



## 2007 ASSEMBLY BILL 114

February 22, 2007 - Introduced by Representatives ALBERS, MOLEPSKE, TOWNSEND, A. OTT, MURSAU and HAHN, cosponsored by Senators S. FITZGERALD, LASSA, OLSEN and SCHULTZ. Referred to Committee on Agriculture.

1     **AN ACT** *to amend* 88.80 (3); and *to create* 88.01 (11m) and 88.80 (4) of the  
2             statutes; **relating to:** changing the requirements under which a landowner  
3             may withdraw property from a drainage district.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a landowner who owns land within a drainage district (district) may file a petition with the drainage board for the withdrawal of the land from the district. If the drainage board determines, after a hearing, that several conditions are met, the drainage board is required to issue an order detaching the land from the district. The conditions that must be met are as follows: all benefits assessed against the land in question have been paid; the lands to be withdrawn will receive no benefit from the district; and the district will not be materially injured by the withdrawal of the lands.

Under this bill, before the drainage board may issue an order detaching the land from the district, the landowner who wants to withdraw the land must receive a vote of support from two-thirds of the members of the drainage board, from two-thirds of the landowners who own land within the district, or from landowners whose land constitutes two-thirds of the land within the district.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

**ASSEMBLY BILL 114****SECTION 1**

1           **SECTION 1.** 88.01 (11m) of the statutes is created to read:

2           88.01 **(11m)** “Members–elect” means those members of a board, at a particular  
3 time, who have been duly appointed for a current regular or unexpired term and  
4 whose service has not terminated by death, resignation, or removal from office.

5           **SECTION 2.** 88.80 (3) of the statutes is amended to read:

6           88.80 **(3)** When the petition has been filed, the drainage board shall fix the time  
7 and place of a hearing on the petition and shall cause notice of the hearing to be given  
8 under s. 88.05 (2) (b) to the persons specified in s. 88.05 (4) (b). If the drainage board  
9 finds that the conditions of sub. (1) have been met, it shall, subject to sub. (4), issue  
10 an order detaching the lands from the district. The drainage board may require the  
11 petitioner to pay the expenses connected with the hearing.

12           **SECTION 3.** 88.80 (4) of the statutes is created to read:

13           88.80 **(4)** A drainage board may issue an order detaching lands from the  
14 district, as described in sub. (3), only if the person who owns the lands and who wants  
15 to withdraw the lands from the district receives one of the following votes of support  
16 for such a withdrawal:

17           (a) A two–thirds vote of the members–elect of the drainage board.

18           (b) A two–thirds vote of all of the landowners in the district.

19           (c) A vote by landowners whose land constitutes two–thirds of the land in the  
20 district.

21           **SECTION 4. Initial applicability.**

22           (1) This act first applies to a petition that is filed on the effective date of this  
23 subsection.

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(END)