



2007 ASSEMBLY BILL 120

February 22, 2007 – Introduced by Representatives MOLEPSKE, ALBERS, TOWNSEND, A. OTT, MURSAU and HAHN, cosponsored by Senators LASSA, S. FITZGERALD, OLSEN and SCHULTZ. Referred to Committee on Agriculture.

1 **AN ACT** *to amend* 66.1001 (2) (g); and *to create* 709.03 (form) C. 28. and 709.03
2 (form) C. 29. of the statutes; **relating to:** requiring local governmental units
3 to consider relationships with a drainage district in the preparation of
4 comprehensive plans and requiring sellers of real property to disclose proximity
5 of property to military bases and location within drainage districts.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the “Smart Growth” statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Beginning on January 1, 2010, under current law certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit’s comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also beginning on January 1, 2010, under current law if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

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Current law prohibits any comprehensive plan or amendment to a comprehensive plan from taking effect unless a number of conditions are met, such as the local governmental unit enacting an ordinance or adopting a resolution that contains all of the required elements, and the local governmental unit holding at least one public hearing at which the proposed ordinance or resolution is discussed.

Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Also under this element, a local governmental unit must consider the maps and plans of certain military bases with which it shares common territory.

Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that, under this element, a local governmental unit must analyze its relationship with a drainage district.

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. The bill requires an owner to disclose on the real estate condition report whether the real property is located within one mile of the boundaries of a military base or within a drainage district.

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.** 66.1001 (2) (g) of the statutes is amended to read:
2 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
3 objectives, policies, goals, maps, and programs for joint planning and decision
4 making with other jurisdictions, including school districts, drainage districts, and
5 adjacent local governmental units, for siting and building public facilities and
6 sharing public services. The element shall analyze the relationship of the local
7 governmental unit to school districts, drainage districts, and adjacent local
8 governmental units, and to the region, the state and other governmental units. The
9 element shall consider, to the greatest extent possible, the maps and plans of any
10 military base or installation, with at least 200 assigned military personnel or that

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1 contains at least 2,000 acres, with which the local governmental unit shares common
2 territory. The element shall incorporate any plans or agreements to which the local
3 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
4 identify existing or potential conflicts between the local governmental unit and other
5 governmental units that are specified in this paragraph and describe processes to
6 resolve such conflicts.

7 **SECTION 2.** 709.03 (form) C. 28. of the statutes is created to read:

8 **709.03** (form)

9 C. 28. I am aware that all or any portion of the prop-
10 erty is located within one mile of the bound-
11 aries of a military base.

12 **SECTION 3.** 709.03 (form) C. 29. of the statutes is created to read:

13 **709.03** (form)

14 C. 29. I am aware that the property is located within
15 a drainage district.

16 **SECTION 4. Nonstatutory provisions.**

17 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
18 statutes, the creation of section 709.03 (form) C. 28. and C. 29. of the statutes does
19 not require a property owner who has furnished to a prospective buyer of the
20 property an original or amended real estate condition report before the effective date
21 of this subsection to submit an amended real estate condition report with respect to
22 the information required by section 709.03 (form) C. 28. or C. 29. of the statutes, as
23 created by this act.

24 **SECTION 5. Initial applicability.**

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1 (1) The treatment of section 66.1001 (2) (g) of the statutes first applies to a city,
2 village, town, county, or regional planning commission that begins the process of
3 creating or amending a comprehensive plan on the effective date of this subsection.

4 (2) The treatment of section 709.03 (form) C. 28. and C. 29. of the statutes first
5 applies to original real estate condition reports that are furnished on the effective
6 date of this subsection.

7 (END)