



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1431/2  
EKL:cde

## 2019 ASSEMBLY BILL 256

June 3, 2019 - Introduced by Representatives BROOKS, JAGLER and SKOWRONSKI, cosponsored by Senator TIFFANY. Referred to Committee on Local Government.

- 1     **AN ACT to amend** 32.19 (4m) (a) (intro.) and 32.19 (4m) (b) 1. of the statutes;  
2             **relating to:** limiting condemnation payments made by a county or a  
3             redevelopment or community development authority.

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### *Analysis by the Legislative Reference Bureau*

This bill caps the amount of additional payments required under the eminent domain law to persons who are displaced from a business or farm operation when the condemnor is a county, redevelopment authority, or community development authority.

Under current law, a property owner or tenant who is displaced from a business or farm operation and purchases or rents a comparable business or farm operation may be entitled to a payment for certain costs from the condemnor. If the condemnor is a village, town, or city, the payment to a property owner is capped at \$100,000 and the payment to a tenant is capped at \$80,000. The bill applies these caps to payments when the condemnor is a county, redevelopment authority, or community development authority.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

**ASSEMBLY BILL 256****SECTION 1**

1           **SECTION 1.** 32.19 (4m) (a) (intro.) of the statutes is amended to read:

2           32.19 (4m) (a) *Owner-occupied business or farm operation.* (intro.) In addition  
3 to amounts otherwise authorized by this subchapter, the condemnor shall make a  
4 payment to any owner displaced person who has owned and occupied the business  
5 operation, or owned the farm operation, for not less than one year prior to the  
6 initiation of negotiations for the acquisition of the real property on which the  
7 business or farm operation lies, and who actually purchases a comparable  
8 replacement business or farm operation for the acquired property within 2 years  
9 after the date the person vacates the acquired property or receives payment from the  
10 condemnor, whichever is later. An owner displaced person who has owned and  
11 occupied the business operation, or owned the farm operation, for not less than one  
12 year prior to the initiation of negotiations for the acquisition of the real property on  
13 which the business or farm operation lies may elect to receive the payment under par.  
14 (b) 1. in lieu of the payment under this paragraph, but the amount of payment under  
15 par. (b) 1. to such an owner displaced person may not exceed the amount the owner  
16 displaced person is eligible to receive under this paragraph. If the condemnor is a  
17 county, village, town, or city, a redevelopment authority created under s. 66.1333, or  
18 a community development authority created under s. 66.1335, the payment by the  
19 condemnor under this paragraph may not exceed \$100,000. The additional payment  
20 under this paragraph shall include the following amounts:

21           **SECTION 2.** 32.19 (4m) (b) 1. of the statutes is amended to read:

22           32.19 (4m) (b) 1. The amount that is necessary to lease or rent a comparable  
23 replacement business or farm operation for a period of 4 years, plus any reasonable  
24 project costs incurred or to be incurred by the tenant displaced person. If the  
25 condemnor is a county, village, town, or city, a redevelopment authority created

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1 under s. 66.1333, or a community development authority created under s. 66.1335,  
2 the amount paid under this subdivision may not exceed \$80,000. The rental payment  
3 shall be computed by determining the average monthly rent paid for the property  
4 from which the person was displaced for the 12 months prior to the initiation of  
5 negotiations or, if displacement is not a direct result of acquisition, such other event  
6 as determined by the department of administration and the monthly rent of a  
7 comparable replacement business or farm operation, and multiplying the difference  
8 by 48; or

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to condemnation proceedings in which title to the  
11 subject property has not yet vested in the condemnor on the effective date of this  
12 subsection.

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(END)