

**2013 DRAFTING REQUEST**

**Bill**

Received: **1/2/2013** Received By: **emueller**

Wanted: **As time permits** Same as LRB:

For: **Robert Cowles (608) 266-0484** By/Representing: **Ryan Smith**

May Contact: Drafter: **emueller**

Subject: **Environment - water quality** Addl. Drafters:

**Local Gov't - misc** Extra Copies: **ARG, MDK, RCT, RNK**

**Public Util. - misc.**

**Transportation - highways**

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.wisconsin.gov**

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

State cost sharing for certain highway construction-related relocation or replacement costs for joint water authority facilities and eligibility of joint water authority for safe drinking water loan program.

**Instructions:**

See attached

**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>
/?	emueller 1/18/2013	scalvin 1/18/2013	phenry 1/18/2013	_____			
/1	emueller 2/7/2013			_____	srose 1/18/2013		State S&L
/2		scalvin	jfrantze	_____	mbarman	mbarman	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		2/8/2013	2/8/2013	_____	2/8/2013	2/14/2013	S&L

FE Sent For:

AT INTRO.

<END>

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/2		scalvin	jfrantze	_____	mbarman		State

Vers. Drafted

Reviewed  
2/8/2013

Typed  
2/8/2013

Proofed  
\_\_\_\_\_

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S&L

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/2	emueller 1/18/2013	scalvin 1/18/2013	phenry 1/18/2013				
/1					srose 1/18/2013		State S&L
/2	EVM 2/7/13	1/2 sac 02/08/2013					

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1?	emueller	1 sae	1/18	X			
1	EJM 1/18/13	01/18/13	ph				

FE Sent For:

<END>

**Mueller, Eric**

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**From:** Smith, Ryan  
**Sent:** Thursday, January 03, 2013 9:08 AM  
**To:** Mueller, Eric  
**Subject:** FW: LRB Drafting Request - Joint Water Authority Utility Relocation Reimbursements  
**Attachments:** Proposed legislation on SRF eligibility (A1556473).docx

Eric,

It's also come to my attention that joint water utility authorities such as this one aren't eligible for DNR Safe Drinking Water Revolving Loan program funds. We'd like to make them eligible for that as part of this bill, as well. Language is attached.

Thanks,

Ryan Smith  
Chief of Staff  
Office of Sen. Robert Cowles  
800-334-1465

---

**From:** Smith, Ryan  
**Sent:** Wednesday, January 02, 2013 11:32 AM  
**To:** Mueller, Eric  
**Subject:** LRB Drafting Request - Joint Water Authority Utility Relocation Reimbursements

Eric,

Here's the letter from the Village of Allouez that I spoke to you about. It seems their problem can be solved by amending 88.295 to include joint water authorities established under 66.0823 as eligible for utility relocation reimbursements. So that's what we'd like to get drafted. Let me know if you have any questions or if you see any problems with this.

Thanks,

Ryan Smith  
Chief of Staff  
Office of Sen. Robert Cowles  
800-334-1465

**PROPOSAL ON  
SAFE DRINKING WATER REVOLVING LOAN FUND ELIGIBILITY**

**Request to amend eligibility to receive Safe Drinking Water Revolving Loan program funding.**

**SECTION 1.** 281.61(1)(a) of the statutes is amended to read:

281.61(1)(a) "Local governmental unit" means a city, village, town, county, town sanitary district, public inland lake protection and rehabilitation district, joint local water authority under sec. 66.0823, or municipal water district.

## Mueller, Eric

---

**From:** Smith, Ryan  
**Sent:** Wednesday, January 02, 2013 11:32 AM  
**To:** Mueller, Eric  
**Subject:** LRB Drafting Request - Joint Water Authority Utility Relocation Reimbursements  
**Attachments:** 20130102112130073.pdf

Eric,

Here's the letter from the Village of Allouez that I spoke to you about. It seems their problem can be solved by amending 88.295 to include joint water authorities established under 66.0823 as eligible for utility relocation reimbursements. So that's what we'd like to get drafted. Let me know if you have any questions or if you see any problems with this.

Thanks,

Ryan Smith  
Chief of Staff  
Office of Sen. Robert Cowles  
800-334-1465



# VILLAGE OF ALLOUEZ

Allouez Village Hall • 1900 Libal Street • Green Bay, WI 54301-2453 • (920) 448-2800 • Fax (920) 448-2850

[www.villageofallouez.com](http://www.villageofallouez.com)

Wednesday, December 19, 2012

The Honorable Representative Robert Cowles  
Room 323 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Re: Request for Legislative Action Amending State Statutes to Allow the Central Brown County Water Authority (CBCWA) to be Reimbursed for Utility Relocations Required by the State

Dear Representative Cowles:

I am writing to solicit your support to amend Wis. Stat. Sec. 84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint water authority established under Wis. Stat. Sec. 66.0823. As you are probably already aware, the Village of Allouez is one of six (6) communities that jointly belong to the Central Brown County Water Authority. The CBCWA was recently informed by Wisconsin DOT that a section of their water transmission main needs to be relocated to accommodate construction associated with the reconstruction of State Highway 29 and County Highway FF. The cost to complete this relocation is estimated at more than one (1) million dollars.

Typically, this type of order to relocate water utilities is reimbursed by the State at 90% of the total cost. Existing State statutes currently only allow this reimbursement to be distributed to municipalities. Even though the CBCWA was established by the Village of Allouez and five (5) other municipalities for the purpose of providing water to our citizens and businesses, the State currently does not view the CBCWA equivalent to individual municipal water utilities that are allowed to receive relocation reimbursements. If this same water main was owned by a single municipality such as the Village of Allouez, the State would reimburse 90% of the relocation cost. However, since this water main is owned by CBCWA which is essentially the water distribution system for six (6) municipalities, we are not eligible to be reimbursed for the relocation costs.

The Village of Allouez sincerely believes the inability of the State to provide the same utility relocation funding to CBCWA, as it does for all municipalities in the State, needs to be corrected. I am asking you to introduce and/or sponsor legislative action to allow CBCWA to be reimbursed for this and future utility relocation costs at the same rate as all other municipalities in the State. I have attached a resolution adopted by the Village of Allouez Village Board supporting this request for your review.

Please contact myself or Craig Berndt, Village of Allouez Public Works Director, if you need any additional information regarding this request. Thank you for your assistance.

Sincerely,

Steve Vanden Avond  
Village of Allouez President

Enclosure

**RESOLUTION 2012 - 25**

**REQUESTING LEGISLATION TO AMEND WIS. STAT. §84.295 TO EXTEND THE PROVISION OF UTILITY RELOCATION REIMBURSEMENT PAYMENTS TO FACILITIES OWNED BY THE CENTRAL BROWN COUNTY WATER AUTHORITY**

WHEREAS, the communities of Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview have formed a regional entity, known as the Central Brown County Water Authority (CBCWA), to provide water supply to their communities; and

WHEREAS, through the CBCWA, the communities have been able to obtain a lake water source of water to replace the groundwater sources of water that they were previously using but which had deteriorated due to elevated radium levels and dropping water levels; and

WHEREAS, CBCWA delivers water to member communities through a CBCWA owned pipeline, that was built between the years 2005 to 2007, at a cost of over \$100 million; and

WHEREAS, a portion of this pipeline is located in Wisconsin Department of Transportation rights-of-way, in accordance with permissions received from the DOT; and

WHEREAS, at the time permission from the DOT was requested, CBCWA provided location drawings to the DOT, and was not informed of any future DOT plans that would be expected to require future relocation of CBCWA's pipeline; and.

WHEREAS, in July, 2012, DOT informed CBCWA that it planned to reconstruct the intersection of State Trunk Highway 29 and County Trunk Highway FF, and it directed CBCWA to provide a plan for relocating CBCWA's recently installed pipeline; and

WHEREAS, the cost to relocate this portion of the pipeline is anticipated to be over \$1,100,000; and

WHEREAS, water ratepayers in Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview will bear the cost of relocating this pipeline, along with the cost of constructing the original recently installed pipeline, through their water rates; and

WHEREAS, if the pipeline was owned by any of the member communities individually (as opposed to being owned jointly by the CBCWA), Wis. Stat. § 84.295 would authorize the State to pay 90% of the eligible relocation and replacement costs because the state freeway construction was requiring the relocation and replacement of the pipeline; and

WHEREAS, Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview ratepayers should not be placed at a disadvantage, and be required to pay higher water rates, because the pipeline that supplies them with water is owned by a joint governmental entity, as opposed to being owned by an individual town, village, city, or town sanitary district; and

WHEREAS, state law should not provide a disincentive for communities to work cooperatively to provide utility services to residents; and

WHEREAS, the disincentive that currently exists in state law can be eliminated by amending Wis. Stat. §84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint local water authority established under Wis. Stat. §66.0823;



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0819/D 0959/1  
EVM&RNK:sac:63

Stays  
RMNR

2013 BILL

No Changes

In 1/18/13

Soon

gen act

PDF

1 AN ACT to amend 84.295 (4m) (e) 2., 234.86 (1) (c), 281.61 (1) (a) and 281.625 (1)  
2 (b) of the statutes; relating to: costs of replacement or relocation of certain  
3 municipal utility facilities required by the construction of a freeway and  
4 eligibility for the safe drinking water loan program.

**Analysis by the Legislative Reference Bureau**

Under current law, the state is required to pay 90% of the eligible costs of the relocation or replacement of municipal utility facilities required by the construction of a freeway. The current definition of "municipal utility facilities" includes utility facilities owned by a town, village, city, town sanitary district, or metropolitan sewerage district. Also under current law, under the safe drinking water loan program, the state provides loans at subsidized interest rates to local governmental units for projects for the construction or modification of public water systems. The current definition of "local governmental units" includes cities, villages, towns, counties, town sanitary districts, public inland lake protection and rehabilitation districts, and municipal water districts.

Also under current law, certain local governmental units may contract with one or more local governmental units to establish a joint local water authority, to jointly produce, treat, store, transmit, distribute, purchase, sell, or exchange water.

This bill adds utility facilities owned by a joint water authority to the group of municipal utility facilities that is subject to state cost sharing when relocation or replacement of the facilities is required by the construction of a freeway. This bill also



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

January 17<sup>2 18</sup>, 2013

LRB-08191dn 0959

RNK:sac:rs

Stays

ATTN: Rep. Andre Jacque

Sen. Robert Cowles

You may wish to consult with the appropriate expert at the Department of Natural Resources to ensure that making a joint water authority eligible to participate in the safe drinking water loan program will not be contrary to federal law.

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

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

LRB-0959/1dn  
RNK:sac:ph

January 18, 2013

ATTN: Sen. Robert Cowles

You may wish to consult with the appropriate expert at the Department of Natural Resources to ensure that making a joint water authority eligible to participate in the safe drinking water loan program will not be contrary to federal law.

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

## Mueller, Eric

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**From:** Kite, Robin  
**Sent:** Wednesday, January 30, 2013 10:38 AM  
**To:** Mueller, Eric  
**Subject:** FW: joint local water authority statutory change  
**Attachments:** Joint water authority bill.pdf

**Importance:** High

Here are some redraft instructions. I am buried in mining right now so I haven't looked at this too closely yet. If you need my input, let me know.

Robin

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**From:** Smith, Ryan  
**Sent:** Wednesday, January 30, 2013 8:46 AM  
**To:** Kite, Robin  
**Subject:** FW: joint local water authority statutory change  
**Importance:** High

Robin,

I ran this draft by the DNR, per your suggestion. Here are their comments and suggested changes. If this makes sense to you, could you incorporate these changes into the draft?

Thanks again,

Ryan Smith  
Chief of Staff  
Office of Sen. Robert Cowles  
800-334-1465

---

**From:** Schmidt, Robin R - DNR [<mailto:Robin.Schmidt@Wisconsin.gov>]  
**Sent:** Wednesday, January 30, 2013 8:07 AM  
**To:** Heinen, Paul H - DNR; Smith, Ryan  
**Cc:** Bruhn, Michael L - DNR; Teves, Mary R - DNR; Cargill, Jeanne H - DNR; Wolff, Michael - DOA  
**Subject:** joint local water authority statutory change  
**Importance:** High

Paul – I apologize for our late response – here are our comments (which have also been discussed with Michael Wolff at DOA):

We support the addition of joint local water utility to the definition of municipalities that are eligible for funding from the Environmental Improvement Fund. We do have a couple of edits for the proposal forwarded to us and an additional critical statutory change in the Environmental Improvement Fund portion of the statute to ensure consistency with the definition of municipality to include the joint local water utilities – this section is what governs DOA's implementation of our program.

**Additional Statutory Change: Please amend SECTION 5. 281.59(1)(c) of the statutes to read:**

281.59(1)(c) "Municipality" means any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district, joint local water authority or federally recognized American Indian tribe or band in this state.

**Edits:**

There is a typo in the second line on page 2 -- safe drinking water loaned program.

Please add the word "local" into each place in the bill where it currently says "joint water authority". (The statute that allows the creation of joint local water authorities defines "local water authority" and specifically states in the creation section of 66.0823 that that the entity created when local governmental units contract with each other for the purpose of providing water shall "be known as a joint local water authority".)

Let me know if you have any other questions and we greatly appreciate the opportunity to provide comments on this draft!

Thanks!

Robin

 *Robin R. Schmidt*

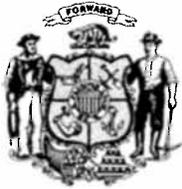
Chief, Environmental Loans Section  
Bureau of Community Financial Assistance  
Wisconsin Department of Natural Resources

(() **phone:** (608) 266-3915

(() **fax:** (608) 266-0496

(+) **e-mail:** [robin.schmidt@wisconsin.gov](mailto:robin.schmidt@wisconsin.gov)

Find us at <http://dnr.wi.gov/Aid/EIF.html>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-09591  
EVM&RNK:sac:ph

12

2013 BILL

RMR

INSERTS

1/27/13

Soon

regen

1 AN ACT to amend 84.295 (4m) (e) 2., 234.86 (1) (c), 281.61 (1) (a) and 281.625 (1)  
2 (b) of the statutes; relating to: costs of replacement or relocation of certain  
3 municipal utility facilities required by the construction of a freeway and  
4 eligibility for the safe drinking water loan program.

*Analysis by the Legislative Reference Bureau*

Under current law, the state is required to pay 90% of the eligible costs of the relocation or replacement of municipal utility facilities required by the construction of a freeway. The current definition of "municipal utility facilities" includes utility facilities owned by a town, village, city, town sanitary district, or metropolitan sewerage district. Also under current law, under the safe drinking water loan program, the state provides loans at subsidized interest rates to local governmental units for projects for the construction or modification of public water systems. The current definition of "local governmental units" includes cities, villages, towns, counties, town sanitary districts, public inland lake protection and rehabilitation districts, and municipal water districts.

Also under current law, certain local governmental units may contract with one or more local governmental units to establish a joint local water authority, to jointly produce, treat, store, transmit, distribute, purchase, sell, or exchange water.

This bill adds utility facilities owned by a joint water authority to the group of municipal utility facilities that is subject to state cost sharing when relocation or replacement of the facilities is required by the construction of a freeway. This bill also

local

**BILL**

adds joint water authorities to the group of local governmental units that are eligible to participate in the safe drinking water ~~lead~~ program. *loan*

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

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

**SECTION 1.** 84.295 (4m) (e) 2. of the statutes is amended to read:

84.295 (4m) (e) 2. "Municipal utility facilities" mean any utility facilities owned by any town, village, or city or any joint water authority established under s. 66.0823 or any town sanitary district established under subch. IX of ch. 60, or under the jurisdiction of any metropolitan sewerage district established under ss. 200.01 to 200.15.

**SECTION 2.** 234.86 (1) (c) of the statutes is amended to read:

234.86 (1) (c) "Local governmental unit" has the meaning given in s. 281.61 (1) (a), except that the term does not include a joint water authority established under s. 66.0823.

**SECTION 3.** 281.61 (1) (a) of the statutes is amended to read:

281.61 (1) (a) "Local governmental unit" means a city, village, town, county, town sanitary district, public inland lake protection and rehabilitation district, joint water authority established under s. 66.0823, or municipal water district.

**SECTION 4.** 281.625 (1) (b) of the statutes is amended to read:

281.625 (1) (b) "Local governmental unit" has the meaning given in s. 281.61 (1) (a), except that the term does not include a joint water authority established under s. 66.0823.

(END)

#

INS  
2-1

INS  
2-11

17





**Barman, Mike**

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**From:** Smith, Ryan  
**Sent:** Thursday, February 14, 2013 10:21 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0959/2 Topic: State cost sharing for certain highway construction-related relocation or replacement costs for joint water authority facilities and eligibility of joint water authority for safe drinking water loan program.

Please Jacket LRB -0959/2 for the SENATE.