, which justify the differences between zones in the amount of
2 impact fees imposed.

3 **SECTION 17.** 66.0617 (6) (b) of the statutes is amended to read:

4 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
5 are required to serve land development, as compared to existing uses of land within
6 the ~~political subdivision~~ municipality .

7 **SECTION 18.** 66.0617 (6) (d) of the statutes is amended to read:

8 66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed
9 by the ~~political subdivision~~ municipality with respect to land development to provide
10 or pay for public facilities, including special assessments, special charges, land
11 dedications or fees in lieu of land dedications under ch. 236 or any other items of
12 value.

13 **SECTION 19.** 66.0617 (6) (g) of the statutes is amended to read:

14 66.0617 (6) (g) Shall be payable by the developer ^{or the property owner} to the political subdivision,
15 either municipality in full or ~~in installment payments that are approved by the~~
16 ~~political subdivision, before~~ within 14 days of the issuance of a building permit may
17 be issued or ~~other required approval may be given~~ within 14 days of the issuance of
18 an occupancy permit by the ~~political subdivision~~ municipality.

19 **SECTION 20.** 66.0617 (7) of the statutes is amended to read:

20 66.0617 (7) LOW-COST HOUSING. An ordinance enacted under this section may
21 provide for an exemption from, or a reduction in the amount of, impact fees on land
22 development that provides low-cost housing, except that no amount of an impact fee
23 for which an exemption or reduction is provided under this subsection may be shifted
24 to any other development in the land development in which the low-cost housing is
25 located or to any other land development in the ~~political subdivision~~ municipality.

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1 **SECTION 21.** 66.0617 (8) of the statutes is amended to read:

2 66.0617 (8) REQUIREMENTS FOR AND REPORTING ON IMPACT FEE REVENUES.

3 Revenues from each impact fees fee that is imposed shall be placed in a separate
4 segregated, interest-bearing account and shall be accounted for, in accordance with
5 generally accepted accounting practices, separately from the other funds of the
6 political ~~subdivision~~ municipality. Impact fee revenues and interest earned on
7 impact fee revenues may be expended only for the particular capital costs for which
8 the impact fees were fee was imposed, unless the fee is refunded under sub. (9).
9 Annually, a municipality shall publish, as a class 1 notice under ch. 985, a report that
10 lists each impact fee imposed by the municipality which is in an account described
11 in this subsection and the capital costs for which the fee was spent or is to be spent.

12 **SECTION 22.** 66.0617 (9) of the statutes is amended to read:

13 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section
14 shall specify that impact fees that are imposed and collected by a ~~political subdivision~~
15 municipality but are not used, ~~or construction has not started on the public facilities~~
16 for which the fees were collected, within a reasonable period of time 10 years after
17 they are collected to pay the capital costs for which they were imposed shall be
18 refunded to the current owner of the property with respect to which the impact fees
19 were imposed, along with any interest that has accumulated, as described in sub. (8).
20 The ordinance shall specify, by type of public facility, reasonable time periods within
21 which impact fees must be spent or refunded under this subsection. In determining
22 the length of the time periods under the ordinance, a ~~political subdivision~~
23 municipality shall consider what are appropriate planning and financing periods for
24 the particular types of public facilities for which the impact fees are imposed.

25 **SECTION 23.** 66.0617 (10) of the statutes is amended to read:

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SECTION 1. 66.0628 (3) of the statutes is created to read:

66.0628 (3) Revenues from each fee that is imposed shall be placed in a separate segregated interest-bearing account and shall be accounted for, in accordance with generally accepted accounting practices, separately from the other funds of the political subdivision. Annually, a political subdivision shall publish, as a class 1 notice under ch. 985, a report that lists each fee imposed by the political subdivision which is in an account described in this subsection and the purposes for which the fee was spent or is to be spent.


Basford, Sarah

From: Shovers, Marc
Sent: Wednesday, March 08, 2006 2:37 PM
To: Barman, Mike
Subject: Please jacket -4537/2 for the Assembly and send the jacket to Rep. Suder

Anne Emerson of Rep. Suder's office called and said Rep. Gard would like Rep. Suder to take the lead on this and introduce the bill.

Marc E. Shovers

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Legislative Reference Bureau
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Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us



*Jacketed & sent
to Rep. Suder*