

2013 Assembly Bill 835 (LRB -3667)

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

2014

02-28.	A.	Introduced by Representative <b>Steineke</b> ; cosponsored by Senator <b>Lasee</b> .	717
02-28.	A.	Read first time and referred to Committee on Energy and Utilities	717
03-05.	A.	Public hearing held	
03-13.	A.	Executive action taken	
03-18.	A.	Report passage recommended by Committee on Energy and Utilities, Ayes 9, Noes 0	747
03-18.	A.	Referred to Committee on Rules	747
03-18.	A.	Made a special order of business at 10:16 AM on 3-20-2014 pursuant to Assembly Resolution 28	766
03-20.	A.	Read a second time	779
03-20.	A.	Assembly Amendment 1 offered by Representative Steineke ( <b>LRB a2194</b> )	779
03-20.	A.	Assembly Amendment 1 <b>adopted</b>	779
03-20.	A.	Ordered to a third reading	779
03-20.	A.	Rules suspended	779
03-20.	A.	Read a third time and <b>passed</b>	780
03-20.	A.	Ordered immediately messaged	780
03-21.	S.	Received from Assembly	805
03-24.	S.	Read first time and referred to committee on Senate Organization	809
03-24.	S.	Available for scheduling	
03-31.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	821
03-31.	S.	Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1)	822
04-01.	S.	Read a second time	
04-01.	S.	Ordered to a third reading	
04-01.	S.	Rules suspended	
04-01.	S.	Read a third time and <b>concurred in</b>	
04-01.	S.	Ordered immediately messaged	
04-02.	A.	Received from Senate concurred in	818

SB

**2013**  
**ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

13 - 3667/1

Amendments to above (if none, write "NONE"): AA1 - a 2194/2

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-3-14  
Date

JR Miller  
Enrolling Drafter



## 2013 ASSEMBLY BILL 835

February 28, 2014 – Introduced by Representative STEINEKE, cosponsored by Senator LASEE. Referred to Committee on Energy and Utilities.

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.

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### *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

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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

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AA1-1

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

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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)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa2194/2  
FFK:jld&wlj:rs

ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 835

March 20, 2014 - Offered by Representative STEINEKE.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 7: after "time." insert "The governing body may not require the  
3 subdivider to provide security at the commencement of a project in an amount that  
4 is more than 120 percent of the estimated total cost to complete the required public  
5 improvements.".

6 2. Page 2, line 20: delete "12" and substitute "14".

7 (END)

AA1-1

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