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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

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**

* Contents organized for archiving by: Stefanie Rose (LRB) (September 2013)

Senate

Record of Committee Proceedings

Committee on Environment

Assembly Bill 670

Relating to: requiring sellers of residential real property to disclose whether the property is subject to a shoreland zoning mitigation plan.

By Representative Black; cosponsored by Senator Holperin.

February 18, 2010 Referred to Committee on Environment.

March 16, 2010 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Absent: (0) None.

Appearances For

- Spencer Black, Madison — Representative, 77th Assembly District
- Lori Grant, Madison — River Alliance of Wisconsin

Appearances Against

- None.

Appearances for Information Only

- Gregg Breese, Madison — DNR

Registrations For

- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters
- Tom Larsen, Madison — Wisconsin Realtors Association

Registrations Against

- None.

Registrations for Information Only

- None.

March 23, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

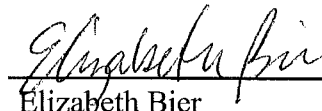
Absent: (0) None.

Moved by Senator Miller that **Assembly Bill 670** be recommended for concurrence.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
Committee Clerk

Vote Record Committee on Environment

Date: 3.23.10

Moved by: Jauch

Seconded by: Olsen

AB 670 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 _____

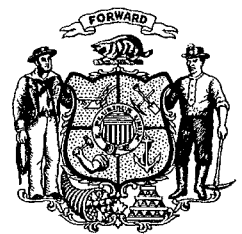
- Be recommended for:
- | | | | | |
|---------------------------------------|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input checked="" type="checkbox"/>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

Committee Member	Aye	No	Absent	Not Voting
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 670	Assembly Amendment 1
<i>Memo published:</i> February 12, 2010	<i>Contact:</i> Rachel E. Letzing, Senior Staff Attorney (266-3370)

Background

The Natural Resources Board of the Department of Natural Resources (DNR) adopted revisions to ch. NR 115, Wis. Adm. Code, relating to Wisconsin's shoreland protection program, on November 13, 2009. The final rule took effect on February 1, 2010. County governments will have two years from that time to update their shoreland zoning ordinances to be consistent with or exceed the state's rules. Among other changes, the revised rules specify that under certain circumstances, a county must issue a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan must include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted activity on water quality, near-shore aquatic habitat, upland 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 county register of deeds.

Assembly Bill 670

Assembly Bill 670 requires a property owner to disclose on the real estate condition report whether the property is subject to a mitigation plan required by the county. A property owner who has furnished to a prospective buyer an original or amended real estate condition report before the effective date of the bill is not required to submit an amended report with respect to this required information.

The disclosure requirement in the bill first applies to original real estate condition reports that are furnished on the effective date of the bill, which is the day after publication.

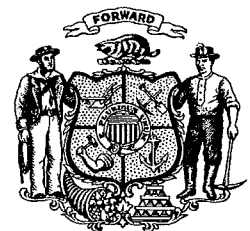
Assembly Amendment 1 changes the effective date of the bill to January 1, 2011.

Legislative History

Assembly Amendment 1 was offered by the Assembly Committee on Natural Resources on January 27, 2010. On the same date, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendment 1 on a vote of Ayes, 15; Noes, 0 and recommended passage of the bill, as amended, by the same vote.



WISCONSIN STATE LEGISLATURE





Memorandum

To: All Legislators
From: Tom Larson, Director of Regulatory and Legislative Affairs
Date: March 16, 2010
Re: AB 670 – Disclosure of recorded mitigation plans

The Wisconsin REALTORS® Association supports AB 670, legislation that would add to the Real Estate Condition Report a disclosure related to any recorded mitigation plans.

Background

Under current law, sellers of real estate and real estate licensees have a duty to disclose defects and material adverse facts about a property to a prospective buyer. See *e.g.*, Wis. Stat. §709.03; Wis. Stat. § 452.133. This includes information that could have a significant impact on the value, structural integrity of the building, or health/safety of occupants. See Wis. Stat. § 452.01

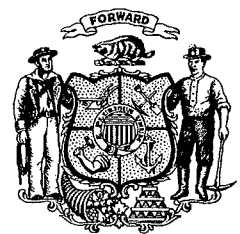
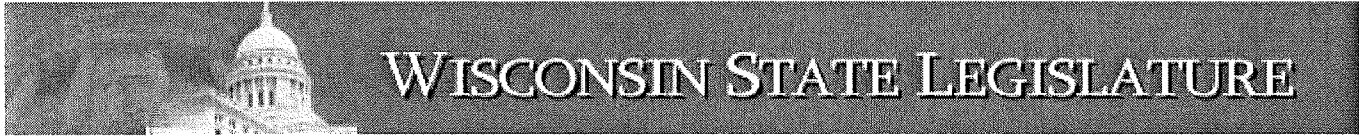
Under the recent changes to Wisconsin's Shoreland Zoning Regulations (Wis. Admin. Code Ch. NR 115), a property owner must agree to perform some type of mitigation (determined by the County) in exchange for (a) exceeding impervious surface limits, or (b) expanding a nonconforming structure between 35 and 75 feet from the water. See Wis. Admin. Code §§ NR 115.05(1)(e)(3) and 115.05(1)(g)(5)(d)). In addition, the mitigation plan must be recorded with the Register of Deeds office to make sure subsequent property owners are aware of it, and will continue to follow the plan if applicable (e.g., don't mow the grass between 35 feet and water). *Id.*

Because this information could have a significant impact on a Buyer's decision to purchase the property or the price he or she is willing to pay for it, this information should be disclosed. This is current law.

AB 670

Accordingly, AB 670 does not require information about recorded mitigation plans to be disclosed. The bill simply requires this disclosure to be included in the Real Estate Condition Report (RECR). Moreover, by putting this information in the RECR, sellers and real estate licensees will be less likely to forget to disclose this information.

If you have questions, please contact us at (608) 241-2047.



Executive Session Notes
March 23, 2010

Call Executive Session to Order and ask Clerk to call the roll

- ROLL CALL

AB 372

Relating to the disposal of solid waste from a household on the property where it is generated

AB 372

- MOTION FOR CONCURRENCE
- SECOND
- DISCUSSION
- ROLL CALL

AB 670

Relating to requiring sellers of residential property to disclose whether the property is subject to a shoreland zoning mitigation plan

AB 670

- MOTION FOR CONCURRENCE
- SECOND
- DISCUSSION
- ROLL CALL

Adjourn Executive Session