mbarman

State

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### 2015 DRAFTING REQUEST

Bill						
Received	6/4/2015			Received By:	emueller	
For:	Terry Mou	lton (608) 266-	7511	Same as LRB:		
May Con	atact:			By/Representing:	Zach	
Subject:		Local Gov't - counties Local Gov't - munis genera Local Gov't - zoning		Drafter:	emueller	
				Addl. Drafters:		
				Extra Copies:	MES	
			on@legis.wiscon r@legis.wiscons			
Pre Top	ic:		**************************************			
No speci	fic pre topic giver	1				
Topic:	MARK HOW					
Make co requirem		ning optional; c	other changes to	comprehensive plann	ing, smart grow	th
Instruct	ions:					
Same as	2013 SB 697				/	APEUM
Drafting	g History:	A STATE OF THE STA			/	
Vers.	Drafted	Reviewed	Proofed	<u>Submitted</u>	Jacketed	Required
/?	emueller 6/4/2015	eweiss 6/5/2015		(		
/P1	emueller 9/1/2015			mbarman 6/23/2015		State S&L

/1

eweiss

 Vers.
 Drafted
 Reviewed 9/1/2015
 Proofed 9/1/2015
 Submitted 9/1/2015
 Jacketed 9/1/2015
 Required 9/1/2015

 FE Sent For:
 <END>

Intro.

#### Mueller, Eric

From:

Stollfus, Zachary

Sent:

Thursday, June 04, 2015 10:32 AM

To:

Mueller, Eric

Subject:

RE: Draft Request: Smart Growth Repeal

Yes - a redraft of 2013 SB 997 should be fine.

From: Mueller, Eric

Sent: Wednesday, June 03, 2015 2:12 PM

To: Stollfus, Zachary

Subject: RE: Draft Request: Smart Growth Repeal

Zach,

I am, indeed, one of the people who can assist. Does Sen. Moulton want a redraft of 2013 SB 697?

Eric Mueller

Attorney, Legislative Reference Bureau

Phone: (608)261-7032

eric.mueller@legis.wisconsin.gov

From: Stollfus, Zachary

Sent: Wednesday, June 03, 2015 1:46 PM

To: Mueller, Eric

Subject: Draft Request: Smart Growth Repeal

Eric,

Senator Moulton is hoping to get assistance drafting a repeal of the Smart Growth law. As I understand it, you drafted past versions of the bill. Would you be willing to assist the Senator in this or can you pass my request on to someone who now covers this area? As of now, the Senator is looking for legislation that mirrors the most recent attempt at repeal.

Thanks,

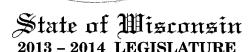
#### **Zach Stollfus**

Legislative Aide Office of Senator Terry Moulton 23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov

Direct: (608) 266-7511









6/5/15

April 1, 2014 - Introduced by Senators Moulton and Tiffany, cosponsored by Representatives Kulp, Endsley and Craig. Referred to Committee on Economic Development and Local Government.

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AN ACT to repeal 16.965, 20.505 (1) (cm), 20.505 (1) (cn), 20.505 (1) (ud), 66.0230

 $\mathbf{2}$ (2) (d) and 66.1001 (3m); to amend 20.505 (1) (ub), 36.11 (37), 59.69 (3) (a),

62.23 (2), 62.23 (3) (b), 66.1001 (3) (intro.) and 66.1002 (2) (intro.); and to create

66.1001 (7) and 66.1001 (8) of the statutes; relating to: comprehensive

5 planning and making an appropriation.

a cocal government and comprehensive plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following; housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Also under current law, unless certain conditions apply, beginning on the confidence of the confide

wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a local governmental unit enacts or amends any of these specified ordinances, the comprehensive plan must contain at least all of the required planning elements.

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Under this bill, a local governmental unit is authorized to repeal its comprehensive plan. Correspondingly, the ordinances that under current law must be consistent with a local governmental unit's comprehensive plan must, under the bill, be consistent with the local governmental unit's comprehensive plan only if the local governmental unit has a comprehensive plan in effect.

Under current law, the Department of Administration provides grants to local governmental units to assist in financing the cost of planning activities. This bill eliminates this grant program.

For further information see the *state and 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:

SECTION 1. 16.965 of the statutes, as affected by 2013 Wisconsin Act 20, is 2 repealed. X 3 **Section 2.** 20.505 (1) (cm) of the statutes is repealed. 4 **Section 3.** 20.505 (1) (cn) of the statutes is repealed. SECTION 4. 20.505 (1) (ub) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read: 7 20.505 (1) (ub) Land. From the land information fund, all moneys received by the department under s. 59.72 (5) (a), except moneys appropriated under par. (if) 9 other than the first \$2,000,000 received in each fiscal year, for the land information 10 program under s. 16.967 and for reviews of proposed municipal incorporations and 11 annexations by the department and for the purpose of providing aids under s. 16.965. SECTION 5. 20.505 (1) (ud) of the statutes, as affected by 2013 Wisconsin Act (12)13 20, is repealed.

**SECTION 6.** 36.11 (37) of the statutes is amended to read:

36.11 (37) Extension local planning program. The board shall offer a local planning program through the extension to educate local policymakers about local planning and the grant program under s. 16.965.

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**SECTION 7.** 59.69 (3) (a) of the statutes is amended to read:

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts of the plan for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. Beginning on January 1, 2010, or, if the county is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the county engages in any program or action described in s. 66.1001 (3), the development plan shall contain at least all of the elements specified in s. 66.1001 (2).

**SECTION 8.** 62.23 (2) of the statutes is amended to read:

62.23 (2) Functions. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into

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greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

**SECTION 9.** 62.23 (3) (b) of the statutes is amended to read:

62.23 (3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

SECTION 10. 66.0230 (2) (d) of the statutes is repealed.

SECTION 11. 66.1001 (3) (intro.) of the statutes is amended to read:

66.1001 (3) Ordinances that must be consistent with comprehensive plans
(intro.) Except as provided in sub. (3m), beginning on January 1, 2010, if If a local
governmental unit has in effect a comprehensive plan and enacts or amends any of
the following ordinances, the ordinance shall be consistent with that local
governmental unit's comprehensive plan:
<b>SECTION 12.</b> 66.1001 $(\stackrel{\searrow}{3}\text{m})$ of the statutes is repealed.
SECTION 13. 66.1001 (7) of the statutes is created to read:
66.1001 (7) Repeal of comprehensive plan. A local governmental unit may
repeal its comprehensive plan by a majority vote of the members-elect, as defined
in s. 59.001 (2m), of the governing body.
<b>SECTION 14.</b> 66.1001 (8) of the statutes is created to read:
66.1001 (8) Limitation on consideration of comprehensive planning. No
department or agency of the state or authority created by the state or any city, village
town, or county may consider whether or not a local governmental unit has in effect
a comprehensive plan in determining the eligibility of the local governmental unit
or any person or entity in the local government unit for participation in an economic
development program.
SECTION 15. 66.1002 (2) (intro.) of the statutes is amended to read:
66.1002 (2) MORATORIUM ALLOWED. (intro.) Subject to the limitations and
requirements specified in this section, a municipality may enact a development
moratorium ordinance if the municipality has enacted a comprehensive plan, is in
the process of preparing its comprehensive plan, or is in the process of preparing a
significant amendment to its comprehensive plan in response to a substantia
change in conditions in the municipality, or is exempt from the requirement as
described in s. 66.1001 (3m), and if at least one of the following applies:

SECT	TION 16.	Fiscal	changes.

(1) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
land information fund from the appropriation account to the department of
administration under section 20.505 (1) (ub) of the statutes, as affected by the acts
of 2013, an amount equal to \$2,000,000 less any amount obligated or paid for
comprehensive planning grants in the fiscal year, in the fiscal year in which this
subsection takes effect.

**Section 17. Effective dates.** This act takes effect on the day after publication, except as follows:

10 (1) The treatment of section 20.505 (1) (ub) of the statutes takes effect on July 1, 2014.

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(END)



# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2555/3dn EVM:...

- DHC

ATTN: Sen. Terry Moulton

This draft moves the delayed effective date for the change to s. 20.505 (1) (ub) forward by two years. Please let me know if this does not meet your intent. Also, if this draft is to be considered prior to the passage of the budget bill, you may wish to consider whether the fiscal change provision in Section 16 of the draft requires any change. Please let me know if you have any questions or further instructions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2555/P1dn EVM:emw

June 5, 2015

ATTN: Sen. Terry Moulton

This draft moves the delayed effective date for the change to s. 20.505 (1) (ub) forward by two years. Please let me know if this does not meet your intent. Also, if this draft is to be considered prior to the passage of the budget bill, you may wish to consider whether the fiscal change provision in Section 16 of the draft requires any change. Please let me know if you have any questions or further instructions.

Eric V. Mueller Legislative Attorney (608) 261–7032 eric.mueller@legis.wisconsin.gov

#### Barman, Mike

From:

LRB.Legal

Sent:

Tuesday, June 23, 2015 11:33 AM

To: Subject: Stollfus, Zachary RE: LRB-255/P1 pdf

I re-submitted it to the Sen. Moulton mailbox.

Thanks

From: Stollfus, Zachary

Sent: Tuesday, June 23, 2015 11:30 AM

To: LRB.Legal

Subject: LRB-255/P1 pdf

Can I get a fresh pdf of LRB-2555/P1 – somehow I only have a hard copy of the legislation.

Thanks for your help,

#### **Zach Stollfus**

Legislative Aide Office of Senator Terry Moulton 23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov

Direct: (608) 266-7511

#### Rose, Stefanie

From:

LRB.Legal

Sent:

Monday, August 31, 2015 11:24 AM

To: Cc: Mueller, Eric Stollfus, Zachary

Subject:

FW: Senate Jacket Request LRB 2555/P1

From: Stollfus, Zachary

Sent: Monday, August 31, 2015 11:22 AM

To: LRB.Legal <a href="mailto:LRB.Legal@legis.wisconsin.gov">LRB.Legal@legis.wisconsin.gov</a>; Emerson, James <a href="mailto:James.Emerson@legis.wisconsin.gov">James.Emerson@legis.wisconsin.gov</a>;

Subject: Senate Jacket Request LRB 2555/P1

Could I please have LRB 2555/P1 jacketed for the Senate? Jim Emerson of Representative's Kulp's office (cc'd) will also be contacting you about jacketing the assembly companion.

Thanks for your help,

#### **Zach Stollfus**

Legislative Aide Office of Senator Terry Moulton 23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov

Direct: (608) 266-7511



#### State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2555(P1) (EVM:emw



#### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





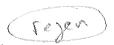
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AN ACT to repeal 16.965, 20.505 (1) (cm), 20.505 (1) (cn), 20.505 (1) (ud), 66.0230 (2) (d) and 66.1001 (3m); to amend 20.505 (1) (ub), 36.11 (37), 59.69 (3) (a), 62.23 (2), 62.23 (3) (b), 66.1001 (3) (intro.) and 66.1002 (2) (intro.); and to create 66.1001 (7) and 66.1001 (8) of the statutes; relating to: comprehensive planning and making an appropriation.

#### Analysis by the Legislative Reference Bureau

This bill authorizes a local government to repeal its comprehensive plan and eliminates a grant program related to comprehensive planning.

Under the current law commonly known as the "Smart Growth" statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Also under current law, unless certain conditions apply, beginning on January 1, 2010, certain ordinances enacted or amended by a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The ordinances to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a

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local governmental unit enacts or amends any of these specified ordinances, the comprehensive plan must contain at least all of the required planning elements.

Under this bill, a local governmental unit is authorized to repeal its comprehensive plan. Correspondingly, the ordinances that under current law must be consistent with a local governmental unit's comprehensive plan must, under the bill, be consistent with the local governmental unit's comprehensive plan only if the local governmental unit has a comprehensive plan in effect.

Under current law, the Department of Administration provides grants to local governmental units to assist in financing the cost of planning activities. This bill eliminates this grant program.

For further information see the *state and 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.** 16.965 of the statutes is repealed. 2 **Section 2.** 20.505 (1) (cm) of the statutes is repealed. 3 **Section 3.** 20.505 (1) (cn) of the statutes is repealed. **Section 4.** 20.505 (1) (ub) of the statutes is amended to read: 4 5 20.505 (1) (ub) Land. From the land information fund, all moneys received by 6 the department under s. 59.72 (5) (a), except moneys appropriated under par. (ud) 7 other than the first \$2,000,000 received in each fiscal year, for the land information 8 program under s. 16.967 and for reviews of proposed municipal incorporations and annexations by the department and for the purpose of providing aids under s. 16.965. 9 10 **Section 5.** 20.505 (1) (ud) of the statutes is repealed. 11 **Section 6.** 36.11 (37) of the statutes is amended to read:

36.11 (37) EXTENSION LOCAL PLANNING PROGRAM. The board shall offer a local planning program through the extension to educate local policymakers about local planning and the grant program under s. 16.965.

SECTION 7. 59.69 (3) (a) of the statutes is amended to read:

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59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts of the plan for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. Beginning on January 1, 2010, or, if the county is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the county engages in any program or action described in s. 66.1001 (3), the development plan shall contain at least all of the elements specified in s. 66.1001 (2).

**SECTION 8.** 62.23(2) of the statutes is amended to read:

62.23 (2) Functions. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and

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shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

**Section 9.**  $62.2\overset{\checkmark}{3}(3)$  (b) of the statutes is amended to read:

62.23 (3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66,1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

**Section 10.**  $66.0230^{\circ}$  (2) (d) of the statutes is repealed.

**Section 11.** 66.1001 (3) (intro.) of the statutes is amended to read:

66.1001 (3) Ordinances that must be consistent with comprehensive plans. (intro.) Except as provided in sub. (3m), beginning on January 1, 2010, if If a local

SECTION 16. Fiscal changes.

1	governmental unit <u>has in effect a comprehensive plan and</u> enacts or amends any of
2	the following ordinances, the ordinance shall be consistent with that local
3	governmental unit's comprehensive plan:
4	<b>Section 12.</b> $66.1001$ (3m) of the statutes is repealed.
5	<b>Section 13.</b> 66.1001 (7) of the statutes is created to read:
6	66.1001 (7) Repeal of comprehensive plan. A local governmental unit may
7	repeal its comprehensive plan by a majority vote of the members-elect, as defined
8	in s. 59.001 (2m), of the governing body.
9	<b>Section 14.</b> 66.1001 (8) of the statutes is created to read:
10	66.1001 (8) Limitation on consideration of comprehensive planning. No
11	department or agency of the state or authority created by the state or any city, village,
12	town, or county may consider whether or not a local governmental unit has in effect
13	a comprehensive plan in determining the eligibility of the local governmental unit
14	or any person or entity in the local government unit for participation in an economic
15	development program.
16	<b>Section 15.</b> $66.1002$ (2) (intro.) of the statutes is amended to read:
17	66.1002 (2) MORATORIUM ALLOWED. (intro.) Subject to the limitations and
18	requirements specified in this section, a municipality may enact a development
19	moratorium ordinance if the municipality has enacted a comprehensive plan, is in
20	the process of preparing its comprehensive plan, or is in the process of preparing a
21	significant amendment to its comprehensive plan in response to a substantial
22	change in conditions in the municipality, or is exempt from the requirement as
23	described in s. 66.1001 (3m), and if at least one of the following applies:

(1) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
land information fund from the appropriation account to the department of
administration under section 20.505 (1) (ub) of the statutes, as affected by the acts
of 2015, an amount equal to \$2,000,000 less any amount obligated or paid for
comprehensive planning grants in the fiscal year, in the fiscal year in which this
subsection takes effect.
SECTION 17. Effective dates. This act takes effect on the day after publication,
except as follows:

1, 2016.

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(END)

(1) The treatment of section 20.505 (1) (ub) of the statutes takes effect on July

#### Barman, Mike

From:

LRB.Legal

To:

Sen.Moulton@legis.wisconsin.gov

Subject:

Draft review: LRB -2555/1 Topic: Make comprehensive planning optional; other changes to

comprehensive planning, smart growth requirements

Attachments:

15-2555/1

#### State of Wisconsin - Legislative Reference Bureau

One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Eric V. Mueller, Legislative Attorney, at (608) 261-7032, at <a href="mailto:eric.mueller@legis.wisconsin.gov">eric.mueller@legis.wisconsin.gov</a>, or at One East Main Street, Suite 200.

#### We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at <u>LRB.Legal@legis.wisconsin.gov</u> or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.