

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2736/1dn  
MES:jld:rs

May 16, 2007

David Lovell and Rachel Letzing:

Please review this draft carefully to ensure that it meets your intent. The instructions proposed the creation of s. 88.63 (5), in a section relating to the maintenance and repair of drains by the drain board. Because that section seems to deal with the repair and maintenance of drains by the drain board and doesn't seem to deal with orders issued by the drain board, I added the presumption in s. 88.21 (12), which deals with the board's authority to issue orders. Is this OK?

In addition, the wording of the draft you submitted seems to indicate that, if a drain board issues an order to maintain or repair drains, the presumption applies only to a challenge that is brought after work pursuant to the order is commenced, instead of after an order is issued but before the work begins. Does the wording in the draft you submitted really reflect your intent, or do you intend for the presumption to apply at any time after the order to repair or maintain a drain is issued?

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