



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 287

Senate Substitute Amendment 1

Memo published: March 1, 2010

Contact: Larry A. Konopacki, Staff Attorney (267-0683)

Under **2009 Senate Bill 287**, a city, village, or town (municipality) would be authorized to transfer jurisdiction and ownership of a highway that is owned by and under the jurisdiction of the municipality to a federally recognized American Indian tribe or band in this state or an agency of the United States government by entering into a jurisdictional transfer agreement with the tribe or agency.

Senate Substitute Amendment 1 would authorize a city, village, town, or county (political subdivision) or the Department of Transportation (DOT) to transfer jurisdiction and ownership of, or other property interest in, a highway that is under the jurisdiction of the political subdivision or DOT to a federally recognized American Indian tribe or band in this state (tribe or band) or an agency of the United States government acting on behalf of a tribe or band (agency). The political subdivision or DOT would be required to enter into a jurisdictional transfer agreement with the tribe or band or agency that must contain a dispute resolution provision and a provision requiring that the highway remain open to vehicular traffic unless the tribe or band or agency conducts a highway discontinuation proceeding similar to the proceeding that would occur if the city, village, or town in which the highway is located were discontinuing the highway.

Legislative History

Senate Substitute Amendment 1 was introduced by Senator Vinehout on February 22, 2010. On February 23, 2010, the Senate adopted the substitute amendment and passed Senate Bill 287, as amended, on voice votes.

LAK:wu