

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB118)

Received: 04/02/2007

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Louis Molepske (608) 267-9649

By/Representing: Chris

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - counties
Local Gov't - munis generally
Local Gov't - zoning

Extra Copies: PJK, RCT

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Local governments' comprehensive plans must include drainage districts; notification to landowners of drainage districts

Instructions:

Combine AB 115, 118, and 120 (LRB -0627, 0607, and 0605) into one sub, but don't include military base info from AB 120

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Row 1: /?, mshovers, jdye, 04/04/2007, 04/16/2007, pkahler, 04/11/2007, mshovers, 04/11/2007

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			nnatzke 04/16/2007	_____	mbarman 04/16/2007	mbarman 04/16/2007	
/2	pkahler 05/22/2007 mshovers 05/22/2007	jdyer 05/23/2007	nnatzke 05/23/2007	_____	cduerst 05/23/2007	cduerst 05/23/2007	
/3	mshovers 01/07/2008	jdyer 01/07/2008	jfrantze 01/07/2008	_____	lparisi 01/07/2008	lparisi 01/07/2008	
/4	mshovers 01/08/2008	jdyer 01/08/2008	pgreensl 01/08/2008	_____	mbarman 01/08/2008	mbarman 01/08/2008	

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/3	mshovers 01/07/2008	jdyer 01/07/2008	jfrantze 01/07/2008	_____ _____	lparisi 01/07/2008	lparisi 01/07/2008	

14 MFS 1/8/08
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Extra Copies: *RCT
PTK*

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/?	mshovers 04/04/2007	jdyer 04/16/2007	<i>Jo</i>	<i>[Signature]</i>			
	pkahler 04/11/2007	<i>3 1/2 jld</i>	<i>11/1</i>				
	mshovers 04/11/2007						

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/2	pkahler 05/22/2007 mshovers 05/22/2007	jdyer 05/23/2007	nmatzke 05/23/2007	_____ _____ _____	cdurst 05/23/2007	cdurst 05/23/2007	

13 MES 4/7/08

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/?	mshovers 04/04/2007	jdye 04/16/2007	nwn 5/23	nwn/jf 5/23			
	pkahler 04/11/2007	12/23 jld					
	mshovers 04/11/2007						

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for Molepske

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<i>1/1</i>	<i>mshovers</i>	<i>1 4/13 jld</i>	<i>nwn</i>	<i>nwn/rs</i>			
		<i>4/11/07</i>	<i>4/16</i>	<i>4/16</i>			

FE Sent For:

<END>

Shovers, Marc

From: McKinny, Chris
Sent: Friday, March 30, 2007 4:46 PM
To: Shovers, Marc
Subject: FW: RevisedAndExpandedDisclosureBills032807
Attachments: RevisedAndExpandedDisclosureBills032807.doc

From: Benjamin Lewis [mailto:mr_lewis_28000@hotmail.com]
Sent: Thursday, March 29, 2007 2:44 PM
To: McKinny, Chris
Cc: Benjamin Lewis; Griffiths, Terri
Subject: Re: RevisedAndExpandedDisclosureBills032807

Attached are the revisions and expansions for the disclosure bills. Whether or not we can put all the changes into the 3 current bills is a big question. These are changes that reflect the agreement last week in the meeting with the Drain Association, Molepske, Terri, Builders, and Realtors. The Drain Association, Molepske, and Albers agreed yesterday not to back off on disclosure at the point of transaction as much as the Builders and Realtors wanted. We needed to maintain the original hallmark of the disclosure bills.

Please call me with any questions. We need to work to get the new language developed ASAP so we're prepared to address some questions during the hearing.

Thank you! Thank you! Thank you! - -You have helped out so much and I really appreciate it.

Chris - I CC: Terri so she could keep up to speed as to what was being worked on.

Have a great afternoon!

Ben

Your friends are close to you. Keep them that way.

*omit mil base
info in -0605*

Revised and Expanded Disclosure Bills

Background Information

***This document has been developed as a means of outlining, illustrating, and articulating the intent of a revised and expanded disclosure bills. This proposal encompasses and addresses the priorities, interests, and concerns of the major parties involved/affected by proposed drainage legislation. This document lists the necessary components of change.

This document is structured with the premise of articulating the revising and expanding of the disclosure concepts and to address questions as to 1) whether or not the (3) disclosure bills in their current form can be amended to incorporate ALL the necessary changes under current relating clauses or 2) whether or not it would be feasible to eliminate one or two disclosure bills and develop a revised and expanded bill that incorporates ALL the necessary changes (i.e. AB 118) or 3) if we cannot incorporate all of the changes utilizing one of the first two options, then is it necessary to create completely separate bills to address needs.

Section 1: Notice to Drain District Landowners of Their Drain District Status

A. Require that *currently active Drain Boards* meet within a statutorily prescribed period [60 calendar days] of time upon applicability of the law for meeting for the following purpose:

1. Develop a plan for written notice to landowners within a Drain District that is to be provided within a statutorily prescribed period [30 business days] of time, such notice will be accompanied by a DATCP-Drain Engineer educational pamphlet which includes appropriate contact information

2. Update and report contact information for Drain Board members and designated engineering firm (if approved) to local (County Clerk) and state (DATCP – drain engineer) authorities
-- County Clerks should be encouraged to include the contact information as a part of a County's public directory

B. Direct the DATCP Drain Engineer to develop and distribute to a Drain District a general educational pamphlet, such pamphlet is to be updated annually and available for distribution upon request (perhaps incorporate under §88.11)

C. Upon expiration of *part A* requirements, the two provisions will sunset and be replaced by the following permanent *part A* provisions:

1. Once a year, active Drain Board's shall provide reasonable written notice to Drain District landowners reminding them of their Drain District status and will include contact information for appropriate officials and information should a landowner wish to inquire further upon request

2. Annually update and report contact information for Drain Board members and designated engineering firm (if approved) to local (i.e. city-planning office) and state (DATCP – drain engineer) authorities as a part of a Drain Board's annual report (perhaps incorporate under §88.24)

what notice?
- just notice that they are in a DD
general info on DDs - cost that may be assessed

who gets it?
what's in it?

Section 2: Certification of Annual Assessment to the Tax Roll

A. Annually a Drain Board shall meet to determine an annual assessment amount that shall be certified to the local tax roll for Drain District landowners

- 1. A Drain Board shall at a minimum certify a "zero" base annual assessment in accordance with current assessment procedures to be applied to the tax roll
- 2. A Drain board shall report the annual assessment amount in a timely manner to the applicable tax officials
- 3. If the annual tax assessment is greater than "zero," then applicable certification procedures (i.e. §88.40) shall apply

B. A copy of a landowner's annual tax bill shall be included as a required document as part of real estate purchase/transfer certification

***The intended purpose of inserting a Drain District line on the annual tax roll is to serve as a formal point of reference and as a means of disclosure that the taxing authority exists. Even if a Drain District's annual assessment is "zero," it needs to be listed on the tax roll. In proposing the annual tax line, we want to avoid disrupting the current procedures for collecting assessments - we merely want a standard line on the tax roll as other local units.

put all DB assessments on prop. tax bill

ask JK

PJK

per Chris, nothing additional to Sec 4+5

Section 3: Require Intergovernmental Cooperation and Notice

A. Affirm that Drain Districts and their governing boards have planning jurisdiction and that Drain District planning practices shall be consistent with local planning and zoning ordinances

B. ALL local planning/zoning offices (i.e. county, city, village, town) shall incorporate Drain District information (i.e. annual drain district report required by statute):

- 1. Shall update Drain District records
- 2. Shall consider Drain District zoning practices/policies in their processes deliberations (permitting consideration, planning meetings-as they do with other local units' zoning practices/policies) - - - provide local ordinance template
- 3. Shall provide individual/entity seeking permit/inquiry with appropriate Drain District information (i.e. contact information so further inquiry may be made if desired)

***This part is intended to expand the notion of §88.24 (and apply to §88.19 and any other related section) to include not just the "county zoning administrator" but also their counterparts in cities, villages, and towns. Furthermore, the expansion is meant to require that zoning offices not only receive the information (i.e. annual drain board report) but also to consider it when they are deliberating.

C. Local units of government shall (i.e. city-planning office) provide written notice, within a statutorily prescribed period [10 business days] of time, to Drain Districts concerning development plans that may conceivably cause an adverse impact (i.e. increased water runoff and/or increased sediment deposits) on the function of the district drain:

- 1. Upon receipt of acceptable notice, a Drain Board shall exercise one of two options:

Chris says ignore for now incorporate into what, & for what purpose?

D. 88.24

w/in 10 days of what event?

req. DB to meet w/in 10 days of receiving notice

- A. Waive its right to conduct an engineering study either by A1) in-action or A2) written notice
 - B. Exercise its right, by written notice, to conduct an engineering study
 - C. Either option shall be exercised/expire within a statutorily prescribed period [10 business days] of time
2. If a Drain Board exercises its right to an engineering study, the following must occur:
- A. A Drain Board shall have the engineering study completed and a final determination made (i.e. assessment) within a statutorily prescribed period [90 business days] of time after notice of intent to conduct study has been submitted to a municipality (i.e. city-planning office)
 - B. Once a determination (i.e. assessment) has been made by a Drain Board, it shall provide a responding written notice to the municipality (i.e. city-planning office) of its decision
3. Such decisions of Drain Boards shall be appealed in a manner consistent with other Drain Board decision appeals (i.e. filing suit in circuit court by parties with judicial standing)

Section 4: Drain District Landowner Notice Obligations

- A. A landowner selling real estate within a Drain District shall provide a copy of the annual tax bill, which includes the Drain District assessment line – even if “zero”, as an attachment to the real estate condition report; and where a real estate condition report is not applicable (i.e. vacant land transaction) the impending buyer shall be provided a copy of the annual tax bill, which includes the Drain District assessment line - even if “zero,” on or before the beginning of a real estate transaction closure
- C. A landowner selling real estate within a Drain District shall act in good-faith to inform an impending buyer or transferee of the Drain District status
- D. Drain District Landowner Notice Obligations shall be published, and updated as necessary, in the DATCP annual drain district educational pamphlet

Section 5: Impending Land Buyer or Land Transferee Rights

- A. Upon notice of a parcel’s Drain District status to an impending land buyer or land transferee, he or she reserves the right to opt-out of the transaction (i.e. including a signed “offer to purchase”) and re-coup any down payment or any other transaction-binding forms
- B. The impending land buyer or transfer recipient shall provide written notice that he/she is opting out (rescinding) of the transaction within 3 business days in order to receive a full refund (i.e. down payment refund)
- C. Impending Land Buyer or Land Transferee Rights shall be published, and updated as necessary, in the DATCP annual drain district educational pamphlet

50054/1

ASA — to

stays km NA

2007 ASSEMBLY BILL 118

D-note

LPS-check
auto refs
please

February 22, 2007 - Introduced by Representatives MOLEPSKE, ALBERS, TOWNSEND, A. OTT, MURSAU and HAHN, cosponsored by Senators LASSA, S. FITZGERALD, OLSEN and SCHULTZ. Referred to Committee on Agriculture.

neg

1 **AN ACT to amend** 66.1001 (2) (g), and **to create** 59.69 (5) (g), 60.61 (4) (g), 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. ✓

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive 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,

ASSEMBLY BILL 118

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. Also under this element, a local governmental unit must consider the maps and plans of certain military bases with which it shares common territory.

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.

This bill also requires that, before a city, village, town, or county (political subdivision) 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.

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 of property located in a drainage district to disclose in a separate written notification to a potential buyer or transferee that the land is in a drainage district and subject to assessments for maintenance of the drains. A prospective buyer may rescind the contract without penalty or loss of earnest money within ~~two~~ ^{three} 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, to remind the person receiving the assessment of the notification requirement that is created in this bill.

Substitute amendment

INS
AMS
MES

regardless of whether the property is residential

substitute amendment

insert PJKanal

unless the prospective buyer knew the property was in a drainage district when he or she made the offer to purchase

#8 The substitute amendment also requires that the most recent property tax bill be attached to the real estate condition report, and the separate notice required, if the property is located in a drainage district.

ASSEMBLY BILL 118

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

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

1 **SECTION 1.** 59.69 (5) (g) ^x 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 that would allow the development of any structure that
4 either would be located within the boundaries of a drainage district or would likely
5 increase the amount of water that the main drain of a drainage district would have
6 to accommodate, the board or zoning agency shall send written notice to the secretary
7 of the drainage district's board. The secretary shall include the subject matter of that
8 notice in the agenda of the drainage board's next meeting.

9 2. The notice described under subd. 1. shall describe the proposed action and
10 the time and date of any public hearing at which the proposal is on the agenda. ^{within 10} After
11 receipt of the notice, the drainage board ^{may request} that the hearing be delayed to ^{10 business days}
12 enable the drainage board to obtain an engineering analysis to analyze the effect of ^{for 90 business days}
13 the proposed action on the drainage district. The drainage board may submit the
14 engineering analysis to the county board or to the county zoning agency. ^{and may object to the proposed action}

15 **SECTION 2.** 60.61 (4) (g) ^x of the statutes is created to read:

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

shall notify the board or county zoning agency, in writing, that it has no objection to the proposed action or that it requests

ASSEMBLY BILL 118

which shall be held within 10 business days of the date on which the meeting notice is sent out

SECTION 2

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

3 2. The notice described under subd. 1. shall describe the proposed action and
4 the time and date of any public hearing at which the proposal is on the agenda. *After*
5 receipt of the notice, the drainage board *may request* that the hearing be delayed to

6 enable the drainage board to obtain an engineering analysis to analyze the effect of
7 the proposed action on the drainage district. The drainage board may submit the
8 engineering analysis to the town board or to the town zoning committee. *and may object to the proposed action*

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

10 62.23 (7) (d) 5. Before the city council, plan commission, or plan committee may
11 take any action under this paragraph that would allow the development of any
12 structure that either would be located within the boundaries of a drainage district
13 or would likely increase the amount of water that the main drain of a drainage
14 district would have to accommodate, the city council, plan commission, or plan
15 committee shall send written notice to the secretary of the drainage district's board.
16 The secretary shall include the subject matter of that notice in the agenda of the
17 drainage board's next meeting.

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

19 62.23 (7) (d) 6. The notice described under subd. 5. shall describe the proposed
20 action and the time and date of any public hearing at which the proposal is on the
21 agenda. *Within 10 business days* After receipt of the notice, the drainage board *may request* that the hearing
22 be delayed *for 90 business days* to enable the drainage board to obtain an engineering analysis to analyze
23 the effect of the proposed action on the drainage district. The drainage board may
24 submit the engineering analysis to the city council, plan commission, or plan
25 committee. *and may object to the proposed action*

shall notify the city council, plan commission, or plan committee, in writing, that it has no objection to the proposed action or that it requests

ASSEMBLY BILL 118

1 SECTION 5. 66.1001 (2) (g) [✓] of the statutes is amended to read:

2 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
3 objectives, policies, goals, maps, and programs for joint planning and decision
4 making with other jurisdictions, including school districts, drainage districts, and
5 adjacent local governmental units, for siting and building public facilities and
6 sharing public services. The element shall analyze the relationship of the local
7 governmental unit to school districts, drainage districts, and adjacent local
8 governmental units, and to the region, the state and other governmental units. The
9 element shall consider, to the greatest extent possible, the maps and plans of any
10 military base or installation, with at least 200 assigned military personnel or that
11 contains at least 2,000 acres, with which the local governmental unit shares common
12 territory. The element shall incorporate any plans or agreements to which the local
13 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
14 identify existing or potential conflicts between the local governmental unit and other
15 governmental units that are specified in this paragraph and describe processes to
16 resolve such conflicts.

17 SECTION 6. 88.41 (5) [✓] of the statutes is created to read:

18 88.41 (5) Whenever a drainage board sends out an assessment for costs, as
19 described in this section, [✓] the board shall include a notice reminding the person
20 assessed of the requirement under s. 88.95.

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

22 **88.95 Notification requirement to transfer land.** (1) All persons who
23 transfer land that is located within a district shall provide written notice to the
24 prospective buyer or transferee that the land is located within a drainage district and
25 is subject to assessments under this chapter for maintenance of the drains.

INS
5-16

ASSEMBLY BILL 118

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

INS
6-3

4 SECTION 8. Initial applicability.

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

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

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

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

15 (END)

Insert 6-14

contract of sale or option contract ✓

D. note

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

LRBs0054/?ins
PJK:.....

INSERT PJK-ANAL

wof The substitute amendment requires an owner to disclose on the [✓]real estate condition report whether the real property is located within a drainage district. In addition, the substitute amendment ~~is~~

(END OF INSERT PJK-ANAL)

1 INSERT ANL-MES

The substitute amendment requires the Department of Agriculture, Trade and Consumer Protection (DATCP), in cooperation with the state drainage engineer, to annually produce an educational pamphlet about drainage districts. The pamphlet must be available to drainage district boards, or other persons, who request it. *

The substitute amendment also requires a drainage board to provide annual notification to all persons who own property that is located within a drainage district that they own land in such a district and to provide the clerk of every taxation district in which the district is located information about the amount of the drainage board's assessments in the last year. This assessment information must be included on the property tax bill that is currently mailed out in December. *

Under current law, a drainage board is required to file an annual report for each district under the board's jurisdiction with DATCP and the county zoning administrator. The report must contain a financial statement, information on bonds, and information on work done during the preceding year. Under the substitute amendment, the report must also include information on each district's practices and policies and must also be sent to zoning or planning officials in each city, village, and town in which a district is located. A political subdivision that receives the report must consider it before making a zoning or planning decision which may affect the district. *

2 INSERT 5-16

3 SECTION 1. 74.09 (3) (dm) of the statutes is created to read:

4 74.09 (3) (dm) The amount of assessment issued by a drainage board, based on
5 the information provided under s. 88.212 (3). If no assessment was issued, the
6 property tax bill shall indicate that information.

7 SECTION 2. 88.11 (1) (L) of the statutes is created to read:

8 88.11 (1) (L) In cooperation with the state drainage engineer, annually produce
9 an educational pamphlet that describes the function of drainage districts, costs that
10 may be assessed to persons whose property is located in a drainage district, and
11 contact information for the state drainage engineer. The pamphlet shall be
12 distributed, upon request, to drainage boards and to any person who requests the
13 pamphlet.



Ens 5-16 p. 2 of 3

1 SECTION 3. 88.212 of the statutes is created to read:

2 88.212 Required actions for the drainage board. In addition to other
3 powers expressly granted or necessarily implied, the drainage board shall:

4 (1) Annually, beginning on the first day of the 15th month after the effective
5 date of this subsection . . . [revisor inserts date], provide written notice to every
6 person who owns land that is located within the drainage district that such land is
7 in the district. The notice shall also include contact information for every member
8 of the drainage board.

9 (2) Provide contact information for every member of the drainage board to the
10 state drainage engineer and to the clerk of every city, village, town, and county in
11 which the drainage district is located.

12 (3) Not later than December 1, provide the clerk of each taxation district in
13 which the drainage district is located a list of every assessment issued by the board
14 from December 1 of the previous year through November 30 of the current year. The
15 information shall specify the assessment amount for every parcel in the district.

16 SECTION 4. 88.24 (intro.) of the statutes is amended to read:

17 88.24 Board to file annual report. (intro.) On or before December 1 of each
18 year the board shall file with the department of agriculture, trade and consumer
19 protection; the town board or town zoning committee; the city council, plan
20 commission, or plan committee; and the county zoning administrator, in which
21 district territory is located, a separate report, for the preceding year ending August
22 31, on each drainage district under the board's jurisdiction. All local units of
23 government that receive the report shall consider it before making any zoning or
24 planning decisions that may affect a drainage district that is located within its
25 boundaries. The reports shall constitute part of the records of the districts reported



Ins 5-16 p 3 of 3

1 on, shall be verified by the oath of one or more of the board members, and shall
2 contain:

3 History: 1993 a. 456.

SECTION 5. 88.24 (4) of the statutes is created to read:

4 88.24 (4) A statement of the district's practices and policies.

(END OF INSERT 5-16)

INSERT 6-3

p 1 of 2

5 **SECTION 6.** 88.95 of the statutes is created to read:

6 **88.95 Notification requirement for transfer land.** (1) An owner of real

7 property that is located within a district who intends to transfer the real property

8 shall, not later than 10 days after acceptance of a contract of sale or option contract,

9 provide written notice to the prospective buyer or transferee that the land is located

10 within a drainage district and is subject to assessments under this chapter for

11 maintenance of the drains. A copy of the most recent property tax bill for the real

12 property shall be attached to the notice.

13 (2) (a) Except as provided in par. (b), a prospective buyer or transferee who

14 receives a notice under sub. (1) may timely rescind in writing the contract of sale or

15 option contract by reason of the real property's location in a drainage district, without

16 any liability on his or her part. The prospective buyer or transferee is entitled to the

17 return of any deposits or option fees paid in the transaction.

18 (b) A prospective buyer or transferee may not rescind a contract of sale or option

19 contract under par. (a) if he or she was aware, or had written notice, that the real

20 property is located in a drainage district at the time the contract of sale or option

21 contract was submitted to the owner or the owner's agent.



ins 6-3 p 202

1 (3) Rescissions under sub. (2) (a) are timely if they are delivered to the owner
2 or the owner's agent within 3 business days after the prospective buyer or transferee
3 receives a notice under sub. (1).

4 (4) An owner under this section shall act in good faith to inform a prospective
5 buyer or transferee that the real property is located within a drainage district and
6 shall perform each act, and make each disclosure, required by this section in good
7 faith with honesty in fact.

8 SECTION 7. 709.02 (3) of the statutes is created to read:

9 709.02 (3) The most recent property tax bill for the property shall be attached
10 to the report required under this section.

11 SECTION 8. Nonstatutory provisions.

12 (a) Not later than the first day of the 3rd month beginning after the effective
13 date of this subsection... [revisor inserts date] a drainage board that is in existence
14 on the effective date of this subsection... [revisor inserts date] shall meet to develop
15 a plan to notify in writing every person who owns land that is located within the
16 drainage district that such land is in the district.

17 (b) Not later than the first day of the 2nd month beginning after the meeting
18 under paragraph (a) is held, the drainage board shall send to every person who owns land
19 that is located in the drainage district, the following:

- 20 1. Written notification that the person owns land in the drainage district.
- 21 2. Contact information for every member of the drainage board.
- 22 3. Contact information for the state drainage engineer.
- 23 4. General information about drainage districts.

(END OF INSERT 6-3)

Insert 6-3 PJK
(to ins 6-3)

CS #28
DRAINAGE BOARD
REQUIREMENTS

12
13
14
18
19

BILL

Ins 6-3 PJK (to Ins 6-3)

1 contains at least 2,000 acres, with which the local governmental unit shares common
 2 territory. The element shall incorporate any plans or agreements to which the local
 3 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
 4 identify existing or potential conflicts between the local governmental unit and other
 5 governmental units that are specified in this paragraph and describe processes to
 6 resolve such conflicts.

7 **SECTION 2.** 709.03 (form) C. 28. of the statutes is created to read:

8 **709.03 (form)**

9 C. 28. I am aware that all or any portion of the prop-
 10 erty is located within one mile of the bound-
 11 aries of a military base.

12 **SECTION 3.** 709.03 (form) C. 29. of the statutes is created to read:

13 **709.03 (form)**

14 C. ²⁸29. I am aware that the property is located within
 15 a drainage district. (*if "yes," the owner must attach a copy of*
the most recent property tax bill for the property.)

16 **SECTION 4. Nonstatutory provisions.**

17 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
 18 statutes, the creation of section 709.03 (form) C. 28. and C. 29. of the statutes does
 19 not require a property owner who has furnished to a prospective buyer of the
 20 property an original or amended real estate condition report before the effective date
 21 of this subsection to submit an amended real estate condition report with respect to
 22 the information required by section 709.03 (form) C. 28. or C. 29. of the statutes, as
 23 created by this act. ✓

24 **SECTION 5. Initial applicability.**

(end of ins 6-3 PJK to Ins 6-3)

to this form ✓

BILL

insert 6-14

SECTION 5

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

4 (2) The treatment of section 709.03 (form) C. 28. and C. 29. of the statutes first
5 applies to original real estate condition reports that are furnished on the effective
6 date of this subsection.

7 (END) of ins 6-14)

NOTE

(#) The treatment of sections 74.09(3)(dm),
88.212(3), and 88.24 (intro.) and (4) of the statutes
beginning on January 1 of the year
to the year) in which this
first applies subsection takes effect, except that if
this subsection takes effect after July 31 the
treatment of sections 74.09(3)(dm), 88.212(3),
and 88.24 (intro.) and (4) of the statutes first applies
to the year beginning on January 1 of the
year following the year in which this
subsection takes effect.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0054/1
MES&PJK:jld:nwn

r m is nwn

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2007 ASSEMBLY BILL 118

Regen

1 AN ACT *to amend* 66.1001 (2) (g) and 88.24 (intro.); and *to create* 59.69 (5) (g),
2 60.61 (4) (g), 62.23 (7) (d) 5., 62.23 (7) (d) 6., 74.09 (3) (dm), 88.11 (1) (L), 88.212,
3 88.24 (4), 88.41 (5), 88.95 and 709.03 (form) C. 28. of the statutes; **relating to:**
4 requiring local governmental units to consider relationships with drainage
5 districts in the preparation of comprehensive plans, requiring local
6 governments to provide notice to drainage districts regarding proposals that
7 affect drainage districts, and requiring sellers of real property to disclose the
8 location of property within drainage districts.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive 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, 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. Also under this element, a local governmental unit must consider the maps and plans of certain military bases with which it shares common territory.

Under this substitute amendment, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The substitute amendment also requires that, under this element, a local governmental unit must analyze its relationship with a drainage district.

This substitute amendment also requires that, before a city, village, town, or county (political subdivision) 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 substitute amendment 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.

The substitute amendment requires the Department of Agriculture, Trade and Consumer Protection (DATCP), in cooperation with the state drainage engineer, to annually produce an educational pamphlet about drainage districts. The pamphlet must be available to drainage district boards, or other persons, who request it.

The substitute amendment also requires a drainage board to provide annual notification to all persons who own property that is located within a drainage district that they own land in such a district and to provide the clerk of every taxation district in which the district is located information about the amount of the drainage board's assessments in the last year. This assessment information must be included on the property tax bill that is currently mailed out in December.

Under current law, a drainage board is required to file an annual report for each district under the board's jurisdiction with DATCP and the county zoning

administrator. The report must contain a financial statement, information on bonds, and information on work done during the preceding year. Under the substitute amendment, the report must include information on each district's practices and policies and must also be sent to zoning or planning officials in each city, village, and town in which a district is located. A political subdivision that receives the report must consider it before making a zoning or planning decision that may affect the 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 substitute amendment requires an owner to disclose on the real estate condition report whether the real property is located within a drainage district. In addition, the substitute amendment requires an owner of property located in a drainage district, regardless of whether the property is residential, to disclose in a separate written notification to a potential buyer or transferee that the land is in a drainage district and subject to assessments for maintenance of the drains. A prospective buyer may rescind the contract without penalty or loss of earnest money within three days after receiving the separate notice, unless the prospective buyer knew the property was in a drainage district when he or she made the offer to purchase. The substitute amendment requires a drainage board, when issuing an assessment, to remind the person receiving the assessment of the notification requirement that is created in this substitute amendment. The substitute amendment also requires that the most recent property tax bill be attached to the real estate condition report, and the separate notice required, if the property is located in a drainage district.

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

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 that would allow the development of any structure that
4 either would be located within the boundaries of a drainage district or would likely
5 increase the amount of water that the main drain of a drainage district would have
6 to accommodate, the board or zoning agency shall send written notice to the secretary
7 of the drainage district's board. The secretary shall include the subject matter of that

beginning in approximately 1998 one from the effective date of the substitute amendment

1 notice in the agenda of the drainage board's next meeting, which shall be held within
2 10 business days of the date on which the meeting notice is sent out.

3 2. The notice described under subd. 1. shall describe the proposed action and
4 the time and date of any public hearing at which the proposal is on the agenda.
5 Within 10 business days after receipt of the notice, the drainage board shall notify
6 the board or county zoning agency, in writing, that it has no objection to the proposed
7 action or that it requests that the hearing be delayed for 90 business days to enable
8 the drainage board to obtain an engineering analysis to analyze the effect of the
9 proposed action on the drainage district. The drainage board may submit the
10 engineering analysis to the county board or to the county zoning agency and may
11 object to the proposed action.

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

13 60.61 (4) (g) 1. Before the town board or the town zoning committee may take
14 any action under this subsection that would allow the development of any structure
15 that either would be located within the boundaries of a drainage district or would
16 likely increase the amount of water that the main drain of a drainage district would
17 have to accommodate, the board or zoning committee shall send written notice to the
18 secretary of the drainage district's board. The secretary shall include the subject
19 matter of that notice in the agenda of the drainage board's next meeting, which shall
20 be held within 10 business days of the date on which the meeting notice is sent out.

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.
23 Within 10 business days after receipt of the notice, the drainage board shall notify
24 the town board or town zoning committee, in writing, that it has no objection to the
25 proposed action or that it requests that the hearing be delayed for 90 business days

1 to enable the drainage board to obtain an engineering analysis to analyze the effect
2 of the proposed action on the drainage district. The drainage board may submit the
3 engineering analysis to the town board or to the town zoning committee and may
4 object to the proposed action.

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

6 62.23 (7) (d) 5. Before the city council, plan commission, or plan committee may
7 take any action under this paragraph that would allow the development of any
8 structure that either would be located within the boundaries of a drainage district
9 or would likely increase the amount of water that the main drain of a drainage
10 district would have to accommodate, the city council, plan commission, or plan
11 committee shall send written notice to the secretary of the drainage district's board.
12 The secretary shall include the subject matter of that notice in the agenda of the
13 drainage board's next meeting, which shall be held within 10 business days of the
14 date on which the meeting notice is sent out.

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

16 62.23 (7) (d) 6. The notice described under subd. 5. shall describe the proposed
17 action and the time and date of any public hearing at which the proposal is on the
18 agenda. Within 10 business days after receipt of the notice, the drainage board shall
19 notify the city council, plan commission, or plan committee, in writing, that it has no
20 objection to the proposed action or that it requests that the hearing be delayed for
21 90 business days to enable the drainage board to obtain an engineering analysis to
22 analyze the effect of the proposed action on the drainage district. The drainage board
23 may submit the engineering analysis to the city council, plan commission, or plan
24 committee and may object to the proposed action.

25 **SECTION 5.** 66.1001 (2) (g) of the statutes is amended to read:

1 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
2 objectives, policies, goals, maps, and programs for joint planning and decision
3 making with other jurisdictions, including school districts, drainage districts, and
4 adjacent local governmental units, for siting and building public facilities and
5 sharing public services. The element shall analyze the relationship of the local
6 governmental unit to school districts, drainage districts, and adjacent local
7 governmental units, and to the region, the state and other governmental units. The
8 element shall consider, to the greatest extent possible, the maps and plans of any
9 military base or installation, with at least 200 assigned military personnel or that
10 contains at least 2,000 acres, with which the local governmental unit shares common
11 territory. The element shall incorporate any plans or agreements to which the local
12 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
13 identify existing or potential conflicts between the local governmental unit and other
14 governmental units that are specified in this paragraph and describe processes to
15 resolve such conflicts.

16 **SECTION 6.** 74.09 (3) (dm) of the statutes is created to read:

17 74.09 (3) (dm) Indicate the amount of assessment issued by a drainage board,
18 based on the information provided under s. 88.212 (3). If no assessment was issued,
19 the property tax bill shall indicate that information.

20 **SECTION 7.** 88.11 (1) (L) of the statutes is created to read:

21 88.11 (1) (L) In cooperation with the state drainage engineer, annually produce
22 an educational pamphlet that describes the function of drainage districts, costs that
23 may be assessed to persons whose property is located in a drainage district, and
24 contact information for the state drainage engineer. The pamphlet shall be

1 distributed, upon request, to drainage boards and to any person who requests the
2 pamphlet.

3 SECTION 8. 88.212 of the statutes is created to read:

4 **88.212 Required actions for the drainage board.** In addition to other
5 powers expressly granted or necessarily implied, the drainage board shall:

6 (1) Annually, beginning on the first day of the 15th month after the effective
7 date of this subsection [revisor inserts date], provide written notice to every
8 person who owns land that is located within the drainage district that such land is
9 in the district. The notice shall also include contact information for every member
10 of the drainage board.

11 (2) Provide contact information for every member of the drainage board to the
12 state drainage engineer and to the clerk of every city, village, town, and county in
13 which the drainage district is located.

14 (3) Not later than December 1, provide the clerk of each taxation district in
15 which the drainage district is located a list of every assessment issued by the
16 drainage board from December 1 of the previous year to November 30 of the current
17 year. The information shall specify the assessment amount for every parcel in the
18 district.

19 SECTION 9. 88.24 (intro.) of the statutes is amended to read:

20 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
21 year the board shall file with the department of agriculture, trade and consumer
22 protection; the town board or town zoning committee; the city council, plan
23 commission, or plan committee; and the county zoning administrator, in which
24 district territory is located, a separate report, for the preceding year ending August
25 31, on each drainage district under the board's jurisdiction. All local units of

1 government that receive the report shall consider it before making any zoning or
2 planning decisions that may affect a drainage district that is located within its
3 boundaries. The reports shall constitute part of the records of the districts reported
4 on, shall be verified by the oath of one or more of the board members, and shall
5 contain:

6 **SECTION 10.** 88.24 (4) of the statutes is created to read:

7 88.24 (4) A statement of the district's practices and policies.

8 **SECTION 11.** 88.41 (5) of the statutes is created to read:

9 88.41 (5) Whenever a drainage board sends out an assessment for costs, as
10 described in this section, the board shall include a notice reminding the person
11 assessed of the requirement under s. 88.95.

12 **SECTION 12.** 88.95 of the statutes is created to read:

13 **88.95 Notification requirement for transfer land.** (1) An owner of real
14 property that is located within a district who intends to transfer the real property
15 shall, not later than 10 days after acceptance of a contract of sale or option contract,
16 provide written notice to the prospective buyer or transferee that the land is located
17 within a drainage district and is subject to assessments under this chapter for
18 maintenance of the drains. A copy of the most recent property tax bill for the real
19 property shall be attached to the notice.

20 (2) (a) Except as provided in par. (b), a prospective buyer or transferee who
21 receives a notice under sub. (1) may timely rescind in writing the contract of sale or
22 option contract by reason of the real property's location in a drainage district, without
23 any liability on his or her part. The prospective buyer or transferee is entitled to the
24 return of any deposits or option fees paid in the transaction.

1 (b) A prospective buyer or transferee may not rescind a contract of sale or option
2 contract under par. (a) if he or she was aware, or had written notice, that the real
3 property is located in a drainage district at the time the contract of sale or option
4 contract was submitted to the owner or the owner's agent.

5 (3) Rescissions under sub. (2) (a) are timely if they are delivered to the owner
6 or the owner's agent within 3 business days after the prospective buyer or transferee
7 receives a notice under sub. (1).

8 (4) An owner under this section shall act in good faith to inform a prospective
9 buyer or transferee that the real property is located within a drainage district and
10 shall perform each act, and make each disclosure, required by this section in good
11 faith with honesty in fact.

12 SECTION 13. 709.03 (form) C. 28. of the statutes is created to read:

13 709.03 (form)

14 C. 28. I am aware that the property is located within
15 a drainage district. (If "yes," the owner must
16 attach to this form a copy of the most recent
17 property tax bill for the property.)

18 SECTION 14 Nonstatutory provisions.

19 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
20 statutes, the creation of section 709.03 (form) C. 28. of the statutes does not require
21 a property owner who has furnished to a prospective buyer of the property an original
22 or amended real estate condition report before the effective date of this subsection
23 to submit an amended real estate condition report with respect to the information
24 required by section 709.03 (form) C. 28. of the statutes, as created by this act.

25 (2) DRAINAGE BOARD REQUIREMENTS.

auto ref A-1
auto ref A-2
COURT REF

1 (a) Not later than the first day of the 3rd month beginning after the effective
2 date of this subsection, a drainage board that is in existence on the effective date of
3 this subsection, shall meet to develop a plan to notify in writing every person who
4 owns land that is located within the drainage district that such land is in the district.

5 (b) Not later than the first day of the 2nd month beginning after the meeting
6 under paragraph (a) is held, the drainage board shall send to every person who owns
7 land that is located in the drainage district all of the following:

- 8 1. Written notification that the person owns land in the drainage district.
- 9 2. Contact information for every member of the drainage board.
- 10 3. Contact information for the state drainage engineer.
- 11 4. General information about drainage districts.

auto ref B1 →

12 **SECTION 15. Initial applicability.**

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

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

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

21 (4) The treatment of section 88.95 of the statutes first applies to an accepted
22 contract of sale or option contract that is received by a property owner on the effective
23 date of this subsection.

auto ref B-2
↓

1 (5) The treatment of section 709.03 (form) C. 28. of the statutes first applies to
2 original real estate condition reports that are furnished on the effective date of this
3 subsection.

4 (6) The treatment of sections 74.09 (3) (dm), 88.212 (3), and 88.24 (intro.) and
5 (4) of the statutes first applies to the year beginning on January 1 of the year in which
6 this subsection takes effect, except that if this subsection takes effect after July 31
7 the treatment of sections 74.09 (3) (dm), 88.212 (3), and 88.24 (intro.) and (4) of the
8 statutes first applies to the year beginning on January 1 of the year following the
9 year in which this subsection takes effect.

10

(END)

Insert 11-9 ✓

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0054/2ins
PJK:.....

INSERT 11-9

1 **SECTION 1. Effective dates.** This act takes effect on the day after publication,
2 except as follows:

3 (1) REAL ESTATE CONDITION REPORT. The treatment of section 709.03 (form) C. 28.
4 of the statutes and SECTIONS 14 (1) and 15 (5) of this act take effect on the first day
5 of the 13th month beginning after publication.

(END OF INSERT 11-9)

auto ref A-1

✓ auto ref A-2

auto ref B-1

auto ref B-2

Shovers, Marc

From: McKinny, Chris
Sent: Monday, December 10, 2007 3:56 PM
To: Shovers, Marc
Subject: FW: Here's all I have found

Marc,

Here is the information that I have regarding the addition to the LRB analysis-if Albers office is able to find more I will get it to you. Thanks again!

Chris

From: Griffiths, Terri
Sent: Monday, December 10, 2007 3:29 PM
To: McKinny, Chris
Subject: Here's all I have found

Chris,

I have asked Mark Patronsky to look for a memo - he has but to no avail! I found the information below in an old email that seems to address the situation.

Do you want to clarify with Rep. Molepske as to this language being in the analysis please. I'm unclear as to why we are adding this - because I haven't read the whole sub draft to know if this is really pertinent to the analysis or not. I don't want slow progress so here is verbage from Mark Patronsky on assessing wetlands where he references what can be included in an assessment or not.

Rep. Albers---

I talked to Dave Russell, the state drainage engineer. He described the issue regarding wetlands in a drainage district (DD).

The DATCP rules prohibit assessment of lands that are legally protected against drainage (see s. ATCP 48.06 (4). Note that the rule defines what it means to be legally protected against drainage---as I read it, state-protected wetlands are not excluded from assessment. These wetlands are not subject to construction or maintenance of drains, so there are no assessments for those costs.

According to Dave, the biggest issue for county drainage boards with respect to wetlands is the ability to assess for administrative costs---things like meetings, notices, etc. As long as the wetlands remains in the DD, notices, etc., have to be sent to wetlands owners.

I think the current statutes might allow for these assessments---see s. 88.23 (1), which allows for assessment of "any other lawful costs of a DD." However, it would also be an easy matter to amend this statute to clearly allow for such assessments.

If this idea would solve the major problems that you are concerned about, I could take instructions to the LRB.

Let me know if there are other assessments against wetlands that you would like to consider.

Mark

I don't think this is it, but it's all I have found that's even close.

Thanks,

✓ have the 1st deadline on the pamphlet be 2009 & then every 3 years

1/7/08
D Chris says don't make any ANL changes regarding this
2) remove stuff about real estate condition rpt in bill §13 & §14(1)

Terri S. Griffiths
Office of Rep. Sheryl Albers
266-8531
877-947-0050

Shovers, Marc

From: McKinny, Chris
Sent: Monday, December 10, 2007 3:58 PM
To: Shovers, Marc
Subject: FW: AB-118

Marc,

This is the information regarding the change to Section 1. We would like to go with the section option, and please include the language that Matt has placed in the parenthetical. If you need anything else, please let me know. Thanks again for all of your help with this bill. I hope that things go relatively well for you tomorrow.

Chris

From: stohr [mailto:stohr@wicounties.org]
Sent: Friday, December 07, 2007 10:47 AM
To: McKinny, Chris
Subject: RE: AB-118

Hi Chris:

Following up on our conversation yesterday about AB 118, below are additional options which would help address our concerns. Feel free to present these on Monday if you see fit.

- 1) page 3, line 4: strike "either" and change "or" to "and", *not done*
- 2) page 3, line 3: strike "any structure" and narrowly define it by replacing it with "before the board or county zoning agency may take any action under this subsection that would approve a plat that would allow for the development of a residential (it may help to include commercial, industrial, etc.) property and/or a subdivision that either would be located within the boundaries of a drainage district or....." *done*

Have a good weekend.

Thanks,

Matt Stohr
 WI Counties Association
 22 E. Mifflin St., Suite 900
 Madison, WI 53703
 608.663.7188 (phone)
 866.404.2700 (toll-free)

>>> "McKinny, Chris" <Chris.McKinny@legis.wisconsin.gov> 11/19/2007 10:08 am >>>

Why don't we try Thursday afternoon? Rep. Molepske will be here for a committee hearing that morning. His calendar is open post 2:00 pm. Just let me know what works for you. Thanks Matt, and have a great Thanksgiving!

12/10/2007

Chris

From: stohr [mailto:stohr@wicounties.org]
Sent: Friday, November 16, 2007 4:12 PM
To: McKinny, Chris
Subject: RE: AB-118

Chris:

Works for me. I'm available on Monday and Thursday that week. The other days don't work too well.

I will be on vacation next week, but either send me an e-mail confirming the time if either of those days work for you guys or let's touch base on Monday of that week.

Have a good weekend.

Thanks,

Matt Stohr
WI Counties Association
22 E. Mifflin St., Suite 900
Madison, WI 53703
608.663.7188 (phone)
866.404.2700 (toll-free)

>>> "McKinny, Chris" <Chris.McKinny@legis.wisconsin.gov> 11/16/2007 3:38 pm >>>

Thanks Matt, I would definitely like to get together. How does the week after Thanksgiving look for you?

From: stohr [mailto:stohr@wicounties.org]
Sent: Friday, November 16, 2007 1:08 PM
To: McKinny, Chris
Subject: Re: AB-118

Hi Chris:

I had an opportunity to review the sub. Let me know if you and the Representative would like to meet some time to discuss this bill.

Thanks,

Matt Stohr
WI Counties Association

12/10/2007

22 E. Mifflin St., Suite 900
Madison, WI 53703
608.663.7188 (phone)
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>>> "McKinny, Chris" <Chris.McKinny@legis.wisconsin.gov> 11/14/2007 3:50 pm >>>

Matt,

Attached please find a copy of the sub amendment to AB-118. Please let me know what you think when you get a chance. I really appreciate your help with this legislation, and as I said on the phone, we are certainly willing to work with you. Thanks again, and please let me know if you need any additional information.

Chris

267-9649

12/10/2007