

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

LRB-3683/P1dn  
PG:wlj:km

October 19, 1999

Representative Albers:

After talking with Scott in your office and with Mark Patronsky of the Joint Legislative Council staff, I prepared the attached draft. I would be happy to meet with you at your convenience to discuss it.

Please note the changes I made to the suggested language. There are two reasons for the changes. First, I assumed that you did not want to limit the options or remedies of those persons whose property is actually occupied by a condemnor. Second, the definition of "taking" in the suggested language seemed circular; essentially it says that a taking means action that constitutes a taking. I tried to craft a definition that reiterates the standard used by the Wisconsin Supreme Court. However, it was not clear to me whether you intended the draft to delineate more clearly where the line should be drawn between the exercise of the police power and the exercise of the power of eminent domain. If you do not intend to delineate that line (other than to specify that a certain reduction in fair market value constitutes the exercise of the power of eminent domain), then you may wish to consider eliminating s. 32.10 (1) (c) altogether.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: Peter.Grant@legis.state.wi.us