

2017 DRAFTING REQUEST

Assembly Amendment (AA-AB109)

For: Keith Ripp (608) 266-3404 Drafter: mshovers
By: Matt Secondary Drafters:
Date: 3/15/2017 May Contact: Mark Hazelbaker

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Clarify when town meeting approval is needed for a town to opt out of county zoning

Instructions:

See attached

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For: <END>

Shovers, Marc

From: Rohrbeck, Matthew
Sent: Monday, March 13, 2017 2:46 PM
To: Shovers, Marc
Subject: RE: Amendment may be needed to AB 109

Good afternoon Marc,

Would you mind drafting an amendment to ensure the law is clarified? After talking with Mark Hazelbaker, he thinks the ambiguity in the law needs to be clearly defined, even with your interpretation. Otherwise, it could be misconstrued in a lawsuit if that makes sense?

Thank you and let me know if you have any questions or thoughts.

Have a good rest of your Monday!

-Matt

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: "Shovers, Marc" <Marc.Shovers@legis.wisconsin.gov>
Date: 3/10/17 1:04 PM (GMT-06:00)
To: "Rohrbeck, Matthew" <Matthew.Rohrbeck@legis.wisconsin.gov>
Subject: RE: Amendment may be needed to AB 109

Hi Matt:

I don't think it would hurt anything to add a similar population limitation to s. 60.10 (2) (h), but I don't think it's necessary.

Section 60.10 (2) (h) says that in a town that is located in a county which has enacted a zoning ordinance (which includes Dane County), the town meeting may authorize the town board to act under s. 60.62 (2) to enact a zoning ordinance under s. 61.35. But any town board that wishes to do so must act under s. 60.62 (2). As amended in AB 109, that statute now provides that town meeting/referendum approval is required only in towns with a population of fewer than 485,000.

So reading the 2 statutes together, I don't think there's a problem in achieving your intent.

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

Thanks,

Marc

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

From: Rohrbeck, Matthew
Sent: Thursday, March 09, 2017 7:12 PM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: FW: Amendment may be needed to AB 109

Hey Marc,

Can you take a look at this and let me know your thoughts?

Thank you!

-Matt

From: Mark Hazelbaker [<mailto:mh@kasieta.com>]
Sent: Thursday, March 09, 2017 12:37 PM
To: Rohrbeck, Matthew <Matthew.Rohrbeck@legis.wisconsin.gov>; Tim Roehl <tim@698sold.com>
Cc: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: Amendment may be needed to AB 109

There is a provision in sec. 60.10 (2)(h) of the Statutes which reads:

(h) Exercise of certain zoning authority. In a town located in a county which has enacted a zoning ordinance under s. 59.69, authorize, under s. 60.62 (2), the town board to enact town zoning ordinances under s. 61.35.

AB 109 amends sec. 60.62 to exempt counties which have more than 485,000 people from the town meeting approval provision. However, it occurs to me that it may be necessary to revise sec. 60.10 (2)(h) to be consistent.

Mark Hazelbaker



MES: *Jld*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 109

Thurs,

1 At the locations indicated, amend the bill[✓] as follows:
2 **1.** Page 2, line 4: after that line insert:
3 “SECTION[✓]**1m.** 60.10 (2) (h)[✓] of the statutes is amended to read:
4 60.10 (2) (h) *Exercise of certain zoning authority.* In a town located in a county
5 which has a population of fewer than 485,000[✓] and has enacted a zoning ordinance
6 under s. 59.69, authorize, under s. 60.62 (2), the town board to enact town zoning
7 ordinances under s. 61.35.”[✓]

8 **History:** 1983 a. 532; 1991 a. 39; 1995 a. 34, 201; 2001 a. 16; 2003 a. 214; 2015 a. 245.

(END)

Shovers, Marc

From: Milford, Renae
Sent: Friday, March 17, 2017 4:00 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB a0156/P1

I am not sure what he means by enrolled... I assume turn to a /1 and jacket?

From: Rep.Ripp
Sent: Friday, March 17, 2017 3:52 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB a0156/P1

This amendment looks good. Please have it enrolled.

Thank you!

-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, March 16, 2017 7:25 AM
To: Rep.Ripp <Rep.Ripp@legis.wisconsin.gov>
Subject: Draft review: LRB a0156/P1

Following is the PDF version of draft LRB a0156/P1.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0156/P1

MES:jld

RMA

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 109

today

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

2 1. Page 2, line 4: after that line insert:

3 "SECTION 1m. 60.10 (2) (h)^{lx} of the statutes is amended to read:

4 60.10 (2) (h) *Exercise of certain zoning authority.* In a town located in a county
5 which has a population of fewer than 485,000 and has enacted a zoning ordinance
6 under s. 59.69, authorize, under s. 60.62 (2), the town board to enact town zoning
7 ordinances under s. 61.35."

8 (END)