

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/11/98**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Eminent Domain - reloc. benefits  
Nat. Res. - miscellaneous**

Extra Copies: **MGG**

**Topic:**

DOA:.....Grinde - Payment of relocation benefits; exemption for DNR

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 12/13/98	chanaman 12/14/98		_____			State
/1			hhagen 12/14/98	_____	lrb_docadmin 12/14/98		State
/2	grantpr 12/23/98	chanaman 12/23/98	hhagen 12/28/98	_____	lrb_docadmin 12/28/98		State
/3	grantpr 12/28/98	chanaman 12/28/98	martykr 12/29/98	_____	lrb_docadmin 12/29/98		State
/4	grantpr 01/21/99	chanaman 01/21/99	jfrantze 01/22/99	_____	lrb_docadmin 01/22/99		State
/5	grantpr 01/22/99	chanaman 01/22/99	ismith 01/25/99	_____	lrb_docadmin 01/25/99		

Vers.    Drafted    Reviewed    Typist    Proofed    Submitted    Jacketed    Required

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FE Sent For:

*cmH 1/22*  
*15*  
*15 1/22 jlg*

*IS*  
*1/25/99*

*IS/KM*  
*1/25/99*

<END>

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/3	grantpr 12/28/98	chanaman 12/28/98	martykr 12/29/98	_____	lrb_docadmin 12/29/98		

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cmh 1/21  
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FE Sent For:

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*12/28 13*  
*13 12/28 Jlg*

*12/28*  
*cmm*  
*12/28*

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1?	grantpr	cmr 12/14					
		1 12/14 jlg					

FE Sent For:

<END>



**CORRESPONDENCE MEMORANDUM**

**STATE OF WISCONSIN  
Department of Administration**

**Date:** December 9, 1998  
**To:** Steve Miller  
Chief, Legislative Reference Bureau  
**From:** Kirsten Grinde *KMG*  
Policy and Budget Analyst, State Budget Office  
**Subject:** FY 1999-2001 Budget Statutory Language Proposal

The following is an additional statutory language proposal for the FY1999-2001 biennial budget. I have indicated my priority ranking below.

The intent of this request is to eliminate the Department of Natural Resources' obligation to offer to pay relocation costs when purchasing real property. Under a January 12, 1979 Attorney General's opinion, any state agency which has condemnation authority must offer to pay relocation costs even if the authority is not used.

<u>Issue</u>	<u>Status</u>	<u>Analyst</u>	<u>Priority</u>
Remove DNR's Condemnation Authority	Proposal below	Kirsten	High

This proposal would modify ss. 23.09(1)(d), 27.01(2)(a), 32.02(16), and 32.185 as indicated below.

s. 23.09(1)(d) – remove “and may condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof.” To make clear that DNR is not a condemnor, include “The department may not condemn but may acquire...” or similar language.

s. 27.01(2)(a) – remove “and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources.” Include “The department may not condemn but may acquire...” or similar language.

s. 32.02 (16) – repeal provision.

s. 32.185 - include “This section does not apply to the Department of Natural Resources” or “The Department of Natural Resources shall not be considered a condemnor” or similar language.

Please include any additional statutory provisions that may allow DNR to condemn property or that are affected by these modifications.

If you have any questions, please contact me at 266-7973.

cc: Dave Schmiedicke

*12/10 TC w/ Kirsten -  
just want to know from relocation  
benefit payment request (except  
when req'd by full law).*

1999

Date (time) needed 5/15/99

LRB - 1250, 1

**DOA BUDGET DRAFT**

PG : cmr :  
+ jlg

Use the appropriate components and routines developed for bills.

>>FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget.....

.....  
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*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 #.

Section #. 32.185 of the statutes is renumbered 32.185(intro.) and amended to read:

~~32.185~~ <sup>C.S.</sup> 32.185 (intro.) <sup>lx</sup> **Condemnor.** ~~“Condemnor”, for the purposes of ss. 32.19 to 32.27, means any~~ <sup>In</sup> municipality, board, commission, public officer or corporation vested with the power of eminent domain which acquires property for public purposes either by negotiated purchase when authorized by statute to employ its powers of eminent domain or by the power of eminent domain. ~~“Condemnor” also means a displacing agency. In this section, “displacing agency” means any~~ <sup>(a) Any</sup> state agency, political subdivision of the state or person carrying out a program or project with public financial assistance that causes a person to be a displaced person, as defined in s. 32.19 (2) (e).

History: 1975 c. 224; 1987 a. 399.

<sup>(b)</sup> : # (1) ~~Except~~ as provided in sub. (2),  
“condemnor”

5.  
SEL. # CR. 32.185 (2)  
B.

32.185(2) "condemnor" does not  
include the department of natural resources  
except as required under 42 USC 4601 to  
4655.

1999

Nonstat File Sequence: **EEE**

LRB \_\_\_\_\_/\_\_\_\_

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

SECTION # 793 3 6 Initial applicability; .....

*natural resources*

(#1) *RELOCATION BENEFITS* .....  
*of the statutes* ..... The *renumbering and amendment* of sections *32-185* and the creation of section *32-185 (action)* .....  
*and (2)* .....

..... of the statutes  
 first *apply* to *acquisitions of property that occur* .....  
 on *the effective date of this subsection* .....

*(End)*

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

SECTION # \_\_\_\_\_ . Initial applicability; .....

( #1 ) ( ) ..... This act first applies to .....

Analysis

NATURAL RESOURCES

HEADING

OTHER NATURAL RESOURCES

SUBS

It Under current law, any ~~entity~~ municipality, board, commission, public officer or <sup>corporation</sup> corporation that is authorized to acquire property by condemnation and that acquires property either by <sup>purchase or by</sup> condemnation, and any entity that carries out a program or project with public financial assistance that ~~displace any~~ causes any person to move ~~for~~ or to move <sup>his or her</sup> his or her personal property, must provide relocation benefits. Relocation benefits include moving <sup>expenses</sup> expenses, replacement housing payments and business or farm replacement payments.

It This bill exempts the department

(10/9) of natural resources <sup>(DNR)</sup> from ~~the~~ this  
requirement <sup>except</sup> ~~except~~ when federal law  
~~requires~~ directs otherwise. ⊙ Under the federal  
Uniform Relocation Assistance and Real Property  
Acquisition Policies Act, ~~if~~ a person is  
eligible for relocation benefits if a state agency  
carries out a program or project with  
federal financial assistance. ⊙

FE-5.

(END OF INSERT)

**Grant, Peter**

---

**From:** Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]  
**Sent:** Monday, December 21, 1998 12:18 PM  
**To:** Grant, Peter  
**Cc:** Schmiedicke, David  
**Subject:** LRB 1250/1

Peter,

Please make the following modifications to LRB 1250/1.

s. 23.09(1)(d) - remove "and may condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof."

*23-09(2)(d) (intro)*

s. 27.01(2)(a) - remove "and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources."

s. 32.02(16) - amend to instead state that DNR does not have the authority to condemn.

s. 32.185(2) [page 2, line 16] - remove "except as required under 42 USC 4601 to 4655" (I understand that this may create a conflict with federal law, but please make the requested change. If this would create a conflict with federal law, please include a drafter's note so stating.)

Please let me know if you have any questions.

Thanks,

Kirsten Grinde  
6-7973





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1250/2

PG:cmh&jlg:hmh

Stamp

DOA:.....Grinde - Payment of relocation benefits; exemption for DNR  
FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

along for Scott

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments.

INS.  
A

~~This bill exempts the department of natural resources (DNR) from this requirement except when federal law directs otherwise. Under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, a person is eligible for relocation benefits if a state agency carries out a program or project with federal financial assistance.~~ (including DNR)

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:*

specified under the federal law

INS.  
2-1

1 SECTION 1. 32.185 of the statutes is renumbered 32.185 (intro.) and amended  
2 to read:

3 **32.185 Condemnor.** (intro.) ~~“Condemnor”, for the purposes of In~~ ss. 32.19 to  
4 32.27;

5 (1) Except as provided in sub. (2), “condemnor” means any:

6 (a) Any municipality, board, commission, public officer or corporation vested  
7 with the power of eminent domain which acquires property for public purposes either  
8 by negotiated purchase when authorized by statute to employ its powers of eminent  
9 domain or by the power of eminent domain. ~~“Condemnor” also means a displacing~~  
10 ~~agency. In this section, “displacing agency” means any~~

11 (b) Any state agency, political subdivision of the state or person carrying out  
12 a program or project with public financial assistance that causes a person to be a  
13 displaced person, as defined in s. 32.19 (2) (e).

14 SECTION 2. 32.185 (2) of the statutes is created to read:

15 32.185 (2) “Condemnor” does not include the department of natural resources  
16 ~~except as required under 42 USC 4601 to 4655.~~

INS.  
2-16

17 SECTION 9336. Initial applicability; natural resources.

18 (1) RELOCATION BENEFITS. The renumbering and amendment of section 32.185  
19 of the statutes and the creation of section 32.185 (2) first apply to acquisitions of  
20 property that occur on the effective date of this subsection.

21 (END)

*of the statutes*  
*and 8.03 23.27(5)*  
*treatment of sections*  
*(intro.) 27.01(2)(a)*  
*and (16) and 32.29 the*  
*28.02(2)*  
*30.18(2)*  
*23.09(2)(d)*  
*32.02(1)*  
*of the statutes*

(A)

¶ This bill prohibits the department of natural resources <sup>(DNR)</sup> from acquiring property by condemnation. ~~and~~ The bill also provides that if DNR

~~is not required to provide relocation benefits~~

~~even if it carries out a program or~~

project that causes persons to move or to move their personal property, <sup>DNR is</sup> ~~is~~ not

required to provide relocation benefits. Note,

however, that under (NO P)

2-1:1

CS

X

✓

Section #. 23.09 (2) (d) (intro.) of the statutes is amended to read:

23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or agreement, and receive by gifts or devise, lands or waters suitable for the purposes enumerated in this paragraph, and maintain such lands and waters for such purposes; ~~and may condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof.~~ <sup>strike</sup>

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313.



21:2

Section #. 23.09 (2) (d) 8. of the statutes is amended to read:

23.09 (2) (d) 8. For state natural areas as authorized under s. 23.27 (4) and for state natural areas as authorized under s. 23.27 (5) ~~except that land may not be acquired through condemnation under the authority of s. 23.27 (5).~~

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313.



2-1:3

CS x

Section #. 23.27 (5) of the statutes is amended to read:

23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate additional natural areas land acquisition activities with moneys available from the appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program. This commitment is separate from and in addition to the continuing commitment under sub. (4). <sup>strike</sup> ~~Moneys available from the appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program may not be used to acquire land through condemnation.~~ The department may not acquire land under this subsection unless the land is suitable for dedication under the Wisconsin natural areas heritage program and upon purchase or as soon after purchase as practicable the department shall take all necessary action to dedicate the land under the Wisconsin natural areas heritage program. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than \$500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

History: 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1997 a. 27.



2-1:4

CS ✓  
Section #. 27.01 (2) (a) of the statutes is amended to read:

27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable for state park purposes and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources.

History: 1971 c. 125, 215, 326; 1973 c. 90 s. 538; 1973 c. 245; 1975 c. 365 s. 62; 1977 c. 29, 71, 424; 1979 c. 34, 175; 1981 c. 20, 343; 1983 a. 19; 1983 a. 27 ss. 644 to 674, 2202 (38); 1983 a. 325; 1985 a. 29, 125; 1987 a. 27, 277, 295, 399; 1989 a. 31, 56, 213, 359; 1991 a. 39, 269; 1993 a. 16, 213; 1995 a. 27, 312, 391; 1997 a. 27, 248.



21:5

CS

Section #. 28.02 (2) of the statutes is amended to read:

28.02 (2) ACQUISITION. The department may acquire lands or interest in lands by grant, devise, gift, ~~condemnation~~ or purchase within the boundaries of established state forests or purchase areas; and outside of such boundaries for forest nurseries, tracts for forestry research or demonstration and for forest protection structures, or for access to such properties. ~~In the case of condemnation the department shall first obtain approval from the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof.~~

History: 1977 c. 29; 1983 a. 192; 1983 a. 423 s. 12; 1985 a. 30 s. 42; 1985 a. 297 s. 76; 1993 a. 16.





2-1:6

Section #. 30.18 (8) of the statutes is amended to read:

30.18 (8) DEPARTMENT MAY RAISE WATER ELEVATIONS. If after examination and investigation the department determines that it is necessary to raise water elevations in any navigable stream or lake for conservation purposes, the department may, if funds are available from any source other than license fees, determine and establish the elevations to which the water may be raised or maintained, but the water elevation may not be established below the normal elevation. If any lands are damaged by raising the water levels above normal and <sup>the</sup> department ~~cannot~~ <sup>may</sup> acquire <sup>the lands or</sup> ~~the right to flow the~~ lands by agreement with the owner, ~~the department may acquire the lands or the right to flow the~~ ~~lands by condemnation under ch. 32.~~

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.



2-1:7

CS ✓  
Section #. 32.02 (1) of the statutes is amended to read:

32.02 (1) Any county, town, village, city, including villages and cities incorporated under general or special acts, school district, the department of health and family services, the department of corrections, the board of regents of the university of Wisconsin system, the building commission, a commission created by contract under s. 66.30, with the approval of the municipality in which condemnation is proposed, or any public board or commission, for any lawful purpose, but in the case of city and village boards or commissions approval of that action is required to be granted by the governing body. A mosquito control commission, created under s. 59.70 (12), may not acquire property by condemnation.

History: 1971 c. 100 s. 23; 1973 c. 243, 305; 1975 c. 68, 311; 1977 c. 29, 203, 438, 440; 1979 c. 34 s. 2102 (52) (b); 1979 c. 122; 1979 c. 175 s. 53; 1981 c. 86, 346, 374; 1983 a. 27; 1985 a. 29 s. 3200 (51); 1985 a. 30 s. 42; 1985 a. 187; 1985 a. 297 s. 76; 1987 a. 27; 1989 a. 31; 1993 a. 246, 263; 1993 a. 491 s. 284; 1995 a. 27 s. 9126 (19); 1995 a. 201; 1997 a. 204.

↖  
The department of natural resources ✓ may not acquire property by condemnation.

CS  
Sec. # RP, 32.02 (16)  
✓

(END OF INSERT)

2-16

Section #. 32.29 of the statutes is amended to read:

**32.29 False statements prohibited.** Any officer, agent or employe of a governmental body or corporation granted condemnation power under s. 32.02 (1) or (3) to ~~(16)~~ (15) who intentionally makes or causes to be made a statement which he or she knows to be false to any owner of property concerning the condemnation of such property or to any displaced person concerning his or her relocation benefits under s. 32.19, 32.20, 32.25 or 32.26 or who fails to provide the information required under s. 32.26 (6) shall be fined not less than \$50 nor more than \$1,000, or imprisoned for not more than one year in the county jail or both.

History: 1977 c. 158; 1983 a. 27 s. 879; Stats. 1983 s. 32.29.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1250/2

PG:cmh&jlg:hmh

2 stamp

3

DOA:.....Grinde - Payment of relocation benefits; exemption for DNR

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

PP. 1 & 5

don't get cat

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments.

This bill prohibits the department of natural resources (DNR) from acquiring property by condemnation. The bill also provides that if DNR carries out a program or project that causes persons to move or to ~~move~~ their personal property, DNR is not required to provide relocation benefits. Note, however, that under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

move

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:***

1           **SECTION 1.** 23.09 (2) (d) (intro.) of the statutes is amended to read:

2           23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or  
3 agreement, and receive by gifts or devise, lands or waters suitable for the purposes  
4 enumerated in this paragraph, and maintain such lands and waters for such  
5 purposes; ~~and may condemn lands or waters suitable for such purposes after~~  
6 ~~obtaining approval of the appropriate standing committees of each house of the~~  
7 ~~legislature as determined by the presiding officer thereof:~~

8           **SECTION 2.** 23.09 (2) (d) 8. of the statutes is amended to read:

9           23.09 (2) (d) 8. For state natural areas as authorized under s. 23.27 (4) and for  
10 state natural areas as authorized under s. 23.27 (5) ~~except that land may not be~~  
11 ~~acquired through condemnation under the authority of s. 23.27 (5).~~

12           **SECTION 3.** 23.27 (5) of the statutes is amended to read:

13           23.27 (5) NATURAL AREAS LAND ACQUISITION: COMMITMENT UNDER THE WISCONSIN  
14 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate  
15 additional natural areas land acquisition activities with moneys available from the  
16 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the  
17 Wisconsin natural areas heritage program. This commitment is separate from and  
18 in addition to the continuing commitment under sub. (4). ~~Moneys available from the~~  
19 ~~appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the~~  
20 ~~Wisconsin natural areas heritage program may not be used to acquire land through~~  
21 ~~condemnation.~~ The department may not acquire land under this subsection unless

1 the land is suitable for dedication under the Wisconsin natural areas heritage  
2 program and upon purchase or as soon after purchase as practicable the department  
3 shall take all necessary action to dedicate the land under the Wisconsin natural  
4 areas heritage program. Except as provided in s. 23.0915 (2), the department may  
5 not expend under s. 20.866 (2) (tz) more than \$500,000 in each fiscal year for natural  
6 areas land acquisition activities under this subsection and for grants for this purpose  
7 under s. 23.096.

8 **SECTION 4.** 27.01 (2) (a) of the statutes is amended to read:

9 27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable  
10 for state park purposes and ~~may acquire such lands and waters by condemnation~~  
11 ~~after obtaining approval of the senate and assembly committees on natural~~  
12 ~~resources.~~

13 **SECTION 5.** 28.02 (2) of the statutes is amended to read:

14 28.02 (2) ACQUISITION. The department may acquire lands or interest in lands  
15 by grant, devise, gift, ~~condemnation~~ or purchase within the boundaries of  
16 established state forests or purchase areas; and outside of such boundaries for forest  
17 nurseries, tracts for forestry research or demonstration and for forest protection  
18 structures, or for access to such properties. ~~In the case of condemnation the~~  
19 ~~department shall first obtain approval from the appropriate standing committees of~~  
20 ~~each house of the legislature as determined by the presiding officer thereof.~~

21 **SECTION 6.** 30.18 (8) of the statutes is amended to read:

22 30.18 (8) DEPARTMENT MAY RAISE WATER ELEVATIONS. If after examination and  
23 investigation the department determines that it is necessary to raise water  
24 elevations in any navigable stream or lake for conservation purposes, the  
25 department may, if funds are available from any source other than license fees,

1 determine and establish the elevations to which the water may be raised or  
2 maintained, but the water elevation may not be established below the normal  
3 elevation. If any lands are damaged by raising the water levels above normal ~~and,~~  
4 the department ~~cannot~~ may acquire the lands or the right to flow the lands by  
5 agreement with the owner, ~~the department may acquire the lands or the right to flow~~  
6 ~~the lands by condemnation under ch. 32.~~

7 **SECTION 7.** 32.02 (1) of the statutes is amended to read:

8 32.02 (1) Any county, town, village, city, including villages and cities  
9 incorporated under general or special acts, school district, the department of health  
10 and family services, the department of corrections, the board of regents of the  
11 university of Wisconsin system, the building commission, a commission created by  
12 contract under s. 66.30, with the approval of the municipality in which condemnation  
13 is proposed, or any public board or commission, for any lawful purpose, but in the  
14 case of city and village boards or commissions approval of that action is required to  
15 be granted by the governing body. A mosquito control commission, created under s.  
16 59.70 (12), may not acquire property by condemnation. The department of natural  
17 resources may not acquire property by condemnation.

18 **SECTION 8.** 32.02 (16) of the statutes is repealed.

19 **SECTION 9.** 32.185 of the statutes is renumbered 32.185 (intro.) and amended  
20 to read:

21 **32.185 Condemnor.** (intro.) “Condemnor”, for the purposes of In ss. 32.19 to  
22 32.27<sub>2</sub>;

23 (1) Except as provided in sub. (2), “condemnor” means any:

24 (a) Any municipality, board, commission, public officer or corporation vested  
25 with the power of eminent domain which acquires property for public purposes either

1 by negotiated purchase when authorized by statute to employ its powers of eminent  
2 domain or by the power of eminent domain. "Condemnor" also means a displacing  
3 agency. In this section, "displacing agency" means any

4 (b) Any state agency, political subdivision of the state or person carrying out  
5 a program or project with public financial assistance that causes a person to be a  
6 displaced person, as defined in s. 32.19 (2) (e).

7 SECTION 10. 32.185 (2) of the statutes is created to read:

8 32.185 (2) "Condemnor" does not include the department of natural resources.

9 SECTION 11. 32.29 of the statutes is amended to read:

10 **32.29 False statements prohibited.** Any officer, agent or employe of a  
11 governmental body or corporation granted condemnation power under s. 32.02 (1) or  
12 (3) to ~~(16)~~ (15) who intentionally makes or causes to be made a statement which he  
13 or she knows to be false to any owner of property concerning the condemnation of  
14 such property or to any displaced person concerning his or her relocation benefits  
15 under s. 32.19, 32.20, 32.25 or 32.26 or who fails to provide the information required  
16 under s. 32.26 (6) shall be fined not less than \$50 nor more than \$1,000, or imprisoned  
17 for not more than one year in the county jail or both.

18 SECTION 9336. Initial applicability; natural resources.

19 (1) ~~RELOCATION BENEFITS~~ The treatment of sections 23.09 (2) (d) (intro.) and 8.,  
20 23.27 (5), 27.01 (2) (a), 28.02 (2), 30.18 (8), 32.02 (1) and (16) and 32.29 of the statutes,  
21 the renumbering and amendment of section 32.185 of the statutes and the creation  
22 of section 32.185 (2) of the statutes first apply to acquisitions of property that occur  
23 on the effective date of this subsection.

24 (END) sc.  
CONDEMNATION AUTHORITY



## Grant, Peter

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**From:** Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]  
**Sent:** Wednesday, January 20, 1999 9:50 PM  
**To:** Grant, Peter  
**Subject:** LRB 1250/3

Peter,

A couple of changes to LRB 1250/3:

1) Modify s. 23.09(26)(am)2. to remove the second sentence (this is the reference to condemnation you asked me about). ✓

2) Marlene Baierl requested that the analysis indicate that "if DNR carries out a program or project that causes persons to move voluntarily or to move voluntarily their personal property..." (page 1, 2d paragraph, 2d sentence) ✗

Let me know if you have any questions.

Thanks,

Kirsten



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1250/3

PG:cmh&jlg:km

SOON

Z V  
stamp

DOA:.....Grinde - Payment of relocation benefits; exemption for DNR

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT <sup>don't see text</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments. <sup>a</sup>

This bill ~~prohibits~~ the department of natural resources (DNR) ~~from acquiring~~ property by condemnation. The bill also provides that if DNR carries out a program or project that causes persons to move or to move ~~their~~ <sup>his or her</sup> personal property, DNR is not required to provide relocation benefits. Note, however, that under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

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

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

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13 or she knows to be false to any owner of property concerning the condemnation of  
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16 under s. 32.26 (6) shall be fined not less than \$50 nor more than \$1,000, or imprisoned  
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18 **SECTION 9336. Initial applicability; natural resources.**

19 (1) CONDEMNATION AUTHORITY. The treatment of sections 23.09 (2) (d) (intro.)  
20 and 8., 23.27 (5), 27.01 (2) (a), 28.02 (2), 30.18 (8), 32.02 (1) and (16) and 32.29 of the  
21 statutes, the renumbering and amendment of section 32.185 of the statutes and the  
22 creation of section 32.185 (2) of the statutes first apply to acquisitions of property  
23 that occur on the effective date of this subsection.

24 (END)

2-11

Section #. 23.09 (26) (am) 2. of the statutes is amended to read:

23.09 (26) (am) 2. Enter into agreements with the department to use for snowmobile trails, facilities or areas lands owned or leased by the department. ~~No lands of the department to be used for snowmobiling purposes within the meaning of this subsection may be obtained through condemnation.~~   
 strike ↴

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313.

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**Grant, Peter**

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**From:** Grinde, Kirsten  
**Sent:** Friday, January 22, 1999 9:28 AM  
**To:** Grant, Peter  
**Subject:** LRB 1250

Peter,

Another change to LRB 1250:

The Governor decided he wants to expand the Building Commission's condemnation authority to include the authority to condemn land for DNR.

Please indicate in a drafter's note or in the analysis how this will affect the relocation payments required of DNR or the Building Commission. Let me know if you have any questions.

Thanks,

Kirsten



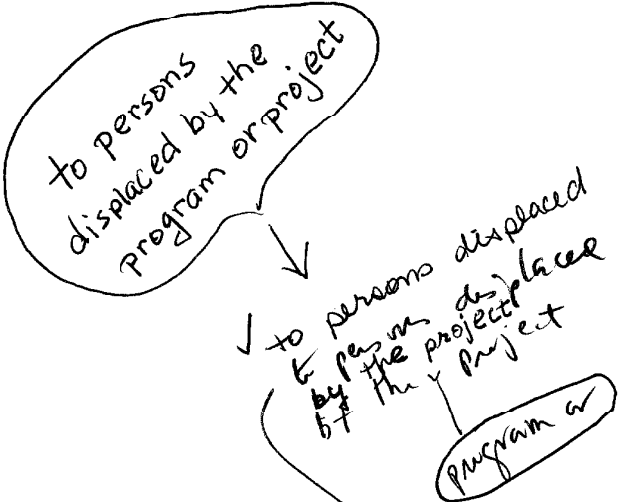


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*stays*

DOA:.....Grinde - Payment of relocation benefits; exemption for DNR

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION



*don't for cat*

1 AN ACT...; relating to: the budget.

**Analysis by the Legislative Reference Bureau**

**NATURAL RESOURCES**

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This bill eliminates the authority of the department of natural resources (DNR) to acquire property by condemnation. The bill also provides that if DNR carries out a program or project that causes a person to move or to move his or her personal property, DNR is not required to provide relocation benefits. Note, however, that under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

*JV*  
*A* →

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4 (END)

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(9) Finally, the bill <sup>at the request of DNR,</sup> authorizes the building commission <sup>to</sup> to acquire property by condemnation for any public purpose. Under current law, the eminent domain authority of the building commission is limited to the acquisition of ~~the parcel~~ land <sup>land</sup> that it ~~deems~~ <sup>deems</sup> necessary for a site for Madison downtown state office facilities. If the building commission acquires property ~~for DNR~~ at DNR's request, whether by condemnation or ~~negotiated~~ purchase, it is required to provide <sup>relocation</sup> relocation benefits.

(END OF INSERT)

1-1

Section #. 13.48 (16) of the statutes is amended to read:

Except as provided  
in s. 32.02 (16) the

13.48 (16) MADISON DOWNTOWN STATE OFFICE FACILITIES. ~~The~~ eminent domain authority of the building commission under ch. 32 is limited to the acquisition of such parcels of land as it deems necessary for a site for Madison downtown state office facilities, whenever the building commission is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause prevents or unreasonably delays such agreement.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237.

(END OF INSERT)



4-23

(B)

32.02 (16)

SEC. # RC; 32.02 (16)

32.02 (16) The building commission,  
as specified in <sup>s. 13.48</sup> ~~it~~ s. 13.48 (16), and, at  
the request of the department of  
natural resources, for any public  
purpose.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1250/5  
PG:cmh&jlg:ijs

DOA:.....Grinde – Payment of relocation benefits; exemption for DNR  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits to persons displaced by the program or project. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments.

This bill eliminates the authority of the department of natural resources (DNR) to acquire property by condemnation. The bill also provides that if DNR carries out a program or project that causes a person to move or to move his or her personal property, DNR is not required to provide relocation benefits. Note, however, that under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

Finally, the bill authorizes the building commission, at the request of DNR, to acquire property by condemnation for any public purpose. Under current law, the

eminent domain authority of the building commission is limited to the acquisition of land that it deems necessary for a site for Madison downtown state office facilities. If the building commission acquires property at DNR's request, whether by condemnation or purchase, it is required to provide relocation benefits.

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

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

1           **SECTION 1.** 13.48 (16) of the statutes is amended to read:

2           13.48 (16) MADISON DOWNTOWN STATE OFFICE FACILITIES. ~~The~~ Except as provided  
3 in s. 32.02 (16) the eminent domain authority of the building commission under ch.  
4 32 is limited to the acquisition of such parcels of land as it deems necessary for a site  
5 for Madison downtown state office facilities, whenever the building commission is  
6 unable to agree with the owner upon the compensation therefor, or whenever the  
7 absence or legal incapacity of such owner, or other cause prevents or unreasonably  
8 delays such agreement.

9           **SECTION 2.** 23.09 (2) (d) (intro.) of the statutes is amended to read:

10           23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or  
11 agreement, and receive by gifts or devise, lands or waters suitable for the purposes  
12 enumerated in this paragraph, and maintain such lands and waters for such  
13 purposes; ~~and may condemn lands or waters suitable for such purposes after~~  
14 ~~obtaining approval of the appropriate standing committees of each house of the~~  
15 ~~legislature as determined by the presiding officer thereof:~~

16           **SECTION 3.** 23.09 (2) (d) 8. of the statutes is amended to read:

17           23.09 (2) (d) 8. For state natural areas as authorized under s. 23.27 (4) and for  
18 state natural areas as authorized under s. 23.27 (5) ~~except that land may not be~~  
19 ~~acquired through condemnation under the authority of s. 23.27 (5).~~

1           **SECTION 4.** 23.09 (26) (am) 2. of the statutes is amended to read:

2           23.09 **(26)** (am) 2. Enter into agreements with the department to use for  
3 snowmobile trails, facilities or areas lands owned or leased by the department. ~~No~~  
4 ~~lands of the department to be used for snowmobiling purposes within the meaning~~  
5 ~~of this subsection may be obtained through condemnation.~~

6           **SECTION 5.** 23.27 (5) of the statutes is amended to read:

7           23.27 **(5)** NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN  
8 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate  
9 additional natural areas land acquisition activities with moneys available from the  
10 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the  
11 Wisconsin natural areas heritage program. This commitment is separate from and  
12 in addition to the continuing commitment under sub. (4). ~~Moneys available from the~~  
13 ~~appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the~~  
14 ~~Wisconsin natural areas heritage program may not be used to acquire land through~~  
15 ~~condemnation.~~ The department may not acquire land under this subsection unless  
16 the land is suitable for dedication under the Wisconsin natural areas heritage  
17 program and upon purchase or as soon after purchase as practicable the department  
18 shall take all necessary action to dedicate the land under the Wisconsin natural  
19 areas heritage program. Except as provided in s. 23.0915 (2), the department may  
20 not expend under s. 20.866 (2) (tz) more than \$500,000 in each fiscal year for natural  
21 areas land acquisition activities under this subsection and for grants for this purpose  
22 under s. 23.096.

23           **SECTION 6.** 27.01 (2) (a) of the statutes is amended to read:

24           27.01 **(2)** (a) Acquire by purchase, lease or agreement lands or waters suitable  
25 for state park purposes ~~and may acquire such lands and waters by condemnation~~

1 ~~after obtaining approval of the senate and assembly committees on natural~~  
2 ~~resources.~~

3 **SECTION 7.** 28.02 (2) of the statutes is amended to read:

4 28.02 (2) ACQUISITION. The department may acquire lands or interest in lands  
5 by grant, devise, gift, ~~condemnation~~ or purchase within the boundaries of  
6 established state forests or purchase areas; and outside of such boundaries for forest  
7 nurseries, tracts for forestry research or demonstration and for forest protection  
8 structures, or for access to such properties. ~~In the case of condemnation the~~  
9 ~~department shall first obtain approval from the appropriate standing committees of~~  
10 ~~each house of the legislature as determined by the presiding officer thereof.~~

11 **SECTION 8.** 30.18 (8) of the statutes is amended to read:

12 30.18 (8) DEPARTMENT MAY RAISE WATER ELEVATIONS. If after examination and  
13 investigation the department determines that it is necessary to raise water  
14 elevations in any navigable stream or lake for conservation purposes, the  
15 department may, if funds are available from any source other than license fees,  
16 determine and establish the elevations to which the water may be raised or  
17 maintained, but the water elevation may not be established below the normal  
18 elevation. If any lands are damaged by raising the water levels above normal ~~and,~~  
19 the department ~~cannot~~ may acquire the lands or the right to flow the lands by  
20 agreement with the owner, ~~the department may acquire the lands or the right to flow~~  
21 ~~the lands by condemnation under ch. 32.~~

22 **SECTION 9.** 32.02 (1) of the statutes is amended to read:

23 32.02 (1) Any county, town, village, city, including villages and cities  
24 incorporated under general or special acts, school district, the department of health  
25 and family services, the department of corrections, the board of regents of the

1 university of Wisconsin system, ~~the building commission~~, a commission created by  
2 contract under s. 66.30, with the approval of the municipality in which condemnation  
3 is proposed, or any public board or commission, for any lawful purpose, but in the  
4 case of city and village boards or commissions approval of that action is required to  
5 be granted by the governing body. A mosquito control commission, created under s.  
6 59.70 (12), may not acquire property by condemnation. The department of natural  
7 resources may not acquire property by condemnation.

8 **SECTION 10.** 32.02 (16) of the statutes is repealed and recreated to read:

9 32.02 (16) The building commission, as specified in s. 13.48 (16), and, at the  
10 request of the department of natural resources, for any public purpose.

11 **SECTION 11.** 32.185 of the statutes is renumbered 32.185 (intro.) and amended  
12 to read:

13 **32.185 Condemnor.** (intro.) ~~“Condemnor”, for the purposes of~~ In ss. 32.19 to  
14 32.27;

15 (1) Except as provided in sub. (2), “condemnor” means any:

16 (a) Any municipality, board, commission, public officer or corporation vested  
17 with the power of eminent domain which acquires property for public purposes either  
18 by negotiated purchase when authorized by statute to employ its powers of eminent  
19 domain or by the power of eminent domain. ~~“Condemnor” also means a displacing~~  
20 ~~agency. In this section, “displacing agency” means any~~

21 (b) Any state agency, political subdivision of the state or person carrying out  
22 a program or project with public financial assistance that causes a person to be a  
23 displaced person, as defined in s. 32.19 (2) (e).

24 **SECTION 12.** 32.185 (2) of the statutes is created to read:

25 32.185 (2) “Condemnor” does not include the department of natural resources.

