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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Assembly Bill 341

Relating to: imposing fees for acquiring public park land, dedicating storm water treatment facilities to the public, changing the time relating to when impact fees must be paid and used, and regulating the costs of certain professional services provided through a political subdivision.

By Representatives Gottlieb, Strachota, LeMahieu, Albers, Ballweg, Berceau, Davis, Honadel, Jorgensen, Kerkman and Gunderson; cosponsored by Senators Erpenbach, Grothman, Olsen and Roessler.

November 02, 2007 Referred to Committee on Labor, Elections and Urban Affairs.

December 4, 2007 **PUBLIC HEARING HELD**

Present: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

Absent: (0) None.

Appearances For

- Mark Gottlieb — Representative
- Tryg Knutson — Senator Jon Erpenbach's Office
- Brad Boycks — Wisconsin Builders Association
- Kim Wilde — Village of Waunakee
- Curt Witynski — League of Wisconsin Municipalities

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Ed Huck — Wisconsin Alliance of Cities

Registrations Against

- None.

Registrations for Information Only

- None.

December 4, 2007 **EXECUTIVE SESSION HELD**

Present: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

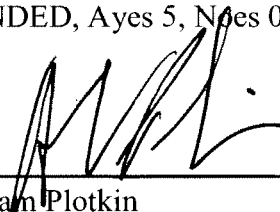
Absent: (0) None.

Moved by Senator Wirch, seconded by Senator Lehman that
Assembly Bill 341 be recommended for concurrence.

Ayes: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

Noes: (0) None.

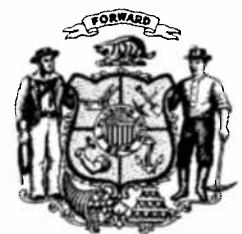
CONCURRENCE RECOMMENDED, Ayes 5, Noes 0



Adam Plotkin
Committee Clerk

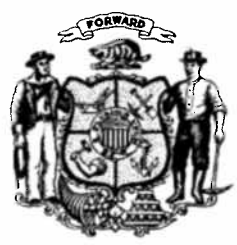


WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Assembly Bill 341	Assembly Amendments 1 and 2
<i>Memo published: July 20, 2007</i>	<i>Contact: Don Dyke, Chief of Legal Services (266-0292)</i>

Assembly Amendment 1

When Impact Fees Are Payable

Currently, impact fees are payable within 14 days of the issuance of a building permit or within 14 days of the issuance of an occupancy permit. Under Assembly Bill 341, impact fees are payable as agreed to by the parties or no later than the earliest of the issuance of a building permit, the issuance of an occupancy permit, or approximately five years after the municipality grants final approval for the land development.

Under the amendment, impact fees are payable upon issuance of a building permit (see items 1 and 2 of the amendment).

When Impact Fees Must Be Used

Currently, impact fees must be used within seven years after they are imposed or collected. Any fees not used must be refunded to the current property owner. A three-year extension for using fees is available for extenuating circumstances or hardship.

Under the bill, for impact fees collected after April 10, 2006, the current seven-year period is extended to 10 years (the three-year extension period remains for those fees but the municipality must include detailed written findings to support the extension). (The bill separately treats impact fees collected before April 11, 2006.)

Under the amendment, impact fees that are collected after April 10, 2006 that are collected within seven years of the effective date of the ordinance that imposed the fees must be used within 10 years of the effective date of the ordinance; fees collected after April 10, 2006 that are collected more than seven years after the effective date of the impact fee ordinance must be used within a reasonable time (see items 3 to 5 of the amendment). The amendment does not affect the three-year extension, including the bill's treatment of the extension.

Fees for Professional Service Costs

Under Assembly Bill 341, if a municipality or county contracts for professional services, it may not pass along those costs to a third person in excess of the rate that was charged to the municipality or county under the professional services contract. Under the amendment, the rate passed along to a third person may not exceed the rate customarily paid for similar services by the municipality or county (see item 7 of the amendment).

Fees in Lieu of Park Land Dedication and Improvement

Currently, fees for land acquisition and improvements as a condition of subdivision approval are not authorized. Assembly Bill 341 allows such fees to be imposed by counties and municipalities for the acquisition or improvement of land for parks. "Improvement of land for public parks" is defined in the bill as "initial" improvements, with the types of improvements specified in the definition.

The amendment clarifies that "initial" refers to all the delineated improvements for which fees may be imposed and deletes the authority of counties to impose such fees (see items 8 to 11 of the amendment).

Assembly Amendment 2

2005 Wisconsin Act 477 deleted "other recreational facilities," from the definition of "public facilities" eligible for funding under the impact fee law. The amendment provides that, with regard to impact fees imposed before June 14, 2006 (the effective date of Act 477), "public facilities" includes "other recreational facilities" that were substantially completed by June 14, 2006. Under the amendment, the provision sunsets after 10 years.

An example of a situation addressed by Assembly Amendment 2 is the Village of Waunakee Village Center, which was to be partially funded by impact fees as an "other recreational facility." Impact fees for the center were imposed by the village in 2005 and the village began collecting the fees. With the enactment of Act 477, the village was advised it could no longer collect the impact fees.

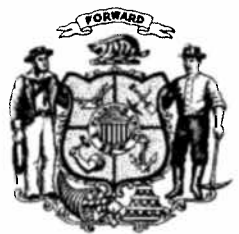
Legislative History

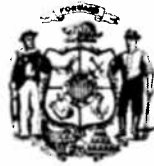
Assembly Amendment 1 was offered by Representative Gottlieb. Assembly Amendment 2 was offered by the Assembly Committee on Urban and Local Affairs. Both amendments were recommended for adoption by the Assembly Committee on Urban and Local Affairs by a vote of Ayes, 8; Noes, 0. The proposal was recommended by the committee for passage, as amended, by a vote of Ayes, 8; Noes, 0.

DD:ty:ksm



WISCONSIN STATE LEGISLATURE





MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

Testimony of Rep. Mark Gottlieb
Assembly Bill 341
Senate Committee on Labor, Elections, & Urban Affairs
December 4, 2007

Mr. Chairman and committee members:

Thank you for hearing Assembly Bill 341 (AB 341), relating to fees for acquiring public park land, storm water treatment facilities, the timing of when impact fees must be paid and used, and the costs of certain professional services.

Local units of government (except counties and school districts) may impose an impact fee on a developer to pay for the capital costs to construct certain public facilities. Under current law, municipalities establish the amount of the fee, which must be paid within 14 days of permits being issued.

Last session, the Legislature enacted Act 203, requiring that impact fees not used within seven years must be refunded to the current property owner. Under the Act, the seven year time limit could be extended for three years if the municipality adopts a resolution that:

1. states that it needs an additional three years to use the impact fees, due to extenuating circumstances or hardship in meeting the seven year limit, and
2. specifies the extenuating circumstances or hardship.

These provisions applied retroactively to impact fees in effect as of April 11, 2006.

The Legislature also enacted Act 477 last session, changing the impact fee law and imposing certain requirements on plat approval conditions. Among other things, the Act:

- required municipalities to use segregated accounts for impact fees.
- prohibited a fee in lieu of land dedication for parks.
- deleted "county" from the list of municipalities authorized to impose an impact fee.

STATE REPRESENTATIVE • 60TH DISTRICT

Assembly Bill 341, as amended by the Assembly, addresses several concerns expressed about the changes that were made last session, as well as making several other changes to subdivision and impact fee law. It does the following:

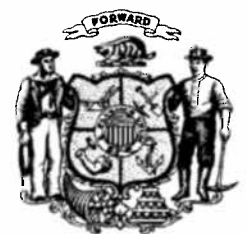
- Restores the ability of municipalities to accept a fee in lieu of park land dedication and certain initial improvements, provided that the fee bears a rational and proportionate relationship to the need for the improvement.
- Clarifies that the term “initial” refers to all the delineated park improvements for which fees may be imposed under the bill.
- Prohibits a municipality from increasing development related “pass through” fees for engineering and legal services above the amount that it customarily pays for the service.
- Extends the time period during which impact fees must be used from seven years to ten years, and allows for a three year extension, provided that detailed, written findings are submitted to justify the extension.
- Clarifies the dates by which fees collected prior to Act 203 must be used.
- Makes impact fees payable upon issuance of a building permit.
- Provides that the dedication of lands in a subdivision plat for storm water facilities must be accepted when at least 80 percent of the lots in the subdivision have been sold and the storm water facilities are certified to be properly functioning.
- Provides that the term “public facilities” includes “other recreational facilities” that were substantially completed by June 14, 2006. This language, which sunsets after ten years, restores language partially deleted by Act 477, and allows those communities charging an impact fee for a recreational facility to continue to do so.

This bill was developed through negotiation with representatives of state associations for local government, builders, and realtors. It attempts to address concerns that each group has raised with particular provisions in current law.

I appreciate the opportunity to testify today, and will be happy to answer any questions you may have.



WISCONSIN STATE LEGISLATURE





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To: Senate Committee on Labor, Elections, and Urban Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: December 4, 2007
Re: Support for AB 341, Relating to Impact and Park Land Dedication Fees

The League of Wisconsin Municipalities supports AB 341, reversing some of the impact fee law changes that were made last session. Many municipalities were caught by surprise in 2006 when sweeping changes to the impact fee and subdivision approval laws were enacted in the final weeks of the session. This compromise legislation has bipartisan support and is the product of negotiations between builders and local government groups. It restores some much needed balance to this area of the law.

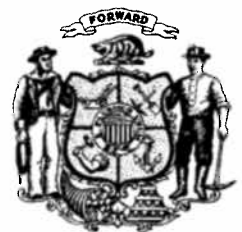
Good things AB 341 does for municipalities:

- Restores the ability of a municipality to charge fees for park land and certain park improvements as a condition of approving new subdivisions.
- Extends the time period in which impact fee revenue must be used. For impact fee ordinances adopted after April 2006, municipalities have 10 years (or 13 years if the community can show extenuating circumstances or hardship) from the date of the ordinance adoption to use any impact fees collected within 7 years of the adoption of the ordinance. For impact fees collected after 7 years since the adoption of the ordinance, the municipality must use the impact fee revenue within a reasonable period of time.
- Fixes the unfair retroactive application of 2005 Wis. Act 203.
- Allows communities that were partially funding new recreational facilities through the collection of impact fees prior to the enactment of 2005 Wisconsin Act 477 to continue to do so.
- Makes impact fee payments due at time building permit is issued instead of within 14 days of the date building permit is issued.

For the above reasons we urge you to recommend passage of AB 341. Thanks for considering our comments.



WISCONSIN STATE LEGISLATURE



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- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Monday, December 03, 2007

2007-2008 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Assembly Bill 341

imposing fees for acquiring public park land, dedicating storm water treatment facilities to the public, changing the time relating to when impact fees must be paid and used, and regulating the costs of certain professional services provided through a political subdivision. (FE)

TEXT sponsors LBR analysis	STATUS committee actions and votes text of amendments	COST & HOURS of lobbying efforts directed at this proposal
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Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	Dane County Cities & Villages Association	6/21/2007	↑	
●	●	Fox Cities Chamber of Commerce & Industry	5/29/2007	?	
●	●	League of Wisconsin Municipalities	6/18/2007	↑	
●	●	Madison Area Builders Association	8/24/2007	↔	
●	●	Metropolitan Builders Association of Greater Milwaukee	6/5/2007	↔	
●	●	Wisconsin Alliance of Cities Inc	5/22/2007	↑	
●	●	Wisconsin Builders Association	5/21/2007	↑	💬
●	●	Wisconsin Counties Association	5/22/2007	↔	💬
●	●	Wisconsin Realtors Association	6/22/2007	↑	
●	●	Wisconsin Towns Association	5/22/2007	↑	💬

Select a legislative proposal and click "go"

House	Assembly Senate
Proposal Type	Bill Joint Resolution Resolution
Proposal Number	341 (enter)

An Act to renumber and amend 66.0617 (6) (g) and 236.45 (6) (a); to amend 66.0617 (4) (a) 3., 66.0617 (9) (a) and (b), 236.13 (2) (b) and 236.45 (6) (b); and to create 66.0617 (2) (d), 66.0617 (6) (g) 1., 2. and 3., 66.0617 (9) (c), 66.0628 (3), 236.29 (4) and 236.45 (6) (ac) of the statutes; relating to: imposing fees for acquiring public park land, dedicating storm water treatment facilities to the public, changing the time relating to when impact fees must be paid and used, and regulating the costs of certain professional services provided through a political subdivision. (FE)

2007

- 05-16-07. A. Introduced by Representatives Gottlieb, Strachota, LeMahieu, Albers, Ballweg, Berceau, Davis, Honadel, Jorgensen and Kerkman; cosponsored by Senators Erpenbach, Grothman and Olsen.
- 05-16-07. A. Read first time and referred to committee on Urban and Local Affairs. 187
- 05-21-07. A. Fiscal estimate received.
- 05-21-07. A. Fiscal estimate received.
- 05-22-07. A. Public hearing held.
- 05-24-07. A. Representative Gunderson added as a coauthor. 198
- 05-29-07. A. Senator Roessler added as a cosponsor. 202
- 06-01-07. A. Fiscal estimate received.
- 06-14-07. A. Fiscal estimate received.
- 07-17-07. A. Assembly amendment 1 offered by Representative Gottlieb. 240
- 07-17-07. A. Executive action taken.
- 07-17-07. A. Assembly amendment 2 offered by committee on Urban and Local Affairs. 242
- 07-19-07. A. Report Assembly Amendment 1 adoption recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0 243
- 07-19-07. A. Report Assembly Amendment 2 adoption recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0 243
- 07-19-07. A. Report passage as amended recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0. 243
- 07-19-07. A. Referred to committee on Rules. 243
- 10-18-07. A. Placed on calendar 10-23-2007 by committee on Rules.
- 10-24-07. A. Read a second time. 319
- 10-24-07. A. Referred to joint committee on Finance. 319
- 10-24-07. A. Withdrawn from joint committee on Finance and taken up. 319
- 10-24-07. A. Assembly amendment 1 **adopted** 319
- 10-24-07. A. Assembly amendment 2 **adopted** 319
- 10-24-07. A. Ordered to a third reading. 320
- 10-24-07. A. Rules suspended. 320
- 10-24-07. A. Read a third time and **passed**. 320
- 10-24-07. A. Ordered immediately messaged. 320
- 10-25-07. S. Received from Assembly. 371
- 11-02-07. S. Read first time and referred to committee on Labor, Elections and Urban Affairs. . . . 405