

# WAPA LEGISLATIVE UPDATE

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## A. Proposed Repeal of “Smart Growth” Law

On July 21, 2003, Representative Mary Williams, a Republican from Medford, Wisconsin, introduced Assembly Bill 435, which repeals the comprehensive planning statute known as Smart Growth.

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village, or town plan commission to engage in zoning and land use planning. Under the current law popularly known as the “Smart Growth” statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master 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; and land use. Assembly Bill 435 repeals the Smart Growth statute.

Assembly Bill 435 was referred to the Assembly Committee on Rural Affairs. Representative Eugene Hahn, a Republican from Cambria, Wisconsin, is the chairperson of this Committee. As of the date of this newsletter, according to staff from Representative Hahn’s office there is not yet a hearing scheduled on this bill. The earliest expected hearing date is mid- to late-September.

The following legislators are co-sponsors of Assembly Bill 435:

- Representative Scott Suder
- Representative J.A. Hines
- Representative Carol Owens
- Representative Jeffrey Wood
- Representative Terry Musser
- Representative Lorraine Seratti
- Representative Jerry Petrowski
- Representative Barbara Gronemus
- Representative Bob Zeigelbauer
- Representative Robin Kreibich
- Representative Garey Bies
- Representative Donald Friske
- Representative Dan Meyer
- Senator Tom Reynolds

Senator David Zien  
Senator Alan Lasee

To locate contact information for the above listed legislators, or any State of Wisconsin legislator, go to <http://www.legis.state.wi.us/index.htm>, click on either “Assembly” or “Senate” on the left side of the screen, then click on either “Reps’ Home Pages” or “Senators’ Home Pages” in the center column.

B. Update on Introduced Stand-Alone Legislation

1. *Assembly Bill 130 – Alternative Method for Town Consolidation*

Assembly Bill 130, introduced on March 6, 2003 by Representative Bonnie Ladwig (a Republican from Racine), creates another method for certain towns to consolidate with other municipalities. This bill has passed in the Assembly. On July 9, 2003, the Senate Committee on Security, Veterans and Military Affairs and Government Reform held a public hearing on this bill. On July 17, 2003, the Senate Committee voted 5-0 to recommend AB 130 for passage. It is now available for scheduling for a Senate floor debate.

2. *Assembly Bill 347 and Senate Bill 168 – Dwelling Codes*

On August 14, 2003 the Senate committee on Economic Development, Job Creation and Housing held a public hearing on Senate Bill 168 (companion bill to AB 347), which was introduced on May 14, 2003 by Senator Ronald Brown (a Republican from Eau Claire). SB 168 repeals the authority for a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the one- and two-family dwelling code. Thus, under this bill, such a city, village, or town is subject to the general requirement to provide for the enforcement of the one- and two-family dwelling code or contract with the Department of Commerce for necessary building inspection services. No executive action on the bill was taken at the hearing.

3. *Assembly Bill 369 – Dept. of Transportation Review of School Plans*

On July 17, 2003, the Assembly Committee on Transportation held a public hearing on Assembly Bill 369, which was introduced on May 29, 2003 by Representative Steve Wieckert (a Republican from Appleton). AB 369 requires DOT, *upon request of a school board*, to review the site plan of any proposed enlargement of public, private or charter school grounds, or proposed construction or enlargement of school buildings or facilities. A school board may request a DOT review after the site plan has been reviewed by the county traffic safety commission. (Note: The inclusion of private and charter schools was added in Assembly Amendment 1 to AB 369.) The Assembly Committee voted 13-0 to adopt Assembly Amendment 1 to AB 369, and voted 11-2 to recommend AB 369 for passage.

(Note: Since the last Legislative Update, there has been no change in the status of AB 136 (charter towns), SB 110 (town maps), AB 253/SB123 (using population in determining eligibility for recycling efficiency

grants), AB 295 (extension of recycling program), AB 271 (notices for zoning changes), SB 89 (town referenda for annexations) or AB 433 (noncompliance with certain unfunded state mandates).

C. New Stand-Alone Legislation of Interest

1. *Assembly Bill 442 – Quorum Requirements for a Zoning Board of Appeals or Adjustment*

On July 21, 2003, Representative Sheryl Albers (a Republican from Reedsburg) introduced Assembly Bill 442, which modifies the quorum requirements for a zoning board of appeals or adjustment. A municipality’s board of appeals or a county’s board of adjustment is authorized under current law to hear and decide appeals that allege that there is an error in the enforcement of a zoning ordinance, to hear and decide special exceptions to the terms of a zoning ordinance, and to authorize a variance from the terms of a zoning ordinance. Currently, the county board chair of a county with a population of 500,000 or more and the chief executive officer of a municipality (a city mayor, village board president, or town board chair) *may* appoint two alternate members of the board of adjustment or appeals, who act when a member of the board of adjustment or appeals refuses to vote because of a conflict of interest or when a member is absent. This bill requires all municipalities or counties that have a board of appeals or adjustment to appoint alternate members of the board. The bill also specifies that for any such board to take action a quorum must be present and further specifies that a quorum is all members–elect of the board. “Members–elect” is defined as those members of the board, at a particular time, who have been duly appointed for a current regular or unexpired term and whose service has not terminated by death, resignation, or removal from office. This bill was referred to the Assembly committee on Property Rights and Land Management.