

2009 DRAFTING REQUEST

Senate Amendment (SA-SB626)

Received: 04/07/2010

Received By: pkahler

Wanted: As time permits

Companion to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

May Contact:

Drafter: pkahler

Subject: Real Estate - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Modifications to platting requirements

Instructions:

See attached

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 04/07/2010	csicilia 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	

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FE Sent For:

1/2 cjs 4/9
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/?	pkahler	1 gs 4/8 10		_____	_____		

FE Sent For:

<END>

Kahler, Pam

From: Wadd, Jay
Sent: Wednesday, April 07, 2010 8:23 AM
To: Kahler, Pam
Cc: Farnsworth, Kathy
Subject: Amendment to SB-600 → 626

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.

out
236.13(3)
236.25(1)
236.26



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2009 SENATE BILL 626

SOON
(2-4-7)
D-note
bill intro

- 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**

LRBa2062/7dn

PJK:.....

ys

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

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

LRBa2062/1dn
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

Jay Wadd

4-9

by phone

trying to prevent approving entity

from just denying approval of

plat 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

LRBa2062/2
PJK:cjs:rs

stays
r m is run

SENATE AMENDMENT,
TO 2009 SENATE BILL 626

SOON
(24-7)

fill in

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- 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)

which approval may not be
unreasonably withheld