

**2005 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB657)**

Received: **09/27/2005**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Williams (608) 266-7506**

By/Representing: **Cindy Polzin**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Eminent Domain - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WilliamsM@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibit condemnation in certain circumstances

---

**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>
/?	pgrant 09/27/2005	kfollett 09/27/2005		_____			
/1			chaugen 09/27/2005	_____	Inorthro 09/27/2005	Inorthro 09/27/2005	

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB657)**

Received: **09/27/2005**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Williams (608) 266-7506**

By/Representing: **Cindy Polzin**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Eminent Domain - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WilliamsM@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibit condemnation in certain circumstances

---

**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>
/?	pgrant	1/1/gf 9/29	ch a27	ch a27 PS			

FE Sent For:

<END>

## Grant, Peter

---

**From:** Polzin, Cindy  
**Sent:** Tuesday, September 27, 2005 2:35 PM  
**To:** Grant, Peter  
**Subject:** RE: Assembly Sub Amendment to AB 657

Yes, right now the draft reads one or more dwelling units, we just want that to read one.

As for the notice, we would like the second part to be included as bolded and underlined below:

Thanks!!

---

**From:** Grant, Peter  
**Sent:** Tuesday, September 27, 2005 2:30 PM  
**To:** Polzin, Cindy  
**Subject:** RE: Assembly Sub Amendment to AB 657

Cindy, on the first item, do you mean that the property consists of only one dwelling unit?

On the last item, are you talking about two different things, one being the finding and the other being the notice describing the reasons for the condemnation? Or are you saying that **the condemnor must make a finding; the finding must include the scope of the project, a description of the condemned area, the reason for condemnation, and the actual finding that the property is blighted; and the owner must send it all to the property owner?**

---

**From:** Polzin, Cindy  
**Sent:** Tuesday, September 27, 2005 2:13 PM  
**To:** Grant, Peter  
**Subject:** Assembly Sub Amendment to AB 657

Hi Peter - just a heads up, we will be needing a sub amendment for AB 657.

Included will be the following, with some more changes to possibly follow. If you want to send over a preliminary sub with these changes, that would be helpful. This bill is on the floor today:

Page 2, Line 6: delete "includes, or more" and substitute "is". Basically saying, Property that is one dwelling unit is not blighted property unless.....

Page 8, Line 1: Delete "has been abandoned" and substitute "the property is not occupied by the owner of the property, the spouse owner, or an individual related to the owner by blood, marriage, or adoption within the 4th degree of kinship under s. 990.001 (16).

Page 2, Line 9: delete that line

Page 2, line 10: delete that line and substitute "the crime rate in, on, or adjacent to the property is higher than".

Page 2, line 16: language will need to be added to include notifying the property owner of the reasons for condemnation (currently not included in statute). Parts to be included in the written finding to the property owner will include but not limited to scope of the project, area for redevelopment, reason for condemnation. Do you have other items that we should think about adding for the written portion to the property owners?

Thanks Peter!  
Cindy

CINDY POLZIN

STATE REP. MARY WILLIAMS  
18 WEST  
STATE CAPITOL  
608.266.7506

3:30 pm

A. SUBST. AMDT. —

To **2005 ASSEMBLY BILL 657**

LRBs 0231/1  
PG:wlj:jf  
KJ

September 9, 2005 - Introduced by Representatives M. WILLIAMS, WOOD, GRONEMUS, DAVIS, MOULTON, HONADEL, JENSEN, HINES, KESTELL, PETTIS, OWENS, MEYER, AINSWORTH, KERKMAN, OTT, LEMAHIEU, MUSSER, VAN ROY, FREESE, LEHMAN, ALBERS, HUNDERTMARK, SUDER, STRACHOTA, NISCHKE, HAHN and GARD, cosponsored by Senators ZIEN, DARLING, HARSDORF, REYNOLDS, OLSEN, ROESSLER, BROWN, LAZICH, LEIBHAM and GROTHMAN. Referred to Committee on Property Rights and Land Management.

Regen

1 AN ACT to create 32.03 (6) of the statutes; relating to: prohibiting the  
2 condemnation of property under certain circumstances.

***Analysis by the Legislative Reference Bureau***

This bill prohibits the condemnation of property that is not blighted if the condemnor intends to convey or lease the acquired property to a private entity. The bill defines "blighted property" and provides that property that includes one or more dwelling units is not blighted unless the property has been abandoned or the property has been converted from a single dwelling unit to multiple dwelling units and the crime rate in, on, or adjacent to the property is higher than in the rest of the municipality.

The bill also requires a condemnor, before commencing the condemnation of property that the condemnor intends to convey or lease to a private entity, to make a written finding that the property is blighted.

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

3 SECTION 1. 32.03 (6) of the statutes is created to read:  
4 32.03 (6) (a) In this subsection, "blighted property" means any property that,  
5 by reason of abandonment, dilapidation, deterioration, age or obsolescence,

## ASSEMBLY BILL 657

## SECTION 1

1 inadequate provisions for ventilation, light, air, or sanitation, high density of  
2 population and overcrowding, faulty lot layout in relation to size, adequacy,  
3 accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or  
4 other improvements, or the existence of conditions that endanger life or property by  
5 fire or other causes, or any combination of such factors, is detrimental to the public  
6 health, safety, or welfare. Property that <sup>consists of only</sup> includes one ~~or more~~ dwelling units is not  
7 blighted property unless, in addition, at least one of the following applies:

8 1. The property ~~has been abandoned.~~ <sup>IMS. 2-8</sup>

9 2. ~~The property has been converted from a single dwelling unit to multiple~~  
10 ~~dwelling units, and the~~ crime rate in, on, or adjacent to the property is higher than  
11 in the remainder of the municipality in which the property is located.

12 (b) Property that is not blighted property may not be acquired by condemnation  
13 if the condemnor intends to convey or lease the acquired property to a private entity.

14 (c) Before commencing the condemnation of property that the condemnor  
15 intends to convey or lease to a private entity, the condemnor shall make ~~a~~ written  
16 ~~finding that the property is blighted property.~~ <sup>IMS. 2-16</sup>

17 **SECTION 2. Initial applicability.**

18 (1) This act first applies to jurisdictional offers to purchase made on the  
19 effective date of this subsection.

20 (END)

2-8

is not occupied <sup>by</sup> by the owner of the property,  
or or an  
his or her spouse, or an individual  
related to the owner by blood, marriage,  
or  
or adoption within the 4th degree of  
kinship 990.001 (16)  
kinship under s. 990.001 (16)

2-16

findings and provide a copy of the findings to the owner of the property of the reasons for the condemnation.

no # The findings shall include all of the following:

# 1. The scope of the redevelopment project encompassing the owner's property.

2. A legal description of the redevelopment area that includes the owner's property.

3. The purpose of the condemnation.

4. A finding that the owner's property is blighted and the reasons for that finding.