

ASSEMBLY BILL 670 (LRB -4099)

An Act to create 709.03 (form) C. 26m. of the statutes; relating to: requiring sellers of residential real property to disclose whether the property is subject to a shoreland zoning mitigation plan.

2010

01-22.	A.	Introduced by Representative Black ; cosponsored by Senator Holperin .	
01-22.	A.	Read first time and referred to committee on Natural Resources	592
01-27.	A.	Public hearing held.	
01-27.	A.	Executive action taken.	
01-27.	A.	Assembly amendment 1 offered by committee on Natural Resources (LRB a1355)	609
02-05.	A.	Report Assembly Amendment 1 adoption recommended by committee on Natural Resources, Ayes 15, Noes 0	633
02-05.	A.	Report passage as amended recommended by committee on Natural Resources, Ayes 15, Noes 0	633
02-05.	A.	Referred to committee on Rules	633
02-10.	A.	Placed on calendar 2-16-2010 by committee on Rules.	
02-16.	A.	Read a second time	658
02-16.	A.	Assembly amendment 1 adopted	658
02-16.	A.	Ordered to a third reading	658
02-16.	A.	Rules suspended	658
02-16.	A.	Read a third time and passed	658
02-16.	A.	Ordered immediately messaged	658
02-17.	S.	Received from Assembly	568
02-18.	S.	Read first time and referred to committee on Environment	573
03-16.	S.	Public hearing held.	
03-23.	S.	Executive action taken.	
03-24.	S.	Report concurrence recommended by committee on Environment, Ayes 5, Noes 0	652
03-24.	S.	Available for scheduling.	
04-08.	S.	Placed on calendar 4-13-2010 pursuant to Senate Rule 18(1)	681
04-13.	S.	Read a second time.	
04-13.	S.	Ordered to a third reading.	
04-13.	S.	Rules suspended.	
04-13.	S.	Read a third time and concurred in .	
04-13.	S.	Ordered immediately messaged.	
04-14.	A.	Received from Senate concurred in	829

SB

2009
ENROLLED BILL

09en A B-670

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

09-4099/1

Amendments to above (if none, write "NONE"): AA1 — a 1355/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-15-10

Date

J. R. Miller

Enrolling Drafter



2009 ASSEMBLY BILL 670

January 22, 2010 – Introduced by Representative BLACK, cosponsored by Senator HOLPERIN. Referred to Committee on Natural Resources.

1 **AN ACT** *to create* 709.03 (form) C. 26m. of the statutes; **relating to:** requiring
2 sellers of residential real property to disclose whether the property is subject
3 to a shoreland zoning mitigation plan.

Analysis by the Legislative Reference Bureau

Under current law, a county must enact a shoreland zoning ordinance for shorelands in its unincorporated area. Current law defines a shoreland as an area within a certain distance from the edge of a navigable water. If a county does not enact a shoreland zoning ordinance or if the Department of Natural Resources (DNR) determines that the county has enacted an ordinance that fails to meet certain standards specified in rules promulgated by DNR, then DNR must adopt a shoreland zoning ordinance for the county. Under rules promulgated by DNR, a county ordinance may authorize a structure that was lawfully placed when constructed, but that no longer complies with certain shoreland zoning standards, to be expanded, replaced, or relocated if certain requirements are met. Among those requirements is a requirement that the county issue a permit requiring that a mitigation plan be approved by the county and implemented by the property owner. The mitigation plan must require the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the building expansion on water quality, aquatic and wildlife habitat, and natural scenic beauty. The obligations of the property owner under the mitigation plan must be evidenced by an instrument recorded in the office of the register of deeds.

Also under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition

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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 the real property is subject to a mitigation plan required by the county.

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

1 **SECTION 1.** 709.03 (form) C. 26m. of the statutes is created to read:

2 **709.03** (form)

3 C. 26m. I am aware that the property is subject to a mit-
4 igation plan required under administrative
5 rules of the department of natural resources
6 related to county shoreland zoning ordi-
7 nances, which obligates the owner of the
8 property to establish or maintain certain
9 measures related to shoreland conditions and
10 which is enforceable by the county.

11 **SECTION 2. Nonstatutory provisions.**

12 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
13 statutes, the creation of section 709.03 (form) C. 26m. of the statutes does not require
14 a property owner who has furnished to a prospective buyer of the property an original
15 or amended real estate condition report before the effective date of this subsection
16 to submit an amended real estate condition report with respect to the information
17 required by section 709.03 (form) C. 26m. of the statutes, as created by this act.

18 **SECTION 3. Initial applicability.**



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1355/1
PJK:cjs:ph

**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 670**

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 4. Effective date.**

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

5

(END)

AA1-1