

No. 197, S.]

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CHAPTER 25

AN ACT to amend 84.11 (5) (a), (6) and (7); and to create 84.11 (5) (am) and (6a) of the statutes, relating to intrastate bridges.

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

SECTION 1. 84.11 (5) (a) of the statutes is amended to read:

84.11 (5) (a) The cost of projects eligible to construction under * * * sub. (1) (a) shall be borne as follows, *but subject to par. (am)*: The state shall pay one-third, the county or counties in which the bridge project will be located shall pay one-third, and the one or more cities, villages and towns in which any part of such bridge project will be located shall pay one-third, provided, that to the extent federal aid for highways allocated to Wisconsin is used to finance any portion of the cost of the project, the portion of the cost to be borne by the state, counties and local governmental units, respectively, shall be proportionately reduced. The portion to be paid by the counties shall be borne equally by the counties in which such bridge project will be located; provided, that no bridge project shall be considered as located within a county unless an entrance to the bridge proper shall be wholly or partly within the limits of such county. If a bridge project wholly within one county is located in more than one city, village or town, their respective portions of the cost shall be in proportion to their respective assessed valuations as last equalized by the county board *prior to the date of the commission's finding, determination and order*. If such cities, villages or towns are located in more than one county, the portion of the cost paid by all cities, villages and towns shall first be apportioned equally according to the number of counties, and then to the cities, villages and towns in each county in proportion to their respective assessed valuations as hereinbefore provided.

SECTION 2. 84.11 (5) (am) of the statutes is created to read:

84.11 (5) (am) For projects eligible to construction under sub. (1) (a), the cost to be borne by any city, village or town shall be not more

than one-half of one per cent of its last assessment for state taxes made by the department of taxation pursuant to s. 70.57 prior to the date of the commission's finding, determination and order. Any amount by which the share of any such unit exceeds such maximum shall be paid by the state.

SECTION 2a. 84.11 (6a) of the statutes is created to read:

84.11 (6a) COUNTY BOARD ACTION. If any city, village or town which is required by the order of the commission to pay a portion of the cost of a bridge project eligible to construction under sub. (1) (a) fails to comply with sub. (6) and provide the portion of the cost which it is by such order required to pay, or if such city, village or town does not hold a regular or special meeting within 30 days after the date of the commission's finding, determination and order, the county board of the county in which such city, village or town is located may take action to provide such portion, and to assess all or part thereof against such city, village or town as a special tax, in one or more instalments as the county board determines. The county clerk shall certify such tax or each instalment thereof to the clerk of such city, village or town, who shall place it in the next tax roll; and it shall be levied, collected and paid into the county treasury as are other county taxes.

SECTION 3. 84.11 (6) and (7) of the statutes are amended to read:

84.11 (6) When the commission * * * has made and filed its finding, determination and order favorable to the construction of any bridge project under * * * this section, the governing body of each county, city, village and town required by such order to pay a portion of the cost in the case of bridge projects eligible to construction under * * * sub. (1) (a) shall * * * at its next regular or special meeting * * * *determine the method and initiate proceedings* to provide such portion. Within 5 days after the adjournment of such meeting the governing body of any such city, village or town shall cause its clerk to certify the action of such governing body to the county clerk and the commission. Within 5 days after the adjournment of such meeting of the county board the county clerk shall certify the action of the county board to the commission. *The governing body of any such county, city, village or town, in addition to the portion which it is by such order required to pay, and the governing body of any other county, city, village or town which will be especially benefited by the construction of such bridge may provide all or part of the portion which any county, city, village or town is by such order required to pay.* In the case of projects eligible to construction under * * * sub. (1) (b), when the commission * * * has made and filed its findings, determination and order favorable to such construction, the governing body of each county, city, village or town in which any part of the project will be located shall take action at its next regular or special meeting to determine what amount, if any, shall be offered and paid toward such construction and * * * *determine the method and initiate proceedings* to provide any amount that shall be so determined * * *. Such action shall be certified to the commission within 5 days after such meeting.

(7) Subject to the control and supervision over the navigable waters of the state conferred by law upon the public service commission, and the control exercised by the United States, the construction under this section of any bridge project shall be wholly under the supervision and control of the commission. The commission shall make and execute all contracts and have complete supervision over all matters pertaining to such construction and shall have the power to 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 shall determine that sufficient funds to pay the state's part of the cost of such bridge project are not available: All moneys to be provided by counties, cities, villages and towns shall be deposited by them in the state treasury, when required by the commission, and paid out on order of the commission. Any of such moneys *deposited for a project eligible to construction under sub. (1) (a) and remaining in the state treasury after the completion of such project shall be repaid to the respective counties, cities, villages and towns in * * * such amounts as to result in the distribution provided in sub. (5) (a) and (am).*

Approved April 4, 1957.
