

2005 DRAFTING REQUEST

Senate Amendment (SA-AB657)

Received: **01/10/2006**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **Brian Deschane**

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: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transferring condemned property to private entity

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>
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FE Sent For:

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FE Sent For:

<END>

Grant, Peter

From: Deschane, Brian
Sent: Tuesday, January 10, 2006 4:37 PM
To: Grant, Peter
Subject: FW: AB 657
Attachments: Suggested Correction for AB-657--10-3 version.doc

Peter,

Mark Patronsky asked me to kick this over to you and see if we could get it drafted in Amendment form by 11 am tomorrow. I know it's short notice, but I just wanted to see if it could be done.

Thanks in advance for your help.

Brian J. Deschane
Office of Senator Dave Zien
brian.deschane@legis.state.wi.us

From: Bill Skewes [mailto:bskewes@wisconsinutilities.com]
Sent: Monday, January 09, 2006 3:18 PM
To: Deschane, Brian
Subject: FW: AB 657

-----Original Message-----

From: SStreck@axley.com [mailto:SStreck@axley.com]
Sent: Wednesday, November 09, 2005 4:13 PM
To: mark.patronsky@legis.state.wi.us
Cc: TZaremba@wheelerlaw.com; bskewes@wisconsinutilities.com; jgarvin@atcllc.com; mwilliamson@atcllc.com; rsatterfield@atcllc.com; brian.deschane@legis.state.wi.us
Subject: AB 657

Mark,

I have attached the draft revision to AB 657 we discussed today. The suggested revision essentially makes the new law applicable only to condemnation under 32.02(1) and (11) because those are the only provisions under which a condemnor could acquire an interest in land for the purpose of reselling or leasing to a private entity for redevelopment. All the other sections limit condemnation power to a specific purpose or to entities (eg. DOT and DNR) who would have no motivation or interest to resell or lease the acquired land interest for the purposes the legislation seeks to prohibit. We thought this change would be easier than trying to draft an exemption for "utilities" because utilities can take so many forms. It would be possible but more difficult to craft a sufficiently precise definition of the excepted utility entities. Let me know what you think.

01/10/2006

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Suggested Correction for AB-657 (Condemnation Restriction)

SECTION 1. 32.03 (6) of the statutes is created to read:

32.03 (6) (a) In this subsection, "blighted property" means any property that, by reason of abandonment, dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air, or sanitation, high density of population and overcrowding, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is detrimental to the public health, safety, or welfare. Property that consists of only one dwelling unit is not blighted property unless, in addition, at least one of the following applies:

1. The property is not occupied by the owner of the property, his or her spouse, or an individual related to the owner by blood, marriage, or adoption within the 4th degree of kinship under s. 990.001 (16).
2. The crime rate in, on, or adjacent to the property is higher than in the remainder of the municipality in which the property is located.

(b) Property that is not blighted property may not be acquired by condemnation by an entity exercising condemnation power under s. 32.02 (1) or 32.02 (11) if the condemnor intends to convey or lease the acquired property to a private entity.

(c) Before commencing the condemnation of property that a condemnor exercising condemnation power under s. 32.02(1) or 32.02 (11) intends to convey or lease to a private entity, the condemnor shall make written findings and provide a copy of the findings to the owner of the property. The findings shall include all of the following:

Deleted: the

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.

SECTION 2. Initial applicability.

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

(END)

2005

Date (time) needed

Today, 10:30 am

LRBa 2049, 1

AMENDMENT

PG : kf:

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A AMENDMENT _____ (LRBa /),

TO S A SUBSTITUTE AMENDMENT _____ (LRBs /),

TO 2005 SB SJR SR AB AJR AR 657 (LRB- /)

At the locations indicated, amend the bill, as shown by ASA 2, as follows: (fill ONLY if "engrossed" or "as shown by")

#. Page 2, line 6: after "condemnation" insert "by an entity authorized to exercise condemnation property under s. 32.02 (1) or (11)".

#. Page ..., line ...:

#. Page 2, line 8: delete "that the" and substitute "that a condemnor authorized to exercise condemnation property under s. 32.02 (1) or (11)".

#. Page ..., line ...:

#. Page ..., line ...:

(End)