

2017 DRAFTING REQUEST**Assembly Amendment (AA-AB109)**For: **Keith Ripp (608) 266-3404**Drafter: **mshovers**By: **Matt**

Secondary Drafters:

Date: **3/16/2017**

May Contact:

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:

Town withdrawal from county zoning is a transfer of services for levy limit purposes

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	lparisi 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 3:44 PM
To: Shovers, Marc
Cc: Timothy Roehl; Mark Hazelbaker; Lemke, Shelby
Subject: FW: Legislative issue.
Attachments: image001.emz

Good afternoon Marc,

Here is what Mark Hazelbaker sent me for the amendments. Let me know if you have any questions or feel free to reach out to Mark Hazelbaker as well.

Thank you and have a good rest of your day!

-Matt

From: Mark Hazelbaker [mailto:mh@kasieta.com]
Sent: Wednesday, March 15, 2017 3:41 PM
To: Rohrbeck, Matthew <Matthew.Rohrbeck@legis.wisconsin.gov>
Subject: Legislative issue.



Attorney Mark B Hazelbaker

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An amendment to AB 109 should:

- Amend the bill so the decision to withdraw is subject to town meeting approval, not annual meeting approval.
- Change sec. 60.10 to be consistent with the above, if necessary.
- Make it clear that a town withdrawing from county zoning is a transfer of services under sec. 60.0602, the levy limit statute.

We raised this issue earlier. Mr. Shovers made a good point – he felt the statutes already provided that the levy limit should transfer. However, I have discussed this issue with Attorney Dana Erlandsen, the Department of Revenue's counsel. She feels the issue is debatable.

If the issue is debatable, Dane County will sue over it and keep it in litigation as long as possible.

The statute currently reads:

(3) 66.0602 (3) EXCEPTIONS.

- (a)** If a political subdivision transfers to another governmental unit responsibility for providing any service that the political subdivision provided in the preceding year, the levy increase limit otherwise applicable under this section to the political subdivision in the current year is decreased to reflect the cost that the political subdivision would have incurred to provide that service, as determined by the department of revenue.
- (b)** If a political subdivision increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit that provided the service in the preceding year, the levy increase limit otherwise applicable under this section to the political subdivision in the current year is increased to reflect the cost of that service, as determined by the department of revenue.

Dane County contends that if a town withdraws from zoning, it is not a transfer because the County did not initiate the change. I understand that the LRB is reluctant to draft redundant statutes, if we don't have an explicit provision which provides that withdrawal from county zoning pursuant to sec. 60.23 (34), is a "transfer," we will have trouble.

Mark Hazelbaker

608 220 7271



RMA *JLD*

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 3, line 13: after that line insert:

3 "SECTION 8m. 66.0602 (3) (b) of the statutes is amended to read:

4 66.0602 (3) (b) If a political subdivision increases the services that it provides

5 by adding responsibility for providing a service transferred to it from another

6 governmental unit that provided the service in the preceding year, the levy increase

7 limit otherwise applicable under this section to the political subdivision in the

8 current year is increased to reflect the cost of that service, as determined by the

9 department of revenue. If a town withdraws from county zoning under s. 60.23 (34),

10 the department of revenue shall consider the withdrawal to be a transfer of zoning

- 1 services from the county to the town for purposes of determining the levy increase
- 2 limit under this paragraph and the levy limit decrease under par. (a)."

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28; 2011 a. 32, 63, 75, 140, 145, 258; 2013 a. 20; 2013 a. 165 s. 114; 2013 a. 222, 310; 2015 a. 55, 191, 256; s. 35.17
correction in (4) (c).

3

(END)

Shovers, Marc

From: Milford, Renae
Sent: Friday, March 17, 2017 4:01 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB a0162/P1

Same thing.

From: Rep.Ripp
Sent: Friday, March 17, 2017 3:53 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB a0162/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
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Matthew.Rohrbeck@legis.wi.gov

From: LRB.Legal
Sent: Thursday, March 16, 2017 12:36 PM
To: Rep.Ripp <Rep.Ripp@legis.wisconsin.gov>
Subject: Draft review: LRB a0162/P1

Following is the PDF version of draft LRB a0162/P1.



RMR

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10 the department of revenue shall consider the withdrawal to be a transfer of zoning

1 services from the county to the town for purposes of determining the levy increase
2 limit under this paragraph and the levy limit decrease under par. (a).”.

3 (END)