

No. 758, A.

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CHAPTER 305

AN ACT to amend 87.05 and 87.10 (1) (a) ; and to create 87.07 (2m) and 87.085 of the statutes, relating to broadening municipal flood control powers.

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

SECTION 1. 87.05 of the statutes is amended to read:

87.05 The hearing * * * *under* s. 87.04 shall be confined to the question whether the improvement prayed for in the petition is required by the public health, safety, convenience or welfare. Any person interested may appear at such hearing in person or by attorney and be heard upon said question without the filing of any formal pleading. In considering and deciding this question the commission may consider investigations and reports made by the engineering staff *and by the U. S. government or an officer or agency thereof*, provided such reports * * * *are* made a part of the record of the hearing. If at the close of such hearing the commission * * * *determines* that the public health, safety, convenience or welfare require the abatement or substantial diminution of the flood conditions

referred to in the petition, it shall make written findings to that effect and shall direct the hearing upon the petition to proceed; but if its finding * * * is to the contrary, it shall enter an order dismissing the petition.

SECTION 2. 87.07 (2m) of the statutes is created to read:

87.07 (2m) PETITION. At any time prior to the further hearing and final findings upon the several matters covered by said preliminary reports, owners who represent a majority of the lands described in the petition may file with the commission a written petition requesting that no further proceeding be had. Upon receipt of such petition requesting no further proceeding and a determination by the commission that same is signed by the required number of property owners, the commission shall enter an order dismissing the original petition.

SECTION 3. 87.085 of the statutes is created to read:

87.085 FEDERAL CO-OPERATION. Any public corporation or flood control board acting under its powers and in conformity with state law may enter into an agreement with an agency of the federal government to co-operate in the construction, operation or maintenance of any federally authorized project contemplated under this chapter or to assume any potential liability appurtenant to such project and may do all things necessary to consummate the agreement. Such public corporation or flood control board may jointly or separately enter into such an agreement with an agency of the federal government carrying such terms and provisions concerning the division of costs and responsibilities as may be mutually agreed upon.

SECTION 4. 87.10 (1) (a) of the statutes is amended to read:

87.10 (1) (a) Of each town, village and city in which is located any benefited land owned otherwise than by a public corporation, or in which is located any benefited property of a public service corporation, to levy as a special assessment against the land or other property so benefited the amount which the commission * * * has found that such property should contribute to the cost of the improvement, and to collect the same in connection with the next ensuing collection of general taxes in said town, village or city * * * . The governing body of such town, village or city may, in its discretion, make such special assessment payable in * * * annual instalments;

Approved August 30, 1963.