

No. 51, S.]

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CHAPTER 525

AN ACT to renumber 84.01 (25) ; to amend 60.81 (5), 61.187 (2), 61.189 (2), 62.06 (6) and (11), 84.07 (1) and (2), 84.10 and 84.12 (7) ; and to create 66.026, 84.01 (25) (b), (c) and (d) and 84.07 (1b) of the statutes, relating to sundry changes in the powers and duties of the state highway commission.

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

SECTION 1. 60.81 (5) of the statutes is amended to read :

60.81 (5) If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census if any, and * * * 4 copies of a description of the legal boundaries of the town and * * * 4 copies of a plat thereof, whereupon

the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose. * * * *Two copies* of the description and plat shall be forwarded by the secretary of state to the highway commission *and one copy to the department of taxation.*

SECTION 2. 61.187 (2) of the statutes is amended to read:

61.187 (2) If two-thirds of the ballots cast at such election on such proposition shall be for dissolution such village shall, at the expiration of 6 months from the date of such election, cease to be an incorporated village. Within 6 months the village board shall dispose of the village property and settle, audit and allow all just claims against the village. It shall settle with the treasurer and other village officers, and cause the assets of the village to be used in paying its debts. If anything remains after paying such debts it may designate the manner in which the same shall be used. If there are not sufficient funds to pay the debts of the village the board may levy a tax to cover the deficiency, which shall be collected as other taxes and be paid out by the town treasurer in payment of the outstanding village orders or bonds; and in case of such dissolution the territory embraced in the village shall revert to and become a part of the town or towns from which it was taken or in which it is then located. Within 10 days after such election, if resulting in favor of dissolution, the village clerk shall file with the register of deeds and secretary of state certified copies of said petition and the determination of inspectors of election, * * * *and shall also file with the register of deeds one copy and with the secretary of state 4 copies of his own certificate showing date when such dissolution takes effect.* Said documents shall be recorded by the register of deeds and proper marginal entry made on the page where original papers were recorded. *The secretary of state shall forward 2 copies of the certificate to the highway commission and one to the department of taxation.*

SECTION 3. 61.189 (2) of the statutes is amended to read:

61.189 (2) The election shall be noticed and conducted and the result canvassed and certified as in the case of regular village elections and the village clerk shall immediately file with the secretary of state * * * 4 copies of a certification certifying the fact of holding such election and the result thereof and a description of the legal boundaries of such village or proposed city and * * * 4 certified copies of a plat thereof; and thereupon a certificate of incorporation shall be issued to such city as provided in s. 62.06 (6). * * * *Two copies* of the certification and plat shall be forwarded by the secretary of state to the highway commission *and one copy to the department of taxation.* Thereafter such city shall in all things be governed by the general city charter law. All debts, obligations and liabilities existing against such village at the time of such change shall continue and become like debts, obligations and liabilities against such city, and such city may carry out and complete all proceedings then pending for the issue of bonds for improvements therein.

SECTION 4. 62.06 (6) and (11) of the statutes are amended to read:

62.06 (6) If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census if any, and * * * 4 copies of a description of the legal boundaries of the district and * * * 4 copies of a plat thereof, whereupon the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose. * * * *Two copies* of the description and plat shall be forwarded by the secretary of state to the highway commission *and one copy to the department of taxation.*

(11) If the population of the city shall fall below 1,000 as determined by the United States census, the council may upon petition of 15 per cent of the electors submit at any general or city election the question whether the city shall reorganize as a village. If three-fifths of the votes cast on the question are for reorganization the mayor and council shall file a certified copy of the return in the office of the register of deeds and the clerk of the circuit court, and shall immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of such officers, the board of trustees shall declare the city reorganized as a village, whereupon the reorganization shall be effected. The clerk shall forthwith certify * * * *4 copies* of such declaration to the secretary of state who shall file * * * *one copy* and indorse a memorandum thereof on the record of the **certificate of incorporation** of the city, *and forward 2 copies to the highway commission and one to the department of taxation.* Rights and liabilities of the city shall continue in favor of or against the village. Ordinances, so far as within the power of the village, shall remain in force until changed.

SECTION 5. 66.026 of the statutes is created to read:

66.026 NOTICE OF LITIGATION. Whenever any proceedings under ss. 60.81, 61.11, 61.185, 61.187, 61.189, 61.74, 62.06, 62.07, 62.075, 66.025 or other sections relating to an incorporation, annexation, consolidation, dissolution or detachment of territory of a city or village is contested by instigation of legal proceedings, the clerk of the city or village involved in such proceedings shall forthwith file with the secretary of state 4 copies of a notice of the commencement of such action. He shall also file with the secretary of state 4 copies of any judgments rendered or appeals taken in such cases. The notices or copies of judgments as herein required may also be filed by an officer or attorney of any party of interest. The secretary of state shall forward to the highway commission 2 copies and to the department of taxation one copy of any notice of action or judgment filed with him pursuant to this section.

SECTION 6. 84.01 (25) of the statutes is renumbered 84.01 (25) (a).

SECTION 7. 84.01 (25) (b), (c) and (d) of the statutes are created to read:

84.01 (25) (b) For this purpose effect shall be given to changes in boundaries and incorporation status which have become effective by January 1 and of which notice has been filed with the secretary of state.

(c) The trial court may make an interim order determining the distribution of highway aids which shall be followed by the commission. Such order may direct the distribution of any aids withheld, or if filed with the secretary of state prior to January 1 of any year, shall be effective during the entire following calendar year, it being recognized that the highway aid distribution formula is made upon an annual basis. Such order shall be deemed final and the highway commission shall be held harmless for the payment of aids pursuant to any such orders. The municipality receiving the aids shall properly maintain the roads of the territory involved during the year for which payment is made.

(d) When the payment of any aid is withheld beyond the time of completion of the distribution of the revenues of a fiscal year, the payment to the unit finally determined to be entitled thereto shall be computed at the same mileage rate or the same percentage of the mileage aid, as the case may be, which was used in that year in computing such aids for the other units in the same class to which such unit is finally determined to belong, and any moneys so withheld in excess of the aid finally deter-

mined to be payable shall be added to and distributed as part of the revenues of the fiscal year in which the final determination is made.

SECTION 8. 84.07 (1) and (2) of the statutes are amended to read:

84.07 (1) The state trunk highway system shall be maintained by the state at state expense. The commission shall prescribe regulations and specifications for such maintenance. The commission may arrange with any county highway committee to have all or certain parts of the work of maintaining the state trunk highways *within or beyond the limits of its county, including interstate bridges*, performed by the county *and any county is authorized to enter into such arrangement*. Maintenance of state trunk highways includes the operations, activities and continuing processes for their repair, preservation, restoration and reinforcement, the removal and control of snow and the removal, treatment and sanding of ice, and all measures deemed necessary to provide adequate traffic service. It also includes the care and protection of trees and other roadside vegetation and suitable planting to prevent soil erosion or to beautify highways pursuant to s. 80.01 (3).

(2) When any county maintains the state trunk highways *within or beyond the limits of the county, including interstate bridges*, in compliance with the arrangement with the state highway commission, the commission shall pay the actual cost of such maintenance, including the allowance for materials and the use of county machinery and overhead expenses agreed upon in advance. Such payments shall be made upon presentation by the county clerk of a properly itemized and verified account by the county highway committee.

SECTION 9. 84.07 (1b) of the statutes is created to read:

84.07 (1b) EMERGENCY REPAIR AND PROTECTION OF STATE TRUNK HIGHWAYS. To accomplish prompt repair, protection or preservation of any state trunk highway which has been closed or is being jeopardized by extraordinary damage by flood, structure failure, slides, or other extraordinary condition of necessity and emergency, the commission may, if it is deemed for the best interest of the state, proceed at once to repair or protect the highway with forces and services of private constructors and agencies, summarily engaged by the commission and cause said work to be done by negotiated contract or agreement without calling for competitive bids, provided that any such contract or agreement involving an estimated expenditure in excess of \$10,000 shall be subject to approval of the governor before it becomes effective.

SECTION 10. 84.10 of the statutes is amended to read:

84.10 The appropriation made by s. 20.420 (74) shall be expended by the commission for the maintenance and operation of bridges not on the state trunk highway system which were constructed, reconstructed, or purchased under ss. 84.11 and 84.12 and free bridges located on connecting streets in cities of the fourth class which have a length, not including approaches, of 300 feet or more, or a swing or lift span. All matters relating to the maintenance and operation of such bridges shall be under the control of the commission. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting streets. The commission may arrange with * * * *any county highway committee* or with * * * *any village or city* for the operation or maintenance or both of any such bridge; and * * * *any county highway committee, village or city* * * * *is authorized to enter into such arrangement*.

SECTION 11. 84.12 (7) of the statutes is amended to read:

84.12 (7) Subject to the control and supervision over the navigable waters of the state conferred upon the public service commission, and the control exercised by the United States, the construction under this section of any bridge project shall be under the joint supervision and control of the commission and of the state highway department of the other state concerned. If the highway department of the other state is not authorized to act jointly with this state in such bridge project arrangements may be made with such subdivisions of the other state as may have proper authority, represented by their proper officers. Control shall be exercised in the manner deemed most expedient by the commission and such department or by the commission and the officers of the subdivisions of the other state concerned in the said construction. * * * Contracts for the construction of said bridge projects * * * *may* be made and executed by the commission and the highway department of the other state jointly, or jointly by the commission and such subdivisions of the other state as may participate in the said construction, *or by appropriate agreement between the parties with respect to financing and control of the work, the authority of either state may contract for all or part of the construction.* The commission may suspend or discontinue proceedings or construction relative to any bridge project at any time in the event any county, city, village or town fails to pay the amount required of it as to any project eligible to construction under sub. (1) (a) or offered by it as to any project eligible to construction under sub. (1) (b), or in the event the commission determines that sufficient funds to pay the state's part of the cost of the bridge project are not available. All moneys available from this state, or its subdivisions, shall be deposited in the state treasury when required by the commission and shall be paid out only upon the order of the commission. Moneys so deposited by such subdivisions and remaining in the state treasury after the completion of such project shall be repaid to the respective subdivisions in the proportion paid in.

Approved August 6, 1957.
