

Assembly Bill 466

Date Published:
July 14, 1967

CHAPTER 71, LAWS OF 1967

AN ACT to amend 88.83 (3), (4) and (5); and to create 88.83 (1m) and (1r) of the statutes, relating to transfer of jurisdiction over a section of a drainage district to the city, village or town in which the section is located.

SECTION 1. 88.83 (1m) and (1r) of the statutes are created to read:

88.83 (1m) The owners of a majority of the land lying within the corporate limits of a city or village in any drainage district located partially within the corporate limits of a city or village may petition the court having jurisdiction of such district to transfer jurisdiction of that part of the district located within the city or village to the city or village if the district and the city or village are in agreement regarding the terms of transfer.

(1r) The owners of a majority of the land lying within the limits of a town in any drainage district located partially within the limits of such town may petition the court having jurisdiction of such district to transfer jurisdiction of that part of the district located within the town to the town if the district and the town are in agreement regarding the terms of transfer. The provisions of subs. (3), (4) and (5) governing the transfer of a section of a drainage district to a city or village are applicable to transfer under this subsection.

SECTION 2. 88.83 (3), (4) and (5) of the statutes are amended to read:

88.83 (3) If the court finds upon the hearing that the petition is signed by the owners of a majority of the land in the district, *or by a majority of the owners in that part of the district lying within the corporate limits of a city or village*, it shall issue an order transferring jurisdiction of such district *or part thereof*, to such city or village. Thereupon, *if such order has transferred jurisdiction of the entire district*, such drainage district shall

cease to exist as a district under this chapter and shall automatically come under the jurisdiction of the governing body of the city or village in which the district is located. *If the order has transferred jurisdiction of only a part of the district, the section transferred shall automatically come under the jurisdiction of the governing body of the city or village in which the district is located.* Thereafter, all proceedings with reference to such drainage district or part thereof, shall be under the city or village drainage law.

(4) As an alternative, proceedings covered by this section may be initiated by a resolution by the governing body of any city or village. Such resolution shall state that such city or village is willing to accept such farm drain *or part thereof* and to administer the same under the laws pertaining to the operation of drains by such city or village, and that the public interest requires that such city or village take over the operation of such drain *or part thereof*. Such resolution shall be published once in a newspaper having general circulation in such city or village. The city or village may petition the court having jurisdiction of such drain for an order transferring jurisdiction *of the district or part thereof* to the city or village. No hearing shall be held on ~~said~~ the petition until 30 days have elapsed from the date of such publication. A copy of such petition, together with a copy of the resolution, shall be served on the county clerk of the county in which such drain is located, and also upon the board having jurisdiction of such drain. Upon such hearing the court may issue an order transferring jurisdiction of such drain *or part thereof* to such city or village. Thereupon, *if such order* has transferred jurisdiction of the entire district, such drainage district shall cease to exist as a district under this chapter and shall automatically come under the jurisdiction of the governing body of the city or village in which the district is located. *If the order has transferred jurisdiction of only a part of the district, the section transferred shall automatically come under the jurisdiction of the governing body of the city or village in which the district is located.* Thereafter, all proceedings with reference to such drainage district *or part thereof* shall be under the city or village drainage law.

(5) Upon entry of the order transferring jurisdiction of such district to such city or village, the county treasurer shall pay to the city or village treasurer of such city or village all moneys in his hands which belong to such drainage district. *Upon entry of an order transferring jurisdiction of a part of a district to the city or village in which it is located, the county treasurer shall pay to the city or village treasurer a prorata share of the moneys in his hands which belong to the drainage district based upon assessed benefits transferred less a prorata share of outstanding indebtedness.*

Approved July 10, 1967.