

HOUSE No. 1509

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 2, 1923.

The committee on Counties on the part of the House, to whom was referred the Bill concerning the improvement of low lands and swamps (Senate, No. 344), report that the same ought to pass with the following amendments of section 1:—

Striking out, in line 17, the word "Drainage", and inserting in place thereof the word "Reclamation"; striking out, in lines 47, 81 and 474, the word "drainage", and inserting in place thereof, in each instance, the word "reclamation"; striking out, in line 78, the word "drainage"; striking out, in lines 98 to 164, inclusive, sub-section 6, and inserting in place thereof the following:—

"*Section 6.* The district commissioners, in the ten following sections called the commissioners, after being sworn, shall call a meeting of the proprietors of the lands to be improved, by giving in such manner as the board may order, a notice to each known proprietor, signed by the commissioners and setting forth the time and place of a meeting for the purpose of organizing a reclamation district to carry out the proposed improvements and their maintenance after they are completed. The notice may be in the form of a warrant specifying the matters upon which action is to be taken at the meeting. Such meeting shall have no power to act unless proprietors constituting a majority in interest either in value or area are present. The chairman of the commissioners or another commissioner designated by him

shall preside until a clerk is chosen and sworn and the clerk shall preside until a moderator is chosen. After the choice of a moderator the question of the acceptance of sections one to fourteen B, inclusive, and the organization of a reclamation district shall be submitted to the proprietors present and if a majority of those present and voting vote to accept and to organize such district the provisions of the aforesaid sections shall take full effect. The vote shall be recorded and a copy thereof shall be filed with the board. The meeting may then proceed to act upon the other articles, if any, contained in the warrant. Such district shall at the same meeting elect by ballot a district clerk and a district treasurer, who may be the same person, to hold office until one year from the succeeding annual meeting and at each annual meeting after the first a clerk and treasurer shall be elected by ballot for one year. There shall also be elected by ballot a prudential committee of three members who shall hold office, one for three years, one for two years, and one for one year from the next succeeding annual meeting. At each annual meeting after the first a member of said committee shall be elected by ballot for three years. The aforesaid officers of the district shall hold office until their successors are elected and qualified.

“Subsequent meetings of the district shall be called by the clerk at the request of the commissioners or any two or more proprietors, or, in case the clerk neglects or refuses to call a meeting when so requested such meeting may upon application by said commissioners or two or more proprietors be called upon a warrant from a justice of the peace directed to one of the applicants and requiring him to give notice of said meeting as hereinafter provided. Notices of meetings shall be given by posting copies of the warrant in two or more public places within the district or by mailing copies of said warrant to each known proprietor at least seven days before the time set for the meeting. At each meeting a moderator shall be chosen who shall have the powers of the moderator of a town meeting so far as may be necessary. The clerk shall preside at each meeting after the first until a moderator is chosen.

“The officers of the district shall be sworn to the faithful performance of their duties. Any vacancy occurring in the office of clerk, treasurer, or member of the prudential committee may be filled by the district for the remainder of the unexpired term at any legal meeting called for the purpose, or in case of a vacancy in the office of clerk or treasurer or disability affecting either of said officers the prudential committee may appoint a person to fill said vacancy until an election can be held or the disability removed. Such temporary appointee shall be sworn and shall perform the duties of the office to which he is appointed during his tenure thereof.

“The prudential committee shall have charge of expenditures on account of the district for maintenance of the improvements made by the commissioners appointed under section five and for further improvements made under section fourteen A, and shall exercise the authority conferred upon the district by law except as otherwise expressly provided, and subject to the by-laws of the district and such instructions, rules and regulations as the district may impose by its vote.

“The treasurer shall give bond for the faithful performance of his official duties in a sum and with sureties approved by the prudential committee. He shall receive all money belonging to the district except as otherwise specified in this and the ten following sections and shall make payments and account for the same in accordance with the requirements of sections one to fourteen B, inclusive, and of chapter forty-four so far as applicable, under direction of the district or of the prudential committee. A temporary treasurer appointed to fill a vacancy, as above provided, shall give bond in the same manner as the treasurer.

“A district organized under the provisions of this section may adopt by-laws consistent with the laws applicable to such district and subject to the approval of the board. It shall have such rights and powers as may be necessary and proper for operating and maintaining the improvements made by the district commissioners, and for making, operating and maintaining such further improvements as may be

authorized by the district in accordance with the provisions of section fourteen A. The members of the district shall be the proprietors from time to time of lands lying therein. No such district shall dissolve without specific authorization from the general court, which shall not be given until provision has been made for payment of the obligations of said district.”;

Striking out all after the word “determine.”, in line 258, to and including the word “bonds.”, in line 269, and inserting in place thereof the following: — “The first payment on account of the principal may, if the county commissioners so decide, be deferred for not more than five years after the date of issue of the bonds, but such bonds shall be subject to the provisions of chapter thirty-five except as otherwise provided herein.”;

Striking out, in lines 273 to 330, inclusive, sub-section 10, and inserting in place thereof the following: —

“*Section 10.* The district may instead of instructing the commissioners to petition the county commissioners as provided in the preceding section, vote to raise money by taxation to pay the expense of the improvements as approved by the board and may determine the time and manner in which such expense shall be paid, as hereinafter provided. If all the members of the district agree, the district may deposit with the state treasurer the total sum required to meet the estimated expense of the improvements. Such deposit shall be held by the state treasurer to the credit of the district, and payments shall be made therefrom as provided in section fourteen. The district may vote to pay the whole expense of the improvements from time to time as the work is performed and for this purpose may incur debt for a temporary loan in anticipation of the collection of taxes from the members of the district during the calendar year in which said debt is incurred or during the next succeeding calendar year. If the district is unable to pay the whole expense of the improvements by either method above provided it may incur debt to the amount necessary to pay the estimated expense of the proposed improvements and may issue therefor notes or bonds. If the district so votes and the board

approves, notes or bonds may be issued under the condition that the first payment on account of the principal shall be deferred for a period of not more than five years from the date of issue of such notes or bonds and that the whole amount of such debt shall be payable within a period of not more than twenty-five years after such notes or bonds are issued. Indebtedness incurred by the district under the provisions of this section or of section fourteen A shall be subject to chapter forty-four and to other provisions of the general laws applicable to notes and bonds of towns and districts except as otherwise provided in sections one to fourteen B, inclusive. Money received from the sale of notes or bonds issued under this section shall be deposited with the state treasurer and held by him to the credit of the district. If the district issues notes or bonds before an appropriation is made by the general court to pay that part of the cost of the improvements determined to be for the benefit of the public health the state treasurer may, in his discretion, after such appropriation is made, make all or any part of the same available to redeem notes or bonds of the district and shall hold the balance, if any, to the credit of the district to be used for payment of the expense of the improvements. If, after payment of the total expense of the improvements, money remains in the hands of the state treasurer to the credit of the district the same shall be paid to the treasurer of the district and shall be used to redeem outstanding notes or bonds which shall be cancelled by said district treasurer and not re-issued.”;

Striking out, in lines 343, 344 and 345, the words “county treasurer or state treasurer, according as proceedings have been taken under section nine or section ten,” and inserting in place thereof the words “district treasurer”; and

Striking out lines 461 to 464, inclusive, and inserting in place thereof the words “treasurer of the district”.

For the committee,

FRANK E. BARROWS.

