



## 2001 SENATE BILL 233

August 16, 2001 - Introduced by Senators BURKE, MOEN, COWLES and ROESSLER, cosponsored by Representatives BOCK, MUSSER, GRONEMUS, LASSA, BERCEAU, SYKORA, TURNER, ALBERS, WILLIAMS, CARPENTER, HAHN, BLACK, HUNDERTMARK and LIPPERT. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1     **AN ACT** *to amend* 80.03 (1); and *to create* 86.085 of the statutes; **relating to:**  
2             prohibiting construction of a new highway through a veterans cemetery.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no town highway may be constructed through or upon a cemetery without the consent of those having control of the cemetery. Also under current law, the department of veterans affairs may construct and operate state veterans cemeteries, which are exempt from the requirements of other cemeteries. One requirement governing other cemeteries is that no person may construct or open a highway through or upon property used for the burial of the dead without the consent of the property owner.

This bill prohibits the construction of a new highway within any portion of a state or federal veterans cemetery unless the person having legal control of the cemetery determines that the highway is necessary for purposes related to the cemetery and that person consents to the highway construction.

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

3             **SECTION 1.** 80.03 (1) of the statutes is amended to read:  
4             80.03 (1) ~~No~~ Except as provided in s. 86.085, no town highway shall be laid out  
5             through or upon any cemetery without the consent of those having the control of the

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1 cemetery; or through or upon any structure, yard, or enclosure used for educational  
2 or charitable purposes.

3 **SECTION 2.** 86.085 of the statutes is created to read:

4 **86.085 Highways in veterans cemeteries.** (1) Except as provided in sub.  
5 (2), no new highway may be constructed within any portion of the following veterans  
6 cemeteries:

7 (a) The Southern Wisconsin Veterans Memorial Cemetery near Union Grove.

8 (b) The Northern Wisconsin Veterans Memorial Cemetery near Spooner.

9 (c) The Wisconsin Veterans Memorial Cemetery at the Wisconsin Veterans  
10 Home at King.

11 (d) The Wood National Cemetery in Milwaukee.

12 (e) The Fort Winnebago Soldier's Lot in Portage.

13 (f) The Fort Crawford Soldier's Lot in Prairie du Chien

14 (g) Any other veterans cemetery constructed or operated by this state or by the  
15 federal government within this state.

16 (2) Subsection (1) does not apply to construction of a new highway within any  
17 portion of a veterans cemetery if the person having legal control of the cemetery  
18 determines that the new highway is necessary for purposes related to the veterans  
19 cemetery and that person consents to the construction.

20 (END)