

Senate Bill 557

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CHAPTER 481

AN ACT to amend 87.12 (2) ; and to create 87.075, 87.076 and 87.095 of the statutes, relating to special procedure for and financing of flood control projects.

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

SECTION 1. 87.075 and 87.076 of the statutes are created to read:

87.075 SPECIAL PROCEDURE. (1) Notwithstanding any other provision of this chapter, the commission may, as provided in this section, at any time after directing the hearing upon the petition to proceed made under s. 87.05, issue an order stating that a flood control board shall be appointed as provided in s. 87.12, in which event such a board shall be forthwith appointed. If such an order is issued, the procedures stated in ss. 87.07, 87.08, 87.09, 87.10 and 87.11 and any other section predicated thereon may be dispensed with.

(2) An order may be issued under this section under the following circumstances:

(a) That the proposed project will be financed in whole or in part by funds to be received from municipalities, other governmental agencies or others.

(b) That the benefit to public health, safety, convenience and welfare which will result from the project is such as to justify the initial and subsequent cost of the project. In making this determination the commission may consider and give effect to the nature and purpose for which funds have been or may be made available for the project.

(c) That the public interest requires that a flood control board should be appointed and commence functioning as provided in this section without following the normal procedure otherwise prescribed under this chapter.

(3) In making its determination under this section, the commission may consider and base its determination in whole or in part upon any plans or study made by any governmental agency, as well as upon any other material deemed by it to be relevant to such determination.

(4) When a flood control board is appointed under this section it shall:

(a) Forthwith cause all necessary surveys and studies to be made and plans and specifications prepared for the project.

(b) Submit plans and specifications to the commission for approval.

(c) Cause the project to be constructed under contract let by public bids in accordance with the plans and specifications as approved by the

(d) Operate and maintain the completed project.

commission. The flood control board may subsequently modify the plans and specifications as originally approved, subject to approval of the commission.

(e) Annually on or before March 15, assess the cost of construction, maintenance and operation of the project against the municipalities involved in the proportion that the equalized assessed value of real property located in the flood plain of the portion of the waterway in each municipality involved, exclusive of public park lands, bears to the total of such equalized assessed value for all municipalities involved. Such assessment shall be based upon data furnished by local assessors who shall forward to the secretary of the flood control board all data requested, by certified mail, within 30 days from receipt of such request. In the event the local assessor shall fail to comply with such request within the time specified, the flood control board shall conduct whatever studies are necessary in its judgment to determine the equalized assessed value of affected lands within such municipality, and the cost of such studies shall be charged to such municipality. When the flood control board determines the amount each municipality is required to pay, it shall certify that amount to each respective municipality. It shall thereupon be the duty of each municipality to pay said amount to the flood control board not later than 60 days from receipt of such certificate. The municipality may raise the funds required in the manner provided in s. 87.076.

(5) The flood control board appointed under this section shall have all powers contained herein as well as other sections of this chapter. In the event of conflict between the provisions of this section and other sections of this chapter, the provisions of this section shall control.

87.076 FINANCING. Any flood control project other than a project described in s. 87.04 (2) may, in addition to any other method of financing mentioned in this chapter, be financed from funds received in whole or in part by the flood control board from any governmental agency or other

person. To implement this section, every municipality may obtain and provide funds for a flood control project:

- (1) By levying a special assessment as provided in s. 66.60.
- (2) By borrowing money and issuing bonds as provided in ch. 67.
- (3) By grants or donations.
- (4) By exercise of the general power of taxation.

SECTION 2. 87.095 of the statutes is created to read:

87.095 PUBLIC PARK LANDS NOT BENEFITED BY IMPROVEMENT. For the purposes of this chapter it is determined that public park lands are not benefited either directly or indirectly by such improvement, and shall not be considered in the assessment of benefits made by the commission or by the flood control board acting under the provisions of s. 87.075 or 87.076.

SECTION 3. 87.12 (2) of the statutes is amended to read:

87.12 (2) *The board so appointed shall serve for a term of 6 years and until their successors are duly appointed and qualified. Succeeding appointments shall be made in the same manner as original appointments. Any vacancy occurring by reason of the death, resignation or removal from the state, or permanent disability of any person thus appointed, shall be filled in the manner provided for the original appointment of such person. The county board making any such certification of an appointee may at any time certify to the governor the name of another appointee to succeed him, and the governor shall thereupon name such new appointee as a member of the board and the tenure of the former appointee shall terminate. The governor may at any time appoint another person to succeed the person chosen by him on said board and the tenure of the latter shall thereupon terminate.*

SECTION 4. Sections 87.075, 87.076 and 87.095 of the statutes, as created by this act, and section 87.12 (2) of the statutes, as amended by this act, may be employed, if appropriate, in any proceedings already commenced under chapter 87 of the statutes.

Approved December 15, 1965
