

No. 250, S.]

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CHAPTER 531.

AN ACT to amend subsection (6) of section 89.37, subsection (8) of section 89.47 and section 89.665, and to create sections 89.376, 89.667, 89.668 and 89.75 of the statutes, relating to the dissolution and partition of drainage districts, the payment of drainage taxes therein, and to provide for the transfer of drainage districts from the drainage district law to the farm drainage law.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (6) of section 89.37, subsection (8) of section 89.47 and section 89.665 of the statutes are amended to read: (89.37) (6) The rules of law applying to the collection of taxes and sale of lands for taxes and issuance of tax deeds shall, unless in conflict with the drainage district law, apply to the collection of and sale of lands for drainage assessments and issuance of drainage assessment deeds. Drainage assessment certificates shall draw ten per centum of interest annually *but drainage certificates that have been held by the county treasurer until three years old shall bear from their date only six per cent interest per annum and shall be sold for their face plus such interest.*

(89.47) (8) *Except in the case of refunding bonds approved by the court, no note, bonds or other evidences of indebtedness of the district running for more than one year shall be valid unless approved by the commissioner of banking, the commissioner of agriculture, the state chief engineer and the attorney-general, and when so approved bear a statement showing such approval.*

89.665 (a) Whenever all of the bonds and other indebtedness of a drainage district are paid, or sufficient funds to pay all such bonds and obligations and interest thereon to dates of maturity, shall be deposited with the * * * treasurer of the * * * district, * * * the owner of lands * * * which have been assessed for more than one-half of the confirmed benefits therein may file in the circuit court having jurisdiction of such district a petition signed by such owners asking for the disorganization of said drainage district. Upon the filing of such petition the court shall fix a time and place of hearing on * * * the same, and order notice of such hearing to be given * * * by posting the same in three public places in each of the towns within

which any part of the lands in such district are located at least twenty days before such hearing, and by publishing such notice in the two newspapers having the largest circulation in each county where any part of such district is situated, once in each week for three successive weeks. If there is only one newspaper in such county, the publication in such one newspaper will be a full compliance with the provisions of this section with reference to publication. No drainage district shall be disorganized until all of its debts are paid, or the funds to pay the same and interest are deposited as provided for in this section.

(b) If the court is satisfied upon the hearing that the petition is properly signed by such owners, it shall thereupon enter an order or judgment dissolving such drainage district, and in the event that it appears that there are any funds in the hands of the treasurer of such district belonging to the district, the treasurer of such district shall forthwith make distribution thereof among the then several land owners in the district in proportion to the last confirmed assessment of benefits in such drainage district. If there is any doubt as to the ownership of such lands, the owners claiming the right to participate in such funds shall make satisfactory proof of ownership to the court.

SECTION 2. Four new sections are added to the statutes to read:
89.376 Any land owner in a drainage district owning a bond, note or past-due interest coupon of said district, may offer the same to the town or county treasurer in payment of drainage taxes on specified lands in said district and said town or county treasurer shall accept such bond, note, or past-due coupon at its face value, plus accrued interest at the time of presentation in payment of such taxes. Such bonds, notes or coupons shall be received by the drainage district treasurer from the town or county treasurer as cash, and the drainage district treasurer shall credit the specified lands with the same. The excess, if there be any, of the bond, note or coupon over the amount of due and past-due drainage taxes on such lands shall be credited against future assessments against said lands.

89.667 (1) Whenever the owners of a majority of the land in a portion of a drainage district, that is separated by a natural divide from the rest of the district, or is served by a separate outlet, petition the court having jurisdiction of such district to be set apart as a separate organization, the court shall fix a time and place of hearing on said petition and order notice of such

hearing to be given by posting the same in three public places in each of the towns within which any part of the lands in such district are located, at least twenty days before such hearing, and by publishing such notice in at least one newspaper published in each county where any part of such district is situated, once in each week for three successive weeks.

(2) Upon such hearing the court shall determine whether or not the petition is signed by the majority of such owners, and if the court shall so find and determine, said separation shall be ordered and thereafter said separated unit shall be independent of said drainage district, provided all debts of said district are fully paid and the separated unit shall automatically come under the jurisdiction of the county court and the farm drainage board of the county in which the majority of the land so separated is located and thereafter all proceedings with reference to said separated unit shall be under the farm drainage law.

(3) The treasurer of said drainage district shall, upon the entry of the order of separation, pay to the county treasurer of the county having jurisdiction of such separated unit, to the credit of the farm drainage board and said separated unit, the just share of any unused funds in the treasury of said district, such partition of funds to be based on the confirmed assessment of benefits in the separate unit as compared with those in the remainder of the drainage district.

89.668 (1) Whenever the owners of a majority of the land in any drainage district heretofore organized under the drainage district laws of this state, shall petition the court having jurisdiction of such district to transfer the organization of such district from the drainage district laws to the farm drainage laws of this state, the court shall fix a time and place of hearing of said petition, and order notice of such hearing to be given by posting the same in three public places in each town within which any part of the lands in such district are located, at least twenty days before such hearing, and by publishing such notices in at least one newspaper published in each county in which any part of such district is situated, once in each week for three successive weeks.

(2) Upon such hearing the court shall determine whether or not the petition is signed by the owners of a majority of the land, and if the court shall so find and determine, said transfer shall be ordered and such drainage district shall thereupon automat-

ically come under the jurisdiction of the county court and the farm drainage board of the county in which the majority of the land in such district is located, and thereafter all proceedings with reference to such drainage district shall be under the farm drainage law.

(3) In the event that at the time of the making and filing of such petition any portion of any such drainage district shall have been theretofore separated from such district as provided by section 89.667, then the petition hereinbefore required shall be sufficient if signed by the owners of a majority of the land in the remainder of any such drainage district.

(4) The treasurer of any such district shall, upon the entry of the order transferring the jurisdiction of such district pay to the county treasurer of the county which takes jurisdiction of such farm drainage district all moneys belonging to such drainage district, and upon such transfer of jurisdiction, such drainage district shall cease to exist as a body corporate under the drainage district laws, and shall automatically become a body corporate under the farm drainage laws, and shall be subject to all of the provisions of the farm drainage laws.

(5) All notes and bonds of such drainage district shall be and remain obligations of the farm drainage district until paid, and nothing herein contained shall in any manner affect the validity of the obligations in such drainage district, the jurisdiction of which is transferred.

89.75 (1) An annual meeting of every drainage district organized under chapter 89 shall be held on the second Monday in July, at nine o'clock in the forenoon. A different day and hour may be fixed by any annual meeting for the next succeeding annual meeting. Every such meeting shall be held in the courthouse of the county wherein is located a majority of the confirmed benefits.

(2) The drainage commissions of each such district shall give notice of the first annual district meeting by publishing a notice of the time and place when and where it will be held in some newspaper having a general circulation in such district, once a week for two successive weeks, the last publication to be not more than five days before the date of such meeting.

(3) At each annual meeting voting shall be on the basis of confirmed benefits, one vote being allowed for each five hundred

dollars of confirmed benefits or major fraction thereof, but each owner shall have at least one vote.

(4) Each annual meeting shall organize by electing a chairman and secretary, each of whom shall hold office for a term of one year and until their successors are elected and have qualified. Vacancies in such offices shall be filled in a manner to be fixed at any annual meeting.

(5) Notice of all annual meetings after the first, shall be given by the chairman or secretary in the manner as is provided for the calling of the first meeting by the commissioner.

(6) Special meetings shall be called by the chairman of the district when its commissioners desire to submit proposals or recommendations on any matters affecting the district.

(7) The commissioners shall attend all meetings of the district.

(8) At each annual meeting the commissioners of such district shall make a detailed report of work done during the year preceding and their recommendations as to work to be done during the succeeding year. If votes representing a majority of the confirmed benefits disapprove any recommendation made by said commissioners for work in the future, such action shall be binding on the commissioners. Provided, that any person entitled to vote at such meeting may appeal from any action taken by such majority to the circuit court which appointed the commissioners. Such appeal shall be in writing and state in general language the reason for the appeal and shall be filed in the proper court within ten days after the date when action was taken by the district meeting. A copy of such notice shall, within the same time, be served personally on the secretary of the district.

(9) In case the commissioners make any recommendations at a special meeting the same action may be taken thereon as at an annual meeting with the same result and with the same right of appeal from such action.

SECTION 3. This act shall take effect upon passage and publication.

Approved August 10, 1927.