

No. 206, S.]

[Published June 16, 1961.

## CHAPTER 123

AN ACT to create 88.105 of the statutes, relating to inequitable drainage district assessments.

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

88.105 of the statutes is created to read:

88.105 INEQUITABLE ASSESSMENTS. (1) At any time after the expiration of 5 years from the confirmation of the report of the board, upon petition of at least one-tenth of the owners of lands within a district or of the owners of at least one-tenth of the lands within such district, setting forth that such original assessments of benefits is inequitable and unjust, the court shall direct the board to reassess the benefits in such district. The board shall report such reassessment to the court.

(2) When it appears to the board that the original assessment of benefits throughout the district were uniformly low, or substantially so, by reason of the application of a substandard evaluation or other cause, such reassessment may, on a prorata basis, increase all benefits in the district so as to correct such inequities and injustices, subject, however, to s. 89.04. Notice of hearing thereon shall be given as provided in s. 88.075. The court shall on such hearing confirm the report, or direct how the same shall be modified and when so modified shall confirm the same. Such reassessment shall take the place of all prior assessments and thereafter all assessments for construction, additional assessments and assessments for repair shall be based on the sum of all assessments of benefits then in force.

Approved June 13, 1961.