

*June 1980 Spec. Sess.*  
**Assembly Bill 9**

Date published: **July 16, 1980**

**CHAPTER 358, Laws of 1979**

AN ACT to amend 32.19 (2) (h) to (j) and (4m) (a) (intro.) and 2 and (b) (intro.) and 2 (intro.) and b of the statutes, relating to payments for a comparable replacement business or farm upon condemnation.

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

SECTION 1. 32.19 (2) (h) to (j) of the statutes, as created by chapter 221, laws of 1979, are amended to read:

32.19 (2) (h) "Comparable replacement farm operation" means a replacement farm operation which, when compared with the farm operation being acquired by the condemnor, is adequate for the needs of the farmer, is reasonably similar in all major characteristics, is functionally equivalent with respect to type of farm operation, condition and state of repair of farm buildings, soil quality, yield per acre, land area, access to transportation, utilities and public services, is within reasonable proximity of the acquired farm operation, is available on the market, meets all applicable federal, state or local codes required of the particular farm operation acquired and is suited for the same type of farming operation conducted by the displaced person at the time of acquisition.

(i) "~~Owner-occupant~~ Owner displaced person" means a displaced person who owned the real property being acquired and also owned the business or farm operation conducted on the real property being acquired.

(j) "~~Tenant-occupant~~ Tenant displaced person" means a displaced person who owned the business or farm operation conducted on the real property being acquired but leased or rented the real property.

SECTION 2. 32.19 (4m) (a) (intro.) and 2 of the statutes, as affected by chapter 221, laws of 1979, are amended to read:

32.19 (4m) (a) (title) *Owner-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this chapter, the condemnor shall make a payment, not to exceed \$50,000, to any ~~owner-occupant~~ owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within 2 years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An ~~owner-occupant~~ owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1 in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1 to such an ~~owner-occupant~~ owner displaced person may not exceed the amount the ~~owner-occupant~~ owner displaced person is eligible to receive under this paragraph. The additional payment under this paragraph shall include the following amounts:

2. The amount, if any, which will compensate such ~~owner-occupant~~ owner displaced person for any increased interest cost which such person is required to pay for financing the acquisition of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be equal to the excess in the aggregate interest and other debt services cost of that amount of the principal of the mortgage on the replacement property which is equal to the unpaid balance of the mortgage on the acquired property, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on demand deposit savings accounts in commercial banks in the general area where the replacement property is located.

SECTION 3. 32.19 (4m) (b) (intro.) and 2 (intro.) and b of the statutes, as affected by chapter 221, laws of 1979, are amended to read:

32.19 (4m) (b) (title) *Tenant-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this chapter, the condemnor shall make a payment to any ~~tenant-occupied~~ tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually rents or purchases a comparable replacement business or farm operation for the displaced business or farm operation within 2 years after the date the person vacates the acquired property. At the option of the ~~tenant-occupant~~ tenant displaced person, such payment shall be either:

2. (intro.) The amount, not to exceed the amount which the ~~tenant-occupant~~ tenant displaced person is eligible to receive under subd. 1, which is necessary for a downpayment to obtain conventional financing toward the purchase of a comparable replacement business or farm operation, including:

b. If the amount necessary for the downpayment is greater than \$10,000, an additional amount, not to exceed \$10,000, which is equal to the amount matched by the ~~tenant-occupant~~ tenant displaced person; and

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