

ship twenty-three (23) north, for the purpose of producing a uniform flow of water in the Wisconsin river and in said tributaries and thereby improve the navigation and other uses of said streams and diminishing the injury to property, both public and private", is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved January 21, 1932.

No. 17, S.]

[Published January 22, 1932.

CHAPTER 14.

AN ACT to repeal and recreate sections 87.02 and 87.03 of the statutes, relating to the construction of special bridges.

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

SECTION 1. Sections 87.02 and 87.03 of the statutes are repealed.

SECTION 2. Two new sections are added to the statutes to be numbered and to read: 87.02 INTRASTATE BRIDGES. (1) ELIGIBILITY. Bridge projects shall include all approaches and embankments, all lands necessary for right of way or other purposes, and all other necessary appurtenances. The word "construction" as used in this section, shall include reconstruction. The following classes of bridge projects located wholly within the state shall be eligible to construction under the provisions of this section:

(a) Any bridge project not eligible under paragraph (b) in which the bridge portion necessarily must be four hundred and seventy-five feet in length or more, not including approaches.

(b) Any bridge project located on the state trunk highway system or on a street in a fourth class city, not a portion of the state trunk highway system, but selected by the state highway commission as a direct connection between portions of such system, in which the bridge portion necessarily must be three hundred feet or more in length not including approaches, or in which the cost of the bridge portion as estimated by the state highway commission in its finding and determination is seventy-five thousand dol-

lars or more, or in which there must be provided a movable span to permit navigation.

(2) INITIATION OF PROCEEDINGS. Proceedings for the construction of bridge projects under this section shall be initiated by a petition filed with the state highway commission. Such petition shall state that the petitioners desire such construction, and the approximate location thereof; that the proposed construction is necessary, and that the project to be constructed is eligible under the provisions of this section, in the opinion of the petitioners. Such petition may be filed by any town, city or village required to pay a portion of the cost of construction or reconstruction, in the case of bridges eligible under paragraph (a) of subsection (1), or by any county in which a portion of such bridge will be located if eligible under the provisions of paragraph (b) of subsection (1). Such petition shall be filed only by the governing body of such town, village, city or county pursuant to a resolution, duly adopted by such governing body.

(3) HEARING. Within sixty days of the receipt of such petition the state highway commission shall fix a time and place for a hearing thereon and give ten days' notice of such hearing by publication in at least one newspaper published in one of the counties, towns, villages or cities concerned and having general circulation in the vicinity, or if no newspaper is so published, in one or more newspapers deemed by the commission as likely to give notice of such hearing. Notice shall also be given by registered letter addressed to the clerks of the towns, villages, cities and counties in which such bridge project will be located. Hearings on projects classified under paragraph (a) of subsection (1) may be held in any town, village or city in which the project is wholly or partly located; hearings on projects classified under paragraph (b) of subsection (1) may be held in the county seat of any county in which the project is wholly or partly located or at any other place within any such county deemed by the commission to be more conveniently located than the county seat.

(4) FINDING, DETERMINATION AND ORDER. After such hearing the commission shall make its finding, determination and order, and file certified copies thereof with the clerks of each town, village, city and county required to provide a portion of the cost of the project and with the secretary of state and the state treasurer. If the commission shall find that the proposed project

is necessary it shall determine the location thereof, and if the project as so located is eligible to construction under this section the commission shall determine the character and kind of bridge most suitable for such location, estimate separately the cost of the bridge portion and the entire project, determine the respective portions of such estimated cost of the entire project to be paid by each town, village, city and county required to provide any portion thereof, and the portion to be paid by the state. The determination of the location of the project made by the commission and set forth in its finding, determination and order, shall be conclusive as to such location and shall constitute full authority for any relocations of highways made necessary for the construction of the project and for acquirement of any lands necessary for such construction. The estimate of cost made by the commission shall be conclusive as to the eligibility of the bridge project to be constructed under this section.

(5) APPORTIONMENT OF COST. (a) The cost of projects eligible to be constructed under the provisions of paragraph (a) of subsection (1) shall be borne as follows: The state shall pay one-third, the counties in which the bridge project is located shall pay one-third, and the town, villages and cities in which such bridge is located shall pay one-third. The portion to be paid by the counties shall be borne equally by the counties in which such project is 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 town, village or city, their respective portions of the cost shall be in proportion to their respective assessed valuations as equalized by the county board. If such towns, villages or cities are located in more than one county, the portion of the cost paid by all towns, villages and cities shall first be apportioned equally according to the number of counties, and then to the towns, villages and cities in each county in proportion to their respective assessed valuations as hereinbefore provided.

(b) The cost of bridge projects eligible under paragraph (b) of subsection (1) shall be borne by the state and the counties in which any such bridge project is located. The state shall pay one-half of the cost except as hereinafter provided. The counties shall pay not more than one-half of the cost. If the bridge is lo-

cated in more than one county, the portion of the cost to be paid by each shall be in proportion to their respective special benefits as determined by the state highway commission. Provided, that no county shall be required to pay more than forty thousand dollars, nor shall any county in any case be required to pay an amount greater than one-fifth of one per cent of its assessed valuation as last fixed by the state tax commission. In the determination of special benefits under this subsection, consideration shall be given to the amount of population, area, assessed valuation of property, and local traffic that will receive special benefits by reason of the project, and any other factors deemed worthy of consideration.

(6) PROVISION OF PORTIONS OF COSTS BY LOCAL UNITS. When the commission shall have made and filed its finding, determination and order favorable to the construction of any bridge project under the provisions of this section, the governing body of each town, village, city and county required by such order to pay a portion of the cost shall take action to provide such portion at its next regular or special meeting. Within five days after the adjournment of such meeting the governing body of any such town, village or city shall cause its clerk to certify the action of such governing body to the county clerk and the state highway commission. Within five days of the meeting of the county board the county clerk shall certify the action of the county board to the state highway commission.

(7) EXECUTION AND CONTROL OF WORK. 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 of any bridge project under this section shall be wholly under the supervision and control of the state highway commission which shall make and execute all contracts and have complete supervision over all matters pertaining to such construction. All moneys to be provided by towns, villages, cities and counties shall be deposited by them in the state treasury, when required by the state highway commission, and paid out on order of such commission. Any moneys remaining in the state treasury after the completion of such project shall be repaid to the respective towns, villages, cities and counties in the proportion paid in.

87.03 INTERSTATE BRIDGES. (1) ELIGIBILITY. All bridge projects which include bridges located over any waters forming a portion of the state boundary shall be eligible to construction under this section. Projects shall include all approaches and embankments, all lands necessary for right of way or other purposes, and all other necessary appurtenances. The word "construction" as used in this section shall include reconstruction. Such bridge projects shall be classified as follows:

(a) Any such project not included in class (b).

(b) Any such project so located as to form a direct connection between the state trunk highway system of this state and the corresponding system of the adjoining state.

(2) INITIATION OF PROCEEDINGS. Proceedings for the construction of any project under this section shall be initiated by the state highway commission on its own motion or by a petition filed with the state highway commission. Such petition shall state that the petitioners desire such construction and the approximate location thereof; that the proposed construction is necessary, and that the bridge project is eligible to be constructed under the provisions of this section, in the opinion of the petitioners. Such petition may be filed by any town, city or village in which a portion of the project is located in the case of bridges eligible under paragraph (a) of subsection (1) or by any county in which a portion of such project is located if eligible under the provisions of paragraph (b) of subsection (1). Such petition shall be filed only by the governing body of such town, village, city or county pursuant to a resolution duly adopted by such governing body.

(3) HEARING, INVESTIGATION AND NEGOTIATIONS. Within sixty days of the receipt of such petition the state highway commission shall fix a time and place for a hearing thereon. In all cases, the commission shall give notice and hold the hearing in general accordance with the provisions of subsection (3) of section 87.02. The commission shall also give notice by registered letter addressed to the state highway department of the adjoining state and to the governing bodies of such subdivisions of the adjoining state as may, in the opinion of the commission, be especially interested in the proposed project. If the commission, after such hearing, shall deem that the facts so warrant, it shall make further investigation as it shall deem necessary and conduct such negotiations with the state highway depart-

ment and other authorities in the adjoining state as the commission may deem advisable.

(4) FINDING, DETERMINATION AND ORDER. The state highway commission, after such hearing, investigation and negotiations, shall make a finding and determination in the matter and file certified copies thereof with the clerks of each town, village, city and county in this state that may be required to provide a portion of the cost of the project. Certified copies of such finding and determination shall also be filed with the secretary of state and the state treasurer and with the state highway department of the adjoining state. If the commission shall find that the proposed project is necessary, and that provision has been made or will be made by the adjoining state or its subdivisions to bear its or their portions of the cost of the project, the commission, jointly with the state highway department of the adjoining state, shall determine the location thereof, the character and kind of bridge and other construction most suitable at such location, estimate the cost of the project, and determine the respective portions of such estimated cost to be paid by each state and its subdivisions. The state highway commission shall further determine the respective portions of the cost to be paid by this state and its subdivisions required to pay portions of the cost. The determination of the location of the bridge project made under this section shall be conclusive as to such location and shall constitute full authority for any relocations of the highways necessary to be made in connection with the project and for the acquirement of any lands within this state necessary for such construction.

(5) APPORTIONMENT OF COST. The portion of the cost of such project to be borne by this state and its subdivisions shall be determined as follows:

(a) The cost of portions of projects eligible under paragraph (a) of subsection (1) to be borne by this state and its subdivisions shall be borne by the state and the towns, villages and cities and counties in which the project is located. The respective portions to be borne by each shall be determined in the manner provided by paragraph (a) of subsection (5) of section 87.02.

(b) The cost of portions of projects eligible under paragraph (b) of subsection (1), to be borne by this state and its subdivisions shall be borne by the state and the counties in which the bridge is located. The respective portions to be paid by each

shall be determined in the manner provided by paragraph (b) of subsection (5) of section 87.02.

(6) PROVISION OF COSTS BY LOCAL UNITS. When the commission shall have made and filed its findings, determination and order favorable to the construction of any bridge project under the provisions of this section, the governing body of each town, village, city and county of this state required by such order to pay a portion of the cost shall take action to provide such portion at its next regular or special meeting. Such amount may be provided in any manner by which funds may lawfully be made available. Within five days after the adjournment of such meeting the governing body of any such town, village or city shall cause its clerk to certify the action of such governing body to the county clerk and to the state highway commission. Within five days of the meeting of the county board the county clerk shall certify the action of the county board to the state highway commission.

(7) EXECUTION OF WORK. Subject to the control and supervision of navigable waters conferred by law upon the railroad commission, and the control exercised by the government of the United States, the construction of such bridge project shall be under the joint supervision and control of the state highway commission of this state and of the state highway department of the other state concerned. If the highway department of such 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 two departments or by the highway department of this state and the officers of the subdivision of the other state concerned in the said construction. All contracts for the construction of said bridge projects shall be made and executed by the two states jointly, or jointly by this state and such subdivisions of the other state as may participate in the said construction. All moneys available from this state, or its subdivisions, shall be deposited in the state treasury of this state and shall be paid out only upon order of the state highway commission.

(8) CONNECTION WITH STATE TRUNK HIGHWAY SYSTEM. In order to carry out the provisions of this section

the state highway commission is authorized to add to the state trunk highway system any bridge constructed, reconstructed or purchased under the provisions of this section, and any road or street eligible to become a portion of the state trunk highway system, which will form the most reasonable and practical connection from such bridge to the state trunk highway system. In such cases any limitations on the total mileage of highways included in the state trunk highway systems shall not apply.

SECTION 3. The sections of the statutes repealed by this act shall apply to all projects for which contracts have been let under such section. All valid proceedings initiated under such repealed sections shall be valid initiations of proceedings under the new sections created by this act, and the cost of such projects shall be borne in accordance with the provisions of the new sections created by this act.

SECTION 4. This act shall take effect upon passage and publication.

Approved January 21, 1932.

No. 14, S.]

[Published January 23, 1932.

CHAPTER 15.

AN ACT to repeal subsection (7) of section 59.74 and subsection (3) of section 220.07 (created by Bill No. 6, A., SS31) of the statutes; to amend the introductory paragraph of section 20.53, subsection (1) of section 59.75, subsection (2) of section 220.02, subsections (4) and (15) of section 220.08 and subsection (4) of section 221.25 and section 221.37; and to create section 220.065, subsection (4) of section 14.50 and subsection (16) of section 220.07 of the statutes, relating to the banking laws, and making an appropriation.

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

SECTION 1. Subsection (7) of section 59.74 and subsection (3) of section 220.07 (created by Bill No. 6, A., SS31) of the statutes are repealed.

SECTION 2. The introductory paragraph of section 20.53, subsection (1) of section 59.75, subsection (2) of section 220.02, subsections (4) and (15) of section 220.08 and subsection (4) of