

State of Misconsin 2023 - 2024 LEGISLATURE

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## ASSEMBLY AMENDMENT 2, TO ASSEMBLY BILL 266

June 12, 2023 – Offered by Representative BROOKS.

1	At the locations indicated, amend the bill as follows:
2	<b>1.</b> Page 3, line 5: delete "59.694 (10) <u>781.10</u> " and substitute "59.694 (10) <u>(a)</u> ,
3	or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a),
4	under the procedures described in s. 59.694 (10) (b)".
5	<b>2.</b> Page 3, line 8: delete " <u>781.10</u> " and substitute " <u>59.694 (10)</u> ".
6	<b>3.</b> Page 3, line 9: delete lines 9 to 11 and substitute:
7	"SECTION 3e. 59.694 (10) of the statutes is renumbered 59.694 (10) (a).
8	<b>SECTION 3g.</b> 59.694 (10) (b) of the statutes is created to read:
9	59.694 (10) (b) Notwithstanding par. (a), a decision of the board of adjustment
LO	on an application for an approval, as defined in s. 781.10 (1) (a), is subject to review
11	under the procedures contained in s. 781.10.".

2023 – 2024 Legislature – 2 –

1	<b>4.</b> Page 3, line 16: delete "59.694 (10) <u>781.10</u> " and substitute "59.694 (10) <u>(a)</u> ,
2	or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a),
3	under the procedures described in s. 59.694 (10) (b)".
4	5. Page 3, line 19: delete "by certiorari under s. 781.10" and substitute "under
5	the procedures described in s. 59.694 (10) (a), or if the decision is on an application
6	for an approval, as defined in s. 781.10 (1) (a), under the procedures described in s.
7	59.694 (10) (b)".
8	<b>6.</b> Page 4, line 2: delete " <u>under</u> " and substitute " <u>pursuant to s. 62.23 (7) (e) 10.</u>
9	a., except that if the decision is on an application for an approval, as defined in s.
10	781.10 (1) (a), the decision shall be subject to review under the procedures contained
11	<u>in</u> ".
12	7. Page 4, line 22: delete lines 22 to 24 and substitute "paragraph shall be
13	subject to review by certiorari issued by a court of record in the same manner and
14	pursuant to <del>the same provisions as in appeals from the decision of such board upon</del>
15	zoning regulations s. 62.23 (7) (e) 10. a., except that if the decision is on an application
16	for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review
17	under the procedures contained in s. 781.10. In any city in which there is".
18	<b>8.</b> Page 6, line 7: delete " <del>par. (e) 10.</del> <u>s. 781.10</u> " and substitute "par. (e) 10. <u>a.</u> ,
19	or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a),
20	under the procedures described in par. (e) 10. b.".
21	<b>9.</b> Page 6, line 8: delete lines 8 to 11 and substitute:
22	"SECTION 11e. 62.23 (7) (e) 10. of the statutes is renumbered 62.23 (7) (e) 10.
23	a.
24	SECTION 11g. 62.23 (7) (e) 10. b. of the statutes is created to read:

1	62.23 (7) (e) 10. b. Notwithstanding subd. 10. a., a decision of the board of
2	appeals on an application for an approval, as defined in s. 781.10 (1) (a), is subject
3	to review under the procedures contained in s. 781.10.".
4	<b>10.</b> Page 8, line 3: delete lines 1 to 9 and substitute:
5	"SECTION 19e. 236.13 (5) of the statutes is renumbered 236.13 (5) (a) and
6	amended to read:
7	236.13 (5) (a) Any person aggrieved by an objection to a plat or a failure to
8	approve a plat may appeal therefrom as provided in s. $62.23(7)(e)$ 10. <u>a.</u> , 14. and 15.,
9	within 30 days of notification of the rejection of the plat. For the purpose of such <u>an</u>
10	appeal <u>under this paragraph</u> , the term "board of appeals" means an "approving
11	authority". Where the failure to approve is based on an unsatisfied objection, the
12	agency making the objection shall be made a party to the action. The court shall
13	direct that the plat be approved if it finds that the action of the approving authority
14	or objecting agency is arbitrary, unreasonable, or discriminatory.
15	<b>SECTION 19g.</b> 236.13 (5) (b) of the statutes is created to read:
16	236.13 (5) (b) Notwithstanding par. (a), a decision of an approving authority
17	on an application for an approval, as defined in s. 781.10 (1) (a), is subject to review
18	under the procedures contained in s. 781.10.".
19	<b>11.</b> Page 10, line 13: after "court's decision" insert "or take any other action
20	that the court deems appropriate in the interests of justice that is consistent with
21	judicial review of an action in certiorari".
22	(END)