

## 2005 DRAFTING REQUEST

### Bill

Received: **01/25/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Andy Lamb (608) 266-7683**

By/Representing: **Rep. Lamb, Eric**

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

Drafter: **mshovers**

May Contact:

Adtl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Impact fees; period during which fee may be imposed; eligibility for refund of fee

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### Instructions:

See attached. Impact fee must be spent w/in 7 years, or 10 years if muni enacts hardship language. State that refund of impact fee goes to payor and not current owner of the property

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### 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 02/01/2006	jdyer 02/02/2006	pgreensl 02/02/2006	_____	lnorthro 02/02/2006		Local
/2	mshovers 02/09/2006	jdyer 02/10/2006	rschluet 02/10/2006	_____	lnorthro 02/10/2006	sbasford 02/23/2006	

FE Sent For:

*stintor*

**<END>**

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*12 MES 2/9/06 12 3/10 jld*

*[Handwritten signature]*  
*2/10/06*  
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1/?	mshovers	1 2/2 jld	2/2	2/2			
1/1	MES	2/1/06	2/2	2/2			

FE Sent For:

<END>

Rep. Lamb

ERIC

limit to 7 yrs imposition of impact fee  
Am; (a) - substantially completed w/in 7  
yrs w/ 3 yr ext is muni enacted ord  
saying they have hardship

have it apply to 1) fees imposed on off date  
2) fees in existence on off date

Am; sub(a) DO refund → payor not  
current owner of the prop.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-4536/?

MES:.....

Handwritten initials "jld" and "RMR" circled in a large oval.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten word "gen" circled in an oval.

1 AN ACT ...; relating to: the time period during which impact fees must be used  
2 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. Current law states that 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, must be refunded to the current owner of the property with regard to which the impact fee was imposed

Also under current law,

Under this bill, an impact fee must be used within seven years after it is collected, or the fee must be refunded to the person who owned the property at the time the impact fee was imposed. The bill also allows a political subdivision to extend the one 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.

that seven

hypha →

three



✓  
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)<sup>X</sup> of the statutes is renumbered 66.0617(9)<sup>△</sup>(a) and  
2 amended to read:

3 66.0617 (9) (a) REFUND OF IMPACT FEES ~~An~~ Subject to par. (b),<sup>✓</sup> an ordinance  
4 enacted under this section shall specify that impact fees that are imposed and  
5 collected by a political subdivision but are not used within<sup>↓</sup> a reasonable period of time  
6 7 years<sup>✓</sup> after they are collected to pay the capital costs for which they were imposed  
7 shall be refunded to the ~~current owner of~~ person who owned the property, with  
8 respect to which the impact fees were imposed, at the time<sup>that</sup> the fees were imposed.  
9 The ordinance shall specify, by type of public facility, reasonable time periods within  
10 which impact fees must be spent or refunded under this subsection, subject to the 7-<sup>43</sup>  
11 year limit in this paragraph and the extended time period specified in par. (b). In  
12 determining the length of the time periods under the ordinance, a political  
13 subdivision shall consider what are appropriate planning and financing periods for  
14 the particular types of public facilities for which the impact fees are imposed.

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

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

16 66.0617 (9) (b) The 7<sup>↑</sup> year time limit for using impact fees that is specified  
17 under par. (a) may be extended for 3<sup>✓</sup> years if the political subdivision adopts a  
18 resolution stating that, due to extenuating circumstances and hardship in meeting  
19 the 7<sup>↑</sup> 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.<sup>✓</sup>



*FMR*

## 2005 BILL

*[Handwritten signature]*

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 <sup>first</sup> person who <sup>purchased</sup> owned the property <sup>from</sup> at the time that the impact fee was imposed. 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.

*developer*

**BILL**

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 with respect to which the impact fees were  
8 imposed at the time that the fees were imposed. The ordinance shall specify, by type  
9 of public facility, reasonable time periods within which impact fees must be spent or  
10 refunded under this subsection, subject to the 7-year limit in this paragraph and the  
11 extended time period specified in par. (b). In determining the length of the time  
12 periods under the ordinance, a political subdivision shall consider what are  
13 appropriate planning and financing periods for the particular types of public  
14 facilities for which the impact 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.



**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Thursday, February 16, 2006 10:15 AM  
**To:** Rep.Rhoades; Rep.Kleefisch  
**Cc:** Rep.Lamb; Shovers, Marc  
**Subject:** LRB 05-4536/2 (un-introduced) (attached - requested by Rep. Lamb)

**Attachments:** 05-4536/2



05-45362.pdf (16 KB)

Impact Fees  
715-308-1347  
Lamb  
↓  
Clayfish  
Rhoades

**Basford, Sarah**

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**From:** Bott, Eric  
**Sent:** Thursday, February 23, 2006 10:11 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 05-4536/2 Topic: Impact fees; period during which fee may be imposed; eligibility for refund of fee

Please Jacket LRB 05-4536/2 for the ASSEMBLY.