State of Wisconsin
2015 – 2016 LEGISLATURE

LRB–0952/1
EVM:cjs:cs

2015 BILL

1 AN ACT *to amend* 82.21 (2) of the statutes; **relating to:** laying out, altering, or
2 discontinuing a town line highway.

Analysis by the Legislative Reference Bureau

Under current law, the procedure to lay out, alter, or discontinue a highway on the line between a town and another town, a city, or a village (municipality), or a highway extending from one town into an adjoining municipality, may be initiated when one of the following occurs in each affected municipality: 1) six resident freeholders of the municipality deliver an application to lay out, alter, or discontinue a town line highway to the clerk of every municipality that would be affected by the proposal, or 2) the town board, city council, or village board introduces a resolution to lay out, alter, or discontinue a town line highway. After the requisite applications are delivered or resolutions are adopted, the governing bodies of the municipalities, "acting together," take the actions affecting the covered town line highway. The Wisconsin Supreme Court in *Dawson v. Town of Jackson*, 336 Wis. 2d 318 (2011) determined that the "acting together" requirement means that, while the municipal governing bodies must "come together and cooperate to resolve a joint application . . . the statute does not mandate the creation of a new, combined board. Approval of both [governing bodies] is necessary . . . ." This bill clarifies the language of the statute to confirm the holding of the Wisconsin Supreme Court.

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

1 **SECTION 1.** 82.21 (2) of the statutes is amended to read:

2 82.21 **(2)** CONTENTS OF THE APPLICATION OR RESOLUTION. An application or
3 resolution under sub. (1) shall contain a legal description of the highway to be
4 discontinued or of the proposed highway to be laid out or altered and a scale map of
5 the land that would be affected by the application. Upon completion of the
6 requirements of sub. (1), the governing bodies of the municipalities, acting together
7 in cooperation, but voting upon applications or resolutions as separate governing
8 bodies, shall proceed under ss. 82.10 to 82.13.

9 **(END)**