

**1999 DRAFTING REQUEST**

**Bill**

Received: 12/14/98

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: **rkite**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

**Topic:**

DOA:.....Grinde - Fees for computerized water resource information

**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 12/15/98			_____			State
/1	rkite 01/7/99	ygeller 01/7/99	lpaasch 01/7/99	_____	lrb_docadmin 01/7/99		State
/2	gibsom 01/31/99	ygeller 01/31/99	martykr 01/31/99	_____	lrb_docadmin 01/31/99		State

FE Sent For:

<END>

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1?	gibsom	1/7 JLG	1/7 LP	1/7 LP <del>LP</del> IS			

FE Sent For:

<END>

**CORRESPONDENCE MEMORANDUM**

**STATE OF WISCONSIN  
Department of Administration**

**Date:** December 10, 1998  
**To:** Steve Miller  
Chief, Legislative Reference Bureau  
**From:** Kirsten Grinde *KMG*  
Policy and Budget Analyst, State Budget Office  
**Subject:** FY 1999-2001 Budget Statutory Language Proposal

The following is an additional statutory language proposal for the FY 1999-2001 biennial budget. I have indicated my priority ranking below.

*Submitting under  
Ch 30*

The intent of this request is to provide the Department of Natural Resources the authority to charge a fee for access to a new computer-based system for water resource maps and other water resource management information. Also, this request would create a new program revenue appropriation to receive revenues collected by DNR related to this new system.

<u>Issue</u>	<u>Status</u>	<u>Analyst</u>	<u>Priority</u>
Waters Initiative Web System Access Fee	Proposal above	Kirsten	High

If you have any questions, please contact me at 266-7973.

cc: Dave Schmiedicke


Initially, the Legislature and the courts made water rights decisions. As the number of required decisions increased, administrative agencies were assigned the duty. The DNR has administered Wisconsin's water law since 1968. Fisheries biologists were initially assigned to review proposed lake and river alterations. By the mid-1970s, local governments were adopting shoreland and floodplain zoning, and specialized positions were created to work with landowners and local governments to help protect habitat and steer development away from flood-prone areas. Formal proposals to physically alter waterways grew from the hundreds in the early 1980s to nearly 5,000 by 1990. During the same period, recognition of the critical importance of wetlands as habitat, flood storage, and pollutant filters resulted in new wetland zoning and water quality standards.

Currently, 42 staff in DNR field stations annually work with an estimated 10,000 landowners who consider waterway alterations. The landowners range from major developers to private cottage owners, and the proposed waterway alterations are as varied as the applicants themselves. The same 42 staff members assist Wisconsin's 500 local governments with thousands of complex decisions per year under their floodplain, shoreland and wetland ordinances. And finally, the same 42 staff work with the owners of Wisconsin's 3500 or so dams and provide the technical capability for emergency response in dam breaks, floods and droughts.

In 1987, a DNR staffing analysis indicated that the Department had only 70% of the staff needed to properly carry out the legally required program activities, mainly waterway permitting and basic zoning assistance. Following consistently increased development pressure throughout the state, and a significant increase in the number of waterway decisions, a revised DNR workload analysis showed that the Department had only 37% of the staff necessary to effectively manage these program areas.

The time required to get basic information and certain permit decisions upsets applicants; the level of response to environmental damage complaints upsets anglers, neighbors, and others; and the lack of technical support upsets local governments. These problems have been largely neglected for a decade and have resulted in ongoing flood damage, impacts to water quality and habitat loss. The Division of Emergency Government tallied the cost of flooding in Wisconsin at \$43.6 million in 1993 alone. Additionally, the \$50 million Delavan Lake restoration is one example of the magnitude of the potential future cost to restore water quality and habitat.

#### ANALYSIS OF NEED:



Information access - Under this initiative, complete water-related site information would be readily available either electronically or from agency offices to landowners, prospective purchasers, contractors, engineering consultants, and DNR and local government staff to make site planning simpler and speed agency decision-making. Data systems and site diagnostic information would be upgraded, made available, and maintained on the *Web*. Technology such as portable computers, geographic information systems software (GIS), hydrologic modeling software, and global positioning systems (GPS) equipment and training would be provided to key field staff.

Under this initiative, developers, contractors, realtors, lenders, individual landowners, DNR staff and local governments would no longer need to search for maps, engineering studies, copied reports, or wait for mail to obtain current water resource information and standards for waterway alteration activities. Anyone with access to a computer would be able to use DNR data on water levels, flood flows, wetlands, dams, waterway alteration permits, and state and local protection standards. Through a new *Web* page, developers and landowners would be able to make preliminary analyses of project side effects and permit needs, obtain application forms and instructions, review data on similar projects and likely outcomes, and ultimately file applications and receive documents electronically.

Per Kersten 12-30-98

This will be a "subscriber" based system  
people will be able to access info directly  
by computer through this fee-based  
subscription service



*soon*  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

*RML*  
/  
LRB-1261/~~3~~  
RNK...:....  
*Jlg*

DOA:.....Grinde – Fees for computerized water resource information  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*do not gen*

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

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*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES** ✓

**NAVIGABLE WATERS** ✓

Under current law, if a state agency provides a requester with a copy of a record, the agency may not charge the requester a fee that exceeds the actual, necessary and direct cost of reproduction and transcription of the record unless a fee is otherwise specifically established or authorized to be established by law.

This bill authorizes the department of natural resources (DNR) ✓ to charge a fee for providing any information that DNR maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information. The bill does not limit the amount of the fee to the actual, necessary and direct cost of providing that information.

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

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

2 SECTION 1. 20.370 (5) (bg) <sup>X</sup> of the statutes is created to read:

WPO -  
use long  
dash

1 20.370 (5) (bg) *Computer accessible water resource management information*  
 2 - fees. From the general fund, all moneys received under s. 23.322 from fees collected  
 3 for providing <sup>computer accessible</sup> information ~~that the department maintains in a format that may be~~  
 4 ~~accessed by computer concerning the waters of this state.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 23.322 of the statutes is created to read:

6 **23.322 Fees for computer accessible water resource management**  
 7 **information.** The department may charge a fee for providing any information that  
 8 that it maintains in a format that may be accessed by computer concerning the  
 9 waters of this state, including maps and other water resource management  
 10 information.

11 (END) ✓





State of Wisconsin  
1999 - 2000 LEGISLATURE

NOV

2RMR  
LRB-1261/A  
RNK:jlg:lp

DOA:.....Grinde - Fees for computerized water resource information  
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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2 SECTION 1. 20.370 <sup>4</sup>(~~5~~) (bg) of the statutes is created to read:

computer accessible

(b) (4)

Water regulation and zoning

20.370 (bg) Computer accessible water resource management information

1

2

3

fees. From the general fund, all moneys received under s. 23.322 from fees collected for providing computer accessible information.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4

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5

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(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1261/2  
RNK:jlg:km

DOA:.....Grinde - Fees for computerized water resource information  
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2 SECTION 1. 20.370 (4) (bg) of the statutes is created to read:

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2 general fund, all moneys received under s. 23.322 from fees collected for providing  
3 computer accessible information.

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(END)