



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 121
[2007 Assembly Bill 118]

Drainage Districts

2007 Wisconsin Act 121 includes several provisions relating to drainage districts, including the following:

1. Requires a local governmental unit to make certain considerations relating to drainage districts when preparing or amending a comprehensive plan.
2. Requires a county, city, village, or town (political subdivision) to send notice to a drainage district before taking action that would allow the development of a residential, commercial, or industrial property that would likely increase the amount of water that the main drain of the drainage district would have to accommodate. Failure of a political subdivision to so notify the drainage district does not invalidate any decision made or action taken by the political subdivision.
3. Requires the Department of Agriculture, Trade, and Consumer Protection (DATCP), in cooperation with the state drainage engineer, to produce an educational pamphlet that describes the function of drainage districts, costs that may be assessed to persons whose property is located in a drainage district, and contact information for the state drainage engineer. The pamphlet shall be distributed to anyone who requests the pamphlet and is to be produced once every three years, beginning in 2009.
4. If a drainage board hires an engineer to conduct a study that is related the operation of a drain or the operation of the district, the board is required to notify the county and city, village, or town with jurisdiction, including extraterritorial jurisdiction, over the area to be subject to an engineering study. The board is also required to notify these entities of completion of the engineering study and to provide them information about where the study may be reviewed. Failure of the board to so notify these entities does not invalidate any decision made or action taken by the board.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

5. Requires a drainage board in existence on April 4, 2008, to meet by July 1, 2008 to develop a plan to notify, in writing, every person who owns land that is located within the drainage district that such land is in the district. By the first day of the second month that begins after that meeting, the drainage board must send the following to every person who owns land in the district: (a) written notification that the person owns land in the drainage district; (b) contact information for every member of the drainage board; (c) contact information for the state drainage engineer; and (d) general information about drainage districts.
6. Requires a drainage board to notify each person who owns land in the drainage district that such land is in the district every three years, beginning in 2009. The Act also requires a drainage board to annually provide contact information for drainage board members to the state drainage engineer and to the clerk of each political subdivision in which the district is located.
7. Requires a drainage board to provide the clerk of each taxation district in which the drainage district is located with a list of the assessments issued by the board each year and requires each property tax bill for parcels in the district to indicate the amount of the assessment issued on that property.
8. Requires the drainage board's annual report to be filed with each town and city in which district territory is located.
9. Requires local units of government that receive the drainage board's annual report to consider the report before making any zoning or planning decisions that may affect a drainage district that is located within its boundaries.
10. Requires a drainage board's annual report to include a statement of a drainage district's practices and policies.
11. Eliminates the requirement that the College of Agricultural and Life Sciences of the University of Wisconsin-Madison provide certain information on the soils, the agricultural value of the land, and prospective crop uses in a proposed drainage district over 200 acres in size.
12. Requires each petition for organization of a drainage district to contain certain information on the soils, the agricultural value of the land, and prospective crop uses in a proposed drainage district.
13. Requires a real estate condition report to include information on whether the property is located in a special purpose district, such as a drainage district, that has the authority to impose assessments against the property. The Act does not require a property owner who has furnished a real estate condition report to a buyer before November 1, 2008, to amend the real estate condition report to include this information.

Effective Date: April 4, 2008, except requirements related to real estate condition reports take effect on November 1, 2008.

Initial Applicability: The provisions described in items 2. and 4., above, apply to a development action, or an action resulting in the hiring of an engineer, that occurs on or after April 4, 2008. The requirements in item 1., above, apply to a political subdivision or regional planning commission that

begins the process of creating or amending a comprehensive plan on or after April 4, 2008. The provisions described in items 7. through 10., above, first apply in 2009.

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