

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:

Require town meeting approval for a town to opt out of county zoning

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 3/20/2017	jdyer 3/16/2017	mbarman 3/16/2017		
/1		jdyer 3/20/2017	mbarman 3/20/2017	mbarman 3/20/2017	

FE Sent For:

<END>

Shovers, Marc

From: Rohrbeck, Matthew
Sent: Wednesday, March 15, 2017 10:21 AM
To: Shovers, Marc
Subject: RE: Amendment may be needed to AB 109

Good morning Marc,

Do you have availability to talk this afternoon? In addition to this amendment, I would like to work with you on another amendment and possibly a third one as well.

A short synopsis of the amendment would remove section 6 from the bill so it would require towns in Dane County to hold either a vote at a referendum or annual town meeting under Act 178 but I would like to change the requirement of an annual town meeting to just any town meeting but it requires a 30 day notice of the meeting to vote on opting out of county zoning.

If you have any questions, do not hesitate to give me a call or email me this afternoon.

Thank you and have a good day!

-Matt

Sent from my U.S. Cellular® Smartphone

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

From: "Rohrbeck, Matthew" <Matthew.Rohrbeck@legis.wisconsin.gov>
Date: 3/13/17 2:46 PM (GMT-06:00)
To: "Shovers, Marc" <Marc.Shovers@legis.wisconsin.gov>
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>

cap be noticed by 4/1 must opt rat by 10/1 must have official map by 11/1 must have a special mtg in 30 days

need 30 day notice during the period between 11/1 & 12/31 must have a special mtg, and/or same procedures as annual mtg; need if approved, take eff 1/1 of subsequent year

wait to hear from Mark Hazelbaker if town opts out, town doesn't have to

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



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0157/P1

MES:

Handwritten initials: JLD
Handwritten initials: RMA

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

Handwritten in a circle: Thurs.

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

2 **1.** Page 2, line 17: delete that line[✓] and substitute:

3 **"SECTION 4e.**[✓] 60.23 (34) (b) 3.[✓] of the statutes is amended to read:

4 60.23 (34) (b) 3. The ordinance enacted under par. (a) is approved either at the
5 annual a special town meeting or in a referendum called by the town board for that
6 purpose^{Explain} at the next spring or general election, to be held not sooner than 70 days after
7 the referendum is called by the town board, as provided in sec. 60.62[✓](2) (b)."[✓]

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.

8 **2.** Page 3, line 1: delete lines 1 to 6 and substitute:[✓]

9 **"SECTION 6e.**[✓] 60.62 (2) of the statutes is renumbered 60.62 (2) (a) and amended
10 to read:

1 60.62 (2) (a) If Subject to par. (b),[✓] if the county in which the town is located has
 2 enacted a zoning ordinance under s. 59.69, the exercise of the authority under sub.
 3 (1) is subject to approval by the town meeting or by a referendum vote of the electors
 4 of the town held at the time of any regular or special election. The question for the
 5 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.

SECTION 6m. 60.62 (2) (b) of the statutes is created to read:

6
 7 60.62 (2) (b) 1. If the county in which the town is located has a population of
 8 more than 485,000[✓] and has enacted a zoning ordinance under s. 59.69[✓], the exercise
 9 of the authority under sub. (1) is subject to approval by a special town meeting or by
 10 a referendum vote of the electors of the town held at the time of any regular or special
 11 election. Only the town board may call the referendum or the special town meeting
 12 under this paragraph.[✓]

13 2. The question for the referendum vote shall be filed as provided in s. 8.37.[✓]

14 3. Notwithstanding the provisions in s. 60.12,[✓] a special town meeting called
 15 under this paragraph[✓] must be called by the the town board not later than 30[✓] days
 16 after the date on which the town board must send certified copies of documents to a
 17 county clerk under s. 60.23 (34) (b) 2.,[✓] and the town board shall, not less than 30[✓] days
 18 before the date of the special town meeting, publish a class 2[✓] notice of the meeting
 19 under ch. 985.[✓] If notice is posted, the same time and content requirements apply."[✓]

(END)

Shovers, Marc

From: Milford, Renae
Sent: Friday, March 17, 2017 4:01 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB a0157/P1

And a third.

From: Rep.Ripp
Sent: Friday, March 17, 2017 3:53 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB a0157/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 9:05 AM
To: Rep.Ripp <Rep.Ripp@legis.wisconsin.gov>
Subject: Draft review: LRB a0157/P1

Following is the PDF version of draft LRB a0157/P1.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0157/P1
MES:jld

(RME)

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

to day

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2 1. Page 2, line 17: delete that line and substitute:

3 "SECTION 4e. 60.23 (34) (b) 3. of the statutes is amended to read:

4 60.23 (34) (b) 3. The ordinance enacted under par. (a) is approved either at the
5 ~~annual a special~~ town meeting or in a referendum called by the town board for that
6 purpose at the next spring or general election, to be held not sooner than 70 days after
7 the referendum is called by the town board, as provided in s. 60.62 (2) (b).".

8 2. Page 3, line 1: delete lines 1 to 6 and substitute:

9 "SECTION 6e. 60.62 (2) of the statutes is renumbered 60.62 (2) (a) and amended
10 to read:

11 60.62 (2) (a) If Subject to par. (b), if the county in which the town is located has
12 enacted a zoning ordinance under s. 59.69, the exercise of the authority under sub.

1 (1) is subject to approval by the town meeting or by a referendum vote of the electors
2 of the town held at the time of any regular or special election. The question for the
3 referendum vote shall be filed as provided in s. 8.37.

4 **SECTION 6g.** 60.62 (2) (b) of the statutes is created to read:

5 60.62 (2) (b) 1. If the county in which the town is located has a population of
6 more than 485,000 and has enacted a zoning ordinance under s. 59.69, the exercise
7 of the authority under sub. (1) is subject to approval by a special town meeting or by
8 a referendum vote of the electors of the town held at the time of any regular or special
9 election. Only the town board may call the referendum or the special town meeting
10 under this paragraph.

11 2. The question for the referendum vote shall be filed as provided in s. 8.37.

12 3. Notwithstanding the provisions in s. 60.12, a special town meeting called
13 under this paragraph must be called by the town board not later than 30 days after
14 the date on which the town board must send certified copies of documents to a county
15 clerk under s. 60.23 (34) (b) 2., and the town board shall, not less than 30 days before
16 the date of the special town meeting, publish a class 2 notice of the meeting under
17 ch. 985. If notice is posted, the same time and content requirements apply.”.

18 (END)