

2013 DRAFTING REQUEST

Bill

Received: 9/5/2013 Received By: fknepp
Wanted: As time permits Same as LRB:
For: Robert Cowles (608) 266-0484 By/Representing: Toni Herkert
May Contact: Drafter: fknepp
Subject: Real Estate - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Cowles@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:

Add whether real property includes a dam to property disclosure reports

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>
/?	fknepp 9/10/2013			_____			
/1	fknepp 9/19/2013	jdyer 9/13/2013	jfrantze 9/13/2013	_____	sbasford 9/13/2013		
/2		jdyer 9/19/2013	jfrantze 9/19/2013	_____	srose 9/19/2013	mbarman 9/26/2013	

FE Sent For:

↳ Not
Needed

<END>

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/?	fknepp 9/10/2013	2 9/19 jls	ph	ph			
/1		jdyer 9/13/2013	jfrantze 9/13/2013		sbasford 9/13/2013		

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No specific pre topic given

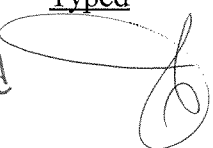
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/?	fknepp	1 9/13 jld		9/13			

FE Sent For:

<END>

Knepp, Fern

From: Gibson-Glass, Mary
Sent: Thursday, September 05, 2013 10:11 AM
To: Knepp, Fern; Kahler, Pam
Subject: FW: Real Estate Transfer and Existing Dams

This draft is real estate, no? I can help you or codraft with you regarding the language for the disclosure where it refers to lake districts. Could one of you let Toni know which one of you will be responsible for this draft?

Thanks,

Mary

From: Herkert, Toni
Sent: Thursday, September 05, 2013 9:56 AM
To: Gibson-Glass, Mary
Subject: Real Estate Transfer and Existing Dams

Mary,

I don't know if you are the correct attorney to draft this bill, but Rob wants to introduce a buyer liability bill that would provide notice to prospective land purchasers that a property contains a dam. Below is the disclosure language that we worked on with the DNR (Michelle Hase and Mike Bruhn) that we would like to be added to both Wis. Stat. s. 709.03 (1 to 4 family dwelling disclosure form) and Wis. Stat. s. 709.033 (vacant land disclosure form).

Please let me know if you have questions or if you need any additional information. Thank you.

"I am aware of a dam totally or partially located on the property, or a dam not physically located on the property but nevertheless owned collectively with the other members of a homeowners association, Lake District or similar group, which ownership runs with the land. (If yes, contact the Department of Natural Resources to see if dam transfer requirements may apply.)"

Thanks in advance for your help with this bill.

Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

Knepp, Fern

From: Herkert, Toni
Sent: Friday, September 06, 2013 12:54 PM
To: Knepp, Fern
Subject: RE: Real Estate Transfer and Existing Dams

Hi Fern,

Can we delay the effective date of this bill to July 1, 2014 so there is time to update the form and educate people on the new requirement.

Thanks,
Toni

Sent from my U.S. Cellular® Android-powered device

"Knepp, Fern" <Fern.Knepp@legis.wisconsin.gov> wrote:

Toni-

I wanted to let you know that I will be handling this drafting request.

Sincerely,

Fern Knepp

From: Herkert, Toni
Sent: Thursday, September 05, 2013 9:56 AM
To: Gibson-Glass, Mary
Subject: Real Estate Transfer and Existing Dams

Mary,

I don't know if you are the correct attorney to draft this bill, but Rob wants to introduce a buyer liability bill that would provide notice to prospective land purchasers that a property contains a dam. Below is the disclosure language that we worked on with the DNR (Michelle Hase and Mike Bruhn) that we would like to be added to bot



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3080/?

FFK: RMR

In 9-10-13

2013 BILL jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓

Gen

1 AN ACT ...; relating to: disclosing ownership of a dam to prospective buyers of
2 certain real property. ✓

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property or vacant land must give prospective buyers a form, known as a real estate condition report for residential real property and as the vacant land disclosure report for vacant land, on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. This bill requires an owner to disclose on the applicable report whether the owner has notice or knowledge that a dam is located on the property or that ownership of a dam that is collectively owned by a homeowner association, lake district, or other group runs with the property even though the dam is not located on the property.

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

3 SECTION 1. 709.03 (form) C. 9m. of the statutes is created to read:
4 709.03 (form)

1 C. 9m. I am aware that a dam is totally or partially
 2 located on the property or that an ownership
 3 in a dam that is not located on the property
 4 will be transferred with the property because
 5 it is owned collectively by members of a home-
 6 owners association, lake district, or similar
 7 group. (If yes, contact the Department of Nat-
 8 ural Resources to find out if dam transfer
 9 requirements apply.)

10 SECTION 2. 709.033 (form) C. 9m. of the statutes is created to read:

11 **709.033 (form)**

12 C. 9m. I am aware that a dam is totally or partially
 13 located on the property or that an ownership
 14 interest in a dam not located on the property
 15 will be transferred with the property because
 16 it is owned collectively by members of a home-
 17 owners association, lake district, or similar
 18 group. (If yes, contact the Department of Nat-
 19 ural Resources to find out if dam transfer
 20 requirements apply.)

21 **SECTION 3. Nonstatutory provisions.**

22 (1) REAL ESTATE CONDITION AND VACANT LAND DISCLOSURE REPORTS.

23 Notwithstanding section 709.035 of the statutes, the creation of sections 709.03
 24 (form) C. 9m. and 709.033 (form) C. 9m. of the statutes does not require a property
 25 owner who has furnished to a prospective buyer of the property an original or

1 amended report before the effective date of this subsection[✓] to submit an amended
2 report with respect to the information required by section 709.03[✓] (form) C. 9m. of the
3 statutes, as created by this act, or by section 709.033[✓] (form) C. 9m. of the statutes,
4 as created by this act.

5 **SECTION 4. Initial applicability.**

6 (1) The treatment of sections 709.03[✓] (form) C. 9m. and 709.033[✓] (form) C. 9m.
7 of the statutes first applies to reports that are furnished on the effective date of this
8 subsection.[✓]

9 **SECTION 5. Effective date.**

10 (1) This act takes effect on July 1, 2014.[✓]

11 (END)

Knepp, Fern

From: Herkert, Toni
Sent: Wednesday, September 18, 2013 11:00 AM
To: Knepp, Fern
Subject: Dam Discloser LRB3089/1

Fern,

Can we make the following changes in the LRB draft for dam disclosure? I know the change is related to underground storage tanks, but the changes are purely technical and the suggestion is to make this correction using the dam disclosure legislation as a vehicle since both impact Section 709.03 and 709.0333.

Sorry about the modification, hopefully we can still get it out of drafting soon.

Thanks for all your help.

Toni

709.03

C. 8. I am aware of underground or aboveground fuel storage tanks on the property. (If "yes", the owner, by law, may have to register the tanks with the department of safety and professional services at ~~P.O. Box 7970, Madison, Wisconsin, 53707~~ P.O. Box 8911 Madison, Wisconsin 53708, whether the tanks are in use or not. Regulations of the ~~Wisconsin Department of safety and professional services~~ Agriculture, Trade and Consumer Protection, may require the closure or removal of unused tanks.

709.0333

C. 9. I am aware of underground storage tanks presently or previously on the property for storage of flammable or combustible liquids, including, but not limited to, gasoline or heating oil. (If "yes," the owner, by law, may have to register the tanks with the Wisconsin Department of Agriculture, Trade and Consumer Protection ~~Safety and Professional Services at P.O. Box 8911 Madison, Wisconsin 53708~~ P.O. Box 7970, Madison, Wisconsin, 53707, whether the tanks are in use or not. Regulations of the Wisconsin Department of ~~Safety and Professional Services~~ Agriculture, Trade and Consumer Protection may require the closure or removal of unused tanks

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3089/1
FFK:jld:jf

In 9-19-13

Out 9-23-13

RML

2013 BILL

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Regen

AN ACT to create 709.03 (form) C. 9m. and 709.033 (form) C. 9m. of the statutes;
relating to: disclosing ownership of a dam to prospective buyers of certain real
property. and updating disclosure ~~reports~~ for certain real property reports

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property or vacant land must give prospective buyers a form, known as a real estate condition report for residential real property and as the vacant land disclosure report for vacant land, on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. This bill requires an owner to disclose on the applicable report whether the owner has notice or knowledge that a dam is located on the property or that ownership of a dam that is collectively owned by a homeowner association, lake district, or other group runs with the property even though the dam is not located on the property.

Analysis made

Ins. 14

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

SECTION 1. 709.03 (form) C. 9m. of the statutes is created to read:
709.03 (form)

BILL

1 C. 9m. I am aware that a dam is totally or partially
 2 located on the property or that an ownership
 3 in a dam that is not located on the property
 4 will be transferred with the property because
 5 it is owned collectively by members of a home-
 6 owners association, lake district, or similar
 7 group. (If ^{yes} contact the Department of Nat-
 8 ural Resources to find out if dam transfer
 9 requirements apply.)

✓
Wisconsin

IAS
2-1010

SECTION 2. 709.033 (form) C. 9m. of the statutes is created to read:

709.033 (form)

12 C. 9m. I am aware that a dam is totally or partially
 13 located on the property or that an ownership
 14 interest in a dam not located on the property
 15 will be transferred with the property because
 16 it is owned collectively by members of a home-
 17 owners association, lake district, or similar
 18 group. (If ^{yes} contact the Department of Nat-
 19 ural Resources to find out if dam transfer
 20 requirements apply.)

✓
Wisconsin

SECTION 3. Nonstatutory provisions.

(1) REAL ESTATE CONDITION AND VACANT LAND DISCLOSURE REPORTS.

23 Notwithstanding section 709.035 of the statutes, the creation of sections 709.03
 24 (form) C. 9m. and 709.033 (form) C. 9m. of the statutes does not require a property
 25 owner who has furnished to a prospective buyer of the property an original or

BILL

1 amended report before the effective date of this subsection to submit an amended
2 report with respect to the information required by section 709.03 (form) C. 9m. of the
3 statutes, as created by this act, or by section 709.033 (form) C. 9m. of the statutes,
4 as created by this act.

5 **SECTION 4. Initial applicability.**

6 (1) The treatment of sections 709.03 (form) C. 9m. and 709.033 (form) C. 9m.
7 of the statutes first applies to reports that are furnished on the effective date of this
8 subsection.

9 **SECTION 5. Effective date.**

10 (1) This act takes effect on July 1, 2014.

11

(END)

Analysis insert

^{NO}
~~A~~ This bill also updates the real estate condition report and the vacant land disclosure report to indicate that the regulation of underground storage tanks was transferred to the Department of Agriculture, Trade, and Consumer Protection.

*

End Analysis insert

Ins 1-4

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SECTION 1. 709.03 (form) C. 8. of the statutes is amended to read:

→ ~~A~~ 709.03 (form)

C. 8. I am aware of underground or aboveground

fuel storage tanks on the property. (If "~~yes~~", → "yes," ✓)

the owner, by law, may have to register the tanks with the department Wisconsin Department of safety Agriculture, Trade and professional services Consumer Protection at P.O. Box 7970 8911, Madison, Wisconsin, 53707 53708, whether the tanks are in use or not. Regulations of the department Wisconsin Department of safety Agriculture, Trade and professional services Consumer Protection, may require the closure or removal of unused tanks.

End Ins 1-4

INS 2-10

15

SECTION 2. 709.033 (form) C. 9. of the statutes is amended to read:

→ ~~A~~ 709.033 (form)
(B)



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C. 8. I am aware of underground storage tanks pres-
ently or previously on the property for storage
of flammable or combustible liquids, includ-
ing, but not limited to, gasoline or heating oil.
(If "yes", the owner, by law, may have to regis-
ter the tanks with the Wisconsin Department
of Safety Agriculture, Trade and Professional
Services Consumer Protection at P.O. Box
7970 8911, Madison, Wisconsin, ~~53707~~ 53708,
whether the tanks are in use or not. Regula-
tions of the Wisconsin Department of Safety
Agriculture, Trade and Professional Services
Consumer Protection, may require the clo-
sure or removal of unused tanks.

....

"yes" ← score

Barman, Mike

From: LRB.Legal
Sent: Thursday, September 26, 2013 12:51 PM
To: Knepp, Fern
Subject: FW: Draft Review: LRB -3089/2 Topic: Add whether real property includes a dam to property disclosure reports

F.Y.I.

From: Herkert, Toni
Sent: Thursday, September 26, 2013 12:44 PM
To: LRB.Legal
Subject: Draft Review: LRB -3089/2 Topic: Add whether real property includes a dam to property disclosure reports

We are ready to go, **Representative Petryk may be requesting an Assembly companion.**

Please Jacket LRB -3089/2 for the SENATE.

