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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Insurance and Housing...

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 Insurance and Housing

Senate Bill 504

Relating to: limiting the authority of a city, village, or town to enact a development moratorium ordinance.

By Senator Lasee; cosponsored by Representatives Steineke, LeMahieu, Stroebel and Jacque.

February 22, 2012 Referred to Committee on Insurance and Housing.

February 29, 2012 **PUBLIC HEARING HELD**

Present: (6) Senators Lasee, Schultz, Olsen, Wanggaard,
Carpenter and C. Larson.
Absent: (1) Senator S. Coggs.
Excused: (0) None.

Appearances For

- Tom Larson — WI Realtors Ass'n
- Rep Duey Stroebel — Rep 60th Assembly
- Tom Larson, Madison — WI Realtors Assn
- Richard Stadelman — WI Towns Ass'n

Appearances Against

- Curt Witynski — League of WI Municipalities
- Kara Slaughter — WI Farmers Union

Appearances for Information Only

- None.

Registrations For

- Rep Jim Steineke — 5th Assembly
- Brad Boyds — WI Builders Ass'n
- Rep Gary Bies — 1st Assembly Rep

Registrations Against

- Mickey Beil — Dane Cty

Registrations for Information Only

- None.

February 29, 2012 **EXECUTIVE SESSION HELD**

Present: (6) Senators Lasee, Schultz, Olsen, Wanggaard,
Carpenter and C. Larson.
Absent: (1) Senator S. Coggs.
Excused: (0) None.

March 9, 2012

EXECUTIVE SESSION HELD

Present: (7) Senators Lasee, Schultz, Olsen, Wanggaard,
Carpenter, S. Coggs and C. Larson.
Absent: (0) None.
Excused: (0) None.

Moved by Senator Lasee that **Senate Amendment 1** be recommended for adoption.

Ayes: (4) Senators Lasee, Schultz, Olsen and
Wanggaard.
Noes: (3) Senators Carpenter, S. Coggs and C. Larson.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 4, Noes 3

Moved by Senator Lasee that **Senate Bill 504** be recommended for passage as amended.

Ayes: (4) Senators Lasee, Schultz, Olsen and
Wanggaard.
Noes: (3) Senators Carpenter, S. Coggs and C. Larson.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 3

Tony Urso
Committee Clerk

Vote Record Committee on Insurance and Housing

Date: 2/29

Moved by: _____ Seconded by: _____

AB _____	SB _____	Clearinghouse Rule _____
AJR _____	SJR _____	Appointment _____
AR _____	SR _____	Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | | | | |
|---------------------------------------|------------------------------------|---------------------------------------|-----------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Frank Lasee, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Van Wanggaard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Spencer Coggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chris Larson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	_____	_____	_____	_____

TO: Senator Carpenter
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

Pursuant to Senate Rule 25 (4) (am), the Senate Committee on Insurance and Housing is voting by ballot on the motions below. Please review and record your vote by circling "AYE" or "NO". By circling "AYE" you indicate your approval of the motion. If this ballot is not returned to 316 South, State Capitol by Friday, March 9, 2012 at 12:00 p.m., you will be designated as not voting.

Senate Bill 466. Relating to miscellaneous landlord-tenant provisions and prohibiting a local government from imposing a moratorium on eviction actions:

[MOTION 1]: To recommend adoption of Senate Amendment 1 to Senate Substitute Amendment 1 to Senate Bill 466:

AYE NO

[MOTION 2]: To recommend adoption of Senate Substitute Amendment 1 as amended by Senate Amendment 1 to Senate Bill 466:

AYE NO

[MOTION 3]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

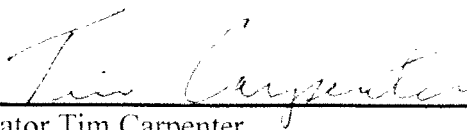
[MOTION 4]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[MOTION 5]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,



Senator Tim Carpenter

3/9/12

Date

DUE
12 NOON
TODAY

TO: Senator Coggs
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

Pursuant to Senate Rule 25 (4) (am), the Senate Committee on Insurance and Housing is voting by ballot on the motions below. Please review and record your vote by circling "AYE" or "NO". By circling "AYE" you indicate your approval of the motion. If this ballot is not returned to 316 South, State Capitol by Friday, March 9, 2012 at 12:00 p.m., you will be designated as not voting.

Senate Bill 466. Relating to miscellaneous landlord-tenant provisions and prohibiting a local government from imposing a moratorium on eviction actions:

[MOTION 1]: To recommend adoption of Senate Amendment 1 to Senate Substitute Amendment 1 to Senate Bill 466:

AYE

NO

[MOTION 2]: To recommend adoption of Senate Substitute Amendment 1 as amended by Senate Amendment 1 to Senate Bill 466:

AYE

NO

[MOTION 3]: To recommend Passage of Senate Bill 466 as amended:

AYE

NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

[MOTION 4]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE

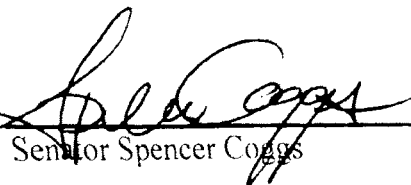
NO

[MOTION 5]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE

NO

Signed,


Senator Spencer Coggs

3-9-12

Date

TO: Senator Lasee
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

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[**MOTION 1**]: To recommend adoption of Senate Amendment 1 to Senate Substitute Amendment 1 to Senate Bill 466:

AYE NO

[**MOTION 2**]: To recommend adoption of Senate Substitute Amendment 1 as amended by Senate Amendment 1 to Senate Bill 466:

AYE NO

[**MOTION 3**]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

[**MOTION 4**]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[**MOTION 5**]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,

Frank Lasee

3/9/12

Senator Frank Lasee

Date

TO: Senator Larson
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

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AYE NO

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AYE NO

[MOTION 3]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

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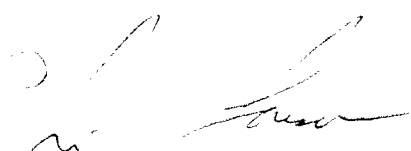
[MOTION 4]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[MOTION 5]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,



Senator Chris Larson

3/9/12

Date

TO: Senator Olsen
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

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AYE NO

[**MOTION 2**]: To recommend adoption of Senate Substitute Amendment 1 as amended by Senate Amendment 1 to Senate Bill 466:

AYE NO

[**MOTION 3**]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

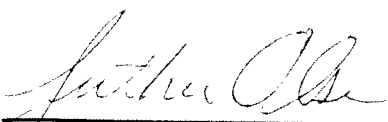
[**MOTION 4**]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[**MOTION 5**]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,



Senator Luther Olsen

3/9/12

Date

TO: Senator Schultz
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

Pursuant to Senate Rule 25 (4) (am), the Senate Committee on Insurance and Housing is voting by ballot on the motions below. Please review and record your vote by circling "AYE" or "NO". By circling "AYE" you indicate your approval of the motion. If this ballot is not returned to 316 South, State Capitol by Friday, March 9, 2012 at 12:00 p.m., you will be designated as not voting.

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AYE NO

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AYE NO

[**MOTION 3**]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

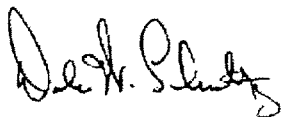
[**MOTION 4**]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[**MOTION 5**]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,



Senator Dale Schultz

Friday, March 09, 2012

Date

TO: Senator Wanggaard
FROM: Senator Lasee,
Chair, Senate Committee on Insurance and Housing
DATE: March 9, 2012
RE: Ballot votes for the committee on Insurance and Housing.

Pursuant to Senate Rule 25 (4) (am), the Senate Committee on Insurance and Housing is voting by ballot on the motions below. Please review and record your vote by circling "AYE" or "NO". By circling "AYE" you indicate your approval of the motion. If this ballot is not returned to 316 South, State Capitol by Friday, March 9, 2012 at 12:00 p.m., you will be designated as not voting.

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AYE NO

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AYE NO

[MOTION 3]: To recommend Passage of Senate Bill 466 as amended:

AYE NO

Senate Bill 504. Relating to limiting the authority of a city, village, or town to enact a development moratorium ordinance:

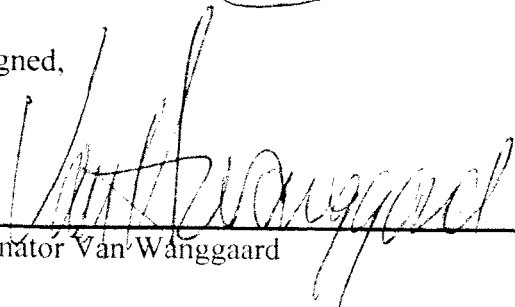
[MOTION 4]: To recommend adoption of Senate Amendment 1 to Senate Bill 504:

AYE NO

[MOTION 5]: To recommend Passage of Senate Bill 504 as amended by Senate Amendment 1:

AYE NO

Signed,



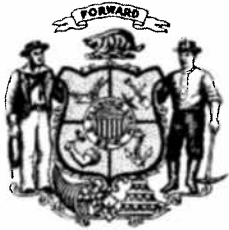
Senator Van Wanggaard

3/9/12

Date



WISCONSIN STATE LEGISLATURE





Memorandum

To: Members, Wisconsin Legislature

From: Tom Larson, Vice President of Legal and Public Affairs

Date: January 21, 2012

Re: Development moratoria – regulatory framework (AB 562/SB 504)

The Wisconsin REALTORS® Association supports AB 562/SB 504, legislation that creates a regulatory framework for development moratoria.

Background

Development moratoria temporarily stop economic development activity. Generally, a development moratorium is a total or partial ban on various land use activities. In most cases, a development moratorium will temporarily freeze current land uses by prohibiting the issuance of zoning changes, subdivision plats or other approvals necessary for economic development. A development moratorium is essentially a “closed for business” sign telling property owners that the community will not even consider proposals for that particular type of economic development during the duration of the moratorium.

Development moratoria impact property values, jobs and economic development. Because moratoria impose bans on all or specific types of development, they virtually always have the effect of down zoning and decreasing the value of a property. The extent of value decrease depends on the type and duration of the moratorium. Moreover, by stopping a particular type of development activity for a period of time, a moratorium has a direct impact on job creation, as well as state and local revenues generated by the new development.

No regulatory framework for development moratoria currently exists in Wisconsin. Currently, Wisconsin law does not establish a regulatory framework for enacting development moratoria. Accordingly, the law is not clear as to (a) who can enact moratoria, (b) the purpose for which a moratorium can be enacted, (c) the duration of a moratorium, and (d) the process that must be followed when enacting a moratorium. As a result, property owners and the economic development community often suffer negative consequences resulting from development moratoria that are unreasonable in nature and/or duration.

The Bill

Similar to Wisconsin's Impact Fee Law, AB 562/SB 504 establishes a regulatory framework for development moratoria so that municipalities, property owners and the economic development community will know the rules going forward. Specifically, the bill contains the following provisions:

Purpose: Under the bill, a municipality may enact a moratorium for one of the following purposes:

- 1) Creating a comprehensive plan
- 2) Adopting a significant amendment to a comprehensive plan
- 3) A significant public health-related reason, as substantiated by a licensed health professional
- 4) A significant safety-related purpose, as substantiated by a licensed engineer.
- 5) A shortage or overburdening of public facilities

The reasons for enacting moratoria are limited to the ones stated above to ensure that such reasons are legitimate.

Duration: Under the bill, a moratorium remain in effect for up to 12 months, with an option to extend the moratorium for an additional 6 months if the community adopts a resolution.

Process: To ensure that the public and affected property owners are properly notified of the proposed moratorium, a municipality must adhere to the following process when enacting a moratorium:

- 1) Send out public notice (class 1 notice) informing the public of the proposed moratorium and its contents, as well as the time, date and location for the upcoming public hearing.
- 2) Hold a public hearing at least X days before the governing body votes on the proposed moratorium.
- 3) The governing body must adopt the moratorium by ordinance.

Conclusion

We urge you to support AB 562/SB 504. If you have any questions or comments, please contact us.



Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

Fax (715) 524-3917

Email: wtowns@frontiernet.net

To Senate Committee on Insurance and Housing
From: Richard J. Stadelman, Executive Director
Re: SB 504 regarding limiting municipal development moratorium authority
Date: February 28, 2012

On behalf of the Wisconsin Towns Association, I want to present the following information to the Senate Committee on Insurance and Housing in regard to SB 504, regarding limiting town, village, and city authority to adopt development moratorium ordinances.

Our Association does not oppose the adoption of a state statute to define the limits and authority of towns, villages, and cities to adopt development moratorium ordinances if the procedures and time limits are reasonable.

SB 504 will require the towns, villages, and cities to follow established strict procedures before adopting such a moratorium ordinance, which in the case of requiring a written report from a professional engineer stating the possible effect on public facilities or possible threat to public health or safety to justify the moratorium will be an additional cost for the municipality. In addition the time limit of an initial moratorium of 12 months maximum time extended by up to 6 months is much more limiting than practical experience for most towns, villages, and cities to adopt a comprehensive plan.

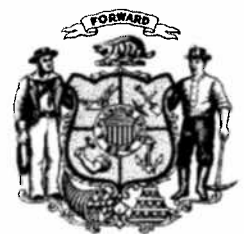
We would request that the maximum time limit for a moratorium be extended to 18 months with possible extension of at least one six month extension for the purpose of completing a comprehensive plan or revision. Keeping a limit of 12 months extended only by 6 months could result in some poorly prepared plans.

Lastly, we would ask for clarification in legislative intent that this proposed statute does not limit the towns, villages, and cities from adopting moratorium for licensing or permitting authorities. Sec. 1, line 4 to 6 on page 2 of the bill draft defines the development moratorium in terms of "land development, rezoning, issuing conditional permits, or any subdivision" approval under chapter 236. We would ask that language be added to clearly state that this section does not prohibit towns, villages, and cities from adopting moratoriums for reasonable times prior to adopting licensing or permitting ordinances for such activities as livestock siting, wind turbine siting, or frac sand mining operations. These types of operations can legally be regulated by towns, villages, and cities through licensing or permitting ordinances, but such ordinances take time to develop. We would ask that clear legislative intent, possibly through a Legislative Council memo that SB 504 does not limit moratorium for these types of licensing ordinances.

I would be happy to discuss these issues with any legislators. Thank you for your consideration.



WISCONSIN STATE LEGISLATURE





122 W. Washington Avenue
Suite 300
Madison, Wisconsin 53703-2715

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

To: Senate Committee on Insurance and Housing
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: February 29, 2012
Re: **SB 504, Limiting Ability of Municipalities to Adopt Moratoriums on Development**

The League of Wisconsin Municipalities opposes SB 504, strictly limiting municipal powers to impose temporary moratoriums on development.

Cities and villages currently have authority under their statutory home rule powers to adopt and enforce moratoriums on development. Wisconsin municipalities occasionally impose moratoria on development to preserve the status quo while updating or modifying planning and zoning regulations to address issues of change and growth.

For example, in 1998 the City of Lake Geneva relied on its broad statutory home rule powers to adopt an ordinance imposing a fourteen month moratorium on development along the Highway 50 gateway entrance to the City. The City was concerned that a proposed big box development would lead to further "suburban type sprawl" and exacerbate existing traffic problems. The purpose of the moratorium was to maintain the status quo while the City conducted traffic control studies and considered updating its comprehensive plan and zoning ordinances. When developers challenged the ordinance in court, the Walworth County Circuit Court upheld it as a reasonable exercise of the city's police power.

SB 504 places strict restrictions on when and under what circumstances a municipality can adopt an ordinance temporarily freezing development. For example, the bill does not allow a community to enact a development moratorium to address threats to the community's general welfare, only to address concerns over public health and safety, and shortages in public facilities. However, nearly every other statute authorizing local governments to regulate land development activities recognizes the ability of local governments to regulate development for the general welfare of the community in addition to public health and safety.

The bill places unnecessary and expensive procedural requirements on municipalities seeking to suspend development within their community for a reasonable period of time. The bill removes the flexibility municipalities have under current law to respond to new conditions, unanticipated demands on services, or the concerns citizens may have regarding proposed developments.

We urge you to vote against SB 504. Thanks for considering our comments.



2-5. issuing conditional
use permits

p. 5-18 = ~~of a conditional use~~
strike ~~permit~~ entire line

~~at~~ sub with
p 5-20 subdivision plat

p 4-20 too open ended to
restrict it to a
total of 18 months

FOR 2/28		Urgent <input type="checkbox"/>	
DATE	2/28	TIME	4:45 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.
While You Were Out			
M. Paul Osbourne			
OF App Prod of WJ			
PHONE		AREA CODE	NUMBER EXTENSION
TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU		WILL CALL AGAIN	
RETURNED YOUR CALL		WANTS TO SEE YOU	
MESSAGE			
53 504			
608-258-9500			
235-1697 of 5			
SIGNED		2/21/5094	
		9711	