



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2007 ASSEMBLY BILL 118**

1 **AN ACT** *to repeal* 88.11 (5) (intro.); *to renumber and amend* 88.11 (5) (a) to (d);
2 *to amend* 66.1001 (2) (g), 88.24 (intro.), 88.32 (3m), 88.35 (7) and 88.77 (2); and
3 *to create* 66.1102, 74.09 (3) (dm), 88.11 (1) (L), 88.16, 88.212, 88.24 (4) and
4 709.03 (form) C. 24m. of the statutes; **relating to:** requiring local governmental
5 units to consider relationships with drainage districts in the preparation of
6 comprehensive plans, changing the responsibility for producing certain reports
7 about drainage districts, requiring local governments and drainage districts to
8 provide notice to each other regarding proposals that affect drainage districts,
9 and requiring a real estate condition report to disclose whether the property is
10 located in a special purpose district.

Analysis by the Legislative Reference Bureau

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

1 **SECTION 1.** 66.1001 (2) (g) of the statutes is amended to read:

2 66.1001 **(2)** (g) *Intergovernmental cooperation element.* A compilation of
3 objectives, policies, goals, maps, and programs for joint planning and decision
4 making with other jurisdictions, including school districts, drainage districts, and
5 adjacent local governmental units, for siting and building public facilities and
6 sharing public services. The element shall analyze the relationship of the local
7 governmental unit to school districts, drainage districts, and adjacent local
8 governmental units, and to the region, the state and other governmental units. The
9 element shall consider, to the greatest extent possible, the maps and plans of any
10 military base or installation, with at least 200 assigned military personnel or that
11 contains at least 2,000 acres, with which the local governmental unit shares common
12 territory. The element shall incorporate any plans or agreements to which the local
13 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
14 identify existing or potential conflicts between the local governmental unit and other
15 governmental units that are specified in this paragraph and describe processes to
16 resolve such conflicts.

17 **SECTION 2.** 66.1102 of the statutes is created to read:

18 **66.1102 Development of land, notification. (1) DEFINITION.** In this section
19 “political subdivision” means any city, village, town, or county.

20 **(2) NOTIFICATION REQUIREMENTS.** Before a political subdivision may take action
21 that would allow the development of a residential, commercial, or industrial property
22 that would likely increase the amount of water that the main drain of a drainage
23 district would have to accommodate, the political subdivision shall send notice to the
24 drainage district.

1 **(3) FAILURE TO NOTIFY.** A political subdivision's failure to notify under sub. (2)
2 does not invalidate any decision made or action taken by the political subdivision.

3 **SECTION 3.** 74.09 (3) (dm) of the statutes is created to read:

4 74.09 **(3)** (dm) Indicate the amount of assessment issued by a drainage board,
5 based on the information provided under s. 88.212 (3). If no assessment was issued,
6 the property tax bill shall indicate that information.

7 **SECTION 4.** 88.11 (1) (L) of the statutes is created to read:

8 88.11 **(1)** (L) In cooperation with the state drainage engineer, produce an
9 educational pamphlet in 2009, and every 3 years thereafter, that describes the
10 function of drainage districts, costs that may be assessed to persons whose property
11 is located in a drainage district, and contact information for the state drainage
12 engineer. The pamphlet shall be distributed, upon request, to drainage boards and
13 to any person who requests the pamphlet.

14 **SECTION 5.** 88.11 (5) (intro.) of the statutes is repealed.

15 **SECTION 6.** 88.11 (5) (a) to (d) of the statutes are renumbered 88.28 (1) (i) to (L)
16 and 88.28 (1) (L), as renumbered, is amended to read:

17 88.28 **(1)** (L) The kind of crops to which the lands will be adapted grown on the
18 land after drainage.

19 **SECTION 7.** 88.16 of the statutes is created to read:

20 **88.16 Notification requirements, engineering study. (1)** If a board takes
21 any action which results in the hiring of an engineer to conduct a study that is related
22 to the operation of a drain, or the district, the board shall send, as soon as possible,
23 written notice of the action to all of the following:

24 (a) The governing body of the city, village, or town that has jurisdiction over the
25 area which is subject to the engineering study.

1 (b) The governing body of the county that has jurisdiction over the area which
2 is subject to the engineering study.

3 (c) The governing body of any city or village that has extraterritorial
4 jurisdiction over the area which is subject to the engineering study.

5 (2) As soon as possible after the engineering study is completed, the board shall
6 send written notice to the governing bodies which received notice under sub. (1)
7 informing them of the study's completion and providing them information as to
8 where the study may be reviewed.

9 (3) A board's failure to notify under sub. (1) does not invalidate any decision
10 made or action taken by the board.

11 **SECTION 8.** 88.212 of the statutes is created to read:

12 **88.212 Required actions for the drainage board.** In addition to other
13 powers expressly granted or necessarily implied, the drainage board shall:

14 (1) Beginning in 2009, and every 3 years thereafter, provide written notice to
15 every person who owns land that is located within the drainage district that such
16 land is in the district. The notice shall also include contact information for every
17 member of the drainage board.

18 (2) Annually, provide contact information for every member of the drainage
19 board to the state drainage engineer and to the clerk of every city, village, town, and
20 county in which the drainage district is located.

21 (3) Not later than November 1 of each year, provide the clerk of each taxation
22 district in which the drainage district is located a list of every assessment issued by
23 the drainage board from November 1 of the previous year to October 31 of the current
24 year. The information shall specify the assessment amount for every parcel in the
25 district.

1 **SECTION 9.** 88.24 (intro.) of the statutes is amended to read:

2 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
3 year the board shall file with the department of agriculture, trade and consumer
4 protection; the town board or town zoning committee; the city council, plan
5 commission, or plan committee; and the county zoning administrator, in which
6 district territory is located, a separate report, for the preceding year ending August
7 31, on each drainage district under the board's jurisdiction. All local units of
8 government that receive the report shall consider it before making any zoning or
9 planning decisions that may affect a drainage district that is located within its
10 boundaries. The reports shall constitute part of the records of the districts reported
11 on, shall be verified by the oath of one or more of the board members, and shall
12 contain:

13 **SECTION 10.** 88.24 (4) of the statutes is created to read:

14 **88.24 (4)** A statement of the district's practices and policies.

15 **SECTION 11.** 88.32 (3m) of the statutes is amended to read:

16 **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report
17 shall be submitted to the department of agriculture, trade and consumer protection
18 before it is filed with the court. Within 45 days after receipt of the report, the
19 department shall return it with a copy of the report prepared under s. 88.11 (3) ~~and~~
20 ~~(5)~~ with its recommendation for approval or disapproval for the creation of the
21 district.

22 **SECTION 12.** 88.35 (7) of the statutes is amended to read:

23 **88.35 (7)** If the area of the district exceeds 200 acres, the report shall be
24 submitted to the department of agriculture, trade and consumer protection. Within
25 45 days after its receipt, the department shall return it with a copy of the report

1 prepared under s. 88.11 (3) ~~and (5)~~ and the department’s approval or disapproval of
2 the report prepared under sub. (6).

3 **SECTION 13.** 88.77 (2) of the statutes is amended to read:

4 **88.77 (2)** If the undrained portion of the area proposed to be annexed to the
5 district exceeds 200 acres, the drainage board shall request the report described
6 under s. 88.11 (3) ~~and (5)~~ from the department of agriculture, trade and consumer
7 protection on the annexation. Within 60 days after the request, the department shall
8 prepare and return a copy of the report and its approval or disapproval, as provided
9 under s. 88.35 (7).

10 **SECTION 14.** 709.03 (form) C. 24m. of the statutes is created to read:

11 **709.03 (form)**

12 C.24m. I am aware that the property is located within
13 a special purpose district, such as a drainage
14 district, that has the authority to impose
15 assessments against the real property located
16 within the district.

17 **SECTION 15. Nonstatutory provisions.**

18 (1) DRAINAGE BOARD REQUIREMENTS.

19 (a) Not later than the first day of the 3rd month beginning after the effective
20 date of this subsection, a drainage board that is in existence on the effective date of
21 this subsection, shall meet to develop a plan to notify in writing every person who
22 owns land that is located within the drainage district that such land is in the district.

23 (b) Not later than the first day of the 2nd month beginning after the meeting
24 under paragraph (a) is held, the drainage board shall send to every person who owns
25 land that is located in the drainage district all of the following:

1 1. Written notification that the person owns land in the drainage district.

2 2. Contact information for every member of the drainage board.

3 3. Contact information for the state drainage engineer.

4 4. General information about drainage districts.

5 (2) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
6 statutes, the creation of section 709.03 (form) C. 24m. of the statutes does not require
7 a property owner who has furnished to a prospective buyer of the property an original
8 or amended real estate condition report before the effective date of this subsection
9 to submit an amended real estate condition report with respect to the information
10 required by section 709.03 (form) C. 24m. of the statutes, as created by this act.

11 **SECTION 16. Initial applicability.**

12 (1) The treatment of sections 66.1102 and 88.16 of the statutes first apply to
13 a development action, or an action resulting in the hiring of an engineer, that occurs
14 on the effective date of this subsection.

15 (2) The treatment of section 66.1001 (2) (g) of the statutes first applies to a city,
16 village, town, county, or regional planning commission that begins the process of
17 creating or amending a comprehensive plan on the effective date of this subsection.

18 (3) The treatment of sections 74.09 (3) (dm), 88.212 (3), and 88.24 (intro.) and
19 (4) of the statutes first applies to the year beginning on January 1 of the year in which
20 this subsection takes effect, except that if this subsection takes effect after July 31
21 the treatment of sections 74.09 (3) (dm), 88.212 (3), and 88.24 (intro.) and (4) of the
22 statutes first applies to the year beginning on January 1 of the year following the
23 year in which this subsection takes effect.

