



2011 SENATE BILL 435

February 6, 2012 - Introduced by Senators COWLES and HANSEN, cosponsored by Representatives NYGREN, MURSAU, A. OTT, RIVARD and SPANBAUER. Referred to Committee on Natural Resources and Environment.

1 **AN ACT** *to amend* 88.17 (1), 88.17 (2d), 88.17 (2h) (intro.), 88.17 (2p), 88.17 (4),
2 88.17 (9) and 88.29 (1); and *to create* 88.01 (4m) and 88.01 (4t) of the statutes;
3 **relating to:** appointment of a drainage board.

Analysis by the Legislative Reference Bureau

Under current law, members of a drainage board are appointed by the circuit court having jurisdiction over the board. Under this bill, members of a drainage board are appointed by the county land conservation committee of the county in which the drainage board has jurisdiction. Appointments to the drainage board by the land conservation committee are subject to the approval of the county board.

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

4 **SECTION 1.** 88.01 (4m) of the statutes is created to read:
5 88.01 (4m) "County board" means the board of supervisors of the county in
6 which the drainage board having jurisdiction over the drainage district is located.
7 **SECTION 2.** 88.01 (4t) of the statutes is created to read:

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1 88.01 (4t) "County land conservation committee" means the land conservation
2 committee of the county in which the drainage district is located or the land
3 conservation committee having jurisdiction over the proceedings in any drainage
4 district located in more than one county.

5 **SECTION 3.** 88.17 (1) of the statutes is amended to read:

6 88.17 (1) The ~~court~~ county land conservation committee, with the approval of
7 the county board, shall appoint a drainage board either upon ~~the filing of~~ notification
8 by the court that a petition for organization of a drainage district under this chapter
9 in a county that does not already have a drainage board has been filed or upon the
10 filing of a petition by a landowner in a drainage district or the state drainage
11 engineer for appointment of a drainage board in a county that already has a drainage
12 district. The board shall consist of 3 persons. One member of the original board shall
13 be appointed for a term of one year, one for 2 years, and one for 3 years. Upon the
14 expiration of the term of office of a board member, the ~~court~~ committee, with the
15 approval of the county board, shall appoint a successor for a 3-year term in the same
16 manner as the original appointment was made.

17 **SECTION 4.** 88.17 (2d) of the statutes is amended to read:

18 88.17 (2d) The board shall notify the ~~court~~ county land conservation committee
19 if any position on the board becomes vacant and the ~~court~~ committee, with the
20 approval of the county board, shall appoint a successor. The board shall notify the
21 ~~court~~ committee if the size of the board is increased under sub. (2) and the ~~court~~
22 committee, with the approval of the county board, shall appoint the additional board
23 members. If a position on the board remains vacant for more than 6 months, either
24 the state drainage engineer or any landowner in a drainage district subject to the
25 jurisdiction of the board may petition the ~~court~~ committee to appoint a successor.

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1 **SECTION 5.** 88.17 (2h) (intro.) of the statutes is amended to read:

2 88.17 **(2h)** (intro.) The ~~court~~ county land conservation committee shall appoint
3 drainage board members from among persons recommended by any of the following:

4 **SECTION 6.** 88.17 (2p) of the statutes is amended to read:

5 88.17 **(2p)** In appointing members, the ~~court~~ county land conservation
6 committee shall attempt to assure that at least one of the members serving on the
7 drainage board at any time is an experienced farmer who is familiar with drainage
8 and that another of the members is familiar to some extent with drainage
9 engineering.

10 **SECTION 7.** 88.17 (4) of the statutes is amended to read:

11 88.17 **(4)** Ownership of or interest in lands sought to be drained does not
12 disqualify a person from acting as a member of the drainage board, but any board
13 member may request the ~~court~~ county land conservation committee to, and the ~~court~~
14 committee may in its discretion, appoint a suitable person to act in a member's place
15 when the board is considering matters pertaining to the particular drainage district
16 in which the member is interested.

17 **SECTION 8.** 88.17 (9) of the statutes is amended to read:

18 88.17 **(9)** The ~~court~~ county land conservation committee may by order abolish
19 the drainage board if there no longer are any drainage districts in the county.

20 **SECTION 9.** 88.29 (1) of the statutes is amended to read:

21 88.29 **(1)** Upon receipt of a petition for organization of a drainage district the
22 court or judge by order shall refer the petition to the drainage board and order the
23 board to report thereon. If the petition is filed in a county that does not have a
24 drainage board, the court shall notify the county land conservation committee of the

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SECTION 9

1 petition and stay proceedings until a drainage board has been appointed under s.
2 88.17 (1).

3 **SECTION 10. Initial applicability.**

4 (1) This act first applies to a petition filed on the effective date of this
5 subsection.

6 (END)