



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-2691/2
EVM:med:ph

2011 ASSEMBLY BILL 303

October 5, 2011 – Introduced by Representatives WILLIAMS, SUDER, PETROWSKI, TIFFANY, BERNIER, BROOKS, BALLWEG, WYNN, KNILANS, THIESFELDT, ENDSLEY and CRAIG, cosponsored by Senators GALLOWAY and MOULTON. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to repeal* 16.965, 20.505 (1) (cm), 20.505 (1) (cn), 20.505 (1) (if), 66.0230
2 (2) (d) and 66.1001 (3m); *to amend* 20.505 (1) (ie), 36.11 (37), 59.69 (3) (a), 62.23
3 (2), 62.23 (3) (b) and 66.1001 (3) (intro.); and *to create* 66.1001 (7) and 66.1001
4 (8) of the statutes; **relating to:** comprehensive planning and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the “Smart Growth” statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Also under current law, unless certain conditions apply, beginning on January 1, 2010, certain ordinances enacted or amended by a local governmental unit that affect land use must be consistent with that local governmental unit’s comprehensive plan. The ordinances to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a local governmental unit enacts or amends any of these specified ordinances, the comprehensive plan must contain at least all of the required planning elements.

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Under this bill, a local governmental unit is authorized to repeal its comprehensive plan. Correspondingly, the ordinances that under current law must be consistent with a local governmental unit's comprehensive plan must, under the bill, be consistent with the local governmental unit's comprehensive plan only if the local governmental unit has a comprehensive plan in effect.

Under current law, the Department of Administration provides grants to local governmental units to assist in financing the cost of planning activities. This bill eliminates this grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.965 of the statutes is repealed.

2 **SECTION 2.** 20.505 (1) (cm) of the statutes is repealed.

3 **SECTION 3.** 20.505 (1) (cn) of the statutes is repealed.

4 **SECTION 4.** 20.505 (1) (ie) of the statutes is amended to read:

5 20.505 (1) (ie) *Land.* ~~The All moneys received by the department under s. 59.72~~
6 (5) (a), other than the first \$2,000,000 received in each fiscal year under s. 59.72 (5)
7 (a), for the land information program under s. 16.967 and for reviews of proposed
8 municipal incorporations and annexations by the department ~~and for the purpose of~~
9 ~~providing aids under s. 16.965.~~

10 **SECTION 5.** 20.505 (1) (if) of the statutes is repealed.

11 **SECTION 6.** 36.11 (37) of the statutes is amended to read:

12 36.11 (37) EXTENSION LOCAL PLANNING PROGRAM. The board shall offer a local
13 planning program through the extension to educate local policymakers about local
14 planning ~~and the grant program under s. 16.965.~~

15 **SECTION 7.** 59.69 (3) (a) of the statutes is amended to read:

16 59.69 (3) (a) The county zoning agency may direct the preparation of a county
17 development plan or parts of the plan for the physical development of the

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1 unincorporated territory within the county and areas within incorporated
2 jurisdictions whose governing bodies by resolution agree to having their areas
3 included in the county's development plan. The plan may be adopted in whole or in
4 part and may be amended by the board and endorsed by the governing bodies of
5 incorporated jurisdictions included in the plan. The county development plan, in
6 whole or in part, in its original form or as amended, is hereafter referred to as the
7 development plan. ~~Beginning on January 1, 2010, or, if the county is exempt under~~
8 ~~s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the county engages in any~~
9 ~~program or action described in s. 66.1001 (3), the development plan shall contain at~~
10 ~~least all of the elements specified in s. 66.1001 (2).~~

11 **SECTION 8.** 62.23 (2) of the statutes is amended to read:

12 **62.23 (2) FUNCTIONS.** It shall be the function and duty of the commission to
13 make and adopt a master plan for the physical development of the city, including any
14 areas outside of its boundaries that in the commission's judgment bear relation to the
15 development of the city provided, however, that in any county where a regional
16 planning department has been established, areas outside the boundaries of a city
17 may not be included in the master plan without the consent of the county board of
18 supervisors. The master plan, with the accompanying maps, plats, charts, and
19 descriptive and explanatory matter, shall show the commission's recommendations
20 for such physical development, ~~and shall, as described in sub. (3) (b), contain at least~~
21 ~~the elements described in s. 66.1001 (2).~~ The commission may from time to time
22 amend, extend, or add to the master plan or carry any part or subject matter into
23 greater detail. The commission may adopt rules for the transaction of business and
24 shall keep a record of its resolutions, transactions, findings, and determinations,
25 which record shall be a public record.

ASSEMBLY BILL 303**SECTION 9**

1 **SECTION 9.** 62.23 (3) (b) of the statutes is amended to read:

2 62.23 **(3)** (b) The commission may adopt the master plan as a whole by a single
3 resolution, or, as the work of making the whole master plan progresses, may from
4 time to time by resolution adopt a part or parts of a master plan. ~~Beginning on~~
5 ~~January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s.~~
6 ~~66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001~~
7 ~~(3), the master plan shall contain at least all of the elements specified in s. 66.1001~~
8 ~~(2).~~ The adoption of the plan or any part, amendment, or addition, shall be by
9 resolution carried by the affirmative votes of not less than a majority of all the
10 members of the city plan commission. The resolution shall refer expressly to the
11 ~~elements under s. 66.1001 and other matters intended by the commission to form the~~
12 whole or any part of the plan, and the action taken shall be recorded on the adopted
13 plan or part of the plan by the identifying signature of the secretary of the
14 commission, and a copy of the plan or part of the plan shall be certified to the common
15 council, and also to the commanding officer, or the officer's designee, of any military
16 base or installation, with at least 200 assigned military personnel or that contains
17 at least 2,000 acres, that is located in or near the city. The purpose and effect of the
18 adoption and certifying of the master plan or part of the plan shall be solely to aid
19 the city plan commission and the council in the performance of their duties.

20 **SECTION 10.** 66.0230 (2) (d) of the statutes is repealed.

21 **SECTION 11.** 66.1001 (3) (intro.) of the statutes is amended to read:

22 66.1001 **(3)** ORDINANCES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.
23 (intro.) ~~Except as provided in sub. (3m), beginning on January 1, 2010, if~~ If a local
24 governmental unit has in effect a comprehensive plan and enacts or amends any of

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1 the following ordinances, the ordinance shall be consistent with that local
2 governmental unit's comprehensive plan:

3 **SECTION 12.** 66.1001 (3m) of the statutes is repealed.

4 **SECTION 13.** 66.1001 (7) of the statutes is created to read:

5 66.1001 (7) REPEAL OF COMPREHENSIVE PLAN. A local governmental unit may
6 repeal its comprehensive plan by a majority vote of the members-elect, as defined
7 in s. 59.001 (2m), of the governing body.

8 **SECTION 14.** 66.1001 (8) of the statutes is created to read:

9 66.1001 (8) LIMITATION ON CONSIDERATION OF COMPREHENSIVE PLANNING. No
10 department or agency of the state or authority created by the state or any city, village,
11 town, or county may consider whether or not a local governmental unit has in effect
12 a comprehensive plan in determining the eligibility of the local governmental unit
13 or any person or entity in the local government unit for participation in an economic
14 development program.

15 **SECTION 15. Fiscal changes.**

16 (1) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
17 general fund from the appropriation account to the department of administration
18 under section 20.505 (1) (ie) of the statutes, as affected by the acts of 2011, an amount
19 equal to \$2,000,000 less any amount obligated or paid for comprehensive planning
20 grants in the fiscal year, in the fiscal year in which this subsection takes effect.

21 **SECTION 16. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

23 (1) The treatment of section 20.505 (1) (ie) of the statutes takes effect on July
24 1, 2012.

25

(END)