



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 79

**Assembly Substitute
Amendment 1 and Assembly
Amendments 2 and 3 to
Assembly Substitute
Amendment 1**

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ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2007 ASSEMBLY BILL 79

Assembly Substitute Amendment 1 would authorize a town board that is authorized to exercise village powers to adopt a resolution, which must be ratified by referendum vote, declaring that it is a “charter town,” if the following conditions are satisfied: (1) The population of the town is at least 2,500; (2) the town board creates a town plan commission and adopts a comprehensive land use plan; (3) the town board enacts and enforces building code ordinances; and (4) the town board enacts a construction site erosion control and storm water management zoning ordinance.

A charter town would be allowed to create tax incremental financing (TIF) districts to the same extent as a city or village, revoke its approval of certain county zoning ordinances, and exercise certain zoning powers. Charter towns would be exempt from city and village extraterritorial zoning and plat approval powers and counties would be required to recognize a charter town’s official map in the same way that it recognizes city and village official maps.

The substitute amendment would not allow charter towns to annex territory or to engage in extraterritorial zoning or plat approval, and would not eliminate city and village annexation and land acquisition powers in charter towns.

ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 2 clarifies that the types of county zoning that would remain applicable to a charter town are shoreland zoning under s. 59.692, Stats., and floodplain zoning under s. 87.30, Stats. The amendment also clarifies that if a charter town revokes its charter town status, applicable city or village extraterritorial zoning or plat approval jurisdiction goes back into effect.

ASSEMBLY AMENDMENT 3 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 3 would require that when charter town TIF district territory is annexed by a city or village the annexing city or village would be required to pay the town the “project costs” attributable to that annexed territory that had been incurred by the town up to the time of annexation. The amendment also would require the Department of Revenue to redetermine the tax incremental base of the rest of the TIF district if only part is annexed.

LEGISLATIVE HISTORY

Assembly Substitute Amendment 1 to Assembly Bill 79 and Assembly Amendments 2 and 3 to the substitute amendment were introduced by Representative Kerkman. The Assembly Committee on Rural Affairs recommended adoption of each of these amendments, and passage of Assembly Bill 79, as amended, by votes of Ayes, 8; Noes, 0.

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