

2017 DRAFTING REQUEST

Bill

For: **Keith Ripp (608) 266-3404** Drafter: **mshovers**

By: **Matt** Secondary Drafters:

Date: **12/6/2016** May Contact: **Mark Hazelbaker (608) 220-7771**

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Ripp@legis.wisconsin.gov**
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Modifications to statutes allowing certain towns to withdraw from county zoning

Instructions:

for /P2: 1) get rid of the 180-day opt out--require passage by 9/1; 2) by 11/1, the town has to show plan to counties; 3) by 1/1 of next year, plan goes into effect

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 1/31/2017	eweiss 1/12/2017	hkohn 1/12/2017		State S&L
/P2	mshovers 2/1/2017	eweiss 2/1/2017	hkohn 2/1/2017		State S&L
/P3	mshovers 2/1/2017	eweiss 2/1/2017	mbarman 2/1/2017		State S&L
/1	mshovers 2/17/2017	jdyer 2/2/2017	mbarman 2/2/2017	mbarman 2/2/2017	State S&L
/2		wjackson	rmilford	rmilford	State

per MES

Vers. Drafted

Reviewed
2/17/2017

Submitted
2/17/2017

Jacketed
2/17/2017

Required
S&L

FE Sent For:

<END>

At
Intro.

Shovers, Marc

From: Portz, Elisabeth
Sent: Monday, December 05, 2016 5:20 PM
To: Shovers, Marc
Cc: Rohrbeck, Matthew
Subject: Dane County Zoning clean up
Attachments: drafting ideas re Town withdrawal.docx

Hey Marc,

You had drafted the Dane County Zoning bill for us last year (AB 563) so I figured I would start with you for drafting this clean-up bill. Below is the suggested language. Would you mind drafting the /p draft for us?

Please let me know if you have any questions. The third page of the document may cause us some drafting issues, so let me know and we can discuss it.

Thank you! Have a great night,

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

Section 59.69 (3)(b)

(b) The development plan shall include the master plan, if any, of any city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any, of such city or village, that was adopted under s. 62.23 (6) in the county, without change. In counties with a population of at least 485,000, the development plan shall also include, and integrate, the master plan and the official map of a town that was adopted under s. 60.62 (6) (a) or (b), without change.

Section 60.23

(34) TOWN WITHDRAWAL FROM COUNTY ZONING.

(a) Subject to pars. (b) and (c), after December 31, 2016, and before January 1, 2018, and during the one-year period every 3 years after January 1, 2017, enact an ordinance withdrawing the town from coverage of a county zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from coverage by a county development plan that has been enacted under s. 59.69 (3) (a), except that a town board may act under this paragraph only if the town is located in a county with a population on January 1, 2016, of at least 485,000.

(b) Subject to pars. (c) and (d), an ordinance enacted under par. (a) may not take effect until all of the following occur:

1. Not later than 180 days before enacting an ordinance under par. (a), the town notifies the county clerk and one or more officials of every other town in the county, in writing, of the town's intent to enact an ordinance under par. (a).
2. The town enacts a zoning ordinance under s. 60.62, and either adopts, or certifies that it has adopted, a comprehensive plan under s. 66.1001, and an official map under s. 62.23 (6), and the town sends certified copies of such documents to the county clerk.
3. The ordinance enacted under par. (a) is approved either at the annual town meeting or in a referendum called by the town board for that purpose at the next spring or general election, to be held not sooner than 70 days after the referendum is called by the town board.

(c)

1. The zoning ordinance that the town enacts under s. 60.62 must be essentially identical to either the county zoning ordinance that is in effect when the town issues the written notification described in par. (b) 1., or to the model ordinance described in subd. 2. A town that enacts an ordinance that is essentially identical to the county ordinance may amend the ordinance, but only to the extent that the amendment relates to the location of district boundaries, by following the procedures specified in s. 60.62.
2. All towns in a county that issue a written notification described in par. (b) 1. shall work together to develop a model zoning ordinance. The model ordinance may be recommended for enactment by a majority vote of the towns that participate in drafting the model ordinance in that county. Once the model ordinance is recommended, a town may enact the ordinance under s. 60.62. The model ordinance may be amended by a majority vote of the towns that have enacted the model ordinance in that county, except that if an amendment affects only the location of district boundaries, each town may unilaterally enact such an amendment.
3. A town which enacts either an ordinance that is essentially identical to a county ordinance, as described in subd. 1., or a model ordinance, as described in subd. 2., may switch from having one type of ordinance apply in the town to having the other type of ordinance apply in the town, except that a town may make such a switch not more than once every 3 years, and the switch may occur only during the one-year periods described in par. (a).
4. The zoning ordinance that the town enacts under s. 60.62 may not prohibit the continued use of any building, premises, structure, or land that is lawful under the county zoning ordinance that is in effect when the town issues the written notification described in par. (b) 1. With regard to the continued nonconforming use of any building, premises, structure, or land that is lawful under that county zoning ordinance, the town ordinance may not prohibit the nonconforming use even if the building, premises, structure, or land is not in continuous use.

(d) A zoning ordinance enacted under s. 60.62, a comprehensive plan enacted under s. 66.1001, and an official map established under s. 62.23 (6), that are enacted in conjunction with an ordinance enacted under par. (a), shall all take effect on the first day of the 3rd month beginning after certified copies of the documents are sent to the county clerk under par. (b) 2. date specified in the ordinance, but not later than January 1 of the year following the withdrawal decision.

Not precise enough

60.62

(2) If the county in which the town is located has a population less than 485,000 and has enacted a zoning ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to approval by the town meeting or by a referendum vote of the electors of the town held at the time of any regular or special election. The question for the referendum vote shall be filed as provided in s. 8.37.

(6) (a) Not later than 60 days before a town board that wishes to withdraw from county zoning and the county development plan may enact an ordinance under s. 60.23 (34), the town board shall enact a zoning ordinance under this section, an official map under s. 62.23 (6), and a comprehensive plan under s. 66.1001.

MC (b) If a town receives notification under s. 59.69 (5m) that the county board has repealed its zoning ordinances, the town board shall enact a zoning ordinance under this section, an official map under s. 62.23 (6), and a comprehensive plan under s. 66.1001, all of which take effect on the effective date of the county's repeal of its zoning ordinance.

CREATE LANGUAGE In Chapter 59 WHICH PROVIDES:

■ A County with a population of more than 485,000 shall have no standing to contest an action by a town or towns to withdraw from county zoning, nor may it expend any funds in litigation or advocacy against town withdrawal from county zoning.

based on p. 66.02/62(6)

AMEND SECTION 66.0602, Levy Limits, to provide that:

“Town-related zoning expenditures” means the portion of a County’s total budget for planning, zoning, land records and geographical information systems which was expended in 2016 for that town. The amount shall be determined by:

1. Divide the equalized value of a town by the total equalized values of the towns in the county.
2. Multiply the resulting decimal by the total expenditures of the County for planning, zoning and geographical information systems, as stated in the County’s adopted budget.

COUNTY EXPENDITURES FOR TOWN ZONING FOR LEVY LIMIT TRANSFER – <u>HYPOTHETICAL</u> CALCULATION	
Town of Springfield Eq. Val.*	\$414,291,500
All Towns Eq. Val.*	\$9,672,244,100
Springfield's % Of Total*	4.283303
Total County Levy For Zoning, Planning, GIS (Hypothetical Amount)	\$1,250,000
Springfield's Share	\$53,541.28
*Actual numbers	

Dane County’s levy limit would be reduced by that amount. Springfield’s levy limit would be increased by that amount:

If a town withdraws from County zoning under sec. 60.23 (34), commencing in the year that the Town’s zoning is effective, the town’s levy limit is increased by the amount of Town-related zoning expenditures pertaining to that town. The levy limit of the County is decreased by the amount of Town-related zoning expenditures pertaining to a town or towns which withdraw from County zoning.

Shovers, Marc

From: Rohrbeck, Matthew
Sent: Tuesday, January 03, 2017 8:12 AM
To: Shovers, Marc
Subject: RE: Dane County Zoning clean up

Good morning Marc,

Thank you for your email and I apologize for the late response. I was in and out of the office throughout the holiday season.

After talking with Keith about your email, he wants to make the notification process simpler and more flexible at the local level. Based on my understanding of the statute and your explanation, it requires the town to give notice to the clerk and others of the town's intent to withdraw within 180 days.

Keith would like to remove the 180-day advance notice requirement in this statute that was included in Act 178. He would like to replace the notice requirement with the towns having the ability to withdraw by adopting an local ordinance of withdrawal no later than September 1 in any year.

Thank you again for your hard work on this draft! Let me know if you have any additional questions or thoughts.

Have a good day!

-Matt

Matthew L. Rohrbeck

*Research Assistant,
Assembly Transportation Committee Clerk
Office of State Representative Keith Ripp
42nd Assembly District
(608) 266-3404
Matthew.Rohrbeck@legis.wi.gov*

From: Shovers, Marc
Sent: Thursday, December 22, 2016 3:53 PM
To: Rohrbeck, Matthew <Matthew.Rohrbeck@legis.wisconsin.gov>
Subject: RE: Dane County Zoning clean up

Hi Matt:

I'm pretty much done with this draft, but I'm still not sure what you want to do regarding the repeal of s. 60.23 (34) (b) 1. This subdivision required towns to notify county clerks and others about the town's intent to withdraw from county zoning. There are several cross-references to this provision, and just repealing the cross-references doesn't work. See, for example, ss. 59.69 (5m) (a), and 60.23 (34) (c) 1., 2., and 4. Certain things happen in these other statutes based on when the

notice is received, but if there is no longer a notice requirement because s. 60.23 (34) (b) 1. is repealed, it's not clear to me what should trigger these other statutory actions.

Please let me know how you'd like me to proceed.

Thanks,

Marc

From: Rohrbeck, Matthew
Sent: Tuesday, December 20, 2016 10:57 AM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: RE: Dane County Zoning clean up

Good morning Marc,

I would say the language that is crossed out needs to be removed and any sections referring to the removed sections should be taken out as well. I hope that answers your questions, but if not, just email or give me a call.

Thank you and have a happy Tuesday!

-Matt

Matthew L. Rohrbeck

*Research Assistant,
Assembly Transportation Committee Clerk
Office of State Representative Keith Ripp
42nd Assembly District
(608) 266-3404
Matthew.Rohrbeck@legis.wi.gov*

From: Shovers, Marc
Sent: Wednesday, December 14, 2016 1:40 PM
To: Rohrbeck, Matthew <Matthew.Rohrbeck@legis.wisconsin.gov>
Subject: FW: Dane County Zoning clean up

Hi Matt:

Some of the pre-drafted instructions related to this request are confusing, so I'm not sure what you'd like done in this draft. The predrafted materials include the following:

Section 60.23

(34) TOWN WITHDRAWAL FROM COUNTY ZONING.

- (a) Subject to pars. (b) and (c), after December 31, 2016, and before January 1, 2018, and during the one-year period every 3 years after January 1, 2017, enact an ordinance withdrawing the town from coverage of a county zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from coverage by a county development plan that has been enacted under s. 59.69 (3) (a), except that a town board may act under this paragraph only if the town is located in a county with a population on January 1, 2016, of at least 485,000.
- (b) Subject to pars. (c) and (d), an ordinance enacted under par. (a) may not take effect until all of the following occur:

- ~~1. Not later than 180 days before enacting an ordinance under par. (a), the town notifies the county clerk and one or more officials of every other town in the county, in writing, of the town's intent to enact an ordinance under par. (a).~~
- ~~2. The town enacts a zoning ordinance under s. 60.62, and either adopts, or certifies that it has adopted, a comprehensive plan under s. 66.1001, and an official map under s. 62.23 (6), and the town sends certified copies of such documents to the county clerk.~~
- ~~3. The ordinance enacted under par. (a) is approved either at the annual town meeting or in a referendum called by the town board for that purpose at the next spring or general election, to be held not sooner than 70 days after the referendum is called by the town board.~~

(c)

1. The zoning ordinance that the town enacts under s. 60.62 must be essentially identical to either the county zoning ordinance that is in effect when the town issues the written notification described in par. (b) 1., or to the model ordinance described in subd. 2. A town that enacts an ordinance that is essentially identical to the county ordinance may amend the ordinance, but only to the extent that the amendment relates to the location of district boundaries, by following the procedures specified in s. 60.62.
2. All towns in a county that issue a written notification described in par. (b) 1. shall work together to develop a model zoning ordinance. The model ordinance may be recommended for enactment by a majority vote of the towns that participate in drafting the model ordinance in that county. Once the model ordinance is recommended, a town may enact the ordinance under s. 60.62. The model ordinance may be amended by a majority vote of the towns that have enacted the model ordinance in that county, except that if an amendment affects only the location of district boundaries, each town may unilaterally enact such an amendment.
3. A town which enacts either an ordinance that is essentially identical to a county ordinance, as described in subd. 1., or a model ordinance, as described in subd. 2., may switch from having one type of ordinance apply in the town to having the other type of ordinance apply in the town, except that a town may make such a switch not more than once every 3 years, and the switch may occur only during the one-year periods described in par. (a).
4. The zoning ordinance that the town enacts under s. 60.62 may not prohibit the continued use of any building, premises, structure, or land that is lawful under the county zoning ordinance that is in effect when the town issues the written notification described in par. (b) 1. With regard to the continued nonconforming use of any building, premises, structure, or land that is lawful under that county zoning ordinance, the town ordinance may not prohibit the nonconforming use even if the building, premises, structure, or land is not in continuous use.

The first issue is that many of the statutory cross-references in the instructions are underlined, which indicates that you'd like that material added, however, all of them appear in current law. The next issue is that this pre-drafted material essentially repeals s. 60.23 (34) (b) 1. and 3., however in s. 60.23 (34) (c), there are several cross-references in that paragraph that refer back to those repealed subdivisions; what treatment of s. 60.23 (34) (c) are you looking for? It would not work to just repeal the cross-references that are repealed in par. (b) 1. and 3., so I'm not sure how you'd like the bill to affect s. 60.23 (34) (c).

Thanks, Matt. Please call if you have any questions, and please forward to me updated drafting instructions.

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

From: Portz, Elisabeth
Sent: Monday, December 05, 2016 5:20 PM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Cc: Rohrbeck, Matthew <Matthew.Rohrbeck@legis.wisconsin.gov>
Subject: Dane County Zoning clean up

Hey Marc,

You had drafted the Dane County Zoning bill for us last year (AB 563) so I figured I would start with you for drafting this clean-up bill. Below is the suggested language. Would you mind drafting the /p draft for us?

Please let me know if you have any questions. The third page of the document may cause us some drafting issues, so let me know and we can discuss it.

Thank you! Have a great night,

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/P1

MES:...

emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Thurs. D-note

S.A. ✓
XRF ✓

gen

1 AN ACT ... relating to: modifying the requirements for certain towns to
2 withdraw from county zoning.

Analysis by the Legislative Reference Bureau

This bill makes a number of technical changes to the law authorizing towns located in a county with a population of at least 485,000 to withdraw from county zoning. The bill makes the following changes:

- 1) Changes some of the timing requirements related to when a town must notify a county of the town's intention to withdraw from county zoning.
- 2) No longer requires a town to send copies of its official map to the county clerk.
- 3) Specifies that a county with a population of more than 485,000 does not have standing to contest an action by a town to withdraw from county zoning, nor may such a county expend any public funds to litigate or advocate against such town action.

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:

3 SECTION 1. 59.69 (3) (b) of the statutes is amended to read:
4 59.69 (3) (b) The development plan shall include the master plan, if any, of any
5 city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any,

SECTION 1

1 of such city or village, that was adopted under s. 62.23 (6) in the county, without
 2 change. In counties with a population of at least 485,000, the development plan shall
 3 also include, and integrate, the master plan and the official map of a town that was
 4 ~~adopted under s. 60.62 (6) (a) or (b), without change.~~

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a); 2009 a. 28, 209, 351, 372, 405; 2011 a. 32, 170; 2013 a. 20; 2013 a. 165 s. 115; 2015 a. 55, 176, 178, 214, 223, 391.

5 **SECTION 2.** 59.69 (5m) (title) of the statutes is amended to read:

6 **59.69 (5m) (title) TERMINATION OF COUNTY ZONING, TOWN WITHDRAWAL.**

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105; 2003 a. 214; 2005 a. 26, 79, 81, 112, 171, 208; 2007 a. 11; 2007 a. 20 ss. 1852 to 1857, 9121 (6) (a); 2009 a. 28, 209, 351, 372, 405; 2011 a. 32, 170; 2013 a. 20; 2013 a. 165 s. 115; 2015 a. 55, 176, 178, 214, 223, 391.

7 **SECTION 3.** 59.69 (5m) (c) of the statutes is created to read:

8 **59.69 (5m) (c)** No county with a population of more than 485,000 has standing
 9 to contest an action by a town to withdraw from county zoning, nor may such a county
 10 expend any public funds to litigate, or advocate against, town withdrawal from
 11 county zoning.

12 **SECTION 4.** 60.23 (34) (b) 1. of the statutes is amended to read:

13 **60.23 (34) (b) 1.** ~~Not later than 180 days before enacting an ordinance under~~
 14 ~~par. (a), the~~ The town notifies the county clerk and one or more officials of every other
 15 town in the county, in writing, of the town's intent to enact an ordinance under par.
 16 (a). A town may not enact an ordinance under par. (a) unless it does so before
 17 September 1 of a year during which the town may enact such an ordinance.

History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201, 289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, 9, 972; 2001 a. 16; 2003 a. 214; 2005 a. 13, 116; 2007 a. 42; 2009 a. 42, 372; 2011 a. 32; 2013 a. 50, 51, 151, 193; 2015 a. 178, 181; 2015 a. 195 s. 82.

18 **SECTION 5.** 60.23 (34) (b) 2. of the statutes is amended to read:

19 **60.23 (34) (b) 2.** The town enacts a zoning ordinance under s. 60.62, and either
 20 adopts, or certifies that it has adopted, a comprehensive plan under s. 66.1001, and

1 ~~an official map under s. 62.23 (6), and the town sends certified copies of such~~
2 ~~documents to the county clerk.~~

History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201, 289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, 9, 672; 2001 a. 16; 2003 a. 214; 2005 a. 13, 116; 2007 a. 42; 2009 a. 42, 372; 2011 a. 32; 2013 a. 50, 51, 151, 193; 2015 a. 178, 181; 2015 a. 195 s. 82.

3 **SECTION 6.** 60.23 (34) (b) 3. of the statutes is repealed.

4 **SECTION 7.** 60.23 (34) (d) of the statutes is amended to read:

5 60.23 (34) (d) A zoning ordinance enacted under s. 60.62, and a comprehensive
6 plan enacted under s. 66.1001, ~~and an official map established under s. 62.23 (6), that~~
7 ~~are enacted in conjunction with an ordinance enacted under par. (a), shall all both~~
8 ~~take effect on the first day of the 3rd month beginning after certified copies of the~~
9 ~~documents are sent to the county clerk under par. (b) 2 date specified in the~~
10 ordinance, but not later than January 1 of the year following the year in which the
11 ordinance is enacted.

History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201, 289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, 9, 672; 2001 a. 16; 2003 a. 214; 2005 a. 13, 116; 2007 a. 42; 2009 a. 42, 372; 2011 a. 32; 2013 a. 50, 51, 151, 193; 2015 a. 178, 181; 2015 a. 195 s. 82.

12 **SECTION 8.** 60.62 (2) of the statutes is amended to read:

13 60.62 (2) If the county in which the town is located has a population of fewer
14 than 485,000 and has enacted a zoning ordinance under s. 59.69, the exercise of the
15 authority under sub. (1) is subject to approval by the town meeting or by a
16 referendum vote of the electors of the town held at the time of any regular or special
17 election. The question for the referendum vote shall be filed as provided in s. 8.37.

History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182; 2005 a. 207; 2009 a. 372; 2013 a. 287; 2015 a. 41, 55, 178.

18 **SECTION 9.** 60.62 (6) (a) of the statutes is amended to read:

19 60.62 (6) (a) Not later than 60 days before a town board ~~that~~ wishes to withdraw
20 from county zoning ~~and the county development plan may enact an ordinance under~~
21 ~~s. 60.23 (34), the town board shall enact a zoning ordinance under this section, an~~
22 ~~official map under s. 62.23 (6), and a comprehensive plan under s. 66.1001.~~

History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182; 2005 a. 207; 2009 a. 372; 2013 a. 287; 2015 a. 41, 55, 178.

*

****NOTE: This provision is drafted according to your instructions, but it seems like there is some language missing [→] there's no concrete action to which the "60 days before" applies. Do you mean "Not later than 60 days before a town board that wishes to withdraw from county zoning may do so, the town board shall enact a zoning ordinance under this section."?

1

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1041/P1dn

MES:...

emw

— Date —

✓
Representative Ripp:

I did not include in this version of the draft any amendment to the levy limits in s. 66.0602. I do not believe any new language is necessary to accomplish your intent, as the statutes already provide for a situation where one political subdivision transfers responsibility for providing a service to another political subdivision, necessitating a reduction in its levy limit in the next year, and authorizing a corresponding increase in the allowable limit of the political subdivision which starts to provide the service. See s. 66.0602 (3) (a) and (b). Please let me know if you have any questions.

Marc E. Shovers
Senior Legislative Attorney
(608) 266-0129
marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1041/P1dn
MES:emw

January 12, 2017

Representative Ripp:

I did not include in this version of the draft any amendment to the levy limits in s. 66.0602. I do not believe any new language is necessary to accomplish your intent, as the statutes already provide for a situation where one political subdivision transfers responsibility for providing a service to another political subdivision, necessitating a reduction in its levy limit in the next year, and authorizing a corresponding increase in the allowable limit of the political subdivision which starts to provide the service. See s. 66.0602 (3) (a) and (b). Please let me know if you have any questions.

Marc E. Shovers
Senior Legislative Attorney
(608) 266-0129
marc.shovers@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/P1
MES:emw

P2
(RMR)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Wed

S.A. ✓
HREFV

Regan ✓

1 **AN ACT to repeal** 60.23 (34) (b) 3.; **to amend** 59.69 (3) (b), 59.69 (5m) (title), 60.23
2 (34) (b) 1., 60.23 (34) (b) 2., 60.23 (34) (d), 60.62 (2) and 60.62 (6) (a); and **to**
3 **create** 59.69 (5m) (c) of the statutes; **relating to:** modifying the requirements
4 for certain towns to withdraw from county zoning.

Analysis by the Legislative Reference Bureau

This bill makes a number of technical changes to the law authorizing towns located in a county with a population of at least 485,000 to withdraw from county zoning. The bill makes the following changes:

1. Changes some of the timing requirements related to when a town must notify a county of the town's intention to withdraw from county zoning.
2. No longer requires a town to send copies of its official map to the county clerk.
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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:

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5 change. In counties with a population of at least 485,000, the development plan shall
6 also include, and integrate, the master plan and the official map of a town that was
7 adopted under s. 60.62 (6) (a) or (b), without change.

8 SECTION 2. 59.69 (5m) (title) of the statutes is amended to read:

9 59.69 (5m) (title) TERMINATION OF COUNTY ZONING, TOWN WITHDRAWAL.

10 SECTION 3. 59.69 (5m) (c) of the statutes is created to read:

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12 to contest an action by a town to withdraw from county zoning, nor may such a county
13 expend any public funds to litigate, or advocate against, town withdrawal from
14 county zoning.

15 SECTION 4. 60.23 (34) (b) 1. of the statutes is amended to read:

16 60.23 (34) (b) 1. ~~Not later than 180 days before enacting an ordinance under~~
17 ~~par. (a), the~~ The town notifies the county clerk and one or more officials of every other
18 town in the county, in writing, of the town's intent to enact an ordinance under par.
19 (a). A town may not enact an ordinance under par. (a) unless it does so before
20 September 1 of a year during which the town may enact such an ordinance.

21 SECTION 5. 60.23 (34) (b) 2. of the statutes is amended to read:

22 60.23 (34) (b) 2. The town enacts a zoning ordinance under s. 60.62, and either
23 adopts, or certifies that it has adopted, a comprehensive plan under s. 66.1001, and
24 an official map under s. 62.23 (6), and the town sends certified copies of such
25 documents to the county clerk.

before November 1 of a year during
which the town may enact such
an ordinance

1 SECTION 6. 60.23 (34) (b) 3. of the statutes is repealed.

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5 are enacted in conjunction with an ordinance enacted under par. (a), shall all both
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9 ordinance is enacted.

10 SECTION 8. 60.62 (2) of the statutes is amended to read:

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12 than 485,000 and has enacted a zoning ordinance under s. 59.69, the exercise of the
13 authority under sub. (1) is subject to approval by the town meeting or by a
14 referendum vote of the electors of the town held at the time of any regular or special
15 election. The question for the referendum vote shall be filed as provided in s. 8.37.

INS
3-16

16 SECTION 9. 60.62 (6) (a) of the statutes is amended to read:

17 60.62 (6) (a) Not later than 60 days before a town board that wishes to withdraw
18 from county zoning and the county development plan may enact an ordinance under
19 s. 60.23 (34), the town board shall enact a zoning ordinance under this section, an
20 official map under s. 62.23 (6), and a comprehensive plan under s. 66.1001.

****NOTE: This provision is drafted according to your instructions, but it seems like there is some language missing — there's no concrete action to which the "60 days before" applies. Do you mean "Not later than 60 days before a town board that wishes to withdraw from county zoning may do so, the town board shall enact a zoning ordinance under this section.?"

21

(END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1041/P2ins
MES:emw

INS 3-16

✕

SECTION 1. 60.62 (6) (a) of the statutes is amended to read:

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History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182; 2005 a. 207; 2009 a. 372; 2013 a. 287; 2015 a. 41, 55, 178.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/P2
MES:emw
P3
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today

repeal

SA.V

1 **AN ACT to repeal** 60.23 (34) (b) 3.; **to amend** 59.69 (3) (b), 59.69 (5m) (title), 60.23
2 (34) (b) 1., 60.23 (34) (b) 2., 60.23 (34) (d), 60.62 (2) and 60.62 (6) (a); and **to**
3 **create** 59.69 (5m) (c) of the statutes; **relating to:** modifying the requirements
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This bill makes a number of technical changes to the law authorizing towns located in a county with a population of at least 485,000 to withdraw from county zoning. The bill makes the following changes:

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23 (a), the town board shall enact a zoning ordinance under this section, ~~an official map~~
24 under s. 62.23 (6), and a comprehensive plan under s. 66.1001.

25 (END)

Shovers, Marc

From: Kohn, Hanna
Sent: Wednesday, February 01, 2017 3:47 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB -1041/P3

From: Rep.Ripp
Sent: Wednesday, February 01, 2017 3:44 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -1041/P3

Good afternoon,

This draft looks good. Can we please have this jacketed as a /1 draft?

Thank you and have a good rest of your Wednesday!

-Matt

Matthew L. Rohrbeck

*Research Assistant,
Assembly Transportation Committee Clerk
Office of State Representative Keith Ripp
42nd Assembly District
(608) 266-3404
Matthew.Rohrbeck@legis.wi.gov*

From: LRB.Legal
Sent: Wednesday, February 01, 2017 11:50 AM
To: Rep.Ripp <Rep.Ripp@legis.wisconsin.gov>
Subject: Draft review: LRB -1041/P3

Following is the PDF version of draft LRB -1041/P3.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/P3
MES:emw

2017 BILL

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Jacket for B

Thurs

No changes

repeal

4

1 AN ACT to repeal 60.23 (34) (b) 3.; to amend 59.69 (3) (b), 59.69 (5m) (title), 60.23
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25

(END)

Shovers, Marc

From: Rep.Ripp
Sent: Friday, February 17, 2017 12:19 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB -1041/P1
Attachments: 17-1041/P1.pdf; DraftersNote1.pdf

Good afternoon Marc,

In this PI draft, can you remove number 3 from this bill? Let me know if you have any questions.

Have a good rest of your day!

-Matt

Matthew L. Rohrbeck

Research Assistant,

Assembly Transportation Committee Clerk

Office of State Representative Keith Ripp

42nd Assembly District

(608) 266-3404

Matthew.Rohrbeck@legis.wi.gov

From: LRB.Legal

Sent: Thursday, January 12, 2017 8:19 AM

To: Rep.Ripp <Rep.Ripp@legis.wisconsin.gov>

Subject: Draft review: LRB -1041/P1

Following is the PDF version of draft LRB -1041/P1 and drafter's note.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1041/1
MES:emw

TWJ
RMR

2017 BILL

repeal
max.
Now

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BILL

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BILL

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