



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix F

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-2827 (For: Rep. Murphy)

has been copied/added to the drafting file for

2015 LRB-3011 (For: Senator Lasee)

Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/23/2015 (Per: PJK)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.

2015 DRAFTING REQUEST

Bill

Received: 7/30/2015 Received By: pkahler
For: David Murphy (608) 266-7500 Same as LRB:
May Contact: By/Representing: David
Subject: Real Estate - miscellaneous Drafter: pkahler
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Murphy@legis.wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov
krista.pleviak@legis.wisconsin.gov
rachel.snyder@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibit municipalities from limiting occupancy of property purchaser

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 7/30/2015	kfollett 7/31/2015	_____			
/P1	pkahler 8/5/2015		_____	mbarman 7/31/2015		
/1	pkahler	anienaja	_____	mbarman		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	8/5/2015	8/5/2015	_____	8/5/2015		
/2	fknepp 8/21/2015	anienaja 8/5/2015	_____	mbarman 8/5/2015		Local
/3	pkahler 9/10/2015	anienaja 8/21/2015	_____	mbarman 8/21/2015		Local
/4		kfollett 9/11/2015	_____	srose 9/11/2015		Local

FE Sent For:

<END>

Kahler, Pam

From: Boardman, David
Sent: Thursday, July 30, 2015 10:35 AM
To: Kahler, Pam
Subject: Rep. Murphy Draft Request: Time of Sale
Attachments: Time of Sale Technicial Modifications Draft.docx

Pam,

I attached a document that has the Time of Sale language from 2015 Act 55. The language in red is what we added.

David Boardman
Office of Representative Murphy

608-266-7500
Room 318 North, State Capitol
Madison, WI 53708

This language is from Act 55

*The language we looked at adding is in red.

SECTION 4595c. 706.22 of the statutes is created to read:

706.22 Prohibition on imposing time-of-sale requirements. (1) DEFINITIONS. In this section:

(a) "Actions with respect to the property" include such actions as having an inspection made by an employee or agent of, or contractor with, the local governmental unit; making improvements or repairs; removing junk or debris; mowing or pruning; performing maintenance or upkeep activities; weatherproofing; upgrading electrical systems; paving; painting; repairing or replacing appliances; replacing or installing fixtures or other items; and actions relating to compliance with building codes or other property condition standards.

(b) "Local governmental unit" means any of the following:

1. A political subdivision of this state.
2. A special purpose district in this state.
3. An agency or corporation of a political subdivision or special purpose district in this state.
4. A combination or subunit of any entity under subs. 1. to 3.
5. An employee or committee of any entity under subs. 1. to 4.

(2) REQUIREMENTS TIED TO SALE OF PROPERTY PROHIBITED.

(a) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means restrict the ability of an owner or prospective purchaser of real property to purchase, occupy, sell or otherwise transfer title to or refinance the property by requiring the owner, prospective purchaser, or an agent of the owner or prospective purchaser to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

1. Before the owner or prospective purchaser may sell, purchase, occupy, refinance, or transfer title to the property.
2. At the time of the purchase, occupancy, sale or refinancing of, or the transfer of title to, the property.
3. Within a certain period of time after purchasing, occupying, selling, refinancing, or transferring title to the property.

(b) Paragraph (a) does not prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the purchase, occupancy, sale or refinancing of, or the transfer of title to, the property.

(3) EXISTING ORDINANCE, RESOLUTION, OR POLICY

UNENFORCEABLE. If a local governmental unit has in effect on the effective date of this subsection ... [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a), the ordinance, resolution, or policy does not apply and may not be enforced.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/1
PJK...

PI
AKF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Friday

Gen

1 AN ACT ...; relating to: prohibiting local governmental units from imposing
2 residential real property purchase or occupancy requirements.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 SECTION 1. 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
4 is amended to read:

5 706.22 (title) **Prohibition on imposing time-of-sale, purchase, or**
6 **occupancy requirements.**

7 SECTION 2. 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
8 55, is amended to read:

9 706.22 (2) (title) **REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY**
10 **OF PROPERTY PROHIBITED.**

SECTION 3

1 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 706.22 (2) (a) ^(intro.) Except as provided in par. (b), no local governmental unit may
4 by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

5 1. ^m Restrict the ability of an owner of real property to sell or otherwise transfer
6 title to or refinance the property by requiring the owner or an agent of the owner to
7 take certain actions with respect to the property or pay a related fee, to show
8 compliance with taking certain actions with respect to the property, or to pay a fee
9 for failing to take certain actions with respect to the property, at any of the following
10 times:

11 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
12 55, is renumbered 706.22 (2) (a) 1. ^m a.

13 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1. ^m b.

15 **SECTION 6.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1. ^m c.

17 **SECTION 7.** 706.22 (2) (a) 2. ^m of the statutes is created to read:

18 706.22 (2) (a) 2. ^m Restrict the ability of a person to purchase residential real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

- 23 a. Before the person may complete the purchase of the property.
- 24 b. At the time of completing the purchase of the property.
- 25 c. Within a certain period of time after completing the purchase of the property.

1 SECTION 8. 706.22 (2) (a) ^m3. of the statutes is created to read:

2 706.22 (2) (a) ^m3. Restrict the ability of a purchaser of residential real property
3 to take occupancy of the property by requiring the purchaser or an agent of the
4 purchaser to take certain actions with respect to the property or pay a related fee,
5 to show compliance with taking certain actions with respect to the property, or to pay
6 a fee for failing to take certain actions with respect to the property, at any of the
7 following times:

8 a. Before the purchaser may take occupancy of the property.

9 b. At the time of taking occupancy of the property.

10 c. Within a certain period of time after taking occupancy of the property.

11 SECTION 9. 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
12 is amended to read:

13 706.22 (2) (b) Paragraph (a) does not prohibit a local governmental unit from
14 requiring a real property owner ~~or the owner's agent~~, a prospective purchaser of
15 residential real property, a purchaser of residential real property, or the agent of any
16 of them to take certain actions with respect to the property not in connection with
17 the sale or refinancing of, ~~or the transfer of title to~~, or the purchase or taking
18 occupancy of the property.

19 SECTION 10. 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
20 renumbered 706.22 (3) (a) and amended to read:

21 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
22 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) ^m1., the ordinance,
23 resolution, or policy does not apply and may not be enforced.

History: 2015 a. 55.

24 SECTION 11. 706.22 (3) (b) of the statutes is created to read:

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

David

8-4

redraft 2827

remove residential from "purchase"
part

(keep for taking occupancy - want
to allow local govt units to
place occupancy restrictions
on purchases of commercial
property - change of use, safety
concerns)

also remove "residential" from
par. (b) - what local govt unit is
not restricted from doing



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/D

PJK:kjf

famn

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA ✓

2015 Bill

Wednesday

Regen.

1 AN ACT *to renumber* 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to*
 2 *renumber and amend* 706.22 (3); *to amend* 706.22 (title), 706.22 (2) (title),
 3 706.22 (2) (a) (intro.) and 706.22 (2) (b); and *to create* 706.22 (2) (a) 2m., 706.22
 4 (2) (a) 3m. and 706.22 (3) (b) of the statutes; **relating to:** prohibiting local
 5 governmental units from imposing residential real property purchase or
 6 occupancy requirements.

→ residential real property

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Insert A

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

7 SECTION 1. 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
 8 is amended to read:
 9 706.22 (title) **Prohibition on imposing time-of-sale, purchase, or**
 10 **occupancy requirements.**

1 **SECTION 2.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
2 55, is amended to read:

3 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
4 OF PROPERTY PROHIBITED.

5 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
6 Act 55, is amended to read:

7 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
8 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

9 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
10 title to or refinance the property by requiring the owner or an agent of the owner to
11 take certain actions with respect to the property or pay a related fee, to show
12 compliance with taking certain actions with respect to the property, or to pay a fee
13 for failing to take certain actions with respect to the property, at any of the following
14 times:

15 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. a.

17 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
18 55, is renumbered 706.22 (2) (a) 1m. b.

19 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

20 706.22 (2) (a) 2m. Restrict the ability of a person to purchase residential real
21 property by requiring the person or an agent of the person to take certain actions with
22 respect to the property or pay a related fee, to show compliance with taking certain
23 actions with respect to the property, or to pay a fee for failing to take certain actions
24 with respect to the property, at any of the following times:

25 a. Before the person may complete the purchase of the property.

- 1 b. At the time of completing the purchase of the property.
- 2 c. Within a certain period of time after completing the purchase of the property.

3 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

5 **SECTION 8.** 706.22 (2) (a) 3m. of the statutes is created to read:

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of residential real property
7 to take occupancy of the property by requiring the purchaser or an agent of the
8 purchaser to take certain actions with respect to the property or pay a related fee,
9 to show compliance with taking certain actions with respect to the property, or to pay
10 a fee for failing to take certain actions with respect to the property, at any of the
11 following times:

- 12 a. Before the purchaser may take occupancy of the property.
- 13 b. At the time of taking occupancy of the property.
- 14 c. Within a certain period of time after taking occupancy of the property.

15 **SECTION 9.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
16 is amended to read:

17 706.22 (2) (b) Paragraph (a) does not prohibit a local governmental unit from
18 requiring a real property owner ~~or the owner's agent~~, a prospective purchaser of
19 residential real property, a purchaser of residential real property, or the agent of any
20 of them to take certain actions with respect to the property not in connection with
21 the sale or refinancing of, ~~or~~ the transfer of title to, or the purchase or taking
22 occupancy of the property.

23 **SECTION 10.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
24 renumbered 706.22 (3) (a) and amended to read:

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2827/lins
PJK...

INSERT A

This bill prohibits a local governmental unit from ~~making~~^{purchasing} the purchase of real property or taking occupancy of residential real property contingent on whether a prospective purchaser or ~~the~~^{e a} purchaser takes certain actions with respect to the property.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit making improvements or repairs, removing junk or debris, paving or painting, and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of the property; at the time of completing the purchase of the property; or within a certain time after completing the purchase of the property.
2. Prohibits a local governmental unit from requiring a purchaser of residential real property to take ~~take~~ certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.
3. Provides that a local governmental unit may require a prospective purchaser or a purchaser of real property to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.
4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

(END OF INSERT A)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/A
PJK:kjf&amn

2015 BILL

D-vote
today

1 AN ACT to renumber 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; to
2 renumber and amend 706.22 (3); to amend 706.22 (title), 706.22 (2) (title),
3 706.22 (2) (a) (intro.) and 706.22 (2) (b); and to create 706.22 (2) (a) 2m., 706.22
4 (2) (a) 3m. and 706.22 (3) (b) of the statutes; relating to: prohibiting local
5 governmental units from imposing real property purchase or residential real
6 property occupancy requirements.

Analysis by the Legislative Reference Bureau

This bill prohibits a local governmental unit from purchasing real property or taking occupancy of residential real property contingent on whether a prospective purchaser or a purchaser takes certain actions with respect to the property.

Insert A

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such

BILL

actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of the property; at the time of completing the purchase of the property; or within a certain time after completing the purchase of the property.

2. Prohibits a local governmental unit from requiring a purchaser of residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a prospective purchaser or a purchaser of real property to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

3 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
4 **occupancy requirements.**

5 **SECTION 2.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 **706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY**
8 **OF PROPERTY PROHIBITED.**

BILL

1 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
4 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

5 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
6 title to or refinance the property by requiring the owner or an agent of the owner to
7 take certain actions with respect to the property or pay a related fee, to show
8 compliance with taking certain actions with respect to the property, or to pay a fee
9 for failing to take certain actions with respect to the property, at any of the following
10 times:

11 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
12 55, is renumbered 706.22 (2) (a) 1m. a.

13 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. b.

15 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

16 706.22 (2) (a) 2m. Restrict the ability of a person to purchase real property by
17 requiring the person or an agent of the person to take certain actions with respect
18 to the property or pay a related fee, to show compliance with taking certain actions
19 with respect to the property, or to pay a fee for failing to take certain actions with
20 respect to the property, at any of the following times:

21 a. Before the person may complete the purchase of the property.

22 b. At the time of completing the purchase of the property.

23 c. Within a certain period of time after completing the purchase of the property.

24 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
25 55, is renumbered 706.22 (2) (a) 1m. c.

BILL

1 **SECTION 8.** 706.22 (2) (a) 3m. of the statutes is created to read:

2 706.22 (2) (a) 3m. Restrict the ability of a purchaser of residential real property
3 to take occupancy of the property by requiring the purchaser or an agent of the
4 purchaser to take certain actions with respect to the property or pay a related fee,
5 to show compliance with taking certain actions with respect to the property, or to pay
6 a fee for failing to take certain actions with respect to the property, at any of the
7 following times:

- 8 a. Before the purchaser may take occupancy of the property.
9 b. At the time of taking occupancy of the property.
10 c. Within a certain period of time after taking occupancy of the property.

11 **SECTION 9.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
12 is amended to read:

13 706.22 (2) (b) Paragraph (a) does not prohibit a local governmental unit from
14 requiring a real property owner ~~or the owner's agent~~, a prospective purchaser of real
15 property, a purchaser of real property, or the agent of any of them to take certain
16 actions with respect to the property not in connection with the sale or refinancing of,
17 ~~or the transfer of title to~~, or the purchase or taking occupancy of the property.

18 **SECTION 10.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
19 renumbered 706.22 (3) (a) and amended to read:

20 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
21 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
22 ordinance, resolution, or policy does not apply and may not be enforced.

23 **SECTION 11.** 706.22 (3) (b) of the statutes is created to read:

24 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
25 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is

BILL

1 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
2 apply and may not be enforced.

3 (END)

D-ite

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2827/2ins
PJK:kjf&amr

amr

INSERT A

G This bill prohibits a local governmental unit from restricting the purchase of real property or the occupancy of residential real property by making them contingent on whether a prospective purchaser or a purchaser takes certain actions with respect to the property.

(END OF INSERT A)

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

LRB-2827/2dn

PJK...

am

- Date -

This redraft makes some minor corrections in the analysis.

Pamela J. Kahler
Senior Legislative Attorney
(608) 266-2682
pam.kahler@legis.wisconsin.gov

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

LRB-2827/2dn
PJK:amn

August 5, 2015

This redraft makes some minor corrections in the analysis.

Pamela J. Kahler
Senior Legislative Attorney
(608) 266-2682
pam.kahler@legis.wisconsin.gov

Instructions from David in Rep.
Murphy's office

In Section 9:

- ① Remove changes to the list of persons that a local government may require to take certain actions. Return to real property owner or agent.
- ② Re-order final phrase for readability.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827⁽²⁾ / 3
PJK:kjf&amn
RMR

In 8-21
omb: Today

2015 BILL

1 **AN ACT to renumber** 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; **to**
2 **renumber and amend** 706.22 (3); **to amend** 706.22 (title), 706.22 (2) (title),
3 706.22 (2) (a) (intro.) and 706.22 (2) (b); and **to create** 706.22 (2) (a) 2m., 706.22
4 (2) (a) 3m. and 706.22 (3) (b) of the statutes; **relating to:** prohibiting local
5 governmental units from imposing real property purchase or residential real
6 property occupancy requirements.

Analysis by the Legislative Reference Bureau

This bill prohibits a local governmental unit from restricting the purchase of real property or the occupancy of residential real property by making them contingent on whether a prospective purchaser or a purchaser takes certain actions with respect to the property.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the

BILL

property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of the property; at the time of completing the purchase of the property; or within a certain time after completing the purchase of the property.

2. Prohibits a local governmental unit from requiring a purchaser of residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a prospective purchaser ^{real property owner} ~~or a purchaser of real property~~ to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

3 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
4 **occupancy requirements.**

5 SECTION 2. 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
8 OF PROPERTY PROHIBITED.

BILL

1 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
4 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

5 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
6 title to or refinance the property by requiring the owner or an agent of the owner to
7 take certain actions with respect to the property or pay a related fee, to show
8 compliance with taking certain actions with respect to the property, or to pay a fee
9 for failing to take certain actions with respect to the property, at any of the following
10 times:

11 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
12 55, is renumbered 706.22 (2) (a) 1m. a.

13 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. b.

15 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

16 706.22 (2) (a) 2m. Restrict the ability of a person to purchase real property by
17 requiring the person or an agent of the person to take certain actions with respect
18 to the property or pay a related fee, to show compliance with taking certain actions
19 with respect to the property, or to pay a fee for failing to take certain actions with
20 respect to the property, at any of the following times:

- 21 a. Before the person may complete the purchase of the property.
22 b. At the time of completing the purchase of the property.
23 c. Within a certain period of time after completing the purchase of the property.

24 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
25 55, is renumbered 706.22 (2) (a) 1m. c.

BILL

1 **SECTION 8.** 706.22 (2) (a) 3m. of the statutes is created to read:

2 706.22 (2) (a) 3m. Restrict the ability of a purchaser of residential real property
3 to take occupancy of the property by requiring the purchaser or an agent of the
4 purchaser to take certain actions with respect to the property or pay a related fee,
5 to show compliance with taking certain actions with respect to the property, or to pay
6 a fee for failing to take certain actions with respect to the property, at any of the
7 following times:

- 8 a. Before the purchaser may take occupancy of the property.
- 9 b. At the time of taking occupancy of the property.
- 10 c. Within a certain period of time after taking occupancy of the property.

11 **SECTION 9.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
12 is amended to read:

13 706.22 (2) (b) Paragraph (a) does not prohibit a local governmental unit from
 14 requiring a real property owner ~~or the owner's agent~~, a prospective purchaser of real
 15 property, a purchaser of real property, or the agent of any of them to take certain
 16 actions with respect to the property not in connection with the ^(purchase) sale ~~or~~ refinancing of, ^{or taking}
 17 ~~or~~ the transfer of title to, or the purchase or taking occupancy of the property.

18 **SECTION 10.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
19 renumbered 706.22 (3) (a) and amended to read:

20 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
21 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
22 ordinance, resolution, or policy does not apply and may not be enforced.

23 **SECTION 11.** 706.22 (3) (b) of the statutes is created to read:

24 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
25 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is

BILL

1 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
2 apply and may not be enforced.

3 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

David 9-9 by phone

redraft LRB-2827

① add "taking title to" to 706.22(2)(a)
2m. (along with a prospective
purchaser)

② add "transferee" (along with
purchaser) to 706.22(2)
(a) 3m.

③ make sure that the prohibitions
do not affect a local unit
of government's enforcement
responsibility if a state or
federal law requires something
the local unit of govt
is prohibited from doing
(see s. 104.122 as an
example)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/4
PJK:kjf&am

2015 BILL

Friday
or Monday

Reger

1 AN ACT to renumber 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; to
2 renumber and amend 706.22 (3); to amend 706.22 (title), 706.22 (2) (title),
3 706.22 (2) (a) (intro.) and 706.22 (2) (b); and to create 706.22 (2) (a) 2m., 706.22
4 (2) (a) 3m. and 706.22 (3) (b) of the statutes; relating to: prohibiting local
5 governmental units from imposing real property purchase or residential real
6 property occupancy requirements.

Analysis by the Legislative Reference Bureau

This bill prohibits a local governmental unit from restricting the purchase of real property or the occupancy of residential real property by making them contingent on whether a prospective purchaser or a purchaser takes certain actions with respect to the property.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the

or transfer

or other transferee

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property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of the property; at the time of completing the purchase of the property; or within a certain time after completing the purchase of the property.

2. Prohibits a local governmental unit from requiring a purchaser of residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

or person who will take title to

or take title to

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or taking title to

or knowledge of title to

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

1 SECTION 1. 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

3 706.22 (title) **Prohibition on imposing time-of-sale, purchase, or**
4 **occupancy requirements.**

5 SECTION 2. 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 706.22 (2) (title) **REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY**
8 **OF PROPERTY PROHIBITED.**

BILL

1 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
2 Act 55, is amended to read:

3 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
4 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

5 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
6 title to or refinance the property by requiring the owner or an agent of the owner to
7 take certain actions with respect to the property or pay a related fee, to show
8 compliance with taking certain actions with respect to the property, or to pay a fee
9 for failing to take certain actions with respect to the property, at any of the following
10 times:

11 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
12 55, is renumbered 706.22 (2) (a) 1m. a.

13 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. b.

15 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

16 706.22 (2) (a) 2m. Restrict the ability of a person to purchase ^{or take title to} real property by
17 requiring the person or an agent of the person to take certain actions with respect
18 to the property or pay a related fee, to show compliance with taking certain actions
19 with respect to the property, or to pay a fee for failing to take certain actions with
20 respect to the property, at any of the following times:

21 a. Before the person may complete the purchase of the property. ^{or take title to}

22 b. At the time of completing the purchase of the property. ^{or taking title to}

23 c. Within a certain period of time after completing the purchase of the property.

24 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
25 55, is renumbered 706.22 (2) (a) 1m. c.

BILL

1 SECTION 8. 706.22 (2) (a) 3m. of the statutes is created to read:

2 706.22 (2) (a) 3m. Restrict the ability of a purchaser of residential real property ^{or transferee of title to}

3 to take occupancy of the property by requiring the purchaser ^{or transferee} or an agent of the

4 purchaser ^{or transferee} to take certain actions with respect to the property or pay a related fee,

5 to show compliance with taking certain actions with respect to the property, or to pay

6 a fee for failing to take certain actions with respect to the property, at any of the

7 following times:

8 a. Before the purchaser ^{or transferee} may take occupancy of the property.

9 b. At the time of taking occupancy of the property.

10 c. Within a certain period of time after taking occupancy of the property.

11 SECTION 9. 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,

12 is amended to read:

13 706.22 (2) (b) Paragraph (a) does not prohibit a local governmental unit from

14 requiring a real property owner or the owner's agent to take certain actions with

15 respect to the property not in connection with the purchase, sale or refinancing, or

16 taking occupancy of, or the transfer of title to, the property.

17 SECTION 10. 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is

18 renumbered 706.22 (3) (a) and amended to read:

19 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an

20 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the

21 ordinance, resolution, or policy does not apply and may not be enforced.

22 SECTION 11. 706.22 (3) (b) of the statutes is created to read:

23 706.22 (3) (b) If a local governmental unit has in effect on the effective date of

24 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is

Insert 4-16

BILL

1 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
2 apply and may not be enforced.

3 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2827/4ins
PJK...

INSERT A

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

(END OF INSERT A)

INSERT 4-16

1 **SECTION 1.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
2 is renumbered 706.22 (2) (b) (intro.) and amended to read:

3 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

4 1. Prohibit a local governmental unit from requiring a real property owner or
5 the owner's agent to take certain actions with respect to the property not in
6 connection with the purchase, sale or, refinancing, or taking occupancy of, or the
7 transfer of title to, the property.

8 ^{History: 2015 a. 55.} **SECTION 2.** 706.22 (2) (b) 2. of the statutes is created to read:

9 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
10 affect the responsibility, authority, or ability of a local governmental unit to enforce,
11 a federal or state requirement that does any of the things a local governmental unit
12 is prohibited from doing under par. (a).

(END OF INSERT 4-16)



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 10/15/2015 (Per: CMH & EHS)

☞ Compile Draft – Appendix ___

Appendix A ☞ The 2015 drafting file for LRB-2827

Appendix B ☞ The 2015 drafting file for LRB-3020

Appendix C ☞ The 2015 drafting file for LRB-3029

Appendix D ☞ The 2015 drafting file for LRB-3030

Appendix E ☞ The 2015 drafting file for LRB-3031

Appendix F ☞ The 2015 drafting file for LRB-3033

Appendix G ☞ The 2015 drafting file for LRB-3047

Appendix H ☞ The 2015 drafting file for LRB-3056

Appendix I ☞ The 2015 drafting file for LRB-3095

has been copied/added to the drafting file for

2015 LRB-3588



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/4
PJK:kjf&amn

2015 BILL

1 **AN ACT to renumber** 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; **to**
2 **renumber and amend** 706.22 (2) (b) and 706.22 (3); **to amend** 706.22 (title),
3 706.22 (2) (title) and 706.22 (2) (a) (intro.); and **to create** 706.22 (2) (a) 2m.,
4 706.22 (2) (a) 3m., 706.22 (2) (b) 2. and 706.22 (3) (b) of the statutes; **relating**
5 **to:** prohibiting local governmental units from imposing real property purchase
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This bill prohibits a local governmental unit from restricting the purchase or transfer of real property or the occupancy of residential real property by making them contingent on whether a purchaser or other transferee takes certain actions with respect to the property.

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This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

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5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

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BILL

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2 55, is amended to read:

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5 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
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8 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

9 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
10 title to or refinance the property by requiring the owner or an agent of the owner to
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13 for failing to take certain actions with respect to the property, at any of the following
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16 55, is renumbered 706.22 (2) (a) 1m. a.

17 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
18 55, is renumbered 706.22 (2) (a) 1m. b.

19 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

20 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
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22 respect to the property or pay a related fee, to show compliance with taking certain
23 actions with respect to the property, or to pay a fee for failing to take certain actions
24 with respect to the property, at any of the following times:

25 a. Before the person may complete the purchase of or take title to the property.

BILL

1 b. At the time of completing the purchase of or taking title to the property.

2 c. Within a certain period of time after completing the purchase of or taking title
3 to the property.

4 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
5 55, is renumbered 706.22 (2) (a) 1m. c.

6 **SECTION 8.** 706.22 (2) (a) 3m. of the statutes is created to read:

7 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
8 residential real property to take occupancy of the property by requiring the
9 purchaser or transferee or an agent of the purchaser or transferee to take certain
10 actions with respect to the property or pay a related fee, to show compliance with
11 taking certain actions with respect to the property, or to pay a fee for failing to take
12 certain actions with respect to the property, at any of the following times:

13 a. Before the purchaser or transferee may take occupancy of the property.

14 b. At the time of taking occupancy of the property.

15 c. Within a certain period of time after taking occupancy of the property.

16 **SECTION 9.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
17 is renumbered 706.22 (2) (b) (intro.) and amended to read:

18 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

19 1. Prohibit a local governmental unit from requiring a real property owner or
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21 connection with the purchase, sale or refinancing, or taking occupancy of, or the
22 transfer of title to, the property.

23 **SECTION 10.** 706.22 (2) (b) 2. of the statutes is created to read:

24 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
25 affect the responsibility, authority, or ability of a local governmental unit to enforce,

BILL

1 a federal or state requirement that does any of the things a local governmental unit
2 is prohibited from doing under par. (a).

3 **SECTION 11.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
4 renumbered 706.22 (3) (a) and amended to read:

5 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
6 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
7 ordinance, resolution, or policy does not apply and may not be enforced.

8 **SECTION 12.** 706.22 (3) (b) of the statutes is created to read:

9 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
10 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
11 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
12 apply and may not be enforced.

13

(END)