

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1057,

Topic:

Funding for Cazenovia dam

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>
/1	gibsom 06/16/2001	liiagen 06/16/2001	haugeca 06/17/2001	_____	irb_docadmin 06/17/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1057, 4009,

Topic:

Funding for Cazenovia dam

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>
/P1	gibsom	11 hmb 6/11/01	CK 6/10	CK 6/10 JK			

FE Sent For:

<END>

Adopt Alternative A1 to Paper 680, which would earmark funds to repair the dam located in the village of Cazenovia.

RE:

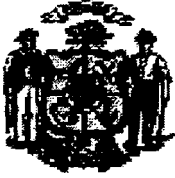
Budget Drafting Instructions – Funding for Cazenovia Dam

CN4039

Important

-
- Provide \$250,000 from GPR bonding for the Cazenovia Dam.

MCB



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 16, 2001

Joint Committee on Finance

Paper #680

Dam Safety Program (DNR -- Water Quality)

[LFB 2001-03 Budget Summary: Page 490, #15 & #16]

CURRENT LAW

The Department of Natural Resources administers a municipal dam repair and removal grant program. This program provides grants to counties, cities, villages, towns and public inland lake protection and rehabilitation districts. To qualify for a grant, the locality must own a dam that has been inspected by DNR and be under a DNR directive to repair or remove the dam. The program provides 50% matching grants with a limit of \$200,000 per project.

A total of \$11,850,000 in bonding has been made available for municipal dam repair and removal grants for up to 50% of local costs not to exceed \$200,000. Of that total, \$250,000 is allocated to small dam removal and \$100,000 is dedicated to abandoned dams. With the exception of the \$250,000 for small dam removal and stream restorations (which has not yet been awarded), all available bonding authority has been committed.

GOVERNOR

Provide \$250,000 of segregated revenue supported bonding from the water resources account of the conservation fund for the dam safety program. Further, require DNR to provide the amount necessary, up to \$250,000, to repair the dam located in the Village of Cazenovia. The Village would not need to apply for a grant. In addition, it would be exempted from both the grant cap of \$200,000 and the matching funds requirement of the dam safety grant program.

In addition, provide \$50,000 annually from the water resources account of the conservation fund for costs associated with emergency safety actions, such as breaches and drawdowns of failing dams, in situations that pose an imminent threat to life and property.

DISCUSSION POINTS

Municipal Dam Safety Grant Program Funding

1. The Legislature created the municipal dam repair and removal grant program in the 1989-91 biennial budget and authorized \$2.5 million in bonding revenues for dam safety grants. While neither the DNR nor the Governor have included recommendations for continued funding when submitting budgets in the next five biennia, the Legislature included and the Governor signed increased bonding levels in the next four biennial budgets, ending with \$2.35 million in 1997-99, for a total of \$11.85 million in available bonding.

2. Of the approved bonding authority, \$5.5 million (46%) is funded with general purpose revenues. The debt service on the remaining \$6,350,000 (54%) is funded from the water resources account of the conservation fund. However, it should be noted that for the 1995-97 biennium only, approximately \$500,000 in debt service costs for the GPR-backed bonds were shifted to the water resources account.

3. When submitting its agency budget, DNR requested an additional \$3 million in bonding authority to address anticipated applications from municipalities for the 2001-03 biennium. Estimated water resources account debt service payments for \$3 million in bonding authority would total approximately \$5 million for a 20-year level-debt bond (approximately \$250,000 annually).

4. However, due to the timing of dam repair projects and bond issuance, significant debt retirement costs would not be anticipated in the 2001-03 biennium. If the municipal dam safety grant program is to be viewed as a permanent program (funding has been provided in five of the last six biennia) an ongoing appropriation for the program may be appropriate. From this perspective, annual water resources SEG could be provided in a continuing appropriation for municipal dam safety grants (similar to the recreational boating project aids appropriation). Under the budget bill, the water resources account is expected to have a balance of \$310,000 on June 30, 2003. The Committee could provide \$200,000 annually for dam safety project grants.

Cazenovia Dam Repair Earmark

5. The Cazenovia Dam creates an approximately 46 acre impoundment known as Lee Lake in Richland County. DNR staff indicate that the Village of Cazenovia had hired a contractor to complete an application for a municipal dam safety grant, but that no application has been received to date. In the fall of 1999, some preliminary repair work was done on the dam spillway, but DNR staff indicate that further repairs to the spillway and powerhouse of the dam are needed. Estimates of the total cost and scope of the repairs are not available.

6. While the earmarking of projects under this appropriation has occurred in the past, it may be argued that DNR is in the best position to identify the relative need for program funding under its competitive grant program. The Village of Cazenovia has not applied for a grant under this program in the past. Therefore, it may be difficult to weigh the merits of this project in comparison to the projects of other applicants for dam repair funding.

7. While \$250,000 of bonding authority was earmarked for small dams in the 1999-01 biennial budget, these funds have not yet been awarded. DNR anticipates having administrative rules in place to administer a grant program for small dam repair within the year, and subsequently would begin to accept grant applications under this program. However, if it was determined that the Cazanovia Dam was a higher priority, these funds could be redirected.

Emergency Safety Actions

8. The \$50,000 in the water resources account for costs associated with emergency safety actions is provided in the Water Division's SEG appropriation for dam safety administration and wetland mapping. If this funding were not used for emergency dam actions on an annual basis, DNR would have the authority to expend the funds for other purposes. If a separate appropriation were created, more direction could be provided for the expenditure. An alternative would be to create a separate appropriation to first fund emergency actions with any remaining monies available for the municipal dam safety grant program. Or, if cash funding was approved for dam safety grants, these funds could also be managed under a new, combined appropriation.

ALTERNATIVES TO BASE

draft

A. Cazenovia Dam Repair Earmark

1. Approve the Governor's recommendation to earmark \$250,000 to repair the dam located in the Village of Cazenovia. Specify that the Village would not need to apply for a grant. In addition, the village would be exempted from both the grant cap of \$200,000 and the matching funds requirement of the dam safety grant program.

2. Remove the requirement that \$250,000 in bonding authority for the municipal dam repair and removal grant program be set aside for small dams. Rather, make the \$250,000 available to provide the amount necessary, up to \$250,000, to repair the dam located in the Village of Cazenovia. The Village would not need to apply for a grant, and would be exempted from both the grant cap of \$200,000 and the matching funds requirement of the dam safety grant program.

3. Maintain current law.

B. Municipal Dam Safety Grant Program Funding

1. Provide additional segregated revenue (water resources account) supported general obligation bonding to continue funding for the municipal dam repair and removal grant program in one of the following amounts:

a. \$250,000 BR

Alternative B1a	SEG-BR
2001-03 FUNDING (Change to Base)	\$250,000
[Change to Bill]	\$0]

b. \$1,500,000 BR

Alternative B1b	SEG-BR
2001-03 FUNDING (Change to Base)	\$1,500,000
[Change to Bill]	\$1,250,000]

c. \$3,000,000 BR

Alternative B1c	SEG-BR
2001-03 FUNDING (Change to Base)	\$3,000,000
[Change to Bill]	\$2,750,000]

2. Provide \$200,000 annually from the water resources account in a continuing appropriation for municipal dam safety grants and emergency safety actions. (An increase of \$150,000 annually to that provided in the bill.)

<u>Alternative B2</u>	<u>SEG-BR</u>	<u>SEG</u>	<u>TOTAL</u>
2001-03 FUNDING (Change to Base)	\$0	\$400,000	\$400,000
[Change to Bill]	-\$250,000	\$300,000	\$50,000]

3. Maintain current law.

Alternative 3	SEG-BR
2001-03 FUNDING (Change to Base)	\$0
[Change to Bill]	-\$250,000]

C. Emergency Safety Actions

1. Rather than Alternative B2, approve the Governor's recommendation to provide \$50,000 annually from the water resources account of the conservation fund for costs associated with emergency safety actions, such as breaches and drawdowns of failing dams, in situations that pose an imminent threat to life and property from the following:

a. The Water Division's administrative appropriation (Governor's recommendation).

Alternative C1a	SEG
2001-03 FUNDING (Change to Base)	\$50,000
[Change to Bill]	\$0]

b. A new continuing appropriation, and direct the expenditures to be limited first to emergency safety actions with remaining funds available for municipal dam safety grants.

Alternative C1b	SEG
2001-03 FUNDING (Change to Base)	\$50,000
[Change to Bill]	\$0]

2. Maintain current law.

Alternative C2	SEG
2001-03 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$50,000]

Prepared by: Rebccca Hotynski



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRBb0772/01
MGG: kmh

D-Note
1007W

SDC:.....Keckhaver – CN1057, Funding for Cazenovia dam

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 417, line 2: after that line insert: — INSA

3 2. Page 512, line 3: after that line insert: — INSB

4 (END)

DOA:.....Grinde - Funding for dam repair in Cazenovia

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: funding to repair a dam located in the village of
2 Cazenovia.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, DNR administers a dam safety program that is funded by state bonding and that provides matching grants to municipalities and public inland lake protection and rehabilitation districts for the purpose of conducting dam safety projects that DNR has determined necessary.

Under this bill, DNR must provide up to \$250,000 in funding from this program to the village of Cazenovia for the repair of a dam located in the village.

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:

3 1) SECTION ~~§~~ 20.866 (2) (tL) of the statutes is amended to read: INS
4 L 966c 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety* A
5 *projects.* From the capital improvement fund, a sum sufficient for the department

1 of natural resources to provide financial assistance to counties, cities, villages,
2 towns, and public inland lake protection and rehabilitation districts for dam safety
3 projects under s. 31.385. The state may contract public debt in an amount not to
4 exceed \$²6,350,000 ~~\$6,600,000~~ for this purpose. "

5 " SECTION ^{1345 b} ~~2~~ 31.385 (5) of the statutes is created to read:

6 31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding
7 allocation requirements under sub. (2) (a[✓]) and (a^r), the department shall provide (NS
8 financial assistance to the village of Cazenovia in the amount necessary for a dam B
9 safety project to repair a dam that is located in the portion of the village that is in
10 Richland County. The amount of the financial assistance may not exceed \$250,000.
11 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to
12 this dam safety project. The repair of this dam need not be included as a dam safety
13 project under the inventory maintained by the department under sub. (4) for the
14 village to receive financial assistance under this section. "

15

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0772/PS/In
MGG: [initials]

Date

It is possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under Article IV, section 18, of the Wisconsin constitution, must be enacted as single-subject legislation. If this legislation is a "private or local bill", it cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, you may wish to consider introduction of this legislation as a separate bill.

Mary Gibson-Glass
Senior Staff Counsel
267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0772/1dn
MGG:hmh:ch

June 16, 2001

It is possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under Article IV, section 18, of the Wisconsin constitution, must be enacted as single-subject legislation. If this legislation is a "private or local bill," it cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, you may wish to consider introduction of this legislation as a separate bill.

Mary Gibson-Glass
Senior Staff Counsel
267-3215

SDC:.....Keckhaver – CN1057, Funding for Cazenovia dam

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 417, line 2: after that line insert:

3 “SECTION 968c. 20.866 (2) (tL) of the statutes is amended to read:

4 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*
5 *projects.* From the capital improvement fund, a sum sufficient for the department
6 of natural resources to provide financial assistance to counties, cities, villages,
7 towns, and public inland lake protection and rehabilitation districts for dam safety
8 projects under s. 31.385. The state may contract public debt in an amount not to
9 exceed ~~\$6,350,000~~ \$6,600,000 for this purpose.”.

10 **2.** Page 512, line 3: after that line insert:

1 **“SECTION 1345b.** 31.385 (5) of the statutes is created to read:

2 31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding
3 allocation requirements under sub. (2) (ag) and (ar), the department shall provide
4 financial assistance to the village of Cazenovia in the amount necessary for a dam
5 safety project to repair a dam that is located in the portion of the village that is in
6 Richland County. The amount of the financial assistance may not exceed \$250,000.
7 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to
8 this dam safety project. The repair of this dam need not be included as a dam safety
9 project under the inventory maintained by the department under sub. (4) for the
10 village to receive financial assistance under this section.”.

11 **(END)**