

2013 DRAFTING REQUEST

Bill

Received: 2/20/2014 Received By: fknepp
Wanted: As time permits Same as LRB: -3667
For: Frank Lasee (608) 266-3512 By/Representing: Rob Kovach
May Contact: Drafter: fknepp
Subject: Real Estate - plats Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Surety for necessary public improvements

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>
/1	fknepp 2/20/2014	scalvin 2/21/2014	jmurphy 2/21/2014	_____	mbarman 2/21/2014	mbarman 2/21/2014	

FE Sent For:

<END>

**NOT
NEEDED**

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/1	fknepp	/1 SAC 02/21/2014	/1 SAC 02/21/2014	_____	_____		

FE Sent For:

Please Jacketed
for
Lasee
-Thanks

Jacketed Required

<END>

Knepp, Fern

From: Turke, Jon
Sent: Thursday, February 20, 2014 4:48 PM
To: Knepp, Fern
Cc: Kovach, Robert
Subject: Fwd: The Surety Bond bill LRB 3667/p3

Hey Fern-

Could you please see the email below and release the draft to Senator Lasee's office.

Thanks!

Jon

Sent from my iPhone

Begin forwarded message:

From: "Kovach, Robert" <Robert.Kovach@legis.wisconsin.gov>
Date: February 20, 2014 at 4:42:51 PM CST
To: "Turke, Jon" <Jon.Turke@legis.wisconsin.gov>
Subject: **The Surety Bond bill LRB 3667/p3**

Dear Jon,

We can move ahead with Brad's plan to introduce this bill with just Lasee/Steineke as co-authors.

Can you forward this email to the drafter as your permission to have a jacketed senate version drafted for Senator Lasee?

Thanks!

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3667/1

FFK:sac:ts

stays

4315/1
Create
for
COP

In 2-20
Out 2-21

2013 BILL

gen cat

1 AN ACT *to renumber and amend* 236.13 (2) (a); and *to create* 236.13 (2) (a) 2.
2 of the statutes; **relating to:** limiting the security a town or municipality may
3 require as a condition of plat approval.

Analysis by the Legislative Reference Bureau

Under current law, a county, town, city, or village (approving authority) has the right to approve or object to plat. A plat is a map of a subdivision, which is defined under current law as a division of a unit of land by an owner for the purpose of a sale or development and the sale or development results in at least five individual parcels or building sites. Generally, the location of the subdivision determines which approving authority or authorities have the right to approve or reject the plat.

Under current law, as a condition of approval, an approving authority may require a subdivider to execute a surety bond or provide other security to ensure that certain public improvements are made in connection with a project or a phase of a project. This bill explicitly allows the subdivider to choose whether to satisfy such a requirement with a performance bond or a letter of credit. Additionally, under the bill, upon substantial completion of required public improvements, an approving authority may not require a subdivider to maintain security in an amount that is more than the total cost to complete any public improvements that are not completed plus ten percent of the total cost of the completed public improvement and may not require the subdivider to maintain the security for more than 12 months from the date the public improvements are substantially completed. The bill defines substantial completion as when the binder coat is installed on roads to be dedicated

BILL

or, in a case where no roads are to be dedicated, when 90 percent of the public improvements by cost are completed.

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

1 **SECTION 1.** 236.13 (2) (a) of the statutes is renumbered 236.13 (2) (a) 1. and
2 amended to read:
3 236.13 (2) (a) 1. As a further condition of approval, the governing body of the
4 town or municipality within which the subdivision lies may require that the
5 subdivider make and install any public improvements reasonably necessary or that
6 the subdivider ~~execute a surety bond or provide other security~~ to ensure that he or
7 she will make those improvements within a reasonable time. It is the subdivider's
8 option whether to execute a performance bond or whether to provide a letter of credit
9 to satisfy the governing body's requirement that the subdivider provide security to
10 ensure that the public improvements are made within a reasonable time. The
11 subdivider may construct the project in such phases as the governing body approves,
12 which approval may not be unreasonably withheld. If the subdivider's project will
13 be constructed in phases, the amount of ~~any surety bond or other security~~ required
14 by the governing body shall be limited to the phase of the project that is currently
15 being constructed. The governing body may not require that the subdivider provide
16 any security for improvements sooner than is reasonably necessary before the
17 commencement of the installation of the improvements. If the governing body of the
18 town or municipality requires a subdivider to provide security under this paragraph,
19 the governing body may not require the subdivider to provide the security for more
20 than 12 months after the date the public improvements for which the security is
21 provided are substantially completed and upon substantial completion of the public

BILL

1 improvements, the amount of the security the subdivider is required to provide may
2 be no more than an amount equal to the total cost to complete any uncompleted
3 public improvements plus 10 percent of the total cost of the completed public
4 improvements.

5 **SECTION 2.** 236.13 (2) (a) 2. of the statutes is created to read:

6 236.13 (2) (a) 2. For purposes of subd. 1., public improvements reasonably
7 necessary for a project or a phase of a project are considered to be substantially
8 completed at the time the binder coat is installed on roads to be dedicated or, if the
9 required public improvements do not include a road to be dedicated, at the time that
10 90 percent of the public improvements by cost are completed.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to a preliminary plat or, if no preliminary plat is
13 submitted, a final plat, that is submitted on the effective date of this subsection.

14 (END)

Barman, Mike

From: LRB.Legal
To: Sen.Lasee
Subject: Draft review: LRB -4315/1 Topic: Surety for necessary public improvements
Attachments: 13-4315/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Fern Knepp, Legislative Attorney, at (608) 261-6927, at fern.knepp@legis.wisconsin.gov, or at One East Main Street, Suite 200.

Per instructions from the drafting attorney ... we will jacket this draft for the Senate and send it (by page) to your office today.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.