

2013 Senate Bill 314 (LRB -2277)

An Act to create 66.10015 of the statutes; relating to: the effect of changes in requirements for development-related permits or authorizations on persons who apply for the permits or authorizations.

2013

09-24.	S.	Introduced by Senators Lasee and Gudex ; cosponsored by Representatives Murphy, Barca, Jacque, Steineke, Bewley, Bernier, Ballweg, Petryk and Vruwink	376
09-24.	S.	Read first time and referred to Committee on Government Operations, Public Works, and Telecommunications	376
10-03.	S.	Representative Kahl added as a cosponsor	387
10-08.	S.	Senate Amendment 1 offered by Senator Lasee (LRB a0918)	392
10-09.	S.	Public hearing held	
10-18.	S.	Senate Amendment 2 offered by Senator Lasee (LRB a1045)	429
11-04.	S.	Senate Amendment 3 offered by Senator Lasee (LRB a1118)	454
11-05.	S.	Senate Amendment 4 offered by Senator Lasee (LRB a1135)	458
11-06.	S.	Executive action taken	
11-06.	S.	Report adoption of Senate Amendment 2 recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0	468
11-06.	S.	Report adoption of Senate Amendment 4 recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 4, Noes 3	468
11-06.	S.	Report passage as amended recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 4, Noes 3	468
11-06.	S.	Available for scheduling	
11-11.	S.	Placed on calendar 11-12-2013 pursuant to Senate Rule 18(1)	
11-12.	S.	Senate Amendment 5 offered by Senator Lasee (LRB a1215)	
11-12.	S.	Read a second time	
11-12.	S.	Senate Amendment 2 adopted	
11-12.	S.	Placed on the foot of the 12th order of business on the calendar of 11-12-2013	
11-12.	S.	Senate Amendment 4 adopted	
11-12.	S.	Senate Amendment 5 adopted	
11-12.	S.	Ordered to a third reading	
11-12.	S.	Rules suspended	
11-12.	S.	Read a third time	
11-12.	S.	Refused to refer to committee on Government Operations, Public Works, and Telecommunications	
11-12.	S.	Passed , Ayes 18, Noes 15	
11-12.	S.	Ordered immediately messaged	
11-12.	A.	Received from Senate	
11-12.	A.	Read	
11-12.	A.	Rules suspended and taken up	
11-12.	A.	Read a second time	
11-12.	A.	Ordered to a third reading	
11-12.	A.	Rules suspended	
11-12.	A.	Read a third time and concurred in , Ayes 94, Noes 0	
11-12.	A.	Representatives Smith, Jorgensen, Ringhand, Mason, Tittl, Shankland, Hulsey, Berceau, Bies, J. Ott, Marklein, Williams, Brooks, Thiesfeldt, Ripp, Mursau, Wachs, Billings, T. Larson and Knudson added as cosponsors	
11-12.	A.	Ordered immediately messaged	
11-13.	S.	Received from Assembly concurred in	

JP

2013
ENROLLED BILL

13en S B- 314

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

13 2277 / 13 ✓

Amendments to above (if none, write "NONE"):

SA 2 — a 1045/1 ✓

SA 4 — a 1135/1 ✓

SA 5 — a 1215/1 ✓

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

NONE ✓

Topic

Rel

11-13-13

Date

J. Miller

Enrolling Drafter



2013 SENATE BILL 314

September 24, 2013 – Introduced by Senators LASEE and GUDEx, cosponsored by Representatives MURPHY, BARCA, JACQUE, STEINEKE, BEWLEY, BERNIER, BALLWEG, PETRYK and VRUWINK. Referred to Committee on Government Operations, Public Works, and Telecommunications.

- 1 **AN ACT to create** 66.10015 of the statutes; **relating to:** the effect of changes in
2 requirements for development-related permits or authorizations on persons
3 who apply for the permits or authorizations.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, or town that is authorized to exercise village powers or a county (political subdivision) is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for various purposes. Also under current law, case law provides that where substantial rights have vested, zoning ordinances cannot be applied retroactively.

Under this bill, if a person has submitted an application for a permit or authorization for building, zoning, driveway, stormwater, or other activity related to residential, commercial, or industrial development (approval), the political subdivision must approve, deny, or conditionally approve the application based on regulations, ordinances, rules, or other properly adopted requirements in effect at the time the application for an approval is submitted to the political subdivision (existing requirements). In addition, if a project requires more than one approval or approvals from more than one political subdivision, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project are applicable to all subsequent approvals required for the project.

SENATE BILL 314

Under this bill, an application for approval is submitted upon delivery of the application to the political subdivision or deposit of the application with the U.S. Postal Service for mailing by certified mail. An application for approval expires 60 days after filing if the application does not comply with form and content requirements, the political subdivision provides notice of the noncompliance, and the applicant fails to remedy the noncompliance.

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

SECTION 1. 66.10015 of the statutes is created to read:

66.10015 Limitation on development regulation authority. (1)

DEFINITIONS. In this section:

(a) "Approval" means a permit or authorization for building, zoning, driveway, stormwater, or other activity related to residential, commercial, or industrial development.

INS SA4-1 ✓

(b) "Existing requirements" means regulations, ordinances, rules, or other properly adopted requirements of a political subdivision that are in effect at the time the application for an approval is submitted to the political subdivision.

INS. SA 5-1 ✓

(c) "Political subdivision" means a city, village, town, or county.

(2) USE OF EXISTING REQUIREMENTS. (a) Except as provided under par. (b) or s. 66.0401, if a person has submitted an application for an approval, the political subdivision shall approve, deny, or conditionally approve the application solely based on existing requirements.

INS. SA 4-2 ✓

An application is filed under this section on the date that the applicant delivers the application to the political subdivision or deposits the application with the U.S. postal service for mailing by certified mail in an envelope addressed to the political subdivision.

INS. SA 2-1 ✓

(b) If a project requires more than one approval or approvals from more than one political subdivision, the existing requirements applicable in each political

INS. SA 5-2 ✓

SENATE BILL 314

1 subdivision at the time of filing the application for the first approval required for the
2 project shall be applicable to all subsequent approvals required for the project.

INS. SA4-3 ✓

3 (c) An application for an approval shall expire not less than 60 days after filing
4 if all of the following apply:

5 1. The application does not comply with form and content requirements.

6 2. Not more than 10 days after filing, the political subdivision provides the
7 applicant with written notice of the noncompliance. The notice shall specify the
8 nature of the noncompliance and the date on which the application will expire if the
9 noncompliance is not remedied.

INS. SA2-2 ✓

10 3. The applicant fails to remedy the noncompliance before the date provided in
11 the notice.

INS. SA5-3 ✓

12 SECTION 2. Initial applicability.

13 (1) This act first applies to an application for an approval that is submitted on
14 the effective date of this subsection.

INS SA2-3 ✓

15

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1045/1
EVM:eev:ev

SENATE AMENDMENT 2,
TO SENATE BILL 314

October 18, 2013 – Offered by Senator LASEE.

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

✓ 2 ✓ 1. Page 2, line 15: delete lines 15 to 17 and substitute "the political subdivision
3 receives the application". SA 2-1

✓ 4 ✓ 2. Page 3, line 6: after "10" insert "working". SA 2-2

✓ 5 ✓ 3. Page 3, line 13: delete "submitted" and substitute "filed". SA 2-3

6 (END)



**SENATE AMENDMENT 4,
TO SENATE BILL 314**

November 5, 2013 – Offered by Senator LASEE.

SA 4-1

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

✓ 2 ✓ ✓ 1. Page 2, line 5: delete “residential, commercial, or industrial” and substitute
3 (land). SA 4-2

✓ 4 ✓ ✓ 2. Page 2, line 14: delete “requirements.” and substitute “requirements,
5 unless the applicant and the political subdivision agree otherwise.” SA 4-3

✓ 6 ✓ 3. Page 3, line 2: delete “the project.” and substitute “the project, unless the
7 applicant and the political subdivision agree otherwise.”

8 (END)



**SENATE AMENDMENT 5,
TO SENATE BILL 314**

November 12, 2013 - Offered by Senator LASEE.

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

✓ 2 ✓ 1. Page 2, line 10: after that line insert:

3 (d) "Project" means a specific and identifiable land development that occurs
4 on defined and adjacent parcels of land, which includes lands separated by roads,
5 waterways, and easements".

6 ✓ 2. Page 2, line 19: delete "subdivision," and substitute "subdivision and the
7 applicant identifies the full scope of the project at the time of filing the application
8 for the first approval required for the project".

✓ 9 ✓ 3. Page 3, line 11: after that line insert:

10 (d) This section does not prohibit a political subdivision from establishing an
11 expiration date on an approval".

12

(END)

SA 5-1

SA 5-2

SA 5-3