

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB906)**

Received: **04/07/2010**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Kathy Farnsworth**

May Contact:

Drafter: **pkahler**

Subject: **Real Estate - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Modifications to platting requirements

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 04/08/2010	rschluet 04/08/2010		_____			
/1			rschluet 04/08/2010	_____	cduerst 04/08/2010	cduerst 04/08/2010	
/2	pkahler 04/09/2010	csicilia 04/09/2010	phenry 04/09/2010	_____	sbasford 04/09/2010	sbasford 04/09/2010	

FE Sent For:

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/?	pkahler 04/08/2010	rschluet 04/08/2010		_____			
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/1		rschluet 04/08/2010		<u>4/9</u>	cduerst 04/08/2010	cduerst 04/08/2010	
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FE Sent For:

12 c/s 4/9  
10 4/9  
Dh  
pkahler  
<END>

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/?	pkahler	1 5/10	4/8 10				

FE Sent For:

<END>

## Kahler, Pam

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**From:** Farnsworth, Kathy  
**Sent:** Wednesday, April 07, 2010 9:11 AM  
**To:** Kahler, Pam  
**Cc:** Rep.Molepske; Wadd, Jay; Farnsworth, Kathy; 'brooksconsulting@me.com'; 'pstevens@wisbuild.org'  
**Subject:** amendment drafting request to AB 906

Hello,

Would you please draft this as an Assembly amendment also please to AB906. To meet committee chair's 24 hour rule, we would need the amendment by 3:30 PM on Friday, April 9<sup>th</sup>.

Thanks very much.

Kathy Farnsworth  
Office of Representative Louis J. Molepske, Jr.  
Chair-Committee on Jobs, the Economy and Small Business  
State Capitol  
P. O. Box 8953  
Madison, WI 53708-8953  
608.267.9649  
888.534.0071  
[kathy.farnsworth@legis.wisconsin.gov](mailto:kathy.farnsworth@legis.wisconsin.gov)

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**From:** Wadd, Jay  
**Sent:** Wednesday, April 07, 2010 8:23 AM  
**To:** Kahler, Pam  
**Cc:** Farnsworth, Kathy  
**Subject:** Amendment to SB-600

Good morning, Pam.

Would you please draft an amendment based on the changes below to be introduced in the Senate? (I believe you may also hear from Rep. Molepske's office on this as well).

In order to simplify and address the issues that were raised in the bill, we would propose the bill be amended as follows:

**Section 1:** Eliminate the language allowing a subdivider to go forward with a portion of a preliminary plat without approval of the approving authority if certain requirements are met (page 3, lines 5 to 10).

**Section 4:** On page 4, line 3, after "time.", insert "The subdivider may elect to construct the final plat in such phases as reasonably approved by the governing body."

**Section 5:** Eliminate this section from the bill (page 4, lines 9 to 18). This language related to waiver of ordinances.

**Section 6 and 8:** Eliminate these sections from the bill (page 4, lines 19 to 22, and page 5, lines 1 to 5). These sections relate to recording a portion of the plat.



State of Wisconsin  
2009 - 2010 LEGISLATURE

From a 2062/1  
a2068/1  
LRBa2062/1  
PJK:cjs:rs  
r not run  
slays

ASSEMBLY  
SENATE AMENDMENT,  
TO 2009 SENATE BILL 626 → 906  
ASSEMBLY

by Friday am  
D-note  
bill hit

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 5: delete the material beginning with “except” and ending with
- 3 “approved” on line 10.
- 4 **2.** Page 4, line 3: delete “If” and substitute “The subdivider may construct the
- 5 project in such phases as the governing body approves. If”.
- 6 **3.** Page 4, line 9: delete lines 9 to 22.
- 7 **4.** Page 5, line 1: delete lines 1 to 5.
- 8 **5.** Page 7, line 4: delete “sections 236.25 (1) and (2) (b) and 236.26” and
- 9 substitute “section 236.25 (2) (b)”.
- 10 (END)

D-note

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

a2068  
LRBa2062/1dn  
PIK:cjs:rs  
/rm not run  
Slans

April 8, 2010

— date —

I left out the word “reasonably” in front of “approves” in s. 236.13 (2) (a) because I’m not sure that it makes sense or what the ramifications would be. I could find no other instance of “reasonably approves” or “reasonable approval” in the statutes. Would it mean that if the subdivider felt that the governing body had approved something that the subdivider thought was actually unreasonable, he/she would not construct that phase? Or that if the subdivider felt that the governing body did not approve something that the subdivider thought was reasonable, he/she would construct that phase anyway? Chapter 236 is full of necessary approvals and none are explicitly required to be reasonable.

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

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

LRBa2068/1dn  
PJK:cjs:rs

April 8, 2010

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

Jay Wadd

4-9

by phone

trying to prevent approving entity  
from just denying approval of  
plan because project will be constructed  
in phases but also want phases  
to be reasonable (e.g., not just one  
lot at a time)





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa2068/2  
PJK:cjs:rs

Stays

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 906

mailed  
by 3:00  
today

submit

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- 10 (END)

which approval may not be  
unreasonably withheld