

1 SECTION 97. 81.01 (title) of the statutes is renumbered 82.03 (title) and
2 amended to read:

3 **82.03 (title) Highways; duties Duties of town board.**

4 SECTION 98. 81.01 (intro.) and (1) of the statutes are renumbered 82.03 (1) (a)
5 and amended to read:

6 82.03 (1) (a) The town board shall have the care and supervision of all highways
7 in the town, except as otherwise provided under the town's jurisdiction, including the
8 highways specified in s. 83.06. The town board shall: ~~Appoint~~ ^(H) may appoint in writing
9 if it deems advisable a superintendent of highways to supervise, under the board's
10 direction of the board, the construction and, repair, and maintenance of said the ^{of}
11 highways and bridges and fix the compensation and the amount of the bond of such
12 superintendent under the town's jurisdiction. Where no superintendent of highways
13 is appointed, it shall be the duty of the town board to perform all of the duties that
14 are prescribed by law for the superintendent of highways to perform.

15 SECTION 99. 81.01 (2) of the statutes is renumbered 82.03 (1) (d) and amended
16 to read:

17 82.03 (1) (d) ~~Provide~~ The town board shall provide the superintendent of
18 highways with necessary forms and books made in compliance with standards
19 prescribed by the department of transportation.

20 SECTION 100. 81.01 (3) of the statutes is renumbered 82.03 (2), and 82.03 (2)
21 (intro.) and (b), as renumbered, are amended to read:

22 82.03 (2) FUNDING AND EQUIPMENT. (intro.) Provide The town board shall
23 provide machinery, implements, material, and equipment needed to construct,
24 maintain, and repair said the highways and bridges under its jurisdiction, and for
25 that purpose those purposes may acquire by purchase or by condemnation in the

1 manner provided by under ch. 32 stone, gravel, sand, clay, earth, gravel pits and,
2 stone quarries, but the and interests in land under s. 83.07. The total sum spent
3 under this subsection in any year for construction, maintenance, and repair of
4 highways and bridges may not exceed the product of \$5,000 multiplied by the miles
5 of highway under the jurisdiction of the town measured by the most recent highway
6 mileage for the town, as determined under s. 86.302, unless one of the following
7 occurs:

8 (b) The town board, by resolution, submits to the electors of the town as a
9 referendum at a general or special town election the question of exceeding the limit
10 set under this subsection. A copy of the resolution shall be filed as provided in s. 8.37.
11 The board shall abide by the majority vote of the electors of the town on the question.
12 The question shall read as follows:

13 Shall the town of spend up to \$.... over, which is the annual limit of the
14 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the
15 town measured by the most recent highway mileage for the town, as determined
16 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,
17 and repair of its highways and bridges?

~~18~~ 18

→ FOR SPENDING AGAINST SPENDING

Lps: put 14 spaces in here; AND
under "FORMAT," choose "initial
"center" and change "indent" to "0".

19 SECTION 101. 81.01 (4) of the statutes is renumbered 82.03 (3) and amended
20 to read:

21 82.03 (3) OVERSIGHT OF SUPERINTENDENT. Compel The town board shall compel
22 the superintendent of highways from time to time to perform the superintendent's
23 official duties.

24 SECTION 102. 81.01 (5), (6), (7) and (9) of the statutes are repealed.

1 SECTION 103. 81.01 (8) of the statutes is renumbered 82.03 (4) and amended
2 to read:

3 82.03 (4) CONTROL OF EXPENDITURES. ~~Direct~~ The town board shall direct when
4 and where all town moneys received from highway taxes and other available
5 highway funds shall be expended.

6 SECTION 104. 81.01 (10) of the statutes is renumbered 82.03 (5) and amended
7 to read:

8 82.03 (5) MAINTENANCE. ~~Enter~~ The town supervisors may enter any lands near
9 ~~any highway in the town to construct necessary drains or ditches or embankments~~
10 ~~for the improvement or protection of the highway~~ The town supervisors may enter
11 any private lands with their employees and agents for the following purposes of
12 removing:

13 1. To remove weeds and brush and of erecting or removing such to keep the
14 highway reasonably safe for travel.

15 2. To erect or remove snow fences as may be necessary to keep highways
16 reasonably free from snow and open for travel during the winter season.

***NOTE: ~~Should I break up intro. into (a) and (b) and RN 81.06 into (a) ????~~

17 SECTION 105. 81.01 (11) of the statutes is renumbered 82.03 (7) and amended
18 to read:

19 82.03 (7) HIGHWAY NAMES. ~~By~~ The town board shall, by ordinance, assign a
20 name to each of the roads in the town ^{that are} under town board jurisdiction. No road name
21 may be used on more than one road within the jurisdiction of the town.

22 SECTION 106. 81.02 (title) of the statutes is repealed.

23 SECTION 107. 81.02 of the statutes is renumbered 82.03 (1) (b) and amended
24 to read:

(b) (intro.)

(b) (intro.)

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insert 4/6-16

SEC. #. 81.03 of the statutes is renumbered 82.05 (a) and amended to read:

1 82.03 (1) (b) The town board may appoint more than one superintendent of
2 highways. If more than one superintendent is appointed, the town board shall divide
3 the town into as many districts as there are superintendents. The districts shall be
4 numbered and a superintendent shall be assigned to each district. ~~The term of office~~
5 ~~of highway superintendents shall be one year from the date of their appointment.~~
6 ~~A superintendent of highways may be compensated by a regular salary or by a per~~
7 ~~diem allowance, to be paid out of the highway fund or out of the general fund of the~~
8 ~~town. In addition to a salary or per diem compensation the superintendent may be~~
9 ~~paid out of either of said funds a stated amount for the maintenance and upkeep of~~
10 ~~a horse or automobile or motor truck. Such superintendent before entering upon the~~
11 ~~duties of superintendent shall execute an official bond in such sum as the town board~~
12 ~~shall require, with sureties to be approved by the board, and file said bond with the~~
13 ~~town clerk.~~ A superintendent may be a member of the town board ^{plain}

14 SECTION 108. 81.03 ^(title) of the statutes is renumbered 82.05 ^(title) and amended to read:

15 82.05 ^(title) **Superintendent of highways; duties.** (1) The term of office of
16 highway superintendents shall be one year from the date of their appointment.

17 ⁽²⁾ ~~The~~ ^{82.05} superintendent of highways shall supervise the construction and
18 maintenance of all highways in the superintendent's district ^{that are} required to be
19 maintained by the town, and keep them passable at all times, and perform such other
20 services in connection with said the highways as the town board requires, and keep
21 a ~~full account of all the superintendent's receipts and disbursements.~~ The
22 superintendent may make such arrangement arrange for the prosecution of the
23 highway work as the superintendent ~~deems~~ ^{considers} necessary and appoint ^{plain} such supervisors
24 overseers as the highway work requires.

SEC. #. 82.05(1) of the statutes is created to read:
82.05

Explain. I move

1 (3) When any highway under the superintendent's charge becomes
 2 impassable, the superintendent shall put the same highway in passable condition as
 3 soon as practicable. ~~The superintendent shall make a complete and full report of all~~
 4 ~~funds received and disbursed by the superintendent whenever requested so to do by~~
 5 ~~the town board, and shall also make a complete and full report to each annual town~~
 6 ~~meeting. The superintendent, and in the superintendent's absence the town board,~~
 7 ~~shall immediately upon notice of its existence fill or remove~~ Upon actual notice of the
 8 existence of any depression, ditch, hump, or embankment which that impedes the
 9 use of any highway in under the superintendent's district charge, the
 10 superintendent, or in the absence of a superintendent, the chairperson of the town
 11 board, shall as soon as practicable take action to make the highway safe for travel,
 12 which may include closing the highway.

NOTE: Section 82.05 is based on current s. 81.03 and on the 4th sentence of current s. 81.02. Current s. 81.03 seemed to contemplate the superintendent having a separate set of accounting books and paying and receiving money. The special committee decided that such a system had the potential for fraud and confusion. Instead, new s. 82.05 (4) simply requires the superintendent to report all actions to the board, and the board can handle making and receiving payments.

In new sub. (3), the language has been changed from "notice" to "actual notice".

13 SECTION 109. 81.04 and 81.05 of the statutes are repealed.

SEC. #. 81.05 of the statutes is repealed.

****NOTE: Nicholas: this has cross-references*

14 ~~SECTION 110. 81.06 of the statutes is repealed.~~

~~***NOTE: check this - repeal or RN?? this has cross-references~~

15 SECTION 111. 81.07 of the statutes is repealed.

~~***NOTE: this has cross-references~~

16 SECTION 112. 81.08 (title) of the statutes is renumbered 82.35 (title).

17 SECTION 113. 81.08 (1) of the statutes is renumbered 82.35 (1) ^(a) and amended

18 to read:

(10)
(11)

inset
48-14

(a) → plain

Plain - Move

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82.35 (1) ~~When~~ The town board, upon its own motion, may lay out and open

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temporary highways through any lands in the following situations:

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~~When~~ any highway shall be is practically impassable or be dangerous to travel or when it shall be deemed.

considers

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(b) When the town board ~~deems~~ ^{considers} it necessary on account of construction or repair work thereon or for other reasons to suspend travel thereon or upon on a highway or on any part of such a highway, the town board may upon its own motion lay out and open temporary highways for the accommodation of public travel through any lands due to construction, repair, or other reasons.

plain

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(2) (a) The board may contract in writing with the owner or occupant, or both, lessee of any land through which it proposes to lay out such a temporary highways highway, as to the location of the same highway, and the damages ^{that} the owner or occupant lessee is to receive, which. The contract shall be filed with the town clerk.

plain

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(b) In the absence of such a contract under par. (a), the board shall determine by the location of the temporary highway and the award of damages. Unless an emergency exists, the board shall serve the landowner with notice of the location of the highway and the award of damages and shall provide the landowner with 48 hours to object. The town board shall file a written order filed with the town clerk both specifying the location of the temporary highway and the damages, and may immediately open such temporary highways. Such highways awarded.

considered

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(4) A temporary highway shall exist only so long as needed and shall be deemed vacated and discontinued when the permanent highway is again opened for public travel.

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SORT

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SEC. #. 82.35 (1) (intro.) of the statutes is created to read:

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SEC. #. 82.35 (B) (1) (intro.) SECTION 114. 81.08 (2) of the statutes is renumbered 82.35 (2) (c) and amended

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to read:

1 82.35 (2) (c) The owner or occupant of any land occupied by such a temporary
 2 highway may, at any time after it is opened and within 30 days after it is so vacated
 3 or discontinued, apply to the town board to determine the owner's or occupant's
 4 damages; and thereafter the same proceedings may be had as in the case of a claim
 5 for damages under s. 81.07.

6 **SECTION 115.** 81.08 (3) of the statutes is renumbered 82.35 (3) and amended
 7 to read:

8 82.35 (3) ~~In case such~~ If a temporary highway is opened in connection with or
 9 on account of road and or bridge construction, the damages agreed upon or awarded
 10 pursuant to this section may be treated as part of the construction cost and paid out
 11 of the construction funds ~~in the customary manner of disbursing the same.~~

NOTE: Section 82.35 is based on current s. 81.08. The special committee was concerned that current law does not satisfy due process. Unless there is an emergency, new s. 82.35 requires notice to the landowner and 48 hours to object.

12 ~~SECTION 116. 81.11 (title) of the statutes is renumbered 82.25 (title) and~~
 13 ~~amended to read:~~

14 ~~82.25 (title)~~ Highway taxes/assessment, amount for limited-use road.

15 **SECTION 117.** 81.11 (1) to (4) ~~81.12, 81.39 and 80.30 (2) to (5)~~ of the statutes are
 16 repealed. (title) and

NOTE: Section 82.25 is based on current s. 81.11 (5). The language was changed to limit its application to plats in existence on January 1, 2003. Subsections (1) through (4) of current s. 81.11 were deleted because the special committee decided that they were obsolete.

Current ss. 81.12 and 81.39, 80.30 (2) through (5), and the 2nd-to-last sentence of s. 80.02 were not carried over into this ~~act~~ ^{bill}. The special committee decided that these provisions were obsolete or better covered by other parts of the statutes.

17 **SECTION 118.** 81.11 (5) of the statutes is renumbered 82.25 and amended to
 18 read:

19 ~~82.25~~ The Notwithstanding s. 60.10 (1) (a) and (2) (a), the town board, upon its
 20 ~~own authority and without direction from the annual town meeting,~~ may levy and

1 collect a tax on property located in a recorded and filed plat that existed on January
 2 1, 2003, situated in a town requiring the approval of such town board, and adjoining
 3 a private road used by the public located therein, and on property adjoining, where
 4 the owner regularly uses such road which is not a portion of any town, county, state,
 5 or federal highway system, not exceeding 3 mills for each dollar of assessed valuation
 6 thereof. The proceeds of ~~such~~ the tax shall be expended for the improvement and
 7 maintenance of any private roads used by the public located within ~~such~~ the recorded
 8 and filed plat. The town board shall not expend any of ~~such~~ the funds collected under
 9 this section upon a private driveway.

10 **SECTION 119.** 81.14 (title) of the statutes is renumbered 66.1029 (title) and
 11 amended to read:

12 **66.1029 (title) ~~Highways; refusal of town to open; appeal to county~~**
 13 **~~board; cost of opening~~ Appeal to county the refusal of a town, village, or city**
 14 **to open or repair a highway or bridge.**

15 **SECTION 120.** 81.14 (1) of the statutes is renumbered 66.1029 (1) ^(a) and amended
 16 to read:

17 66.1029 (1) ~~If any town, or towns in case of a town line highway, either by~~
 18 ~~the proper officers, or by a majority vote of the electors voting on such question,~~
 19 ~~refuse, fail or neglect to~~ city, or village does not open and put in reasonable condition
 20 for travel a highway, within one year from the date when it ^{on which} the highway was laid out,
 21 ~~or refuse, fail or neglect to~~ does not repair any highway or build or repair any a bridge
 22 ~~thereon, in such town or towns, any~~ on a highway, 15 freeholders thereof of the town,
 23 city, or village may appeal to the county board of the county in which the highway
 24 or bridge is ~~situated~~ located, by notice in writing served on the ~~chairperson or~~
 25 ~~chairpersons~~ county clerk, with copies delivered to the clerk of the town or towns.

1 (b) For the purpose of this section all, highways on town, city, or village lines,
2 which shall ~~that~~ have been apportioned between the respective towns, cities, or
3 villages shall be considered as wholly within the town, city, or village to which such
4 the part of said the highway or bridge is apportioned. ~~In case of town highways which~~
5 ~~are upon~~ If a highway is on county lines and which ~~have~~ has not been apportioned
6 for the purpose of ~~maintenance~~ authority and responsibility, the appeal may be made
7 to the county board of either county. ~~When it is appealed to,~~

8 (c) Upon receipt of an appeal, the county board shall, at the next regular
9 meeting, either by a majority of its members or by a committee of not less than 3,
10 examine such highway or bridge, ~~and if they determine that it ought to be put in~~
11 ~~reasonable condition for travel or ought to be repaired,~~ If it determines that the
12 appeal should be granted, the county board shall ~~thereupon~~ appropriate ~~therefor~~
13 sufficient funds to defray the estimated cost of opening or repairing the highway or
14 building or repairing the bridge, and the chairperson of the county board shall cause
15 the highway to be opened and put in reasonable condition for travel or cause the
16 bridge to be repaired or built, and shall keep an accurate account of the expense
17 ~~thereof, and such.~~ thereof, and ~~such.~~ The expense, when audited and allowed by the county board, shall
18 be charged to the ~~town and~~ affected towns, cities, or villages in amounts and
19 proportions ~~as~~ that the county board shall determine and shall be added to the next
20 county tax apportioned ~~thereto~~ thereto and collected ~~therewith.~~

21 **SECTION 121.** 81.14 (2) of the statutes is renumbered 66.1029 (2) and amended
22 to read:

23 66.1029 (2) If any county fails to aid in putting create an established plan,
24 agreed to by the town, city, or village, to put any county line highway in reasonable
25 condition for travel ~~any county line highway~~, the adjoining county may, after not less

1 than ~~20~~ 30 days' notice in writing given to the county clerk of ~~such~~ the other county,
2 put ~~such~~ the highway in reasonable condition for travel and keep an accurate account
3 of the expense ~~thereof~~. ~~Such~~. The expense, when audited and allowed by the county
4 board, shall be prorated and charged to the county whose duty it is to keep the
5 highway in condition for travel. Such county may then charge the expense to the
6 affected town, city, or village whose duty it is to keep the highway in repair and add
7 it to the next county tax, ~~apportion it thereto and collect it therewith~~ apportioned and
8 collected.

9 **SECTION 122.** 81.14 (3) of the statutes is repealed.

10 **SECTION 123.** 81.14 (4) of the statutes is renumbered 66.1029 (3) and amended
11 to read:

12 66.1029 (3) ~~In case of~~ If a county line highway ~~which~~ has not been apportioned
13 between towns, cities, or villages for the purpose of ~~maintenance, and where~~
14 authority and responsibility, an appeal may be taken to the county board of any
15 county bounded by said the highway, ~~the~~. The expense incurred in opening and
16 putting in reasonable condition for travel such highway, ~~or in repairing it~~ the
17 highway, or in building or repairing any bridge ~~thereon on the highway~~, shall be paid
18 primarily by the county to which the appeal is taken, ~~and by said county apportioned~~.
19 The county to which the appeal is taken shall apportion the expense among all of the
20 counties ~~which~~ that are bounded in whole or in part by ~~such~~ the highway, ~~and the~~
21 ~~proportionate share of such costs and expense shall be paid by the other counties~~.
22 The other counties shall pay their apportioned share to the county to which the
23 appeal is taken, upon ~~presentation~~ receipt of a proper claim ~~therefor, and when such~~.
24 When the expense has been paid by the counties ~~liable therefor it shall be charged~~
25 ~~by the respective counties to their proper towns and added, the counties shall charge~~

1 their affected towns, cities, or villages and add the charge to the next county tax
 2 ~~apportioned to such~~ the towns and ~~collected therewith.~~

NOTE: Section 66.1029 is based on current s. 81.14. Under current s. 81.14, the county's oversight is only over towns. This section expands the county's oversight to cities and villages. Since the county is given the same oversight over cities and villages, the section has been moved to ch. 66.

New s. 66.1029 changes where the application must be delivered. Under current s. 81.14, an appeal is begun by serving notice on the chairperson of town or towns. Since the appeal is to the county, the special committee decided that it would be more appropriate to serve the notice on the county. Thus, new s. 66.1029 requires service on the county clerk and copies to be delivered to the towns.

Current s. 81.14 (3) was deleted. That subsection concerned highways that were laid out by commissioners reversing the decision of the supervisors. The provisions for commissioners reversing supervisors was eliminated in 1995 Wisconsin Act 186.

In new sub. (2), the language about a county failing to aid in putting the highway in reasonable condition was changed to require a plan to put the highway in reasonable condition that is agreed to by the town or village. In addition, new sub. (2) was modified to require 30 rather than 20 days' notice.

3 **SECTION 124.** 81.15 of the statutes is renumbered 893.83 (1) and amended to
 4 read:

5 893.83 (1) DAMAGES CAUSED BY HIGHWAY DEFECTS; LIABILITY OF TOWN AND COUNTY
 6 MUNICIPALITY. If damages happen to any person or his or her property by reason of
 7 the insufficiency or want of repairs of any highway ~~which~~ that any town, city, or
 8 village is bound to keep in repair, the person sustaining the damages has a right to
 9 recover the damages from the town, city, or village. If the damages happen by reason
 10 of the insufficiency or want of repairs of a highway ~~which~~ that any county by law or
 11 by agreement with any town, city, or village is bound to keep in repair, or ~~which~~ that
 12 occupies any land owned and controlled by the county, the county is liable for the
 13 damages and the claim for damages shall be against the county. If the damages
 14 happen by reason of the insufficiency or want of repairs of a bridge erected or
 15 maintained at the expense of 2 or more towns, cities, villages, or counties, the action
 16 shall be brought against all ^{of} the towns, cities, villages, or counties ^{that are} liable for the
 17 repairs of the bridge ~~and upon.~~ Upon recovery of judgment, the damages and costs

1 shall be paid by the towns, cities, villages, or counties in the proportion in which they
2 are liable for the repairs; ~~and the.~~ The court may direct the judgment to be collected
3 from each town, city, village, or county for its proportion only. The amount
4 recoverable by any person for any damages so sustained shall not exceed \$50,000.
5 The procedures under s. 893.80 shall apply to the commencement of actions brought
6 under this ~~section.~~ subsection. No action may be maintained to recover damages for injuries
7 sustained by reason of an accumulation of snow or ice upon any bridge or highway,
8 unless the accumulation existed for 3 weeks.

9 **SECTION 125.** 81.17 of the statutes is renumbered 893.83 (2) and amended to
10 read:

11 893.83 (2) HIGHWAY DEFECTS; LIABILITY OF WRONGDOER; PROCEDURE. Whenever
12 damages happen to any person or property by reason of any defect in any highway
13 or other public ground, or from any other cause for which any town, city, village, or
14 county would be liable, and such damages are caused by, or arise from, the wrong,
15 default, or negligence thereof and of any person, or private corporation, such person
16 or private corporation shall be primarily liable therefor; ~~but the.~~ The town, city,
17 village, or county may be sued with the person or private corporation so primarily
18 liable. If the town, city, village, or county denies its primary liability and proves upon
19 whom such liability rests, the judgment shall be against all of the defendants shown by
20 the verdict or finding to be liable for the damages; ~~but judgment.~~ Judgment against
21 the town, city, village, or county shall not be enforceable until execution has been
22 issued against the party found to be primarily liable and returned unsatisfied in
23 whole or in part; ~~on.~~ On such return being made, the defendant town, city, village,
24 or county shall be bound by the judgment. The unpaid balance shall be collected in
25 the same way as other judgments.

NOTE: Section 893.83 is based on current ss. 81.15 and 81.17. The special committee decided it was more appropriately placed in ch. 893. Though some of the language has been modified to make it more current, no substantive change is intended.

~~****NOTE: ARG - is 81.07 repealed? If not, need to correct cross references in that provisions, to 81.01 and incl. ref. to 82.03(5) = .~~

~~****NOTE: ARG - 60.24(3)(p) and 82.03.(19) are very similar - need any more cross references??~~

~~****NOTE: ARG - if 80.38 and is not repealed, cross reference to 80.02 needs to be corrected; if 80.48 and is not repealed, cross reference to 80.05 needs to be corrected three times~~

~~****NOTE: ARG - if 80.24 is not repealed, cross reference to 80.17 needs to be corrected or to 82.15 if 80.17 becomes 82.15~~

~~****NOTE: ARG - if 80.39 is not repealed, cross reference to 80.30 needs to be corrected~~

1 SECTION 126. 81.35 of the statutes is renumbered 82.37 and amended to read:

2 **82.37 Tunnel under highway by landowner.** The owner of land on both

3 sides of a town highway may construct a tunnel under the highway, and the

4 necessary may erect fences for the passage of stock, and other purposes, in such

5 manner as will that are necessary for the use of the tunnel. The tunnel shall not

6 interfere with or endanger travel on the highway. The tunnel shall not be less than

7 25 feet in length and shall be maintained by the owner. The owner shall maintain

8 the tunnel and shall be liable for all damages which may be occasioned by that occur

9 as a result of the failure to keep the tunnel in repair. Unless authorized by a town

10 meeting, the tunnel shall not be less than 25 feet in length. The electors of the town

11 at an annual town meeting may authorize the construction of any designated a

12 tunnel not less than that is less than 25 feet, but at least 16 feet in length. The

13 chairperson of the town shall see that all tunnels in the town are made in accordance

14 with this section and that they are kept in good repair.

NOTE: Section 82.41 is based on all but the last sentence of current s. 81.35. No substantive change is intended.

SECTION 127. 81.36 of the statutes is repealed.

~~****NOTE: this has cross references~~

inset 14
56 -

1 SECTION 128. 81.38 (title) of the statutes is renumbered 82.08 (title).

2 SECTION 129. 81.38 (1) of the statutes is renumbered 82.08 (1) and amended
3 to read:

4 82.08 (1) PETITIONS. ~~When any A town that~~ has voted to construct or repair any
5 culvert or bridge on a highway ~~maintainable~~ maintained by the town, ~~and has~~
6 ~~provided for such portion of the cost of such construction or repair as is required by~~
7 ~~this section, the town board shall~~ may file a petition with the county board setting
8 ~~forth said facts and~~ for county aid with the county highway commissioner. The
9 petition shall describe the location and size of the culvert or bridge; and shall contain
10 a statement that the town has provided the funds required by sub. (3). ✓

11 (2) FUNDING REQUIREMENTS. (a) Except as provided in par. (b), upon receipt of ✓
12 a petition for a culvert or bridge with a 36-inch (span) or greater, or a structure of
13 equivalent capacity to carry water, the county board, ~~except as herein provided,~~ shall
14 ~~thereupon appropriate such the sum as will, with the money provided by the town,~~
15 ~~be sufficient to defray the expense of constructing or repairing such culvert or bridge,~~
16 required by sub. (3) and shall levy a tax therefor, which. The tax, when collected,
17 shall be disbursed on the order of the chairperson of the county board and the county
18 clerk, when the town board and county highway committee files a written notice with
19 the clerk that the work has been completed and accepted, held in a separate account
20 administered by the county highway committee. ✓ plain ✓

21 ✓ (b) If on January 1, 2003, a county has a policy of providing funding only for ✓
22 culverts and bridges larger than the requirement of par. (a), the county may refuse
23 to fund culverts and bridges that do not meet the minimum requirements of that
24 policy. The minimum size bridge or culvert that a county is required to fund under
25 this section may be raised, but not lowered, by the vote of a majority of the towns in

TH

1 the county. The county board of any county ~~which that~~ has never granted aid under
 2 this section may, in its discretion, refuse to ~~make any appropriation~~ all applications
 3 under sub. (1).

****NOTE: *Nichols,* Under created s. 82.08 (2) (a), in the first line, should it be this subsection
 or par. (b)?

4 **SECTION 130.** 81.38 (2) of the statutes is renumbered 82.08 (3) and amended
 5 to read:

6 82.08 (3) SHARED COST. ~~The county shall pay the cost in excess of \$750 up to~~
 7 ~~\$1,500.~~ The town and county shall each pay one-half of the cost of construction or
 8 repair ~~above \$1,500.~~ In determining the cost of construction or repair of any culvert
 9 or bridge, the cost of constructing or repairing any approach not exceeding 100 feet
 10 in length shall be included.

11 **SECTION 131.** 81.38 (3) of the statutes is renumbered 82.08 (4) and amended
 12 to read:

13 82.08 (4) EMERGENCY PETITION. Whenever the construction or repair of any such
 14 culvert or bridge must be made without delay, the town board may file its petition
 15 with the county clerk and the county highway committee, ~~setting forth the facts~~
 16 ~~respecting~~ explaining the necessity for immediate construction or repairs. It shall
 17 then be the duty of the town board and the county highway committee to ~~make such~~
 18 ~~construction or repairs with the least possible delay.~~ ~~The town board is authorized~~
 19 ~~to borrow the entire cost of the work, and to include the town's share of such cost in~~
 20 ~~the next tax levy~~ construct or repair the culvert or bridge as soon as practicable. The
 21 construction or repair of a culvert or bridge ~~performed and accepted~~ undertaken
 22 pursuant to this subsection shall entitle the town to the same county aid that the

1 town would have been entitled to had it filed its petition with the county board as
2 provided in sub. (1).

3 **SECTION 132.** 81.38 (4) of the statutes is renumbered 82.08 (5) and amended
4 to read:

5 82.08 (5) SUPERVISION OVER DESIGN, CONSTRUCTION, AND COST. The county
6 highway committee and the town board shall have full charge of design, sizing,
7 letting, inspecting, and accepting the work construction or repair, but the town board
8 may leave the matter entirely in the hands of the county highway committee. The
9 county highway committee and the town board must agree on the cost of the project
10 and must consult each other during construction.

11 **SECTION 133.** 81.38 (5) of the statutes is renumbered 82.08 (6) and amended
12 to read:

13 82.08 (6) CONSTRUCTION REQUIREMENTS. No county order may be drawn under
14 sub. (1) (2) for the construction of ~~an arch, a culvert or bridge unless it is constructed~~
15 ~~in a workmanlike manner and built of creosoted wood or timber, steel, stone or~~
16 ~~concrete or a combination thereof, and the design and construction comply with~~
17 requirements under s. 84.01 (23).

18 **SECTION 134.** 81.38 (6) of the statutes is renumbered 61.48 and amended to
19 read:

20 **61.48 County aid for construction and repair of bridges and culverts.**

21 Any village, ~~by a resolution adopted by a two-thirds majority vote of all members of~~
22 ~~the village board,~~ may elect to become subject to all of the provisions of this section.

23 Such s. 82.08 by a resolution adopted by a two-thirds majority vote of all ^{of the} members
24 of the village board. The election to become subject to s. 82.08 shall be effective when
25 a certified copy of such the resolution is filed with the county board and approved by

1 a majority of the towns and (the) villages in the county that are already subject to s.
 2 82.08 ~~vote of the members of the county board representing towns and representing~~
 3 ~~villages which have become subject to the provisions of this section as provided in~~
 4 ~~this subsection; and thereafter, until such~~ to approve the village's election. ~~Until the~~
 5 ~~village ceases to be subject to the provisions of this section s. 82.08,~~ the words "town"
 6 and "town board" as used in ~~this section s. 82.08~~ shall also apply ~~respectively to such~~
 7 ~~to the~~ ✓ village and its village board. A village ~~which~~ that has become subject to the
 8 ~~provisions of this section as provided in this subsection s. 82.08~~ may cease to be
 9 subject to ~~such provisions only~~ that section by the adoption of a resolution and its
 10 approval by the county board in the same manner ~~and by the same procedure by~~
 11 ~~which~~ as the village ~~may become~~ became subject to ~~such provisions as provided in~~
 12 ~~this subsection~~ that section.

NOTE: Section 61.48 is based on current s. 81.38 (6). Since it concerns villages, the special committee decided it was more appropriately placed in ch. 61. New s. 61.48 changes how the election to be subject to the provisions of new s. 82.08 is approved. The current language in s. 81.38 requires approval "...by a majority vote of the members of the county board representing towns and villages that have become subject to this section". Since the members of the county board no longer represent towns and villages in that manner, new s. 61.48 requires a vote of the majority of the towns and villages that are already subject to s. 82.08.

13 **SECTION 135.** 81.38 (7) of the statutes is renumbered 82.08 (7) and amended
 14 to read:

15 82.08 (7) NO TAX. Except as provided in sub. (6) and s. ss. 61.48 and 84.14 (3),
 16 nothing ~~herein contained~~ in this section shall authorize the levy of a tax upon the
 17 property in any city or village ~~which~~ that is required to maintain its own bridges.

NOTE: Section 82.08 is based on current s. 81.38. Current s. 81.38 requires all petitions for county aid to be granted. The special committee had a number of discussions about whether the county should be involved in projects that are very small, and about the fact that some counties currently put a minimum size requirement on the bridges and culverts that they fund.

The new s. 80.28 (2) limits the funding requirements to bridges or culverts with a span of 36 inches or greater. However, counties that had a greater size requirement in place on January 1, 2003 can continue to abide by that policy. In addition, the size limit

can be raised, but not lowered, by the vote of the majority of towns in the county. Current s. 81.38 also seemed to require the town to apply to the county for aid. That has been changed so that a town "may" apply for aid. Finally, the new sub. (2) requires the tax that the county levies to be held in a separate account.

New sub. (3) changes the way projects are funded. The current law requires the town to pay for the first \$750, the county to pay for the second \$750, and the town and county to split amounts in excess of \$1,500. The new sub. (3) requires a straight 50% split.

New sub. (5) adds the requirement that the town and county mutually agree on costs and consult with each other during construction.

New sub. (6) does not carry over the language from current s. 82.38 (5) that specified what materials the culvert or bridge should be made of. The special committee decided that the list was unnecessary and that some of the listed materials were outdated.

New sub. (8) allows the county to charge the towns an administration charge.

1 SECTION 136. 81.39 of the statutes is repealed.

repealed.

Fix component

2 SECTION 137. 81.42 (title) of the statutes is ~~renumbered 82.03 (3) (title) and~~

~~amended to read~~

move

score

3 ~~82.03 (8) (title) Dams used for bridge~~ USE OF DAMS AS ROADWAYS

4 SECTION 138. 81.42 (1) of the statutes is renumbered 82.03 (8) and amended

5 to read:

6
7 82.03 (8) The town board may contract with the owner of any a dam with that
8 has a roadway thereon on it for the use of such the roadway for highway purposes
9 for such period of time as the board may determine. The contract shall provide that
10 who shall be responsible for keeping the roadway shall at all times be kept in repair
11 by the owner and may be for a period of time ~~the board may~~ *that* determine *S*

NOTE: New s. 82.03 (1) through (8) are based on current ss. 81.01, 81.06, 81.42 (1), and the first 4 sentences of s. 81.02. The special committee decided that the following language from s. 81.01, which concerns the duties of the town board, was unnecessary and did not carry it over into this ~~draft~~.

"... (5) Erect and repair guideboards where deemed necessary on main traveled highways.

(6) Assess the highway taxes in their town in each year.

(7) Expend for highway purposes so much of the income taxes of the town as the board shall deem best . . .

(9) Designate highways that shall be known as dragged roads, and divide the same into sections, and to appoint draggers for each section whose duty it shall be to drag that section under the direction of the town board, or to contract to have any section dragged, and fix the compensation therefor, preference to be given to occupants of lands abutting such road."

In new s. 82.03 (1), language was included to state that the superintendent of highways could be a member of the town board. Current s. 60.37 (4) (a) already authorizes this.

In new s. 82.03 (2) (b), the ballot language has been changed. The change in the wording of the ballot makes the ballot include the actual amount that the town is already authorized to spend. Current law seems to only require a statement of the means by which the dollar limit is arrived at. The list of materials in current s. 81.06 has been added to new s. 82.03 (2).

The new s. 82.03 (5) is based on current s. 81.01 (3) and the first one-third of current s. 81.06. It gives the supervisors the additional authority to enter private land in order to erect fences on the right-of-way. The new sub. (6) makes it clear that the town will be responsible for any resulting damages.

Current s. 81.02 requires the superintendent to file a bond before assuming office. The special committee discussed this requirement and concluded that town boards rarely require such bonds. As a result, s. 82.03 (1) gives the board discretion over whether to require a bond. Current s. 81.02 also specifies what fund the superintendent may be paid from. The special committee discussed this requirement and decided it should be left to the town board's discretion.

The language of current s. 81.42 (1) requires the contract to provide that the owner of the dam keep the roadway in repair at all times. New s. 82.03 (8) changes this language to require only that the contract specify who shall keep the road in repair.

New s. 82.03 (9) through (18) are simply cross-references to sections outside of this chapter. They have been added to create a more comprehensive list of the duties of the town board in relation to the highways under its jurisdiction.

New s. 82.03 (19) is based on the last sentence of current s. 81.35. No substantive change is intended.

1 **SECTION 139.** 81.42 (2) of the statutes is renumbered 82.09 and amended to
2 read:

3 **82.09 County aid for dams used for bridges.** Whenever any A town board
4 shall may file its a petition with the county board, ~~setting forth the fact that said~~
5 stating that the town board has voted to acquire the right to use any such a roadway,
6 designating as near as may be the location of such dam and roadway, and stating on
7 a dam. The petition shall contain a legal description and scale map of the dam and
8 roadway, and shall state the amount agreed to be paid to the owner for the use thereof
9 of the roadway. Upon receipt of a petition, the county board shall appropriate a sum
10 equal to one-half ^{of} the amount so agreed to be paid for such the use, and. The county
11 board shall, on the order of the chairperson of the county board and county clerk,
12 cause such sum to be paid to the treasurer of said the town on the order of the
13 chairperson of the county board and county clerk whenever the town board shall

1 ~~notify them~~ notifies the county highway commissioner that a contract for the use of
2 such the roadway has been executed.

NOTE: Section 82.09 is based on current s. 81.42 (2). The contents of the petition have been changed. The original language required the petition to designate "as near as may be" the location of the dam and roadway. New s. 82.09 requires a legal description and scale map.

3 SECTION 140. Chapter 82 (title) of the statutes is created to read:

4 CHAPTER 82

5 TOWN HIGHWAYS

6 SECTION 141. Subchapter I (title) of chapter 82 [precedes 82.01] of the statutes
7 is created to read:

8 → CHAPTER 82
SUBCHAPTER I

9 FUNDING AND GOVERNANCE

10 SECTION 142. 82.01 (intro.), (1) to (6) and (8) to (10) of the statutes are created
11 to read:

12 82.01 Definitions. (intro.) In this chapter, the following words and phrases
13 have the designated meanings unless specifically noted:

14 (1) "Freeholder" means a person who owns a fee simple or life estate interest
15 in land, a person who is a land contract vendee, or a person who has an interest in
16 land arising under ch. 766. ✓

17 (2) "Highway order" means an order laying out, altering, or discontinuing a
18 highway or a part of a highway, that contains a legal description of what the order
19 intends to accomplish and a scale map of the land affected by the order.

20 (3) "Legal description" means a complete description of land without internal
21 references to any other document, and shall be described in one of the following ways:

→ (3) 4
Ins. 63-19 fr. next page

1 (a) By metes and bounds commencing at a monument at the section or quarter
2 section corner or at the end of a boundary line of a recorded private claim or federal
3 reservation in which the annexed land is located and in one of the following ways:

- 4 1. By government lot.
- 5 2. By recorded private claim.
- 6 3. By quarter section, section, township, and range.

7 (b) If the land is located in a recorded and filed subdivision or in an area subject
8 to a certified survey map, by reference as described in s. 236.28 or 236.34 (3). *that is*

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9 (3) "Laid out" means any formal act or process by which a municipality
10 determines the location of a highway.

11 (5) "Municipality" means a city, village, or town.

12 (6) "Opened" means the completion of work on a highway that places the
13 highway in a condition ready for public use.

~~14~~ (8) "Town line highway" means a highway that runs on or across the boundary
15 line between a town and another town, a village, or a city.

16 (9) "Unrecorded highway" means a highway that is not a recorded highway.

17 (10) "Worked" means action of the town in regularly maintaining a highway
18 for public use. ~~18~~ ^X Actions of the town that shall constitute "work" include, but are not
19 limited to: ~~19~~ hauling gravel, grading, clearing or plowing, and expending town funds
20 for any other maintenance on the road. ~~19~~

insert 64-20

21 SECTION 143. 82.03 (1) (title) of the statutes is created to read:

22 82.03 (1) (title) OVERSIGHT OF HIGHWAYS, SUPERINTENDENT OF HIGHWAYS.

23 SECTION 144. 82.03 (1) (c), (5) ^{(title) and} (c), (6), (9) to (19) of the statutes are created to
24 read:

and

1 82.03 (1) (c) The town board shall fix the compensation and may require and
2 set the amount of a bond of the superintendent. The town board may reimburse the
3 superintendent for expenses incurred in performing his or her duties as
4 superintendent.

5 ~~WPA~~ (c) To erect on the right-of-way fences other than snow fences.

6 (6) LIABILITY. The town shall be responsible for any damage resulting from
7 activities undertaken under the authority granted by sub. (5).

8 (9) RUSTIC ROADS. As specified in s. 83.42, the town board shall maintain the
9 rustic roads under its jurisdiction and may apply to have a highway designated as
10 a rustic road or withdrawn from the rustic road system.

11 (10) ADDITIONS TO AND DELETIONS FROM COUNTY TRUNK SYSTEM. The town board
12 shall approve or deny additions to and deletions from the county trunk highway
13 system as provided in s. 83.025 (1). ✓

14 (11) EMERGENCY CLOSURE OF COUNTY TRUNK HIGHWAY. The town chairperson may
15 close county trunk highways when they have been rendered dangerous for travel and
16 immediately notify the county highway commissioner under s. 83.09. ✓

17 (12) CONTROLLED-ACCESS HIGHWAYS. The town board shall work with the county
18 and other governmental bodies in establishing and maintaining controlled-access
19 highways under s. 83.027. ✓

20 (13) COUNTY-CONTROLLED HIGHWAYS IN A TOWN. The town board may contract
21 under s. 83.035 with the county to enable the county to construct and maintain
22 streets and highways in the town.

23 (14) PURCHASE OF EQUIPMENT. The town board may purchase road building and
24 maintenance supplies from the county under s. 83.018. ✓

1 (15) AGREEMENTS WITH OTHER GOVERNMENTAL BODIES. The town board, under s.
 2 83.027 (9),[✓] may enter into agreements with other governmental bodies respecting the
 3 financing, planning, establishment, improvement, maintenance, use, regulation, or
 4 vacation of controlled-access highways or other public ways in their respective
 5 jurisdictions.

6 (16) COUNTY^AAID HIGHWAYS. The town board may improve county^Aaid highways
 7 under s. 83.14.[✓]

8 (17) HIGHWAY LIGHTING. The town board may provide lighting for highways
 9 located in the town under s. 60.50 (4).[✓]

10 (18) SOLID WASTE TRANSPORTATION. The town board may designate ~~which~~
 11 ^{on which} highways solid waste may be transported ~~to~~^{to} under s. 60.54.

12 (19) TUNNELS UNDER HIGHWAYS. The town board shall ensure that all tunnels
 13 constructed pursuant to s. 82.37[✓] are constructed in accordance with the
 14 requirements of s. 82.37[✓] and are kept in good repair by the landowner.

15 SECTION 145. 82.05 (4) of the statutes is created to read:

16 82.05 (4) The superintendent shall routinely notify the town board of all
 17 highway work.

18 SECTION 146. 82.08 (8) of the statutes is created to read:

19 82.08 (8) ADMINISTRATION CHARGE. The county may charge the towns that apply
 20 for aid under this section an administration charge. The administration charge shall
 21 be fixed as a percentage of the total costs[✓] of administering aid under this section and
 22 the percentage shall be no more than the percentage that the county charges the
 23 state for records and reports.

24 SECTION 147. Subchapter II (title) of chapter 82 [precedes 82.10] of the statutes
 25 is created to read:

CHAPTER 82

SUBCHAPTER II

BASIC PROCEDURES

SECTION 148. 82.10 (title), (1) (b), (2), (4) (b) and (5) of the statutes are created to read:

82.10 (title) **Initiation of procedures.** (2) RESOLUTION. Notwithstanding

sub. (1), the town board may initiate the process of laying out, altering, or discontinuing a town highway by the introduction of a resolution. The resolution shall contain all of the following:

(a) A legal description of the highway to be discontinued or of the proposed highway to be laid out or altered.

(b) A scale map of the land that would be affected by the application.

(4) (b) If procedures are begun under sub. (1), the applicants shall bear the cost of publication. If the procedures are begun under sub. (2), the town shall bear the cost of publication.

(5) LIS PENDENS. In the case of an application under sub. (1), the applicant shall file a lis pendens under s. 840.11. In the case of a resolution under sub. (2), the board shall file a lis pendens within 10 days of the introduction of the resolution.

SECTION 149. 82.11 (title) of the statutes is created to read:

82.11 (title) **Meeting.**

SECTION 150. 82.12 (title) of the statutes is created to read:

82.12 (title) **Highway order.**

SECTION 151. 82.14 (title), (1) and (3) of the statutes are created to read:

82.14 (title) **Acquiring rights to land; damages from discontinuance.**

(1) Unless the acquisition can be made by mutual agreement, the town board shall utilize the procedures under s. 32.05 to acquire rights to land for the purpose of laying out or altering a town highway.

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1 (3) An owner of property abutting on a discontinued highway whose property
2 is damaged by the discontinuance may recover damages as provided in ch. 32.

3 SECTION 152. 82.16 (3) of the statutes is created to read:

4 82.16 (3) It shall be presumed that a release was given by the owners of the
5 lands over which the highway was laid out and the public shall be entitled to use the
6 full width of the highway, as laid out, without further compensation if all of the
7 following apply:

8 (a) An order laying out the highway has been filed for more than 30 years.

9 (b) No award of damages or agreement or release has been filed.

10 (c) The highway, or a part of the highway, has been used by the public and public
11 money has been expended on the highway for at least 5 years.

12 SECTION 153. Subchapter III (title) of chapter 82 [precedes 82.21] of the
13 statutes is created to read:

14 CHAPTER 82
SUBCHAPTER III

15 SPECIAL PROCEDURES

and

16 SECTION 154. 82.21 (1) (a) (b) and (5) (title) of the statutes are created to read:

17 82.21 (1) (a) Six resident freeholders of the town, city, or village deliver an
18 application to lay out, alter, or discontinue a town line highway to the clerk of every
19 town, city, or village that would be affected by the proposal.

20 (b) The town board, city council, or village board introduces a resolution to lay
21 out, alter, or discontinue a town line highway.

22 (5) (title) INS. 68-21
23 (5) (title) APPEAL OF APPORTIONMENT.

from p-20 and

24 SECTION 155. 82.27 (title), (1), (5) (c) (d), (9) and (10) of the statutes are created
to read:

1 determining the broad outlines and principles governing administration and the
2 county highway commissioner shall have the administrative powers and duties
3 prescribed for the county highway committee under par. (a), sub. (3) (a) and ss.
4 27.065 (4) (b) and (13), 32.05 (1) (a), ~~81.38 (1), (3) and (4)~~, 82.08, 83.01 (6), 83.013,
5 83.018, 83.025 (1) and (3), 83.026, 83.035, 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14
6 (6), 83.17, 83.18, 83.42 (3) and (4), 84.01 (5), 84.06 (3), 84.07 (1) and (2), 84.09 (1), (3)
7 (a) to (c) and (4), 84.10 (1), 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34 (1), 114.33 (5),
8 349.07 (2), 349.11 (4) and (10) and 349.15 (2). No statutory power, duty or function
9 specified elsewhere for the county highway commissioner may be deemed impliedly
10 repealed for the sole reason that reference to it has been omitted in this paragraph.

11 **SECTION 158.** 83.09 of the statutes is amended to read:

12 **83.09 Emergency repairs of county trunk highways.** Whenever a flood
13 or other casualty renders any county trunk highway dangerous for travel, the town
14 chairperson shall may immediately close it and notify the county highway
15 commissioner thereof, and the commissioner shall promptly make repairs necessary
16 to render the highway safe for travel. If sufficient funds are not available in the
17 county maintenance fund, the commissioner may, with the consent of the
18 chairperson of the county board or of the county highway committee, make the
19 necessary repairs, and the cost thereof shall be paid as soon as funds are available.

NOTE: In the course of discussing a cross-reference to current s. 83.09, the special committee discussed that section's use of mandatory language. The special committee concluded that it should be changed to "may". The special committee members had concerns about the mandatory language breeding litigation and about the town using this authority unnecessarily.

20 **SECTION 159.** 83.18 (1) (title) of the statutes is repealed.

21 **SECTION 160.** 83.18 (1) of the statutes is renumbered 83.18 and amended to
22 read:

1 **83.18 Entry on lands.** For constructing or maintaining any highway by the
2 county, the county highway committee or commissioner shall possess all ^{of} the powers
3 to acquire and enter lands conferred upon town boards by s. ~~81.06~~ ^{bill} 82.03 (2) and (5).

NOTE: This ~~bill~~ ^{bill} deletes current s. 83.18 (2). That section referred to appeal procedures in current chs. 80 and 81 that the special committee deleted.

4 **SECTION 161.** [✓] 83.18 (2) of the statutes is repealed.

5 **SECTION 162.** 83.19 of the statutes is amended to read:

6 **83.19 Temporary highways and detours.** When any highway which is
7 maintained or to be maintained by the county shall be practically impassable or be
8 dangerous to travel or when it shall be deemed necessary on account of construction
9 or repair work thereon or for other reasons to suspend travel upon any part of such
10 highway, the county highway commissioner may lay out and open temporary
11 highways for the accommodation of public travel through any lands, and the county
12 highway commissioner shall possess the powers conferred by s. ~~81.08~~ [✓] 82.35 upon
13 town boards. Said powers shall be exercised by the county highway commissioner
14 in like manner and the procedure shall be the same except that the contract and
15 orders and claim for damages and other papers relating to the matter shall be filed
16 with the county clerk, and claims for damages shall be acted upon by the county
17 board in the manner provided by s. 893.80.

18 **SECTION 163.** 84.02 (1) of the statutes is amended to read:

19 **84.02 (1) DESIGNATION.** The system of highways known as the trunk highway
20 system heretofore selected and laid out by the legislature and by the highway
21 commission and by special legislative state trunk highway committees and approved
22 by said highway commission and as revised, altered and changed by and under
23 authority vested by law in the highway commission, is hereby validated and

1 confirmed and designated the state trunk highway system but without prejudice to
2 the exercise of the power given to change such system, and all acts by which parts
3 of said system were heretofore adopted or declared to be trunk highways are
4 confirmed and validated. Section ~~80.32~~ ~~82.19~~ does not apply to the state trunk
5 highway system.

6 **SECTION 164.** 84.07 (1) of the statutes is amended to read:

7 84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk
8 highway system shall be maintained by the state at state expense. The department
9 shall prescribe by rule specifications for such maintenance and may contract with
10 any county highway committee or municipality to have all or certain parts of the
11 work of maintaining the state trunk highways within or beyond the limits of the
12 county or municipality, including interstate bridges, performed by the county or
13 municipality, and any county or municipality may enter into such contract. General
14 maintenance activities include the application of protective coatings, the removal
15 and control of snow, the removal, treatment and sanding of ice, interim repair of
16 highway surfaces and adjacent structures, and all other operations, activities and
17 processes required on a continuing basis for the preservation of the highways on the
18 state trunk system, and including the care and protection of trees and other roadside
19 vegetation and suitable planting to prevent soil erosion or to beautify highways
20 pursuant to s. ~~80.01~~ (3) ~~66.1037~~, and all measures deemed necessary to provide
21 adequate traffic service. Special maintenance activities include the restoration,
22 reinforcement, complete repair or other activities which the department deems are
23 necessary on an individual basis for specified portions of the state trunk system.
24 Maintenance activities also include the installation, replacement, rehabilitation, or
25 maintenance of highway signs, traffic control signals, highway lighting, pavement

1 markings, and intelligent transportation systems. The department may contract
2 with a private entity for services or materials or both associated with the installation,
3 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,
4 highway lighting, pavement markings, and intelligent transportation systems.

5 **SECTION 165.** 84.14 (3) of the statutes is amended to read:

6 84.14 (3) PARTICIPATION IN TOWN BRIDGE CONSTRUCTION. Whenever any
7 municipality has participated in the cost of the construction, reconstruction, or
8 purchase of a bridge under s. 84.11 or 84.12, the property in such municipality shall
9 thereafter be subject to taxation by the county for the construction and repair of
10 bridges within the county under s. ~~81.38~~ [✓] 82.08.

11 **SECTION 166.** 86.26 [✓] of the statutes is renumbered 82.50.

12 **SECTION 167.** 86.265 [✓] of the statutes is renumbered 82.51.

13 **SECTION 168.** 86.266 [✓] of the statutes is renumbered 82.52.

14 **SECTION 169.** 86.315 (3) of the statutes is amended to read:

15 86.315 (3) County forest roads must meet the minimum design standards
16 under s. ~~86.26 (1) (a) 2. and 3.~~ [✓] ~~82.50 (1) (a) 2. and 3.~~ [✓] in order to qualify for aids under
17 this section. *bill* → *plain*

NOTE: This ~~bill~~ renumbers the town road standards, which are currently in ch. 86, and moves them into ch. 82. This section merely changes the cross-reference to reflect that move.

18 **SECTION 170.** 236.16 (2) of the statutes is amended to read:

19 236.16 (2) MINIMUM STREET WIDTH. All streets shall be of the width specified on
20 the master plan or official map or of a width at least as great as that of the existing
21 streets if there is no master plan or official map, but no full street shall be less than
22 60 feet wide unless otherwise permitted by local ordinance. Widths of town roads
23 platted after January 1, 1966, shall, however, comply with minimum standards for

town roads prescribed by s. ~~86.26~~ [✓] 82.50. [✓] Streets or frontage roads auxiliary to and located on the side of a full street for service to the abutting property may not after January 1, 1966, be less than 49.5 feet wide.

NOTE: This ~~bill~~ ^{bill} renumbers the town road standards which are currently in ch. 86, and moves them into ch. 82. This section merely changes the cross-reference to reflect that move.

SECTION 171. 756.04 (2) of the statutes is amended to read:

756.04 (2) Jurors for all circuit courts, ~~except jurors under ch. 80,~~ shall be selected under ss. 756.04 to 756.07.

NOTE: This ~~bill~~ ^{bill} eliminates all of the provisions in chs. 80 and 81 that concern the selection of juries. Thus, no new cross-reference is necessary.

SECTION 172. 893.73 (2) (c) [✓] of the statutes is repealed.

NOTE: The special committee decided that, for judicial economy, all challenges to the issuance of or refusal to issue a highway order should be brought in one action. This section deletes the provisions that provide for a different timeline for an action that challenges the regularity of a highway order.

SECTION 173. 893.83 (title) of the statutes is created to read:

893.83 (title) Highway defects.

SECTION 174. Effective date.

(1) This act takes effect on January 1, 2005.

NOTE: The special committee decided on this effective date so that it corresponds with the publication of the new statute books.

The following chart shows where the special committee decided to move the provisions of chs. 80 and 81:

<i>Current</i>	<i>New</i>
80.01 (1)	82.01 (7)
80.01 (1m) and (2)	82.31
80.01 (3)	66.1037
80.01 (4)	66.1033, substantively changed.
80.01 (5)	66.1024, substantively changed.
80.02—first three sentences	82.10 (1) and (2), substantively changed.
80.02—third-to-last sentence	Deleted
80.02—second-to-last sentence	Deleted

LPS: This table is a Leg. Council NOTE, so we can't make any changes in it.

<i>Current</i>	<i>New</i>
80.02—last sentence	66.1003 (10)
80.025	82.29
80.03	Deleted
80.04	82.11 (2), substantively changed.
80.05	82.10 (3) and (4), substantively changed.
80.06	82.11 (1), substantively changed.
80.07 (1)—first four sentences	82.12 (1) and (2), substantively changed.
80.07 (1)—last sentence	82.16 (3)
80.07 (2)	82.12 (2)
80.08	82.18, substantively changed.
80.09	Deleted
80.10	Deleted
80.11 (1) through (3), and (5) through (6)	82.21, substantively changed.
80.11 (4)	Deleted
80.11 (7) and (8) (a)	82.23
80.11 (8) (b)	Deleted
80.12 (1), (2), (3) and (5)	82.21, substantively changed.
80.12 (4)	Deleted
80.125	82.28
80.13	82.27, substantively changed.
80.14	82.27
80.15	82.27 (8)
80.16--all but second-to-last sentence	82.13
80.16--second-to-last sentence	66.1003 (10)
80.17	82.15, substantively changed.
80.22	82.12 (3)
80.23	82.20, substantively changed.
80.24	Deleted
80.25	Deleted
80.26	Deleted

<i>Current</i>	<i>New</i>
80.27	Deleted
80.28	Deleted
80.29	Deleted
80.30	Deleted
80.31 (1) and (2)	Deleted
80.31 (3)	82.14 (2), substantively changed.
80.32 (1)	82.19 (1)
80.32 (2)	82.19 (2)
80.32 (3) and (4)	66.1005
80.33	82.17
80.34	82.16, substantively changed.
80.35	Deleted
80.37	82.33
80.38	Deleted
80.39	Deleted
80.40	Deleted
80.41	66.1006
80.47	66.1035
80.48	Deleted
80.64	66.1031
80.65	Deleted
81.01	82.03, substantively changed.
81.02—first three sentences	82.03 (1), substantively changed.
81.02--fourth sentence	82.05 (1)
81.02—everything except the first four sentences	Deleted
81.03	82.05 (2) to (4), substantively changed.
81.04	Deleted
81.05	Deleted
81.06 (first 1/3)	82.03 (5)
81.06 (second 2/3)	82.03 (2)
81.07	Deleted
81.08	82.35, substantively changed.

<i>Current</i>	<i>New</i>
81.11 (5)	82.25, substantively changed.
81.11 (1) through (4)	Deleted
81.12	Deleted
81.14 (1), (2) and (4)	66.1029, substantively changed.
81.14 (3)	Deleted
81.15	893.83 (1)
81.17	893.83 (2)
81.35--all but last sentence	82.37
81.35--last sentence	82.03 (19)
81.36	Deleted
81.38 (1) through (5)	82.08, substantively changed.
81.38 (6)	61.48, substantively changed.
81.39	Deleted
81.42 (1)	82.03 (13)
81.42 (2)	82.09, substantively changed.

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2811/P3ins
ARG:.....

INSERT ANAL: ✓

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

INSERT 5-22: ✓

****NOTE: Nicholas, The cross-reference to s. 82.03 (19) will need to be corrected, but I am not sure of the correct cross-reference since s. 81.05 is actually repealed in the attached draft. Do you want to simply repeal s. 60.10 (1) (d) as well?

INSERT 19-2: ✓

****NOTE: Nicholas, Parts of s. 80.07 (1) appear in created ss. 82.12 (2) and 82.16 (3). Unfortunately, s. 80.07 (1) cannot be renumbered twice. I have renumbered s. 80.07 (1) to s. 82.12 (2) and created new text in s. 82.16 (3), but it could be done in the opposite fashion if you prefer.

INSERT 24-5: ✓

SECTION 1. 80.11 (8) of the statutes is repealed.

INSERT 24-16: ✓

SECTION 2. 80.12 (3) and (4) of the statutes are repealed.

INSERT 31-10: ✓

SECTION 3. 80.17 (title) of the statutes is renumbered 82.15 (title) and amended

~~82.15 (title) Appeal from of a highway order.~~

INSERT 46-16: ✓

****NOTE: Nicholas, I have parsed this subsection to facilitate renumbering and amending to capture as much existing text as possible.

INSERT 48-14: ✓

SECTION 4. 81.06 (title) of the statutes is repealed.

SECTION 5. 81.06 of the statutes is renumbered 82.03 (5) (a) and amended to

read:

to read
see 82.15
(title) on
p. 2 of
the draft.

repealed.
[Handwritten signature]

[Handwritten mark]

82.03 (5) (a) The town board supervisors may enter upon any lands near any highway in the town and there to construct necessary drains or ditches or embankments for the improvement or protection of the highway; and may enter upon any unimproved lands near any highway in the town and take stone, gravel, sand, clay, earth or trees for the purposes of improving any highway, but shall carefully avoid doing any unnecessary injury to the premises; and may take stone, gravel or other suitable materials within the highway of the town to improve any highway therein. No such material shall be removed from any town without the consent of the town board unless the highway on which the same is found is maintained by the county, in which case the county may use the same for any highway purpose.

INSERT 51-9: ✓

SECTION 6. 81.12 of the statutes is repealed.

INSERT 56-14: ✓

****NOTE: Nicholas (1) Do you want any cross-references between ^{ss.} 82.03 (19) ~~and~~ ~~69.24(3)(a)~~, which derive from s. 82.37 and are very similar? *69.24(3)(p) and*

INSERT 64-20:

****NOTE: Nicholas (1) I recommend adding a definition for "department" as well.

INSERT 65-42: ✓

~~SECTION 7. 82.03 (5) (title) of the statutes is created to read:~~

(5) (title) MAINTENANCE.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2811/P3dn

ARG: *king*

ATTN: Nicholas Zavos

As we discussed, at the sacrifice of "readability," our drafting conventions require me to renumber and amend statutory units wherever possible, rather than repeal and recreate them, both to highlight the specific changes occurring within the statutory unit and to aid those attempting to trace the legislative history of the provision at some point in the future.

The attached draft makes only "technical" modifications to the Legislative Council draft provided. That is, it renumbers and amends most of the statutory units affected (rather than repealing chs. 80 and 81 and creating new provisions), includes a few additional cross-references, ~~and~~ scores new text omitted from a couple of the amended provisions included in the Legislative Council draft. The draft does not make stylistic or substantive changes. This draft is intended to be used as a "base" document, equivalent to the Legislative Council draft provided, so that stylistic and substantive changes in the next draft are more easily recognizable.

Because the method of renumbering and amending "scatters" the text of many provisions that, when they appear in the statutes (and as they appear in the Legislative Council draft), appear as a coherent whole, the Legislative Council notes in the attached draft may not appear in the most desirable location and may need to be relocated or parsed.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

, and makes ~~a~~ some minor grammatical changes

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2811/P3dn
ARG:kmg:pg

September 10, 2003

ATTN: Nicholas Zavos

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Because the method of renumbering and amending "scatters" the text of many provisions that, when they appear in the statutes (and as they appear in the Legislative Council draft), appear as a coherent whole, the Legislative Council notes in the attached draft may not appear in the most desirable location and may need to be relocated or parsed.

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