

2009 DRAFTING REQUEST

Bill

Received: 02/05/2010

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jon Richards (608) 266-0650

By/Representing: Brett (aide)

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Real Estate - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Richards@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Knowledge of methamphetamine manufacture on R.E. disclosure form

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/10/2010	bkraft 02/19/2010		_____			
/P1			rschluet 02/19/2010	_____	sbasford 02/19/2010		
/1	pkahler 02/25/2010	bkraft 02/25/2010	rschluet 02/25/2010	_____	sbasford 02/25/2010	sbasford 02/25/2010	
/2	pkahler	bkraft	rschluet	_____	cduerst	cduerst	

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	03/02/2010	03/03/2010	03/03/2010 _____		03/03/2010	03/03/2010	

FE Sent For: *NONE*

<END>

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/1	pkahler 02/25/2010	bkraft 02/25/2010	rschluet 02/25/2010	_____	sbasford 02/25/2010	sbasford 02/25/2010	

12 bjk 3/2

[Handwritten signatures and initials]
J A 3

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/P1			rschluet 02/19/2010	_____	sbasford 02/19/2010		

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1 bjk 2/25
[Signature]

<END>

*Slash 1
may be jacketed
for the Assembly*

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/?	pkahler	/P1bjk ^{2/14}		_____	_____	_____	_____
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FE Sent For:

<END>



PI
e
bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
D-Note
(4-2-10)

generat

1 AN ACT **relating to:** requiring sellers of residential real property to disclose
2 whether methamphetamine has been manufactured on the property.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. This bill requires an owner to disclose on the real estate condition report whether methamphetamine has been manufactured on the property.

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

3
4
5
6
7

SECTION 1. 709.03 (form) C. ~~17m~~ of the statutes is created to read:

709.03 (form)

C. ~~17m~~ I am aware that methamphetamine has been
manufactured on the property.

SECTION 2. **Nonstatutory provisions.**

1 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
 2 statutes, the creation of section 709.03 (form) C. ~~82~~^{17m} of the statutes does not require
 3 a property owner who has furnished to a prospective buyer of the property an original
 4 or amended real estate condition report before the effective date of this subsection
 5 to submit an amended real estate condition report with respect to the information
 6 required by section 709.03 (form) C. ~~82~~^{17m} of the statutes, as created by this act.

7 **SECTION 3. Initial applicability.**

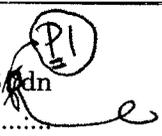
8 (1) The treatment of section 709.03 (form) C. ~~82~~^{17m} of the statutes first applies
 9 to original real estate condition reports that are furnished on the effective date of this
 10 subsection.

11 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4276/dn

PJK:.....

PI


Date

Do you want to delay the effective date so that the real estate disclosure forms can be changed to include the new provision? If so, how long?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4276/P1dn
PJK:bjk:rs

February 19, 2010

Do you want to delay the effective date so that the real estate disclosure forms can be changed to include the new provision? If so, how long?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Blomme, Brett
Sent: Thursday, February 25, 2010 11:49 AM
To: Kahler, Pam
Subject: RE: LRB 4276

Thanks Pam. Lets change the effective date to Jan. 1, 2011. That will make it easy. You can go ahead and jacket this as well.

Thanks!

Brett

Brett Blomme
Rep. Richards
6-0650 -- 118N

From: Kahler, Pam
Sent: Thursday, February 25, 2010 11:29 AM
To: Blomme, Brett
Subject: RE: LRB 4276

There isn't any commonly used amount of time, although I think that some time is needed. The amendment to AB 670, which relates to providing something new on the real estate disclosure form also, delays the effective date to January 1, 2011, but you can provide for any amount of time that you think is reasonable.

Pam

From: Blomme, Brett
Sent: Thursday, February 25, 2010 11:19 AM
To: Kahler, Pam
Subject: LRB 4276

Pam,

Thanks for your drafters note on LRB 4276. Is there a date that is common in the real estate industry for provisions like this to go into effect? Otherwise perhaps 6 months after effective date might be enough time. What are your thoughts on that?

Thanks,

Brett

Brett Blomme
Office of Representative Jon Richards
(608) 266-0650
brett.blomme@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4276/1e

PJK:bjk:ra

stays

you is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(w-2-25)

SA **Insert**

regen.

1 AN ACT *to create* 709.03 (form) C. 17m. of the statutes; **relating to:** requiring
2 sellers of residential real property to disclose whether methamphetamine has
3 been manufactured on the property.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. This bill requires an owner to disclose on the real estate condition report whether methamphetamine has been manufactured on the property.

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

4 SECTION 1. 709.03 (form) C. 17m. of the statutes is created to read:

5 **709.03 (form)**

6 C. 17m. I am aware that methamphetamine has been

7 manufactured on the property.

8 SECTION 2. **Nonstatutory provisions.**

1 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
2 statutes, the creation of section 709.03 (form) C. 17m. of the statutes does not require
3 a property owner who has furnished to a prospective buyer of the property an original
4 or amended real estate condition report before the effective date of this subsection
5 to submit an amended real estate condition report with respect to the information
6 required by section 709.03 (form) C. 17m. of the statutes, as created by this act.

7 **SECTION 3. Initial applicability.**

8 (1) The treatment of section 709.03 (form) C. 17m. of the statutes first applies
9 to ~~original~~ real estate condition reports that are furnished on the effective date of this
10 subsection.

11 (END)

Insert 2-10



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1355/1
PJK:ejs:ph

ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 670

Insert 2-10

January 27, 2010 - Offered by COMMITTEE ON NATURAL RESOURCES.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 3: after that line insert:

3 SECTION #. Effective date.

4 (1) This act takes effect on January 1, 2011.

5 (END)

Basford, Sarah

From: Blomme, Brett
Sent: Thursday, February 25, 2010 1:34 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4276/1 Topic: Knowledge of methamphetamine manufacture on R.E. disclosure form

Please Jacket LRB 09-4276/1 for the ASSEMBLY.

Kahler, Pam

From: Blomme, Brett
Sent: Tuesday, March 02, 2010 1:43 PM
To: Kahler, Pam
Subject: RE: LRB 4276

Yes, make it for any time on the property.

Thanks,

Brett

Brett Blomme

Office of Representative Jon Richards
(608) 266-0650
brett.blomme@legis.wisconsin.gov

From: Kahler, Pam
Sent: Tuesday, March 02, 2010 1:16 PM
To: Blomme, Brett
Subject: RE: LRB 4276

Brett:

Do you want to place a limit on this requirement with respect to how long ago the meth was manufactured on the property? For example, landlord is aware that it was manufactured there within one, two, three, or more years ago? I assume that after some number of years it wouldn't matter that it had been manufactured on the property.

Pam

From: Blomme, Brett
Sent: Monday, March 01, 2010 2:56 PM
To: Kahler, Pam
Subject: RE: LRB 4276

Thanks Pam,

Lets do if the Landlord is aware Meth was manufactured on the property, he/she has an obligation to disclose that to a renter in writing. Also, make the legislation only specific to individual units.

Please let me know if you have any more questions.

Thanks,

Brett

Brett Blomme
Rep. Richards
6-0650 -- 118N

From: Kahler, Pam
Sent: Friday, February 26, 2010 12:19 PM
To: Blomme, Brett
Subject: RE: LRB 4276

Brett:

For this language, do you want the disclosure to be in writing or is orally okay? Do you want every landlord to disclose that they are or are not aware that meth has been manufactured on the property (as with the real estate disclosure form) or just the ones who know that it *has been* manufactured on the property? Do you want the requirement to apply to all types of rental property, including commercial, or just residential? If the rental property is an apartment building or complex, do you want the disclosure to relate to the specific unit to be rented or to the whole building (in other words, do they have to tell someone who is renting a different unit in a building in which it was manufactured)? (I'm assuming the whole complex is not necessary if there are other buildings.) That's all for now.

Pam

From: Blomme, Brett
Sent: Thursday, February 25, 2010 5:45 PM
To: Kahler, Pam
Subject: LRB 4276

Hey Pam.

I did not tell you to include disclosure to renters in the language. Sorry for the hassle! Can I send this jacket back and have you all add that?

Thanks,

Brett

Brett Blomme
Office of Representative Jon Richards
(608) 266-0650
brett.blomme@legis.wisconsin.gov



stays v mis run

2009 BILL

SA
X-ref

(in 3-2)

Inserts

and landlords of residential rental property

regenerate ↓

1 AN ACT to create 709.03 (form) C. 17m. of the statutes; relating to: requiring
 2 sellers of residential real property to disclose whether methamphetamine has
 3 been manufactured on the property.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. This bill requires an owner to disclose on the real estate condition report whether methamphetamine has been manufactured on the property. Insert A

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

Insert 1-4

4 SECTION 1. 709.03 (form) C. 17m. of the statutes is created to read:

5 709.03 (form)

6 C. 17m. I am aware that methamphetamine has been
 7 manufactured on the property.

8 SECTION 2. Nonstatutory provisions.

INSERT A

wf+
The bill also requires a landlord of residential rental property who is aware that methamphetamine has been manufactured on the rental property to disclose to any prospective tenant in writing that methamphetamine has been manufactured on the premises.

(END OF INSERT A)

INSERT 1-4

1 SECTION 1. 704.47 of the statutes is created to read:

2 **704.47 Disclosure of methamphetamine manufacture.** (1) If a landlord

3 of residential rental property is aware that methamphetamine ~~was~~ has been manufactured at

4 any time on the rental property, before entering into any rental agreement with a

5 prospective tenant of the rental property or before the commencement of any periodic

6 tenancy or tenancy at will with respect to the rental property, the landlord shall

7 disclose to the prospective tenant in writing that methamphetamine was

8 manufactured on the property.

9 (2) If the rental property contains more than one dwelling unit, the landlord

10 is required to provide the disclosure under sub. (1) only to a prospective tenant of the

11 dwelling unit in which the methamphetamine was manufactured.

(END OF INSERT 1-4)

INSERT 2-10

12 ~~#4~~ The treatment of section 704.47 of the statutes first applies to tenancies and
13 rental agreements that are entered into on the effective date of this subsection.

(END OF INSERT 2-10)