

1999 DRAFTING REQUEST

Bill

Received: **09/17/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies: **1 DNR**

Topic:

DOA:.....Grinde - Dam aid program to allow nonstructural alternatives

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>
/?	gibsom 09/18/98	gilfokm 11/17/98		_____			S&L
/1			lpaasch 11/17/98	_____	lrb_docadmin 11/17/98		

FE Sent For:

<END>

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1/?	gibsom 09/18/98	lrb_editor 1-11-17 kmg	11/17 L.P.	11/17 LP			

FE Sent For:

<END>

Statutory Language Proposals

Division: Water

Subprograms: Watershed Management; Fisheries Management and Habitat Protection

Issue/Topic: Funding of Non-structural alternatives to dam repair

Proposed Change: The Department proposes to amend Wis. Stat. s. 31.385 to allow the Department to fund non-structural alternatives to dam repair and reconstruction.

Explanatory Note: This proposal would amend Wis. Stat. s. 31.385 to indicate that funding would be allowed for actions that reduce the hazard classification of a dam. In certain situations, a dam owner could reduce the extent and/or cost of dam repair if the hazard rating for the dam were lowered. The purchase and removal of structures below the dam could result in reduced spillway design requirements and therefore lower project costs. Where it can be demonstrated that a non-structural alternative is the best option for making the dam comply with applicable codes and reducing long-term hazards, the cost of the acquisition and removal of at-risk structures should be allowed under the Ch. 31 dam maintenance, repair, modification, abandonment and removal aid program.

Desired Effective Date: Upon publication.

Contact Person: Eric Ebersberger, MB/5, 266-0818; Meg Galloway, WT/6, 266-7014

Post-it® Fax Note	7671	Date	11/16	# of pages ▶	1
To	Mary Gibson-Glass	From	Kirsten Grinde		
Co./Dept.	J	Co.			
Phone #	7-3215	Phone #	6-7973		
Fax #	4-8522	Fax #			

DOA-BUD

1995 BILL

Head NATURAL RESOURCES
sub NAVIGABLE WATERS

the budget.

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... DON'T GEN Cat.
AN ACT ~~to renumber and amend 31.385 (1); to amend 20.866 (2) (tL), 20.866~~
~~(2) (tx), 31.385 (title), 31.385 (2) (intro.), 31.385 (2) (a), 31.385 (2) (c) (intro.),~~
~~31.385 (2) (c) 1. and 31.385 (3); and to create 31.385 (1) and 31.385 (2) (bm) of~~
~~the statutes; relating to: financial assistance for dam safety activities,~~
~~granting rule-making authority and making appropriations~~

cost of the project and may not exceed a total of 50% of the project
for the project

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) administers a matching grant program for municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. Under the program, the financial assistance may not exceed \$200,000 for a particular project. This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if such an activity costs less than maintaining, repairing, modifying or removing the dam.

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:

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7

~~SECTION 1. 20.866 (2) (tL) of the statutes, as affected by 1995 Wisconsin Act 27,~~
is amended to read:

The amount of the project that may be provided for a project to be 50% of the project cost or less (40) whichever is greater

1 20.866 (2) (tL) (title) *Natural resources; segregated revenue supported dam*
 2 ~~*maintenance, repair, modification, abandonment and removal safety projects.*~~ From
 3 the capital improvement fund, a sum sufficient for the department of natural
 4 resources to provide financial assistance to counties, cities, villages, towns and
 5 public inland lake protection and rehabilitation districts ~~*in conducting for dam*~~
 6 ~~*maintenance, repair, modification, abandonment and removal safety projects*~~ under
 7 s. 31.385. The state may contract public debt in an amount not to exceed \$4,000,000
 8 for this purpose.

INS
1-8

9 SECTION 2. 20.866 (2) (tx) of the statutes is amended to read:

10 20.866 (2) (tx) ~~*Natural resources; dam maintenance, repair,*~~
 11 ~~*modification, abandonment and removal safety projects.*~~ From the capital
 12 improvement fund, a sum sufficient for the department of natural resources to
 13 provide financial assistance to counties, cities, villages, towns and public inland lake
 14 protection and rehabilitation districts ~~*in conducting for dam maintenance, repair,*~~
 15 ~~*modification, abandonment and removal safety projects*~~ under s. 31.385. The state
 16 may contract public debt in an amount not to exceed \$5,500,000 for this purpose.

INS-16

17 SECTION 3. 31.385 (title) of the statutes is amended to read:

18 31.385 (title) ~~**Dam maintenance, repair, modification, abandonment**~~
 19 ~~**and removal safety; aid program.**~~

20 SECTION 4. 31.385 (1) of the statutes is created to read:

21 31.385 (1) In this section, "dam safety project" means the maintenance, repair,
 22 modification, abandonment or removal of a dam to increase its safety or any other
 23 activity that will increase the safety of a dam.

24 SECTION 5. 31.385 (1) of the statutes is renumbered 31.385 (1m) and amended
 25 to read:

Handwritten notes on the left margin:
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 are
 cut
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 of
 order.

1 31.385 (1m) The department shall promulgate the rules necessary to
2 administer a financial assistance program for municipalities and public inland lake
3 protection and rehabilitation districts for dam ~~maintenance, repair, modification,~~
4 ~~abandonment and removal~~ safety projects.

5 SECTION 6. 31.385 (2) (intro.) of the statutes is amended to read:

6 31.385 (2) (intro.) The following standards shall apply to financial assistance
7 under this section for dam ~~maintenance, repair, modification, abandonment and~~
8 ~~removal~~ safety projects:

9 SECTION 7. 31.385 (2) (a) of the statutes is amended to read:

10 31.385 (2) (a) State financial assistance for a dam safety project is limited to
11 no more than 50% of the cost of ~~a particular the dam safety~~ project involving dam
12 ~~maintenance, repair, modification, abandonment or removal~~ (and no more than or no
13 ~~more than~~ \$200,000 of state financial assistance for a particular project, whichever
14 ~~is greater.~~

PLAIN TEXT

15 SECTION 8. 31.385 (2) (bm) of the statutes is created to read:

16 31.385 (2) (bm) The department may provide financial assistance for an
17 activity other than the maintenance, repair, modification, abandonment or removal
18 of the dam only if the cost of that activity will be less than the cost of the maintenance,
19 repair, modification or removal of the dam.

20 SECTION 9. 31.385 (2) (c) (intro.) of the statutes is amended to read:

21 31.385 (2) (c) (intro.) No financial assistance may be provided under this
22 section for ~~the maintenance, repair, modification, abandonment or removal~~ of a dam
23 safety project unless at least one of the following applies:

24 SECTION 10. 31.385 (2) (c) 1. of the statutes is amended to read:

Prop of Stats

Prop of Stats

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Prop w/ state.

31.385 (2) (c) 1. The department conducts an investigation or inspection of the dam under this chapter and the owner of the dam requests financial assistance under this section within 6 months after having received department directives, based on the department's investigation or inspection of the dam, for the repair, modification or abandonment and removal of the dam or for another activity to increase the safety of the dam.

SECTION 11. 31.385 (3) of the statutes is amended to read:

31.385 (3) The department shall provide municipalities and public inland lake protection and rehabilitation districts with technical assistance ~~in conducting for dam maintenance, repair, modification, abandonment and removal~~ safety projects under this section. The department shall coordinate the financial assistance program under this section with other related state and federal programs.

(END)

Section #. 20.866 (2) (tL) of the statutes is amended to read:

20.866 (2) (tL) ⁽¹⁾ ~~Natural resources; segregated revenue supported dam maintenance, repair, modification, abandonment and removal.~~ ^{Safety projects} From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts in conducting ^{for} ~~dam maintenance, repair, modification, abandonment and removal~~ ^{Safety projects} under s. 31.383. The state may contract public debt in an amount not to exceed \$6,350,000 for this purpose.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

note: bud not needed; not printed in schedule

Section #. 20.866 (2) (tx) of the statutes is amended to read:

①
Safety projects

20.866 (2) (tx) ~~Natural resources; dam maintenance, repair, modification, abandonment and removal~~ From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts ~~in conducting dam maintenance, repair, modification, abandonment and removal~~ ^{for} Safety projects under s. 31.385. The state may contract public debt in an amount not to exceed \$5,500,000 for this purpose.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

Note: bud not needed, not printed in schedule



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0207/1
MGG:kmg:lp

DOA:.....Grinde – Dam aid program to allow nonstructural alternatives
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, the department of natural resources (DNR) administers a matching grant program for municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. Under the program, the financial assistance may not exceed 50% of the cost of the project and may not exceed a total of \$200,000 for the project. This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if such an activity costs less than maintaining, repairing, modifying or removing the dam.

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4 ~~maintenance, repair, modification, abandonment and removal~~ safety projects under
5 s. 31.385. The state may contract public debt in an amount not to exceed \$6,350,000
6 for this purpose.

7 **SECTION 2.** 20.866 (2) (tx) of the statutes is amended to read:

8 20.866 (2) (tx) *Natural resources; dam ~~maintenance, repair, modification,~~*
9 *~~abandonment and removal~~ safety projects.* From the capital improvement fund, a
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7 dam ~~maintenance, repair, modification, abandonment and removal~~ safety projects
8 under this section. The department shall coordinate the financial assistance
9 program under this section with other related state and federal programs.

10 (END)