

**2007 DRAFTING REQUEST**

**Bill**

Received: **11/08/2006**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Permits for dams that alter water levels in drainage ditches

---

**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 11/10/2006	jdye 12/01/2006	rschluet 12/01/2006	_____	sbasford 12/01/2006		
/1	rkite 01/24/2007	jdye 01/24/2007	rschluet 01/24/2007	_____	mbarman 01/24/2007	cduerst 01/31/2007	

FE Sent For:

<END>

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### Topic:

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### Instructions:

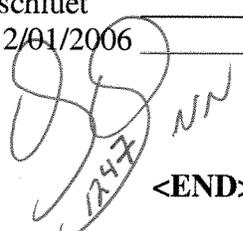
See Attached

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/?		1/24 jld					
/P1	rkite 11/10/2006	jdye 12/01/2006	rschluet 12/01/2006		sbasford 12/01/2006		

FE Sent For:

  
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**Topic:**

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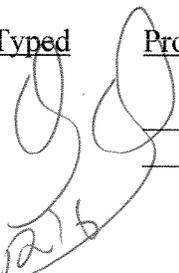
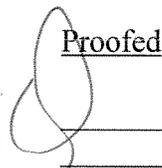
**Instructions:**

See Attached

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**Drafting History:**

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/?	rkite	PI 12/1 jld					
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FE Sent For:

<END>

**Kite, Robin**

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**From:** Rep.Albers  
**Sent:** Wednesday, November 08, 2006 9:11 AM  
**To:** Kite, Robin  
**Cc:** Patronsky, Mark  
**Subject:** Drafting Request (# 9)

Robin,

Would you please prepare a draft that places conditions on permits issued for the construction or modification of a dam to control water levels?

Suggested language:

**31.045 Permit for construction, or for upgrade/modification of any dam which would alter water levels of any ditch that benefits cropland that is used to produce agricultural crops**

**(2) A new permit, or a permit for renewal of any dam permit may be authorized by the DNR, to construct a dam, or to enlarge or modify a dam if the modification would alter the water levels in an existing drainage ditch or where the modification in the stream would result in an alteration of benefits to land, only where a written agreement has been entered into between the permit applicant and persons who own property benefited by the existence of the drainage ditch are cropping lands, and where that written agreement is not breached by the terms and conditions of the permit.**

*Sheryl*

Sheryl K. Albers  
State Representative  
50th Assembly District

15 North State Capitol  
Madison, WI 53708  
Ph 608/266-8531  
Fax 608/283-3650

## **Kite, Robin**

---

**From:** Waldrop, Joyce  
**Sent:** Wednesday, November 08, 2006 4:43 PM  
**To:** Kite, Robin  
**Subject:** RE: Drafting Request (# 9)

One that comes to mind is flooding.

Joyce

Chief of Staff/Committee Clerk

jwaldrop@legis.state.wi.us

Office of Representative Sheryl Albers  
Ph. 608/266-8531  
Fax 608/282-3650

---

**From:** Kite, Robin  
**Sent:** Wednesday, November 08, 2006 11:54 AM  
**To:** Rep.Albers  
**Subject:** RE: Drafting Request (# 9)

I have entered your request. Your suggested language refers to "an alteration of benefits to land". What are "benefits to land?" Could you possibly give me an example? This will help me better understand the intent of your drafting request.

Thank you.

Robin

---

**From:** Rep.Albers  
**Sent:** Wednesday, November 08, 2006 9:11 AM  
**To:** Kite, Robin  
**Cc:** Patronsky, Mark  
**Subject:** Drafting Request (# 9)

Robin,

Would you please prepare a draft that places conditions on permits issued for the construction or modification of a dam to control water levels?

Suggested language:

**31.045 Permit for construction, or for upgrade/modification of any dam which would alter water levels of any ditch that benefits cropland that is used to produce agricultural crops**

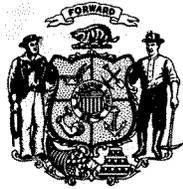
**(2) A new permit, or a permit for renewal of any dam permit may be authorized by the DNR, to construct a dam, or to enlarge or modify a dam if the modification would alter the water levels in an existing drainage ditch or where the modification in the stream would result in an alteration of benefits to land, only where a written agreement has been entered into between**

the permit applicant and persons who own property benefited by the existence of the drainage ditch are cropping lands, and where that written agreement is not breached by the terms and conditions of the permit.

*Sheryl*

Sheryl K. Albers  
State Representative  
50th Assembly District

15 North State Capitol  
Madison, WI 53708  
Ph 608/266-8531  
Fax 608/283-3650



State of Wisconsin  
2007 - 2008 LEGISLATURE

12/6

R m m  
PI  
LRB-0645/2  
RNK: :...  
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: requiring certain approvals for the construction,  
2 enlargement, or modification of a dam that affects the water level of a drain. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, drainage boards govern drainage districts <sup>2 or more</sup> which operate drains for agricultural lands owned by <sup>2 or more</sup> persons. An individual landowner may also install a drain on not more than 80<sup>✓</sup> acres of agricultural lands if the landowner presents a petition to the drainage board or, if there is no drainage board in the county, to the appropriate town supervisors and if the drainage board or town supervisors, after a hearing, order that the drain be constructed. <sup>that</sup>

Current law also provides that a person may not construct, operate, or maintain a dam without a permit issued from the Department of Natural Resources (DNR). This bill specifies that a person who obtains a permit to construct, enlarge, or modify a dam must obtain written approvals from certain persons if the activity for which the permit was issued will change the water level of a drain passing through or along agricultural lands and if the change in that water level will cause a change to the benefits accruing to the agricultural lands. The approvals, if required, must be obtained from every owner of agricultural land through or along which the drain passes if benefits accrue to that agricultural land from the drain. <sup>STET</sup>

↑ check A

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

1 SECTION 1. 31.045 (3)<sup>x</sup> of the statutes is created to read:

2 31.045 (3) (a) A person who obtains a permit under this chapter<sup>✓</sup> to construct,  
3 enlarge, or modify a dam must obtain written approvals from the persons specified  
4 under par.<sup>✓</sup> (b) if all of the following apply:<sup>✓</sup>

5 1. The activity for which the permit was issued will change the water level of  
6 a drain passing through or along agricultural lands.

7 2. The change in the water level of the drain will cause a change to the benefits  
8 accruing to the agricultural lands through or along which the drain passes.

9 (b) A person who is required to obtain written approval under par. (a)<sup>✓</sup> ~~shall~~<sup>trust</sup>  
10 obtain that approval from every owner of agricultural land through or along which  
11 the drain specified under par. (a) 1.<sup>✓</sup> passes if benefits accrue to that agricultural land  
12 from the drain.

13 (END)

d-note  
↓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

PI  
LRB-0645/7dn

RNK:.....  
Jld

date

As you will recall, the instructions for this draft were given in the form of draft language. I'm not sure that this draft addresses the issue adequately because I do not have an explanation of the underlying problem. Accordingly, please review this draft very closely to ensure that it meets your intent. I have prepared the draft in preliminary form to give you an opportunity to make changes before the draft is prepared in final form.

Please feel free to contact me if you have any questions. ✓

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0645/P1dn  
RNK:jld:rs

December 1, 2006

As you will recall, the instructions for this draft were given in the form of draft language. I'm not sure that this draft addresses the issue adequately because I do not have an explanation of the underlying problem. Accordingly, please review this draft very closely to ensure that it meets your intent. I have prepared the draft in preliminary form to give you an opportunity to make changes before the draft is prepared in final form.

Please feel free to contact me if you have any questions.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.wisconsin.gov](mailto:robin.kite@legis.wisconsin.gov)

**Kite, Robin**

---

**From:** Griffiths, Terri  
**Sent:** Tuesday, January 23, 2007 11:33 AM  
**To:** Kite, Robin  
**Subject:** FW: Draft review: LRB 07-0645/P1 Topic: Permits for dams that alter water levels in drainage ditches  
**Attachments:** LRB-0645\_P1; LRB-0645\_P1 Drafters\_Note

Robin,

We are fine with this draft - please change to a regular draft now for introduction. Thank you, Terri

---

**From:** Basford, Sarah  
**Sent:** Friday, December 01, 2006 10:24 AM  
**To:** Rep.Albers  
**Subject:** Draft review: LRB 07-0645/P1 Topic: Permits for dams that alter water levels in drainage ditches

**Following is the PDF version of draft LRB 07-0645/P1 and drafter's note.**



State of Wisconsin  
2007 - 2008 LEGISLATURE

RM run

LRB-0645/21

RNK:jld:rs

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to create* 31.045 (3) of the statutes; **relating to:** requiring certain  
2 approvals for the construction, enlargement, or modification of a dam that  
3 affects the water level of a drain.

***Analysis by the Legislative Reference Bureau***

Under current law, drainage boards govern drainage districts that operate drains for agricultural lands owned by two or more persons. An individual landowner may also install a drain on not more than 80 acres of agricultural lands if the landowner presents a petition to the drainage board or, if there is no drainage board in the county, to the appropriate town supervisors and if the drainage board or town supervisors, after a hearing, order that the drain be constructed.

Current law also provides that a person may not construct, operate, or maintain a dam without a permit issued from the Department of Natural Resources. This bill specifies that a person who obtains a permit to construct, enlarge, or modify a dam ~~must obtain~~ written approvals from certain persons if the activity for which the permit was issued will change the water level of a drain passing through or along agricultural lands and if the change in that water level will cause a change to the benefits accruing to the agricultural lands. The approvals, if required, must be obtained from every owner of agricultural land through or along which the drain passes if benefits accrue to that agricultural land from the drain.

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

may not construct, enlarge, or modify the dam unless the person first obtains ✓



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0645/1dn

RNK:.....

date

↑  
jcd

Please note that this version of the draft contains a minor change from the previous version of this draft. This version clarifies that a person who obtains a permit to construct, enlarge, or modify a dam must obtain the requisite written approvals before beginning the activity. The previous version of the draft did not specify the point at which the permit holder was required to obtain the approvals. Please let me know if you have any questions with regard to this draft. ✓

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0645/1dn  
RNK:jld:rs

January 24, 2007

Please note that this version of the draft contains a minor change from the previous version of this draft. This version clarifies that a person who obtains a permit to construct, enlarge, or modify a dam must obtain the requisite written approvals before beginning the activity. The previous version of the draft did not specify the point at which the permit holder was required to obtain the approvals. Please let me know if you have any questions with regard to this draft.

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Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.wisconsin.gov](mailto:robin.kite@legis.wisconsin.gov)

**Duerst, Christina**

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**From:** Griffiths, Terri  
**Sent:** Wednesday, January 31, 2007 12:06 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0645/1 Topic: Permits for dams that alter water levels in drainage ditches

Please Jacket LRB 07-0645/1 for the ASSEMBLY.