

## RESOLUTION NO. 2018-28

### Requesting a legislative review of Wisconsin's eminent domain law

#### Executive Summary

Condemnation of real property is the process whereby the government, governmental subdivisions, utility companies or other statutorily designated corporations and entities take title to private property for public purposes using the power of eminent domain. The Wisconsin eminent domain law, section 32.02(13), Wis. Stats., has been amended to expand the ability of businesses that transmit oil or related products in pipelines to condemn private property subject to the approval of the Wisconsin Public Service Commission upon a finding that the proposed real estate interests sought to be acquired are in the public interest. Before this amendment, these businesses were limited to corporations licensed to do business in Wisconsin. Now condemnation authority can be exercised by any business entity authorized to do business in Wisconsin. Due to the recently expanded scope of eminent domain law in Wisconsin, the Jefferson County Board of Supervisors finds that a legislative review is appropriate and requests the State of Wisconsin Legislature to conduct such a review which will include the current and future impacts on owners of private property. The Executive Committee met on June 27, 2018, and recommended forwarding this resolution to the County Board for approval.

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WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, condemnation of real property is the process whereby the government takes title to private land for the public good using its power of eminent domain, and

WHEREAS, taking private land against a landowner's objection is a power of the state that should be exercised only when no other alternatives exist, and

WHEREAS, eminent domain has historically been used sparingly for ensuring the public good with a provable need and just compensation, and

WHEREAS, a clearly defined and demonstrated public good has included demonstrating an essential community need for the construction of roadways, schools, public parks, public housing, community centers and public utilities, and

WHEREAS, when the power of eminent domain is expanded to authorize non-corporate business entities to condemn private property, the current and future impacts on owners of private property could be significant, and

WHEREAS, the state legislature possesses the sole power to revise state statutes and conducting a legislative review of the current eminent domain law will assist the legislature in determining whether or not further amendment of the Wisconsin eminent domain law is necessary.



Ayes \_\_23\_\_ Noes \_\_4\_\_ Abstain \_\_\_\_\_ Absent \_\_3\_\_ Vacant \_\_\_\_\_

Ayes 23: Jones, Kelly, David, Tietz, Herbst, Wineke, Rinard, Zastrow, Reese, Morse, Lund, Nass, Payne, Kutz, White, Mode, Kannard, Poulson, Patrick, Nelan, Schultz, Roberts, Christensen.

Noes 4: Schroeder, Jaeckel, Lindl, Foelker.

Absent 3: Braugher, Morris, Hartz.

Requested by  
Executive Committee

07-10-18

J. Blair Ward: 05-31-18; 06-01-18

REVIEWED: Administrator: bw; Corp. Counsel: jbw; Finance Director: md