

1981 Senate Bill 313

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CHAPTER 249 , Laws of 1981

AN ACT to amend 32.20 of the statutes, relating to the applicable proceedings for claims pertaining to incidental expenses upon condemnation.

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

SECTION 1. 32.20 of the statutes 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 department of transportation or other public body, board, commission or utility, which is 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 in no event later than 2 years after the condemnor takes physical possession of the entire property acquired. If such claim is not allowed within 90 days after the filing thereof, the claimant shall have a right of action against the condemnor, or in case no condemnation is involved against the department of transportation or public body, board, commission or utility, which is 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.
