



**ASSEMBLY AMENDMENT 2,
TO 2003 ASSEMBLY BILL 678**

January 14, 2004 – Offered by Representative AINSWORTH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 64, line 5: before “The” insert “(a)”.

3 **2.** Page 64, line 6: after “(5).” insert “The owner of lands entered upon or used
4 for any of the purposes identified in sub. (5) may apply to the town board to appraise
5 the resulting damages, and such damages may be determined by agreement. If the
6 parties are unable to agree upon the damages, the board shall make an award of
7 damages and file the award with the town clerk, and the clerk shall give notice, by
8 certified mail with return receipt requested, of the filing to the owner.”.

9 **3.** Page 64, line 7: before that line insert:

10 “(b) Within 60 days after the date of filing of a town board’s award of damages
11 under par. (a), the owner may appeal to the circuit court following the same
12 procedures provided under s. 32.05 (10) for condemnation proceedings. The clerk of
13 courts shall enter the appeal as an action pending in the court with the owner as

1 plaintiff and the town as defendant. The action shall proceed as an action in the court
2 subject to all of the provisions of law relating to actions brought therein, but the only
3 issue to be tried shall be the amount of just compensation to be paid by the town, and
4 the action shall have precedence over all other actions not then on trial. The action
5 shall be tried by jury unless waived by both the plaintiff and the defendant. The
6 amount of the town's award shall not be disclosed to the jury during the trial. Costs
7 shall be allowed or litigation expenses awarded in an action under this paragraph
8 in the same manner as provided under s. 32.28 for condemnation proceedings.”.

9 (END)