AN ACT ***to create*** 88.63 (5) of the statutes; **relating to:** creating a presumption of reasonableness for drainage district board orders.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was developed by the joint legislative council's special committee on navigability and drainage ditches. It is based upon drafting instructions given by the committee at its January 23, 2007 meeting.

SECTION 1. 88.63 (5) of the statutes is created to read:

88.63 **(5)** If a drainage district board issues an order requiring the maintenance or repair of a drain located in the district, and work performed pursuant to the drainage district board order is challenged in an administrative hearing or court proceeding, a hearing examiner or circuit court shall presume that the order is reasonable.

NOTE: This section provides that if a drainage board has issued an order requiring maintenance or repair of a drain in the district, anyone who has an interest in the decision may challenge the order, and a hearing examiner or circuit court must presume that the order is reasonable.

(END)