

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB1156)

Received: **04/20/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - munis generally**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to the impact fee law; requirements imposed by municipalities

Instructions:

See Attached. Various changes to the bill

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>
/1	mshovers 04/20/2006 pkahler 04/21/2006	wjackson 04/21/2006	pgreensl 04/21/2006	_____	lnorthro 04/21/2006	lnorthro 04/21/2006	
/2	mshovers 04/25/2006	wjackson 04/25/2006	jfrantze 04/25/2006	_____	sbasford 04/25/2006	sbasford 04/25/2006	

FE Sent For:

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/1	mshovers 04/20/2006	wjackson 04/21/2006	pgreensl 04/21/2006	_____	lnorthro 04/21/2006	lnorthro 04/21/2006	
	pkahler 04/21/2006	1/2 wj 4/25		_____			

FE Sent For:

Jb
Belb
4/25
<END>

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Addl. Drafters: PJK

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/1	mshovers	1 wlj 4/21	Y bn ps	Y bn ps			

FE Sent For:

<END>

Shovers, Marc

From: Emerson, Anne
Sent: Wednesday, April 19, 2006 3:33 PM
To: Shovers, Marc
Subject: Amendment to AB 1156
Attachments: Proposed amendment to AB 1156.doc

Marc,

Please find attached information for an amendment that we would like to have drafted to Assembly Bill 1156 relating to impact fees. Obviously we are getting closer to the end of session and would like to get going on it as soon as possible. There was discussion of this possibly coming up next Tuesday, if that gives you any idea.

Please let me know if you have any questions.

Thanks!
Anne

Proposed amendment to AB 1156/SB 681

- 1) **Section 5.** Amend definition of public facilities to add the following words after "...parks and playgrounds..." and athletic fields."

Explanation: This change allows a municipality to collect impact fees to fund athletic fields.

- 2) **Section 21.** Delete the new language on page 7, lines 7-8 "in accordance with generally-accepted accounting practices." Delete the new language on lines 12-14.

Explanation: This change removes the proposed requirement that municipalities must administer impact fees "in accordance with generally-accepted accounting practices, and deletes the proposed requirement that municipalities must publish a class 1 notice reporting each impact fee.

- 3) **Section 22.** Delete the change on page 7, line 18 that replaces the words "a reasonable period of time" with "10 years."

Explanation: The time period was addressed by earlier legislation (2005 Act 203) and does not need to be changed again.

*incorporated
a 2874/1*

- 4) **Section 24.** Delete this section and replace it with a new section that amends Ch. 65.90 (3) by adding ss. 65.90(3)(b)3. as follows: "Revenue and expenditure totals for each impact fee or similar development fee."

Explanation: Municipalities are required by ss. 65.90 to publish a budget summary each year. Instead of the separate publication requirements proposed by AB 1156/SB 681, this proposed change adds impact fees and similar fees to the list of revenues and expenditures that must be annually reported by the local government.

- 5) **New Section.** Create a new section that amends Ch. 236.45 to state that "No fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property may be imposed as a condition of approval under this chapter. Any land dedication, easement or other public improvement imposed as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement or other public improvement that will result from the land division."

Explanation: This language requires municipalities to use the procedures outlined in the impact fee statutes in order to impose fees on new development, and to allow municipalities to require land dedications and other public improvements that are necessary to serve the proposed subdivision.

required

*125 w/s 28 254
28 w/s 28 608*

Shovers, Marc

From: Emerson, Anne
Sent: Thursday, April 20, 2006 5:14 PM
To: Shovers, Marc
Subject: Change to amendment language

Hey Marc,
There was one change we wanted to make to the amendment information I sent over to you.

In Section 5 we would like to change the language be "land for athletic fields".

Thanks!
Anne



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2941/1
MES...:...

BRJK
Wlj
"Kay"

today
(Fri)

ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 1156

↓ #. Page ↑, line 7: delete ✓ and imposing ✓ and substitute ✓ ↑ imposing ✓ ⊙

Insert 1-4

- 1 At the locations indicated, amend the bill as follows:
- 2 ✓ 1. Page 1, line 7: after "certain" insert "publication".
- 3 ✓ 2. Page 1, line 7: delete "on other fees imposed" and substitute "for the budget
- 4 summaries that are published".
- 5 ✓ 3. Page 2, line 1: before that line insert:
- 6 "SECTION 1. 65.90 (3) (b) 3. of the statutes is created to read:
- 7 65.90 (3) (b) 3. Revenue and expenditure totals for each impact fee that is
- 8 imposed by a municipality."
- 9 ✓ 4. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".
- 10 ✓ 5. Page 3, line 18: delete "parks, and playgrounds and" and substitute "parks,
- 11 playgrounds, and".
- 12 ✓ 6. Page 3, line 19: after "facilities" insert "athletic facilities".

delete
and substitute
land for
plain

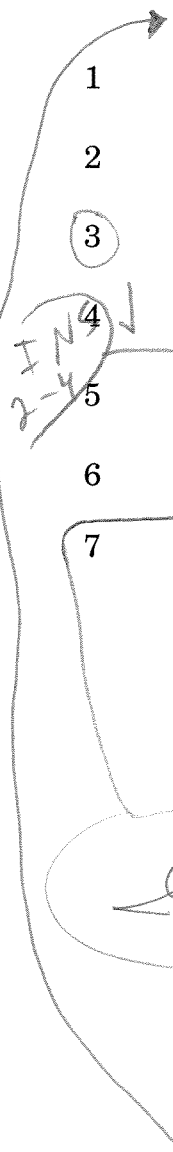
- 1 ↓ **7.** Page 7, line 7: delete "in accordance with".
- 2 ↓ **8.** Page 7, line 8: delete "generally accepted accounting practices".
- 3 ↓ **9.** Page 7, line 11: delete "(9)." and substitute ".". ⁽⁹⁾
- 4 ↓ **10.** Page 7, line 12: delete lines 12 to 14.
- 5 ↓ **11.** Page 8, line 9: delete lines 9 to 16.
- 6 **12.** Page 8, line 9: delete lines 9 to 16 and substitute

(END)

✓
P-NOTE
↘

Insert 2-6 ✓

Page 7, line 5: delete "AND REPORTING ON" ^(CAPS) ©



ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1156

INS 2-4
P. 1062

April 12, 2006 - Offered by COMMITTEE ON WAYS AND MEANS.

1 At the locations indicated, amend the bill as follows:
2 * Page 7, line 15: delete lines 15 to 24 and substitute:
3 "SECTION 22m. 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin
4 Act 203, is amended to read:
5 66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall
6 specify that impact fees that are imposed and collected by a political-subdivision
7 municipality but are not used within 7 years after they are collected to pay the capital
8 costs for which they were imposed shall be refunded to the current owner of the
9 property with respect to which the impact fees were imposed, along with any interest
10 that has accumulated, in described in sub. (8). The ordinance shall specify, by type
11 of public facility, reasonable time periods within which impact fees must be spent or
12 refunded under this subsection, subject to the 7-year limit in this paragraph and the
13 extended time period specified in par. (b). In determining the length of the time

imp2-4 p2062

1 periods under the ordinance, a political subdivision municipality shall consider what
2 are appropriate planning and financing periods for the particular types of public
3 facilities for which the impact fees are imposed.”.

4 ~~2~~ Page 8, line 1: delete lines 1 and 2.

5 (END) *[Signature]*

INSERT 1-4

1 ~~1.~~ Page 1, line 8: after "subdivisions" insert ", and imposing certain
2 requirements on plat approval conditions".

(END OF INSERT 1-4)

INSERT 2-6

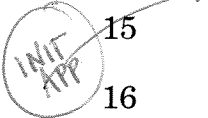
3 ~~2.~~ Page 8, line 16: after that line insert:

4 "SECTION ^{ⓑ m}25. 236.45 (6) of the statutes is created to read:

5 236.45 (6) REQUIREMENTS FOR APPROVAL CONDITIONS. (a) Notwithstanding subs.
6 (1) and (2) (a) (intro.), a municipality, town, or county may not, as a condition of
7 approval under this chapter, impose any fees or other charges to fund the acquisition
8 or improvement of land, infrastructure, or other real or personal property.

9 (b) Any land dedication, easement, or other public improvement required by a
10 municipality, town, or county as a condition of approval under this chapter must bear
11 a rational relationship to a need for the land dedication, easement, or other public
12 improvement resulting from the subdivision or other division of land.

13 SECTION ^{ⓑ m}26. Initial applicability.

14 (2) REQUIREMENTS FOR APPROVAL CONDITIONS. The treatment of section 236.45 (6)
15 of the statutes first applies to a certified survey map, a preliminary plat, or, if no
16 preliminary plat was submitted, a final plat that is submitted for approval on the
17 effective date of this subsection." 

(END OF INSERT 2-6)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2941/1dn

MES...f:....

Wlj

Representative /

Sunder

Item 4 of your instructions states that created s. 66.90 (3) (b) 3. should say "Revenue and expenditure totals for each impact fee *or similar development fee*." I did not add in "or similar development fee" because I don't know what it means or to what you intend it to refer. Section 66.0617 (2) (c) of the statutes states that a political subdivision "may impose and collect impact fees only under this section", so I'm not sure what a "similar development fee" could be. Please let me know the statute to which you would like the amendment to apply and I'll redraft the amendment with a citation to that specific statute.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2941/1dn
MES:wlj:pg

April 21, 2006

Representative Suder :

Item 4 of your instructions states that created s. 65.90 (3) (b) 3. should say "Revenue and expenditure totals for each impact fee *or similar development fee.*" I did not add "or similar development fee" because I don't know what it means or to what you intend it to refer. Section 66.0617 (2) (c) of the statutes states that a political subdivision "may impose and collect impact fees only under this section," so I'm not sure what a "similar development fee" could be. Please let me know the statute to which you would like the amendment to apply, and I'll redraft the amendment with a citation to that specific statute.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2941/1
MES&PJK:wlj:pg

stays RMP

ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 1156

WANTED;
today

Ed., LPS;
only change:
p. 2, l. 3.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 7: delete “and imposing” and substitute “, imposing”.
- 3 **2.** Page 1, line 7: after “certain” insert “publication”.
- 4 **3.** Page 1, line 7: delete “on other fees imposed” and substitute “for the budget
- 5 summaries that are published”.
- 6 **4.** Page 1, line 8: after “subdivisions” insert “, and imposing certain
- 7 requirements on plat approval conditions”.
- 8 **5.** Page 2, line 1: before that line insert:
- 9 “SECTION 1g. 65.90 (3) (b) 3. of the statutes is created to read:
- 10 65.90 (3) (b) 3. Revenue and expenditure totals for each impact fee that is
- 11 imposed by a municipality.”.
- 12 **6.** Page 2, line 1: delete “SECTION 1” and substitute “SECTION 1r”.

1 **7.** Page 3, line 18: delete “parks, and playgrounds and” and substitute “parks,
2 playgrounds, and”.

3 **8.** Page 3, line 19: delete “facilities” and substitute “land for athletic ^{fields} ~~facilities~~”.

4 **9.** Page 7, line 5: delete “AND REPORTING ON”.

5 **10.** Page 7, line 7: delete “, in accordance with”.

6 **11.** Page 7, line 8: delete “generally accepted accounting practices”.

7 **12.** Page 7, line 11: delete “(9).” and substitute “(a).”.

8 **13.** Page 7, line 12: delete lines 12 to 14.

9 **14.** Page 7, line 15: delete lines 15 to 24 and substitute:

10 “**SECTION 22m.** 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin
11 Act 203, is amended to read:

12 66.0617 **(9)** (a) Subject to par. (b), an ordinance enacted under this section shall
13 specify that impact fees that are imposed and collected by a ~~political subdivision~~
14 municipality but are not used within 7 years after they are collected to pay the capital
15 costs for which they were imposed shall be refunded to the current owner of the
16 property with respect to which the impact fees were imposed, along with any interest
17 that has accumulated, in described in sub. (8). The ordinance shall specify, by type
18 of public facility, reasonable time periods within which impact fees must be spent or
19 refunded under this subsection, subject to the 7-year limit in this paragraph and the
20 extended time period specified in par. (b). In determining the length of the time
21 periods under the ordinance, a ~~political subdivision~~ municipality shall consider what
22 are appropriate planning and financing periods for the particular types of public
23 facilities for which the impact fees are imposed.”.

1 **15.** Page 8, line 1: delete lines 1 and 2.

2 **16.** Page 8, line 9: delete lines 9 to 16.

3 **17.** Page 8, line 16: after that line insert:

4 “**SECTION 25m.** 236.45 (6) of the statutes is created to read:

5 236.45 **(6)** REQUIREMENTS FOR APPROVAL CONDITIONS. (a) Notwithstanding subs.
6 (1) and (2) (a) (intro.), a municipality, town, or county may not, as a condition of
7 approval under this chapter, impose any fees or other charges to fund the acquisition
8 or improvement of land, infrastructure, or other real or personal property.

9 (b) Any land dedication, easement, or other public improvement required by a
10 municipality, town, or county as a condition of approval under this chapter must bear
11 a rational relationship to a need for the land dedication, easement, or other public
12 improvement resulting from the subdivision or other division of land.

13 **SECTION 26m. Initial applicability.**

14 (1) REQUIREMENTS FOR APPROVAL CONDITIONS. The treatment of section 236.45
15 (6) of the statutes first applies to a certified survey map, a preliminary plat, or, if no
16 preliminary plat was submitted, a final plat that is submitted for approval on the
17 effective date of this subsection.”.

18

(END)