

2007 DRAFTING REQUEST

Bill

Received: 10/30/2006

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Joyce

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact: Mark Patronsky

Addl. Drafters:

Subject: Local Gov't - zoning

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Local governments' comprehensive plans must consider drainage district maps and plans

Instructions:

See Attached. Redraft 2005 LRB -4405/1, with attached changes.

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>
/?	mshovers 11/01/2006 pkahler 11/02/2006	jdye 11/06/2006		_____			S&L
/1			nmatzke 11/06/2006	_____	lparisi 11/06/2006	cduerst 01/31/2007	

FE Sent For: @ Intra
2-21-2007

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May Contact: Mark Patronsky

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No specific pre topic given

Topic:

Local governments' comprehensive plans must consider drainage district maps and plans

Instructions:

See Attached. Redraft 2005 LRB -4405/1, with attached changes; but if -4405 contains any overlap w/ redraft of 2005 -1304 (2007 LRB 00605), remove the duplication from this bill.

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>
/?	mshovers	1 11/6 jld	nwn 11/6	nwn/rs 11/6			
11	MEs	11/1/06					

FE Sent For:

<END>

Shovers, Marc

From: Waldrop, Joyce
Sent: Monday, October 23, 2006 4:42 PM
To: Shovers, Marc
Cc: Patronsky, Mark
Subject: Redraft request (#5)

Redraft LRB 4405/1 for introduction this next session with the following changes:

- Page 3, line 12 substitute **board** for "district".
- Page 3, line 20 following the sentence add **Same note shall be placed on the boards agenda.**

If you have any questions, please call me.

Joyce
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Office of Representative Sheryl Albers
Ph. 608/266-8531
Fax 608/282-3650

Shovers, Marc

From: Waldrop, Joyce
Sent: Wednesday, November 01, 2006 12:34 PM
To: Shovers, Marc
Subject: RE: Additions to draft request

Marc,

Makes good sense to me.

Thanks

Joyce
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Office of Representative Sheryl Albers
Ph. 608/266-8531
Fax 608/282-3650

From: Shovers, Marc
Sent: Wednesday, November 01, 2006 12:13 PM
To: Waldrop, Joyce
Cc: Patronskey, Mark
Subject: RE: Additions to draft request

Hi Joyce:

Regarding this instruction:

Also, If there are duplication draft (4405) and (1304) i.e. comprehensive plan remove duplication from 4405.

There is overlap in the treatment of s. 66.1001 (2) (g) in the 2 redrafts, but I left the same treatment in the redrafts of both -1304 and -4405 to ensure that if only one bill becomes law, the change that Sheryl wants in that statute will become law. If both bills are enacted with this identical provision, there is no harm done, but if the redraft of -4405 is enacted without the treatment of s. 66.1001 (2) (g) and the redraft of -1304 is not enacted, that treatment would not be enacted. Is this OK?

Marc

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

From: Waldrop, Joyce
Sent: Monday, October 30, 2006 1:36 PM
To: Shovers, Marc
Subject: RE: Additions to draft request

Marc,

I'm sorry, I have not sent you that one. I will include all in the forthcoming request.

Sorry for the inconvenience.

Joyce
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Office of Representative Sheryl Albers
Ph. 608/266-8531
Fax 608/282-3650

From: Shovers, Marc
Sent: Monday, October 30, 2006 12:17 PM
To: Waldrop, Joyce
Subject: RE: Additions to draft request

Hi Joyce:

I have requests number 4, 5, 6, and 7, but I'm not sure I have request # 1. What is # 1?

Marc

From: Waldrop, Joyce
Sent: Monday, October 30, 2006 8:56 AM
To: Shovers, Marc
Subject: Additions to draft request
Importance: High

Marc,

Below are additions to the request already sent.

#1 add 2/3 of the landowners as another option for the removal.

#5 add a requirement for the drainage board to include any notices under the bill draft from a city, village, town or county on the drainage board's next agenda.

#7 The third bullet point should refer to the drainage board.

Also, if there are duplication draft (4405) and (1304) i.e. comprehensive plan remove duplication from 4405.

If you have any question contact me or Mark Patrosky.

Joyce

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: NES) (Date: 11 / 1 / 06)



Please transfer the drafting file for

2005 LRB -4405 to the drafting file

for 2007 LRB -0607

☞ The final version of the 2005 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2005 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☞ For research purposes, because the 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

---OR---

Please copy the drafting file for

2007 LRB Done (include the version) and place it in the

drafting file for 2007 LRB MB

☞ For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☞ The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

jld
AMNR

2005 BILL

D-note

LPS-
PWF
please

negun

1 AN ACT to amend 66.1001 (2) (g); and to create 59.69 (5) (g), 60.61 (4) (f), 62.23
 2 (7) (d) 5., 62.23 (7) (d) 6., 88.41 (5) and 88.95 of the statutes; relating to:
 3 requiring local governmental units to consider relationships with drainage
 4 districts in the preparation of comprehensive plans, requiring local
 5 governments to provide notice to drainage districts regarding proposals that
 6 affect drainage districts, and requiring sellers of real property to disclose the
 7 location of property within drainage districts. ✓

(local governmental unit)

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Beginning on January 1, 2010, under current law, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances.

(comprehensive plan)

BILL

including zoning of shorelands or wetlands in shorelands. Also beginning on January 1, 2010, under current law, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

Current law prohibits any comprehensive plan or amendment to a comprehensive plan from taking effect unless a number of conditions are met, such as, the local governmental unit must enact an ordinance or adopt a resolution that contains all of the required elements, and the local governmental unit must hold at least one public hearing at which the proposed ordinance or resolution is discussed.

Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that under this element, a local governmental unit must analyze its relationship with a drainage district, and must consider the maps and plans of any military base with which it shares common territory.

NO FF
Also under this element, a local governmental unit

(political subdivision)

This bill also requires that before a political subdivision (any city, village, town, or county) or any zoning entity of a political subdivision may take any action that would allow development in a drainage district, or affect the amount of water that a drainage district would have to accommodate, the political subdivision or zoning entity would have to send written notice to the drainage district. The written notice must describe the proposed action, and the time and date of any public hearing at which the proposed action will be discussed. The bill also allows the drainage district board to request a delay in the hearing so that the drainage board may obtain an engineering report that analyzes the effect of the proposed action.

Property located in a drainage district

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. The bill requires an owner to disclose whether the real property is located within a drainage district in a separate written notification that advises a potential buyer or transferee that the land is in a drainage district and subject to assessments for maintenance of the drains. If a transferor does not provide a prospective buyer with the separate notice within ten days after an offer to purchase is accepted, or within two days after receiving the separate notice, the prospective buyer may rescind the contract without penalty or loss of earnest money. When issuing an assessment, the bill requires a drainage board to remind the person receiving the assessment of the notification requirement that is created in this bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert A

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

BILL

1 SECTION 1. 59.69 (5) (g) of the statutes is created to read:

2 59.69 (5) (g) 1. Before the board or the county zoning agency may take any
3 action under this subsection ~~which~~ ^{e that} would allow the development of any structure
4 that either would be located within the boundaries of a drainage district or would
5 likely increase the amount of water that the main drain of a drainage district would
6 have to accommodate, the board or zoning agency shall send written notice to the
7 secretary of the drainage district's board.

The secretary shall include the subject matter of that notice in the agenda of the drainage board's next meeting.

8 2. The notice described under subd. 1. shall describe the proposed action and
9 the time and date of any public hearing at which the proposal is on the agenda. After
10 receipt of the notice, the drainage board may request that the hearing be delayed to
11 enable the drainage board to obtain an engineering analysis to analyze the effect of
12 the proposed action on the drainage district. The drainage ~~district~~ ^{board} may submit the
13 engineering analysis to the county board or to the county zoning agency.

14 SECTION 2. 60.61 (4) (g) of the statutes is created to read:

15 60.61 (4) (g) 1. Before the town board or the town zoning committee may take
16 any action under this subsection ~~which~~ ^{that} would allow the development of any structure
17 that either would be located within the boundaries of a drainage district or would
18 likely increase the amount of water that the main drain of a drainage district would
19 have to accommodate, the board or zoning committee shall send written notice to the
20 secretary of the drainage district's board.

21 2. The notice described under subd. 1. shall describe the proposed action and
22 the time and date of any public hearing at which the proposal is on the agenda. After
23 receipt of the notice, the drainage board may request that the hearing be delayed to
24 enable the drainage board to obtain an engineering analysis to analyze the effect of

BILL

SECTION 2

1 the proposed action on the drainage district. The drainage ~~district~~^{board} may submit the
2 engineering analysis to the town board or to the town zoning committee.

3 **SECTION 3.** 62.23 (7) (d) 5. of the statutes is created to read:

4 62.23 (7) (d) 5. Before the city council, plan commission, or plan committee may
5 take any action under this paragraph ~~which~~^{is} that would allow the development of any
6 structure that either would be located within the boundaries of a drainage district
7 or would likely increase the amount of water that the main drain of a drainage
8 district would have to accommodate, the city council, plan commission, or plan
9 committee shall send written notice to the secretary of the drainage district's board. ~~The secretary~~

shall include the subject matter of drainage board's next meeting. that notice in the agenda of the

10 **SECTION 4.** 62.23 (7) (d) 6. of the statutes is created to read:

11 62.23 (7) (d) 6. The notice described under subd. 5. shall describe the proposed
12 action and the time and date of any public hearing at which the proposal is on the
13 agenda. After receipt of the notice, the drainage board may request that the hearing
14 be delayed to enable the drainage board to obtain an engineering analysis to analyze
15 the effect of the proposed action on the drainage district. The drainage ~~district~~^{board} may
16 submit the engineering analysis to the city council, plan commission, or plan
17 committee.

18 **SECTION 5.** 66.1001 (2) (g) of the statutes, as affected by 2005 Wisconsin Act 26,
19 is amended to read:

20 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
21 objectives, policies, goals, maps, and programs for joint planning and decision
22 making with other jurisdictions, including school districts, drainage districts, and
23 adjacent local governmental units, for siting and building public facilities and
24 sharing public services. The element shall analyze the relationship of the local
25 governmental unit to school districts, drainage districts, and adjacent local

BILL

1 governmental units, and to the region, the state and other governmental units. ✓ The
2 element shall consider, to the greatest extent possible, the maps and plans of any
3 military base or installation, with at least 200 assigned military personnel or that
4 contains at least 2,000 acres, with which the local governmental unit shares common
5 territory. The element shall incorporate any plans or agreements to which the local
6 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
7 identify existing or potential conflicts between the local governmental unit and other
8 governmental units that are specified in this paragraph and describe processes to
9 resolve such conflicts. ✕

10 **SECTION 6.** 88.41 (5) of the statutes is created to read:

11 88.41 (5) Whenever a drainage board sends out an assessment for costs, as
12 described in this section, the board shall include a notice reminding the person
13 assessed of the requirement under s. 88.95. ✓

14 **SECTION 7.** 88.95 of the statutes is created to read:

15 **88.95 Notification requirement to transfer land.** (1) All persons who
16 transfer land that is located within a district shall provide written notice to the
17 prospective buyer or transferee that the land is located within a drainage district and
18 is subject to assessments under this chapter for maintenance of the drains.

19 (2) Sections 709.02 (1) and 709.04 to 709.08, as they apply to the reporting
20 requirement under ch. 709 with respect to transfers under s. 709.01, apply to the
21 notice requirement under sub. (1) with respect to transfers under sub. (1). ✓

22 **SECTION 8. Initial applicability.**

23 (1) The treatment of section 66.1001 (2) (g) of the statutes first applies to a city,
24 village, town, county, or regional planning commission that begins the process of
25 creating or amending a comprehensive plan on the effective date of this subsection. ✓

BILL

SECTION 8

1 (2) The treatment of sections 59.69 (5) (g), 60.61 (4) (g), and 62.23 (7) (d) 5. and
2 6. of the statutes first applies to a city, village, town, or county that begins the process
3 of creating or amending a zoning ordinance on the effective date of this subsection.

4 (3) The treatment of section 88.41 (5) of the statutes first applies to an
5 assessment that is sent out on the effective date of this subsection.

6 (4) The treatment of section 88.95 of the statutes first applies to an accepted
7 offer that is received by a prospective buyer on the effective date of this subsection.

8 (END)

D. vote

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0607/ins
PJK:.....

INSERT A

WOFI

A prospective buyer may rescind the contract without penalty or loss of earnest money within two days after receiving the separate notice or if the transferor does not provide the separate notice within ten days after an offer to purchase is accepted. The bill also requires a drainage board, when issuing an assessment,

(END OF INSERT A)

20

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

LRB-0607/dn

PJK:.....

date

Jld

There appears to be a logical problem with applying the requirements under ch. 709 to the requirement under this draft for a seller of property in a drainage district to provide notice that the property is in a drainage district. Under ch. 709, every seller of property must furnish a real estate condition report, so it is easy for a prospective buyer to know when they do not get one and to rescind the contract if they do not. Under this draft, however, a seller must furnish the notice only if the property is in a drainage district. A prospective buyer may not know that in advance, so if they do not get the notice, they will not know that they should have received one and that they may rescind the contract.

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-0607/1dn
PJK:jld:nwn

November 6, 2006

There appears to be a logical problem with applying the requirements under ch. 709 to the requirement under this draft for a seller of property in a drainage district to provide notice that the property is in a drainage district. Under ch. 709, every seller of property must furnish a real estate condition report, so it is easy for a prospective buyer to know when they do not get one and to rescind the contract if they do not. Under this draft, however, a seller must furnish the notice only if the property is in a drainage district. A prospective buyer may not know that in advance, so if they do not get the notice, they will not know that they should have received one and that they may rescind the contract.

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

Duerst, Christina

From: Griffiths, Terri
Sent: Wednesday, January 31, 2007 11:56 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0607/1 Topic: Local governments' comprehensive plans must consider drainage district maps and plans

Please Jacket LRB 07-0607/1 for the ASSEMBLY.