



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa1856/1  
AJM/EVM/KRP:ahc

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 770**

February 12, 2018 - Offered by Representative R. BROOKS.

- 1           At the locations indicated, amend the substitute amendment as follows:
- 2           **1.** Page 2, line 2: delete “workforce housing development tax incremental  
3 districts;”.
- 4           **2.** Page 2, line 20: delete “owner” and substitute “condemnor or condemnee”.
- 5           **3.** Page 6, line 5: delete “award of damages” and substitute “amount of the  
6 judgment”.
- 7           **4.** Page 6, line 6: delete the material beginning with “sum” and ending with  
8 “32.195” on line 7 and substitute “amount of damages allowed by the condemnor”.
- 9           **5.** Page 6, line 7: after that line insert:
- 10           “**SECTION 7m.** 32.20 of the statutes, as affected by 2017 Wisconsin Act ... (this  
11 act), is amended to read:

**32.20 Procedure for collection of itemized items of compensation.**

Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of administration by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment. ~~The court shall award litigation expenses, as defined in s. 32.28 (1), to a claimant if the amount of the judgement for the claimant exceeds the amount of damages allowed by the condemnor by 15 percent in an action under this section.~~

**6.** Page 6, line 18: after that line insert:

**SECTION 10s.** 66.0617 (6) (am) of the statutes is created to read:

1           66.0617 (6) (am) May not include amounts for an increase in service capacity  
2 greater than the capacity necessary to serve the development for which the fee is  
3 imposed.

4           **SECTION 10u.** 66.0617 (6) (fm) of the statutes is created to read:

5           66.0617 (6) (fm) May not include expenses for operation or maintenance of a  
6 public facility.”.

7           **7.** Page 7, line 7: delete lines 7 to 15.

8           **8.** Page 11, line 10: delete “**Development**” and substitute “**New housing**”.

9           **9.** Page 11, line 13: before “development” insert “residential”.

10          **10.** Page 12, line 5: delete “Development” and substitute “New Housing”.

11          **11.** Page 15, line 10: delete the material beginning with that line and ending  
12 with page 19, line 11.

13          **12.** Page 19, line 22: delete “or Sunday”.

14          **13.** Page 19, line 23: delete “or Sunday”.

15          **14.** Page 26, line 4: delete “the land” and substitute “land consistent with the  
16 municipality’s, town’s, or county’s park plan and comprehensive plan”.

17          **15.** Page 26, line 8: delete “the land” and substitute “land”.

18          **16.** Page 26, line 11: delete lines 11 and 12 and substitute “park plan and  
19 comprehensive plan.”.

20          **17.** Page 26, line 20: delete lines 20 to 25 and substitute:

21           “(1) Notwithstanding the period for filing a claim under section 32.20 of the  
22 statutes, a claimant who previously submitted a claim under section 32.20 of the  
23 statutes no earlier than the date that precedes the effective date of this subsection

1 by 2 years, including a claimant whose claim has been paid or whose claim is still  
2 pending or may be appealed, as of the effective date of this subsection may, no later  
3 than 45 days after the effective date of this subsection, submit a revised claim under  
4 section 32.20 of the statutes to the condemnor that includes expenses permitted  
5 under section 32.19 (4m) (a) or (b) of the statutes, as affected by this act, whichever  
6 is applicable.”.

7 **18.** Page 27, line 14: after “32.20” insert “(by SECTION 7)”.

8 **19.** Page 27, line 17: after that line insert:

9 “(4m) LITIGATION EXPENSES. The treatment of section 32.20 (by SECTION 7m) of  
10 the statutes first applies to a claim for expenses filed under section 32.20 of the  
11 statutes for the determination of additional items payable on the effective date of this  
12 subsection.”.

13 **20.** Page 28, line 1: delete lines 1 to 5.

14 **21.** Page 28, line 8: delete “section” and substitute “sections 32.20 (by SECTION  
15 7m) and”.

16 **22.** Page 28, line 8: delete “takes” and substitute “and SECTION 63 (4m) of this  
17 act take”.

18 (END)