

No. 227, A.]

[Published November 4, 1959.

**CHAPTER 596**

AN ACT to renumber 66.945 (12); to amend 66.945 (1), (5), (11) and (14) (a) and 236.10 (4); to repeal and recreate 66.945 (2) and (3); and to create 66.945 (12) (b), (15) and (16) of the statutes, relating to the creation, organization, powers and financing, and dissolution of regional planning commissions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 66.945 (1) of the statutes is amended to read:

66.945 (1) DEFINITIONS. For the purpose of this section "local governmental units" or "local units" \* \* \* *includes cities, villages, towns and counties, and "governing body" means the town, village or county board or the legislative body of a city. "Population" means the population of a local unit as shown by the last federal census or by any subsequent population estimate certified as acceptable by the state director of regional planning.*

SECTION 2. 66.945 (2) and (3) of the statutes are repealed and recreated to read:

66.945 (2) CREATION OF REGIONAL PLANNING COMMISSIONS. A regional planning commission may be created by the governor, or such state agency or official as he may designate, upon petition in the form of a resolution by the governing body of a local governmental unit and the holding of a public hearing on such petition. If the petition shall be joined in by the governing bodies of all the local units in the proposed region, including the county board of any county, part or all of which is in the proposed region, the governor may dispense with the hearing. Notice of any public hearing shall be given by the governor by mail at least 10 days in advance to the clerk of each local unit in the proposed region. If the governor finds that there is a need for a regional planning commission, and if the governing bodies of local units within the proposed region which include over 50 per cent of the population and equalized assessed valuation of the region as determined by the last previous equalization of assessments, shall consent to the formation of such regional planning commission, the governor may create the regional planning commission by order and designate the area and boundaries of the commission's jurisdiction taking into account the elements of homogeneity based upon, but not limited to, such considerations as topographic and geographic conformations, extent of urban development, the existence of special or acute agricultural, forestry, conservation or other rural problems, uniformity of social or economic interests and values, park and recreational needs, civil defense, or the existence of physical, social and economic problems of a regional character.

(3) COMPOSITION OF REGIONAL PLANNING COMMISSIONS. (a) The membership composition of a regional planning commission which includes a city of the first class shall be as follows:

1. One member appointed by the county board of each county, part or all of which is initially within the region or is later added.

2. Double the number of members appointed by the county boards shall be appointed by the governor. At least one-half of such appointees shall be persons who have experience in local government in elective or appointive offices or who are professionally engaged in advising local governmental units in the fields of land-use planning, transportation, law, finance or engineering. The governor in making appointments hereunder shall give due weight to, but shall not be bound by, the place of residence of the appointee within the region.

(b) For any region which does not include a city of the first class, the membership composition of a regional planning commission shall be in accordance with resolutions approved by the governing bodies of a majority of the local units in the region, and these units shall have in the aggregate at least half the population of the region. For the purposes of this determination a county, part or all of which is within the region,

shall be counted as a local unit, but the population of an approving county shall not be counted. In the absence of the necessary approval by the local units, the membership composition of a commission shall be determined as follows:

1. For regions which include land in more than one county par. (a) shall apply.

2. For regions which include land in only one county the commission shall consist of 3 members appointed by the county board; and 3 members appointed by the governing body of each city in the region having a population of 20,000 or more (if there is no city of 20,000 or more the governor shall appoint one member from each city with a population of 5,000 or more within the region); and in addition 3 members shall be appointed at large by the governor. All governor appointees shall be persons who have experience in local government in elective or appointive offices or who are professionally engaged in advising local governmental units in the fields of land-use planning, transportation, law, finance or engineering.

(c) Terms of office for regional planning commission members shall be as follows:

1. If the composition of the commission is approved by local units under par. (b), the terms shall be as prescribed in the resolutions of approval.

2. For members of all other commissions the term is 6 years after the initial term. At the first meeting of the commission it shall be determined by lot which of the initial members shall have 2, 4 and 6-year terms, respectively, and each group shall be as nearly equal as may be.

(d) All regional planning commission members shall be electors of the state and reside within the region.

SECTION 3. 66.945(5) and (11) of the statutes are amended to read:

66.945 (5) Each regional planning commission shall elect its own chairman and executive committee and shall establish its own rules of procedure, and may create and fill such other offices as it may determine necessary. *The commission may authorize the executive committee to act for it on all matters pursuant to rules adopted by it.* The commission shall meet at least once each year. It shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

66.945 (11) MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public body of a local governmental unit within the region having final authority thereon shall refer to the regional planning commission, for its consideration and report before final action is taken by such officer or public body, the following matters: The location of \* \* \* or acquisition of land for \* \* \* any of the items or facilities which are included in the adopted regional master plan, and all subdivision plats of land within the region submitted to the local governmental unit for approval under statute or ordinance. Within 20 days after the matter is referred to the regional planning commission or such longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body or final action may be taken without it. *Local units and state agencies may authorize the regional planning commission with the consent of the commission to act for such unit or agency in approving, examining or reviewing plats, pursuant to ss. 236.10 (4) and 236.12 (2)(a).* *The regional planning commission may suspend its authority under this subsection for such period of time as it determines by resolution either entirely; for specified areas within the region; for designated items and facilities only;*

*or for subdivision plats of a designated size only. Notice of the suspension shall be mailed to the clerks of all local units in the region affected by the suspension.*

SECTION 4. 66.945 (12) of the statutes is renumbered 66.945 (12) (a).

SECTION 5. 66.945 (12) (b) of the statutes is created to read:

66.945 (12) (b) In addition to the other powers specified in this section a regional planning commission may enter into a contract with any local unit within the region under s. 66.30 to make studies and offer advice on:

1. Land use, thoroughfares, community facilities, and public improvements;
2. Encouragement of economic and other developments.

SECTION 6. 66.945 (14) (a) of the statutes is amended to read:

66.945 (14) (a) For the purpose of providing funds to meet the expenses of a regional planning commission, the commission shall annually *on or before October 1 of each year* prepare and approve a budget reflecting the costs of its operation and services to the local governmental units within the region. The amount of the budget charged to any local governmental unit shall be in the proportion of the equalized value *for tax purposes* of the land, *buildings and other improvements thereon* of such local governmental unit, within the region, to the total *such* equalized value \* \* \* within the region. The amount charged to a local governmental unit shall not exceed .008 per cent of \* \* \* *such* equalized value \* \* \* under its jurisdiction and within the region, unless the governing body of such unit \* \* \* expressly \* \* \* *approves* the amount in excess of such percentage. *All tax or other revenues raised for a regional planning commission shall be forwarded by the treasurer of the local unit to the treasurer of the commission on written order of the treasurer of the commission.*

SECTION 7. 66.945 (15) and (16) of the statutes are created to read:

66.945 (15) DISSOLUTION OF REGIONAL PLANNING COMMISSIONS. Upon receipt of certified copies of resolutions recommending the dissolution of a regional planning commission adopted by the governing bodies of a majority of the local units in the region, including the county board of any county, part or all of which is within the region, and upon a finding that all outstanding indebtedness of the commission has been paid and all unexpended funds returned to the local units which supplied them, or that adequate provision has been made therefor, the governor shall issue a certificate of dissolution of the commission which shall thereupon cease to exist.

(16) WITHDRAWAL. Within 90 days of the issuance by the governor of an order creating a regional planning commission, any local unit of government within the boundaries of such region may withdraw from the jurisdiction of such commission by a two-thirds vote of the members elect of the governing body after a public hearing of which notice shall have been given not more than 3 nor less than 2 weeks prior thereto by registered mail to the commission and to the public by publication in a newspaper of general circulation within the boundaries of such local unit of government. A local unit may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the members-elect of the governing body taken at least 6 months prior to the

effective date of such withdrawal. However, such unit shall be responsible for its allocated share of the contractual obligations of the regional planning commission continuing beyond the effective date of its withdrawal.

SECTION 8. 236.10 (4) of the statutes is amended to read:

236.10 (4) Any municipality, town \* \* \*, county or regional planning commission may pursuant to s. 66.30 agree with any other municipality, town \* \* \*, county or regional planning commission for the cooperative exercise of the authority to approve or review plats.

Approved October 30, 1959.

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