

ASSEMBLY BILL 1077 (LRB -4536)

An Act to renumber and amend 66.0617 (9); and to create 66.0617 (9) (b) of the statutes; relating to: the time period during which impact fees must be used and the refunding of impact fees. (FE)

2006

02-27.	A.	Introduced by Representatives Lamb, Kleefisch, Rhoades, Moulton, Gundrum, Pettis, Musser, Jeskewitz, Newcomer, Albers, Ainsworth, Krawczyk, Kreibich, Wood, J. Fitzgerald, Nass, Nischke, F. Lasee, LeMahieu and Vos ; cosponsored by Senators Stepp and Harsdorf .	
02-27.	A.	Read first time and referred to committee on Urban and Local Affairs	848
03-01.	A.	Public hearing held.	
03-01.	A.	Executive action taken.	
03-02.	A.	Report passage recommended by committee on Urban and Local Affairs, Ayes 6, Noes 2	879
03-02.	A.	Referred to committee on Rules	879
03-02.	A.	Placed on calendar 3-7-2006 by committee on Rules.	
03-02.	A.	Made a special order of business at 11:33 A.M. on 3-7-2006 pursuant to Assembly Resolution 50	899
03-06.	A.	Assembly amendment 1 offered by Representative Lamb (LRB a2553)	903
03-06.	A.	Assembly amendment 2 offered by Representative Lamb (LRB a2595)	903
03-07.	A.	Read a second time	929
03-07.	A.	Assembly amendment 1 adopted	929
03-07.	A.	Assembly amendment 2 adopted	929
03-07.	A.	Read a second time	929
03-07.	A.	Ordered to a third reading	929
03-07.	A.	Rules suspended	929
03-07.	A.	Read a third time and passed , Ayes 59, Noes 35, Paired 2	929
03-07.	A.	Ordered immediately messaged	929
03-07.	S.	Received from Assembly.	
03-07.	S.	Read first time and referred to committee on Housing and Financial Institutions.	
03-08.	S.	Public hearing held.	
03-08.	S.	Executive action taken.	
03-08.	S.	Report concurrence recommended by committee on Housing and Financial Institutions, Ayes 7, Noes 0.	
03-08.	S.	Available for scheduling.	
03-08.	S.	Placed on calendar 3-9-2006 by committee on Senate Organization.	
03-09.	S.	Read a second time.	
03-09.	S.	Ordered to a third reading.	
03-09.	S.	Rules suspended.	
03-09.	S.	Read a third time and concurred in .	
03-09.	S.	Ordered immediately messaged.	
03-14.	A.	Received from Senate concurred in.	

**2005
ENROLLED BILL**

05en A B-1077

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 -4536/2

Amendments to above (if none, write "NONE"): AA1 - a 2553/1
AA2 a 2595/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-15-06
Date

J. Phille
Enrolling Drafter

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2005 ASSEMBLY BILL 1077

February 27, 2006 – Introduced by Representatives LAMB, KLEEFISCH, RHOADES, MOULTON, GUNDRUM, PETTIS, MUSSER, JESKEWITZ, NEWCOMER, ALBERS, AINSWORTH, KRAWCZYK, KREIBICH, WOOD, J. FITZGERALD, NASS, NISCHKE, F. LASEE, LEMAHIEU and VOS, cosponsored by Senators STEPP and HARSDFORF. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to renumber and amend 66.0617 (9); and to create 66.0617 (9) (b) of**
2 **the statutes; relating to: the time period during which impact fees must be**
3 **used and the refunding of impact fees.**

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 must be used within seven years after it is collected, or the fee must be refunded to the first person who purchased the property from the developer. The bill also allows a political subdivision to extend the seven-year time period for an additional three years if the political subdivision adopts a resolution stating that, due to extenuating circumstances and hardship, it needs an additional three years to use the impact fee that has been collected.

ASSEMBLY BILL 1077

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

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

1 **SECTION 1.** 66.0617 (9) of the statutes is renumbered 66.0617 (9) (a) and
2 amended to read:

3 66.0617 (9) (a) ~~An~~ Subject to par. (b), an ordinance enacted under this section
4 shall specify that impact fees that are imposed and collected by a political subdivision
5 but are not used within ~~a reasonable period of time~~ 7 years after they are collected
6 to pay the capital costs for which they were imposed shall be refunded to the ~~current~~
7 ~~owner of first person who purchased the property from the developer, with respect~~
8 to which the impact fees were imposed. The ordinance shall specify, by type of public
9 facility, reasonable time periods within which impact fees must be spent or refunded
10 under this subsection, subject to the 7-year limit in this paragraph and the extended
11 time period specified in par. (b). In determining the length of the time periods under
12 the ordinance, a political subdivision shall consider what are appropriate planning
13 and financing periods for the particular types of public facilities for which the impact
14 fees are imposed.

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

16 66.0617 (9) (b) The 7-year time limit for using impact fees that is specified
17 under par. (a) may be extended for 3 years if the political subdivision adopts a
18 resolution stating that, due to extenuating circumstances ~~and~~ hardship in meeting
19 the 7-year limit, it needs an additional 3 years to use the impact fees that were
20 collected. The resolution shall specify the extenuating circumstances ~~and~~ hardship
21 that led to the need to adopt a resolution under this paragraph.

INS.
1-1

INS.
1-2

INS.
2-1

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1077**

March 6, 2006 - Offered by Representative LAMB.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 6: delete "~~current~~" and substitute "current".

3 **2.** Page 2, line 7: delete that line and substitute: "owner of the property with
4 respect".

5

(END)

1-1

1-2

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 1077**

March 6, 2006 - Offered by Representative LAMB.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 18: on lines 18 and 20, delete "and" and substitute "or".

3 (END)

2-1