



1995 SENATE BILL 310

August 23, 1995 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Judiciary.

1 **AN ACT to amend** 32.28 (3) (d) to (i) of the statutes; **relating to:** the award of
2 litigation expenses in condemnation proceedings.

Analysis by the Legislative Reference Bureau

Under current law, court costs must be allowed in any condemnation proceeding except in certain specified circumstances. The court must award litigation expenses (a higher amount that includes reasonable attorney, appraisal and engineering fees) to the condemnee if the award of the condemnation commission or a jury verdict exceeds the jurisdictional offer or the highest written offer prior to the jurisdictional offer by at least \$700 and at least 15%.

This bill provides for the awarding of litigation expenses to the condemnee only if the award of the condemnation commission or a jury verdict exceeds the jurisdictional offer or the highest written offer prior to the jurisdictional offer by at least 25%.

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

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

3 **SECTION 1.** 32.28 (3) (d) to (i) of the statutes are amended to read:
4 32.28 (3) (d) The award of the condemnation commission under s. 32.05 (9) or
5 32.06 (8) exceeds the jurisdictional offer or the highest written offer prior to the
6 jurisdictional offer by at least \$700 and at least ~~15%~~ 25% and neither party appeals
7 the award to the circuit court;

1 (e) The jury verdict as approved by the court under s. 32.05 (11) exceeds the
2 jurisdictional offer or the highest written offer prior to the jurisdictional offer by at
3 least ~~\$700 and at least 15%~~ 25%;

4 (f) The condemnee appeals an award of the condemnation commission which
5 exceeds the jurisdictional offer or the highest written offer prior to the jurisdictional
6 offer by at least ~~\$700 and at least 15%~~ 25%, if the jury verdict as approved by the court
7 under s. 32.05 (10) or 32.06 (10) exceeds the award of the condemnation commission
8 by at least ~~\$700 and at least 15%~~ 25%;

9 (g) The condemnor appeals the award of the condemnation commission, if the
10 jury verdict as approved by the court under s. 32.05 (10) or 32.06 (10) exceeds the
11 jurisdictional offer or the highest written offer prior to the jurisdictional offer by at
12 least ~~\$700 and at least 15%~~ 25%;

13 (h) The condemnee appeals an award of the condemnation commission which
14 does not exceed the jurisdictional offer or the highest written offer prior to the
15 jurisdictional offer by ~~15%~~ 25%, if the jury verdict as approved by the court under s.
16 32.05 (10) or 32.06 (10) exceeds the jurisdictional offer or the highest written offer
17 prior to the jurisdictional offer by at least ~~\$700 and at least 15%~~ 25%; or

18 (i) The condemnee appeals an assessment of damages and benefits under s.
19 32.61 (3), if the judgment is at least ~~\$700 and at least 15%~~ 25% greater than the
20 award made by the city.

21 **SECTION 2. Initial applicability.**

22 (1) This act first applies to written offers made under section 32.05 or 32.06
23 of the statutes on the effective date of this subsection.

24 (END)