

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/5/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barrn Ashenfelter**

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

Drafter: **rkite**

May Contact:

Alt. Drafters:

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

Extra Copies:

**Topic:**

Regulation of cranberry, dams ditches and drains that affect trout streams.

**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>
/?	rkite 01/13/99	wjackson 01/14/99		_____			State
/1			ismith 01/15/99	_____	lrb_docadmin 01/15/99	lrb_docadmin 01/21/99	

FE Sent For:

*2/24/99*

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/5/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barrn Ashenfelter**

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

Drafter: **rkite**

May Contact:

Alt. Drafters:

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

Extra Copies:

**Topic:**

Regulation of cranberry, dams ditches and drains that affect trout streams.

**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>
/?	rkite 01/13/99	wjackson 01/14/99		_____			State
/1			ismith 01/15/99	_____	lrb_docadmin 01/15/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 01/5/99

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Brian Burke (608) 266-8535

By/Representing: Barrn Ashenfelter

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

**Topic:**

Regulation of cranberry, dams ditches and drains that affect trout streams.

**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>
/?	rkite	1 WLJ 1/14 1 JLG 1/14	IS 1/5/99	IS/LP 1/5/99			

FE Sent For:

<END>

**LEGISLATIVE REFERENCE BUREAU**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
 (608) 266-3561

**BILL REQUEST FORM**

*MGG*

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>12-28-98</i>	Legislator or agency requesting this draft: <i>SENATOR BURKE</i>
Name/phone number of person submitting request: <i>BARRY, 6-8535</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>BARRY ASHTENFELDER, 6-8535</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem?  <i>Please re-draft 1997 SB 524, LRB 5/49/1 which is attached.</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-5149/1  
MGG:kmg:lp

## 1997 SENATE BILL 524

March 24, 1998 – Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Agriculture and Environmental Resources.

1     **AN ACT** to amend 94.26 of the statutes; relating to: the effect of dams, ditches  
2             and drains used in the cultivation of cranberries on certain trout streams.

---

*Analysis by the Legislative Reference Bureau*

Under current law, the construction and maintenance of dams, ditches and drains that are used in the cultivation of cranberries are exempt from any of the permitting or other regulatory requirements administered by the department of natural resources (DNR) that cover dams and other structures that affect navigable waters. This bill eliminates this exemption for such dams, ditches and drains if they affect Class I trout streams. Under rules promulgated by DNR, trout streams are classified as Class I, Class II or Class III. To be a Class I trout stream, the stream must contain a high quality of trout habitat or must contain trout in adequate numbers to sustain the trout population without stocking.

For further information see the *state* 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:*

3             **SECTION 1.** 94.26 of the statutes is amended to read:  
4             **94.26 Cranberry culture; maintenance of dams, etc.** Any person owning  
5             lands adapted to the culture of cranberries may build and maintain on any land

**SENATE BILL 524**

1 owned by the person such dams upon any watercourse or ditch as shall be necessary  
2 for the purpose of flowing such lands, and construct and keep open upon, across and  
3 through any lands such drains and ditches as shall be necessary for the purpose of  
4 bringing and flooding or draining and carrying off the water from such cranberry  
5 growing lands, or for the purpose of irrigation, fertilization and drainage of any other  
6 lands owned by the person; provided, that no such dams or ditches shall injure any  
7 other dams or ditches theretofore lawfully constructed and maintained for a like  
8 purpose by any other person. These dams, drains and ditches shall be subject to chs.  
9 30 and 31 if they affect a body of water that is classified as a Class I trout stream by  
10 the department of natural resources under rules promulgated under s. 23.09 (2) (m).

**SECTION 2. Initial applicability.**

11  
12 (1) This act first applies to the building and maintenance of dams and the  
13 construction and keeping open of drains and ditches that occur on the effective date  
14 of this subsection.

15 (END)



State of Wisconsin  
1997-1998 LEGISLATURE

1563/1  
LRB-5149M  
MGA:kmg/ta  
RNK & MGS  
WLJ  
+  
JLG

1997 SENATE BILL 524

March 24, 1998 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Agriculture and Environmental Resources.

REGEN

- 1 AN ACT to amend 94.26 of the statutes; relating to: the effect of dams, ditches
- 2 and drains used in the cultivation of cranberries on certain trout streams.

**Analysis by the Legislative Reference Bureau**

Under current law, the construction and maintenance of dams, ditches and drains that are used in the cultivation of cranberries are exempt from any of the permitting or other regulatory requirements administered by the department of natural resources (DNR) that cover dams and other structures that affect navigable waters. This bill eliminates this exemption for such dams, ditches and drains if they affect Class I trout streams. Under rules promulgated by DNR, trout streams are classified as Class I, Class II or Class III. To be a Class I trout stream, the stream must contain a high quality of trout habitat or must contain trout in adequate numbers to sustain the trout population without stocking.

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

WFO: Keep initial caps

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

- 3 SECTION 1. 94.26 of the statutes is amended to read:
- 4 **94.26 Cranberry culture; maintenance of dams, etc.** Any person owning
- 5 lands adapted to the culture of cranberries may build and maintain on any land

WFO: Please proof w/stats.

SENATE BILL 524

WPD: Please proof w/ stats.

WPD: please keep initial cap

1 owned by the person such dams upon any watercourse or ditch as shall be necessary  
 2 for the purpose of flowing such lands, and construct and keep open upon, across and  
 3 through any lands such drains and ditches as shall be necessary for the purpose of  
 4 bringing and flooding or draining and carrying off the water from such cranberry  
 5 growing lands, or for the purpose of irrigation, fertilization and drainage of any other  
 6 lands owned by the person; provided, that no such dams or ditches shall injure any  
 7 other dams or ditches theretofore lawfully constructed and maintained for a like  
 8 purpose by any other person. These dams, drains and ditches shall be subject to chs.  
 9 30 and 31 if they affect a body of water that is classified as a Class I trout stream by  
 10 the department of natural resources under rules promulgated under s. 23.09 (2) (m).

**SECTION 2. Initial applicability.**

12 (1) This act first applies to the building and maintenance of dams and the  
 13 construction and keeping open of drains and ditches that occur on the effective date  
 14 of this subsection.

(END)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 1/15/99

**To:** Senator Burke

**Relating to LRB drafting number:** LRB-1563

**Topic**

Regulation of cranberry, dams ditches and drains that affect trout streams.

**Subject(s)**

Nat. Res. - nav. waters

1. **JACKET** the draft for introduction S. Burke

in the **Senate**  or the **Assembly** \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robin N. Kite, Legislative Attorney  
Telephone: (608) 266-7291