

2007 SENATE BILL 236

July 18, 2007 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Environment and Natural Resources.

1 **AN ACT** *to amend* 88.21 (12) of the statutes; **relating to:** creating a presumption
2 of reasonableness for certain drainage board orders.

Analysis by the Legislative Reference Bureau

Under current law, a drainage board is authorized to adopt rules and issue orders related to the functioning of a drainage district.

This bill requires a hearing examiner or circuit court hearing a challenge to an order issued by a drainage board, requiring the repair or maintenance of a drain, to presume that the order is reasonable.

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

3 **SECTION 1.** 88.21 (12) of the statutes is amended to read:
4 **88.21 (12)** Adopt rules and issue orders, which shall be published as a class 1
5 notice under ch. 985. In addition, any order that pertains to a specific named person
6 or property shall be served on the person or owner of the property in the manner
7 provided for service of a summons under s. 801.11. If an order of the drainage board
8 requiring the repair or maintenance of a drain is challenged, the hearing officer or

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SECTION 1

1 circuit court hearing the challenge shall presume that the order is reasonable. The
2 court has jurisdiction to enforce an order of the drainage board by injunctive or other
3 appropriate relief.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to an order issued by a drainage board on the effective
6 date of this subsection.

7 (END)