

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/11/2010**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters: **rkite**

Subject: **Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Require disclosure of mitigation agreements on real estate disclosure forms

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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 01/14/2010	jdye 01/15/2010		_____			
	rkite 01/14/2010			_____			
	pkahler 01/14/2010			_____			
/1			mduchek 01/15/2010	_____	mbarman 01/15/2010	cduerst 01/19/2010	

FE Sent For:

*none*

<END>

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May Contact: *Rachel Letzing at leg council*

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/?	pkahler	<i>1/14 jld</i>	<i>[Signature] 1/15</i>	<i>[Signature] 1/12</i>			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

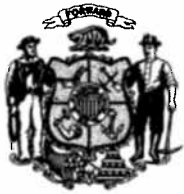
Rep Spencer Black

1-11-10

require disclosure of mitigation plan

[See NR 115.05(1)]

on real estate condition report



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-4099/1  
PJK&RNK:A:...

jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(in 1-14)

→ gen. covt

X

1 AN ACT ~~relating to~~; relating to: requiring sellers of residential real property to disclose  
2 whether the property is subject to a shoreland zoning mitigation plan.

**Analysis by the Legislative Reference Bureau**

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

Also under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which

\*

the owner is aware. ✓ This bill requires an owner to disclose on the real estate condition report whether the real property is subject to a mitigation plan required by the county. ✓

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

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

709.03 (form)

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

**SECTION 2. Nonstatutory provisions.**

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

**SECTION 3. Initial applicability.**

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(form) C. 28. + 29.  
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**BILL**

the owner is aware. This bill requires an owner to disclose on the real estate condition report whether the real property is subject to a mitigation plan required by the county.

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

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measures related to shoreland conditions and  
which is enforceable by the county.

**SECTION 2. Nonstatutory provisions.**

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

**SECTION 3. Initial applicability.**

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**ASSEMBLY BILL 120**

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. 29. I am aware that the property is located within ....  
15 a drainage district.

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**

Use  
this  
format  
for  
S. 709.03  
(form) e.  
in  
LRB.  
4099

**Duerst, Christina**

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**From:** Zimmerman, Terri  
**Sent:** Tuesday, January 19, 2010 11:17 AM  
**To:** LRB.Legal  
**Subject:** LRB4099/1 Assembly Jacket Request

**Attachments:** 09-40991.pdf



09-40991.pdf (19  
KB)

Please Jacket LRB4099/1 as an Assembly Bill.

Terri Zimmerman  
Rep. Black's office  
266-7521