



1995 ASSEMBLY BILL 823

January 26, 1996 - Introduced by Representatives HARSDORF, HAHN, GROTHMAN, GOETSCH, MUSSER, F. LASEE, OTTE and SERATTI, cosponsored by Senator WELCH. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to renumber** 20.143 (1) (ij); **to amend** 20.115 (8) (k), 20.143 (3) (j), 70.27
2 (5), 70.27 (8), 93.60, 236.02 (4), 236.12 (2) (a) and 236.13 (1) (d); **to create** 93.07
3 (22) of the statutes; and **to affect** 1995 Wisconsin Act 27, section 9104 (3) of the
4 statutes and 1995 Wisconsin Act 27, section 9404 (5) of the statutes; **relating**
5 **to:** review of subdivision plats and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, a person may not divide a parcel of land into 5 or more lots of 1 1/2 acres or less in area for the purpose of sale or building development (subdivide the land) unless the person has the land surveyed and a plat (map) of the land reviewed and approved by specified local and state agencies. Before July 1, 1996, the department of agriculture, trade and consumer protection (DATCP) is one of the state agencies with plat review responsibilities. The 1995-97 budget act transfers DATCP's plat review responsibilities to the department of development (renamed commerce) on July 1, 1996. This bill restores those plat review responsibilities to DATCP.

For further information see the *state* 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:

6 **SECTION 1.** 20.115 (8) (k) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 489, is amended to read:

1 20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in
2 the schedule for the costs of computer system equipment, staff and services. All
3 moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks),
4 (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g),
5 (ha), (j), (k) and (m), (3) (g), (h), (i), (ja), (L) and (m), (7) (g), (ga), (gm), (~~ig~~), (k) and (m)
6 and (9) (m) shall be credited to this appropriation account.

7 **SECTION 2.** 20.143 (1) (ij) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is renumbered 20.115 (7) (ig).

9 **SECTION 3.** 20.143 (3) (j) of the statutes, as affected by 1995 Wisconsin Act 27,
10 section 979, is amended to read:

11 20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for
12 the purposes of subchs. I, II, III, IV and VI of ch. 101 and, chs. 145 and 168 and ss.
13 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145
14 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82
15 (4) and, 101.973 (7) and 236.12 (7) shall be credited to this appropriation.

16 **SECTION 4.** 70.27 (5) of the statutes, as affected by 1995 Wisconsin Act 27, is
17 amended to read:

18 70.27 (5) **SURVEYS, RECONCILIATIONS.** The surveyor making the plat shall survey
19 and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication
20 to public or private use, according to the records of the register of deeds, and
21 whatever evidence that may be available to show the intent of the buyer and seller,
22 in the chronological order of their conveyance or dedication, and set temporary
23 monuments to show the results of such survey which shall be made permanent upon
24 recording of the plat as provided for in this section. The map shall be at a scale of
25 not more than 100 feet per inch, unless waived in writing by the department of

1 development agriculture, trade and consumer protection under s. 236.20 (2) (L). The
2 owners of record of lands in the plat shall be notified by certified letter mailed to their
3 last-known address, in order that they shall have opportunity to examine the map,
4 view the temporary monuments, and make known any disagreement with the
5 boundaries as shown by the temporary monuments. It is the duty of the surveyor
6 making the plat to reconcile any discrepancies that may be revealed, so that the plat
7 as certified to the governing body is in conformity with the records of the register of
8 deeds as nearly as is practicable. When boundary lines between adjacent parcels, as
9 evidenced on the ground, are mutually agreed to in writing by the owners of record,
10 such lines shall be the true boundaries for all purposes thereafter, even though they
11 may vary from the metes and bounds descriptions previously of record. Such written
12 agreements shall be recorded in the office of the register of deeds. On every assessor's
13 plat, as certified to the governing body, shall appear the volume, page and document
14 number of the metes and bounds description of each parcel, as recorded in the office
15 of the register of deeds, which shall be identified with the number by which such
16 parcel is designated on the plat, except that lots which have been conveyed or
17 otherwise acquired but upon which no deed is recorded in the office of register of
18 deeds may be shown on an assessor's plat and when so shown shall contain a full
19 metes and bounds description.

20 **SECTION 5.** 70.27 (8) of the statutes, as affected by 1995 Wisconsin Act 27, is
21 amended to read:

22 70.27 (8) PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's
23 plat is filed with the governing body, it shall be transmitted to the department of
24 development agriculture, trade and consumer protection by the clerk of the
25 governing body which ordered the plat. The department of ~~development~~ agriculture,

1 trade and consumer protection shall review the plat within 30 days of its receipt. No
2 such plat may be given final approval by the local governing body until the
3 department of ~~development~~ agriculture, trade and consumer protection has certified
4 on the face of the original plat that it complies with the applicable provisions of ss.
5 236.15 and 236.20. After the plat has been so certified the clerk shall promptly
6 publish a class 3 notice thereof, under ch. 985. The plat shall remain on file in the
7 clerk's office for 30 days after the first publication. At any time within the 30-day
8 period any person or public body having an interest in any lands affected by the plat
9 may bring a suit to have the plat corrected. If no suit is brought within the 30-day
10 period, the plat may be approved by the governing body, and filed for record. If a suit
11 is brought, approval shall be withheld until the suit is decided. The plat shall then
12 be revised in accordance with the decision if necessary, and, without rereferral to the
13 department of ~~development~~ agriculture, trade and consumer protection unless
14 rereferral is ordered by the court. The plat may then be approved by the governing
15 body and filed for record. When so filed the plat shall carry on its face the certificate
16 of the clerk that all provisions of this section have been complied with. When
17 recorded after approval by the governing body, the plat shall have the same effect for
18 all purposes as if it were a land division plat made by the owners in full compliance
19 with ch. 236. Before January 1 of each year, the register of deeds shall notify the town
20 clerks of the recording of any assessors' plats made or amended during the preceding
21 year, affecting lands in their towns.

22 **SECTION 6.** 93.07 (22) of the statutes is created to read:

23 93.07 (22) PLAT ADMINISTRATION. To administer state platting regulations in
24 accordance with ch. 236.

1 **SECTION 7.** 93.60 of the statutes, as affected by 1995 Wisconsin Act 27, section
2 3569, is amended to read:

3 **93.60 Computer system equipment, staff and services transfers.** The
4 department may transfer to the appropriation account under s. 20.115 (8) (k) in each
5 fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb),
6 (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i),
7 (ja), (L) and (m), (7) (g), (ga), (gm), (ig), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (j),
8 (kp), (ks), (m) and (pz) and (9) (m). The total amount that the department transfers
9 in each fiscal year from these appropriation accounts to the appropriation account
10 under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s.
11 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation
12 account shall be based on the actual costs incurred by the department for computer
13 system equipment, staff and services provided for the purpose of that appropriation
14 account.

15 **SECTION 8.** 236.02 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is
16 amended to read:

17 236.02 (4) "Department" means the department of development agriculture,
18 trade and consumer protection.

19 **SECTION 9.** 236.12 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is amended to read:

21 236.12 (2) (a) Two copies for each of the state agencies required to review the
22 plat to the department which shall examine the plat for compliance with ss. ~~236.13~~
23 ~~(1) (d) and (2m)~~, 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision
24 abuts or adjoins a state trunk highway or connecting highway, the department shall
25 transmit 2 copies to the department of transportation so that agency may determine

1 whether it has any objection to the plat on the basis of its rules as provided in s.
2 236.13. If the subdivision is not served by a public sewer and provision for that
3 service has not been made, the department shall transmit 2 copies to the department
4 of development so that that agency may determine whether it has any objection to
5 the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the
6 agencies may designate local officials to act as their agents in examining the plats
7 for compliance with the statutes or their rules by filing a written delegation of
8 authority with the approving body.

9 **SECTION 10.** 236.13 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is amended to read:

11 236.13 (1) (d) The rules of the department of development relating to lot size
12 and lot elevation necessary for proper sanitary conditions in a subdivision not served
13 by a public sewer, where provision for public sewer service has not been made;

14 **SECTION 11.** 1995 Wisconsin Act 27, section 9104 (3) of the statutes is repealed.

15 **SECTION 12.** 1995 Wisconsin Act 27, section 9404 (5) of the statutes is amended
16 to read:

17 [1995 Wisconsin Act 27] Section 9404 (5) PLAT REVIEW TRANSFER. The treatment
18 of sections 20.115 (7) (ig), and (8) (k) (by SECTION 489), 70.27 (5) and (8), 93.07 (22),
19 93.60 (by SECTION 3569) and 236.02 (4) of the statutes ~~and SECTION 9104 (3) of this~~
20 ~~act take~~ takes effect on July 1, 1996.

21 **SECTION 13. Nonstatutory provisions.**

22 (1) PLAT REVIEW TRANSFER.

23 (a) The authorized FTE positions for the department of agriculture, trade and
24 consumer protection are increased by 5.0 PR positions, to be funded from the

1 appropriation under section 20.115 (7) (ig) of the statutes, as affected by this act, for
2 the purpose of performing plat review.

3 (b) The authorized FTE positions for the department of commerce are
4 decreased by 5.0 PR positions, funded from the appropriation under section 20.143
5 (1) (ij) of the statutes, as affected by 1995 Wisconsin Act 27, for plat review.

6 (c) On the effective date of this paragraph, the assets and liabilities of the
7 department of commerce primarily related to the plat review responsibilities given
8 to the department of agriculture, trade and consumer protection by this act shall
9 become the assets and liabilities of the department of agriculture, trade and
10 consumer protection.

11 (d) On the effective date of this paragraph, the employees of the department of
12 commerce primarily performing duties related to the plat review responsibilities
13 given to the department of agriculture, trade and consumer protection by this act are
14 transferred to the department of agriculture, trade and consumer protection.

15 (e) Employees transferred under paragraph (d) to the department of
16 agriculture, trade and consumer protection have all of the rights and the same status
17 under subchapter V of chapter 111 and chapter 230 of the statutes in the department
18 of agriculture, trade and consumer protection that they enjoyed in the department
19 of commerce immediately before the transfer. Notwithstanding section 230.28 (4) of
20 the statutes, no employee so transferred who has attained permanent status in class
21 is required to serve a probationary period.

22 (f) On the effective date of this paragraph, all tangible personal property,
23 including records, of the department of commerce that is primarily related to the plat
24 review responsibilities given to the department of agriculture, trade and consumer

1 protection by this act is transferred to the department of agriculture, trade and
2 consumer protection.

3 (g) Any matter pending with the department of commerce on the effective date
4 of this paragraph relating to the plat review responsibilities given to the department
5 of agriculture, trade and consumer protection by this act is transferred to the
6 department of agriculture, trade and consumer protection and all materials
7 submitted to or actions taken by the department of commerce with respect to the
8 pending matter are considered to have been submitted to or taken by the department
9 of agriculture, trade and consumer protection.

10 (2) RECONCILIATION.

11 (a) If this paragraph takes effect after June 30, 1996, then the treatment of
12 1995 Wisconsin Act 27, sections 9104 (3) and 9404 (5) by this act is void.

13 (b) If this paragraph takes effect before July 1, 1996, then subsection (1) is void.

14 **SECTION 14. Effective dates.** This act takes effect on July 1, 1996, or on the
15 day after publication, whichever is later, except as follows:

16 (1) The treatment of 1995 Wisconsin Act 27, sections 9104 (3) and 9404 (5) and
17 SECTION 13 of this act take effect on the day after publication.

18 (END)