



State of Wisconsin  
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 810**

March 16, 1998 - Offered by COMMITTEE ON LAND USE.

1     **AN ACT to repeal and recreate** 59.694 (14), 60.65 (5) and 62.23 (7) (e) 14.; and  
2             **to create** 59.694 (15) of the statutes; **relating to:** requiring a court to award  
3             litigation expenses in certain appeals of zoning decisions.

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

4             **SECTION 1.** 59.694 (14) of the statutes is repealed and recreated to read:

5             59.694 (14) COSTS AND LITIGATION EXPENSES. (a) In this subsection, "litigation  
6             expenses" means the sum of the costs, disbursements and expenses, including  
7             reasonable attorney fees and expert witness fees, necessary to prepare for and  
8             participate in the appeal of a decision of the board of adjustment.

9             (b) In lieu of costs under s. 814.04, litigation expenses shall be awarded to the  
10            person appealing the decision of the board of adjustment if that person prevails, if  
11            the appeal is not related to metallic mining operations and if the court determines  
12            that the board of adjustment acted with gross negligence, in bad faith or with malice.

