

1999 DRAFTING REQUEST

Bill

Received: 10/11/1999

Received By: **kunkemd**

Wanted: As time permits

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Patrick Walsh**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Eminent Domain - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given


Topic:

Condemnation of state-owned land

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/?	kunkemd 10/12/1999	csicilia 10/18/1999		_____			S&L
	grantpr 10/13/1999			_____			
/1			martykr 10/18/1999	_____	lrb_docadmin 10/18/1999	lrb_docadmin 10/26/1999	

FE Sent For:

10/4/99

<END>

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1?	kunkemd 10/12/1999 grantpr	1 cjs 10/14/99	KMD 10/18	HH 10/18			

FE Sent For:

<END>

BILL REQUEST FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

ADD?

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Sen. Decker

Date: 10-6-99 Person submitting request (name, phone number): Patrick Walsh 6-2502

Persons to contact for questions about this draft (names, phone numbers): Patrick Walsh 6-2502

Describe the problem, including any helpful examples.

How do you want to solve the problem?

Currently, there is a proposal to build an electrical transmission line from Duluth, MN to Weston, WI. If the Public Service Commission approves the transmission line the utility building the line will have the right to condemn private property in order to acquire easements for the transmission line. Currently, utilities and other entities that have eminent domain rights are not allowed to condemn property owned by the state, a municipality, public board or commission. Senator Decker would like legislation drafted to allow state owned land to be condemned for the same purposes that privately owned land could be. This proposal should only apply to state owned land and not land owned by a municipality and a public board or commission.

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy. _____

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): _____

Requests are confidential unless stated otherwise.

● May we tell others that we are working on this for you? Yes No

● If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here:

Yes No

Patrick Walsh

1999

Date (time) needed _____

LRB - 373611

BILL

PLG: Y :
CJS

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the

statutes; relating to: *allowing property owned by the state to be condemned*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

(attached)

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

SECTION #.

A

Section #. 32.03 (1) of the statutes is amended to read:

32.03 (1) The general power of condemnation conferred in this subchapter does not extend to property owned by ~~the state~~, a municipality, public board or commission, nor to the condemnation by a railroad, public utility or electric cooperative of the property of either a railroad, public utility or electric cooperative unless such power is specifically conferred by law, provided that property not to exceed 100 feet in width owned by or otherwise under the control or jurisdiction of a public board or commission of any city, village or town may be condemned by a railroad corporation for right-of-way or other purposes, whenever a city, village or town by ordinance consents thereto. This subchapter does not apply to the acquisition by municipalities of the property of public utilities used and useful in their business, nor to any city of the 1st class, except that every such city may conduct any condemnation proceedings either under this subchapter or, at its option, under other laws applicable to such city.

History: 1973 c. 305; 1975 c. 68; 1979 c. 175 s. 53; 1983 a. 27; 1983 a. 236 s. 12; 1983 a. 338 s. 3; 1985 a. 30 s. 42; 1985 a. 187; 1993 a. 246, 490; 1997 a. 204.

(End)

ANALYSIS

II Under current law, an entity with the power of condemnation may not ~~condemn~~ condemn property owned by the state ~~or~~ or by a municipality, public board or commission. This bill allows property owned by the state to be condemned.

FE-SL

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/18/1999

To: Senator Decker

Relating to LRB drafting number: LRB-3736

Topic

Condemnation of state-owned land

Subject(s)

Eminent Domain - miscellaneous

1. **JACKET** the draft for introduction

Patrick Walsh

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362