

State of Misconsin 2013 - 2014 LEGISLATURE



## **2013 ASSEMBLY BILL 849**

March 7, 2014 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 AN ACT to amend 82.08 (1) of the statutes; relating to: county aid for town

bridges and culverts.

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### Analysis by the Legislative Reference Bureau

Under current law, a town that has voted to construct or repair a bridge or culvert on a highway maintained by the town may petition the county in which the town is located for shared funding of the project. With certain exceptions, upon an adequate petition, the county must pay one-half of the cost of construction or repair. The Wisconsin Supreme Court in *Town of Madison v. County of Dane*, 311 Wis. 2d 402 (2008), determined that this requirement applies only to "highways in existence at the time of a bridge's construction." Under this holding, counties are required to share costs only for bridges or culverts that are either located on a town highway that is currently in existence or will be connected to a town highway by the completion of the construction. This bill clarifies the language of the statute to confirm the holding of the Wisconsin Supreme Court.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

#### **ASSEMBLY BILL 849**

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

#### **SECTION 1.** 82.08 (1) of the statutes is amended to read:

- 2 82.08 (1) PETITIONS. A town that has voted to construct or repair any bridge or
- 3 culvert that is on -a, or that after the construction will be connected to, an existing
- 4 highway maintained by the town may file a petition for county aid with the county
- 5 highway commissioner. The petition shall describe the location and size of the bridge
- 6 or culvert and shall contain a statement that the town has provided the funds
- 7 required by sub. (3).
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#### (END)