

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

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Don:

1. I made a number of changes in the initial applicability provisions and added some. Review them for any necessary changes. Look especially closely at sub. (11). Is an initial applicability needed for the repeal of s. 703.255?
2. Please review the NOTES. I think some are missing SECTION numbers, and I didn't do anything with the portion of the NOTE that relates to the "covenant and condition" language.
3. Since the whole bill has a 6-month delay, do we need the additional 6-month delay in sub. (11) of the initial applicability?
4. Notice the blank in front of "month" in sub. (11m) of the initial applicability. Maybe we do not need a delay beyond the delayed effective date.

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1. Is the definition of "condemnor" in s. 703.195 (1) (c) intended to exclude certain entities with condemnation power from using this section? Which ones?
2. Section 32.01 (1), cross-referenced in s. 703.195 (1) (c), uses the term "includes." Is the "condemnor" in s. 703.195 meant to be restricted to those entities specified in s. 32.01 (1)? If so, perhaps the definition should read "...means a person specified in s. 32.01 (1) who has the authority to condemn property...".
3. Sections 32.05 (5) and 32.06 (5) require an owner to commence an action to contest the right of condemnation within 40 days of getting the jurisdictional offer. If an owner allows the association to represent him or her, will the owner still get the jurisdictional offer?

4. Does the draft need to state explicitly that the owner has the right of appeal regardless of whether the owner agreed to representation by the association?
5. Should the initial applicability provision for s. 703.19 (8) be the same as the provision for s. 703.195 (i.e., first applies to condemnation proceedings commenced six months after the effective date)?
6. Note that the draft explicitly requires the association to act as the agent for a unit owner if the condemnor obtains the owner's consent for the association to do so. OK?
7. The treatment of s. 703.19 (8) should probably specify that the unit owner may appeal the necessity of taking and the condemnation award for the taking of the owner's interest in the common elements.

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