

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

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:

ARC:.....Tessmer - AM94,

Topic:

Dam inspections

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 06/25/2001	wjackson 06/25/2001	haugeca 06/25/2001	_____	lrb_docadmin 06/25/2001		
/2	nelsorp1 06/27/2001	wjackson 06/27/2001	pgreensl 06/27/2001	_____	lrb_docadmin 06/27/2001		
/3	gibsom 06/28/2001	csicilia 06/28/2001	jfrantze 06/28/2001	_____	lrb_docadmin 06/28/2001		

FE Sent For:

<END>

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/2	nelsorp1 06/27/2001	wjackson 06/27/2001	pgreensl 06/27/2001	_____	lrb_docadmin 06/27/2001		

Handwritten notes:

1/3 gjs 6/28/01

To 6/25

JL/BF 6/28

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/1	gibsom 06/25/2001	wjackson 06/25/2001	haugeca 06/25/2001	<i>gib</i>	lrb_docadmin 06/25/2001		

1/2 WLj 6/27
gib
P8
PG/BT

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<END>

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/1	gibsom	11 WJ 6/25	CH 8-25	CH 6-25 PB			

FE Sent For:

<END>

Provide \$500,000 over the biennium to be used by counties as match for the federal Dam Rehabilitation project. These funds may only be used to rehabilitate the PL 566 flood control structures. There are 87 structures statewide that were built as part of a federally assisted project but the structures are now owned and operated by the counties.

Agency affected: DNR

Location/Status: New motion

Fiscal impact: \$500,000 from the flood control program, Page 547, #8 of the Comparative Summary of Budget Recommendations, Governor and Joint Committee on Finance.

12. Privatize DNR Functions

A. Environmental Improvement Program – Environmental Self Audits

Agency affected: DNR

Fiscal Impact: Unknown (none prepared by the Agency)

Location/Status: Adopt LRB1045/1 (Duff)

B. Prairie Restoration Projects

Prohibit DNR from performing prairie restoration projects. Instead, direct DNR to contract with private firms for such purposes.

Agency affected: DNR

Fiscal impact: Unknown

Location/Status: New motion

C. GIS Mapping Services

Require DNR to phase out all GIS mapping services by July 1, 2002. Instead, direct DNR to contract with private firms for such purposes.

Agency affected: DNR

Fiscal impact: Unknown

C. Dam Inspections

Eliminate statutory provisions that require DNR to inspect each large dam that is maintained or operated in or across navigable waters every ten years.

Instead, require public and private owners of dams to have the dam inspected every ten years by a private engineering firm from a list of Department-approved inspectors.

Require the owner to submit a record of the inspection to DNR within six months after the inspection. Specify that dam inspections performed by DNR prior to July 1, 2002, qualify under the ten year requirement.

Further require the DNR to work collaboratively with DOA and DATCP to establish an on-line, reverse-auction bid site where private and public dam owners may post requests for inspections and receive bids from potential inspectors/engineering firms.

Delete \$149,300 GPR in 2001-02 and \$199,000 GPR in 2002-03 to delete 3.5 positions related to dam inspections.

Affected agency: DNR

Fiscal Impact: Reduces spending by \$348,300 GPR and eliminates 3.50 positions.

Location/Status: Adopt ARC Amendment #262 (Albers)

13. **Asserting the Assembly GOP Position**

A. Prohibit Nudity on State-Owned Land

Agency affected: DNR

Move to prohibit nudity on lands that are owned or managed by state agencies.

Fiscal impact: DNR already maintains a law enforcement presence at the most popular nude beach so no new costs are anticipated.

Location/Status: 2001 Assembly Bill 356

B. Wisconsin-Minnesota Boundary Commission

Eliminate the Commission.

Agency affected: DNR

Fiscal impact: Reduce \$366,200 SEG

Location/Status: New motion

C. Geographic Organization of DNR

Move to require that all of Crawford and Vernon Counties be administered as part of the DNR's Western Region.

Location/Status: New motion (Johnsrud)

Affected agency: DNR

Fiscal impact: None.

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Eliminate statutory provisions relating to dam inspections.

Legislator	Albers	Amendment	94
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Scott	Package	

Agency Natural Resources

Summary Eliminate statutory provisions that require DNR to inspect each large dam which is maintained or operated in or across navigable waters every ten years. Instead, require public and private owners of dams to have the dam inspected every ten years by a private engineering firm from a list of Department-approved inspectors. Require the owner to submit a record of the inspection to DNR within six months after the inspection. Specify that dam inspections performed by DNR prior to July 1, 2002, qualify under the ten year requirement.

Further require the DNR to work collaboratively with DOA and DATCP to establish an on-line, reverse-auction bid site where private and public dam owners may post requests for inspections and receive bids from potential inspectors.

Delete \$149,300 GPR in 2001-02 and \$199,000 GPR in 2002-03 to delete 3.5 positions related to dam inspections.

Fiscal Impact Reduces spending by \$348,300 GPR and eliminates 3.50 positions.

Drafting Inst LFB Motion #300 provided.

ARC Analyst Raschka

Request # 262

Friday, June 22, 2001

Page 16 of 18



noon
D-Note

WJ

ARC:.....Tessmer - AM94, Dam inspections

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

and adjust the NET APPROPRIATION
~~FTE~~ totals accordingly

Substitute amendment

1 At the locations indicated, amend the bill as follows:
2 1. Page 1, line 3: decrease the dollar amount for fiscal year 2001-02 by
3 \$149,300 and decrease the dollar amount for fiscal year 2002-03 by \$199,000 to
4 decrease the authorized FTE positions for the department of natural resources by 3.5
5 ^{GPR} positions related to dam inspections.

1 ↓ #. Page 511, line 25: after that line insert ⌋

← INSERT A

Delete extra ^{line} spaces

(B) 1344v

9 SECTION ?? 31.19 (8) of the statutes is created to read:

1 **31.19 (8) INTERNET BIDDING PROCESS.** The department of natural resources, in
 2 cooperation with the department of administration and the department of
 3 agriculture, trade and consumer protection, shall establish an Internet site for the
 4 electronic posting of requests by dam owners for inspections under this chapter. The
 5 department of natural resources shall ensure that the Internet site provides a means
 6 by which ~~certified inspectors~~^{certified inspectors} may electronically post bids in response to the posted
 7 requests for inspections under this chapter and by which certified inspectors may
 8 view the bids posted by other certified inspectors.

9 **2.** Page ¹⁴⁰¹ ~~3~~¹⁶, line ~~4~~¹⁶: after that line insert:

10 ^{6K}“(A) DAM INSPECTIONS. The treatment of sections 31.01 (1g), 31.02 (2) and (3),
 11 31.18 (1) and (3), 31.185 (4) and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the statutes
 12 first applies to inspections of dams that are begun on the effective date of this
 13 subsection.”

14 **3.** Page ¹⁴²² ~~7~~^H, line ~~8~~⁹: after that line insert:

15 ^{6PK}“(A) DAM INSPECTIONS? The treatment of sections 31.01 (1g), 31.02 (2) and (3),
 16 31.18 (1) and (3), 31.185 (4) and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the statutes
 17 and ^{CG}SECTION 9337 ^{6K}() of this act take effect on July 1, 2002.”

(END)

← INS B ✓

BILL

1 20.370 (6) (av) *Environmental aids — river protection; dam inspections;*
 2 *conservation fund.* From the conservation fund, the amounts in the schedule for dam
 3 inspection grants under s. 31.387 and for river protection grants and contracts under
 4 s. 281.70. Notwithstanding s. 20.001 (3) (a), on June 30 of each fiscal year the
 5 unencumbered balance in this appropriation account shall be transferred to the
 6 appropriation account under par. (ar).

7 ✓ SECTION 4. 31.01 (1) of the statutes is renumbered 31.01 (1m). INS
A

8 SECTION 5. 31.01 (1g) of the statutes is created to read:
 9 31.01 (1g) "Certified inspector" means a private engineering firm that has been

10 certified under s. 31.19 (7).

11 SECTION 6. 31.02 (2) of the statutes is amended to read:

12 31.02 (2) The department may investigate and determine all reasonable
 13 methods of construction, operation, maintenance, and equipment for any dam so as
 14 to conserve and protect all public rights in navigable waters and so as to protect life,
 15 health and property; and the construction, operation, maintenance and equipment,
 16 or any or all thereof, of dams in navigable waters shall be subject to the supervision
 17 of the department and to the orders and regulations of the department made or
 18 promulgated under this chapter. Except as provided in s. 31.19 (6) (b), any inspection
 19 conducted as part of an investigation under this subsection shall be conducted by a
 20 certified inspector.

21 SECTION 7. 31.02 (3) of the statutes is amended to read:

22 31.02 (3) The department ~~or~~ any member or any agent or employe thereof of
 23 the department and any certified inspector shall at all times be accorded free access
 24 to any ~~and all parts~~ part of any dam and appurtenances to any appurtenance
 25 constructed or maintained in navigable waters and in order to conduct an inspection

BILL

1 or investigation as authorized or required under this chapter. The department may
2 enter upon any property to investigate a waterway or use of water from any lake or
3 stream. ✓/6

Page 512, line 3: after that line insert:

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(cont)

4 SECTION 8. 31.18 (1) of the statutes is amended to read:

5 31.18 (1) The grantee of any permit, the owner of any dam constructed before
6 permits were required by law, and the owner of any bridge at the city of Portage or
7 at any point above that city, over the Wisconsin River, shall maintain and operate all
8 such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes,
9 sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment
10 required by the department for the protection of public rights in such waters, and for
11 the preservation of life, health and property, in good repair and condition, and shall
12 not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof,
13 unless the department shall have approved such removal or destruction in writing.
14 In the event of emergency the department shall have power, pending investigation
15 and hearing, to order the repair of any dam without notice and hearing. Except as
16 provided in s. 31.19 (6) (b), any inspection conducted as part of an investigation under
17 this subsection shall be conducted by a certified inspector.

18 SECTION 9. 31.18 (3) of the statutes is amended to read:

19 31.18 (3) Except when emergency shall require the same for the protection of
20 life, health or property, no substantial alteration or addition shall be made to any
21 dam heretofore or hereafter constructed without obtaining an order therefor from
22 the department, which order may be issued only after an investigation and upon a
23 finding that the proposed alterations or additions will not impair the sufficiency of
24 such dam or any existing public rights in such waters. Except as provided in s. 31.19

BILL

1 (6) (b), any inspection conducted as part of an investigation under this subsection
2 shall be conducted by a certified inspector.

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cont

3 SECTION 10. 31.185 (4) of the statutes is amended to read:

4 31.185 (4) Prior to the hearing the department shall ~~have its staff make its own~~
5 conduct an investigation of the dam and, on the basis of such investigation, shall
6 make recommendations as to the type of requirements, if any, which it would impose
7 on the applicant under sub. (5) as a condition to granting the permit. Such
8 recommendations shall be presented at the hearing. If no one registers opposition
9 to the application at the hearing, the department shall grant the permit, subject to
10 such conditions as it deems necessary under sub. (5). If someone registers opposition
11 to the abandonment at the hearing and such opposition is not withdrawn, the
12 department shall defer action on the application for a period of 120 days after the
13 hearing. Within a reasonable time after the expiration of such period, the
14 department shall deny the permit, or grant the permit, subject to such conditions as
15 it imposes under sub. (5), unless, within such 120-day period, one or more
16 municipalities or other persons or associations have agreed to acquire ownership of
17 the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2)
18 or (3). Except as provided in s. 31.19 (6) (b), any inspection conducted as part of an
19 investigation under this subsection shall be conducted by a certified inspector.

20 SECTION 11. 31.19 (2) (a) of the statutes is amended to read:

21 31.19 (2) (a) *Requirement.* Except as provided under par. (b), at least once every
22 10 years ~~the department shall conduct a detailed inspection~~ the owner of each large
23 dam which is maintained or operated in or across navigable waters shall employ or
24 contract with a certified inspector to conduct a detailed inspection of the dam.

25 SECTION 12. 31.19 (3) of the statutes is amended to read:

BILL

1 31.19 (3) INSPECTION UPON COMPLAINT. If the department receives a complaint
 2 in writing from the mayor of a city, supervisor of a town or the president or trustee
 3 of a village which alleges that a dam maintained or operated in or across any
 4 navigable or nonnavigable waters or a reservoir is in an unsafe condition or if the
 5 department receives a complaint in writing from a person which alleges that the
 6 person's property or any property under the person's control is endangered by a dam
 7 or reservoir, the department shall investigate or cause an investigation to be made
 8 of the complaint. Except as provided in sub. (6) (b), any inspection conducted as part
 9 of an investigation under this subsection shall be conducted by a certified inspector.

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Cont

10 **SECTION 13.** 31.19 (4) of the statutes is amended to read:

11 31.19 (4) DISCRETIONARY INSPECTION. The department may inspect or cause an
 12 inspection to be made by a certified inspector of any dam or reservoir. The
 13 department may inspect or cause an inspection to be made of any reservoir.

Please check spacing.

14 **SECTION 14.** 31.19 (5) of the statutes is amended to read:

15 31.19 (5) ORDER; REDUCTION IN WATER LEVEL. If the department finds pursuant
 16 to an inspection or investigation that a dam or reservoir is not sufficiently strong or
 17 is unsafe and that the dam or reservoir is dangerous to life or property, it shall
 18 determine what alterations, additions or repairs are necessary and shall order the
 19 owner or person having control of the dam or reservoir to cause those alterations,
 20 additions or repairs to be made within a time specified in the order. If the department
 21 finds pursuant to an inspection or investigation that a dam or reservoir is not
 22 sufficiently strong or is unsafe and that the dam or reservoir is dangerous to life or
 23 property, it may cause to be drawn off, in whole or in part, the water in the reservoir
 24 or impounded by the dam if it determines that this action is necessary to prevent
 25 impending danger to persons or property.

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⑥ 1344r

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1 SECTION 15. 31.19 (6) of the statutes is created to read:

2 31.19 (6) REVIEW BY DEPARTMENT. (a) Each certified inspector conducting an
3 inspection under this chapter shall prepare a report of the inspection, and the owner
4 of the dam shall submit the report to the department within 6 months after the
5 inspection is completed. The department shall review the report and if the
6 department finds that the inspection is adequate to determine the strength and
7 safety of the dam and if the dam has potential to endanger life or property, the
8 department shall certify that the inspection is complete. If the department
9 determines that the inspection was not adequate to make these determinations, the
10 department shall reject the inspection. The department shall give written
11 notification of the reasons for the rejection to the owner of the dam and the certified
12 inspector.

13 (b) The department may conduct its own inspection of a dam for which an
14 inadequate report was submitted under par. (a) if any of the following apply:

15 1. The owner or certified inspector fails to inform the department within 90
16 days of the date after receipt of the written notification from the department as to
17 the steps that will be taken for the inspection to be completed.

18 2. The owner fails to submit a report containing an adequate inspection, as
19 determined by the department, within 200 days of the date of the receipt of the
20 written notification from the department.

⑥ 1344t

21 SECTION 16. 31.19 (7) of the statutes is created to read:

22 31.19 (7) APPROVAL OF INSPECTORS. The department shall certify private
23 engineering firms for the purpose of conducting inspections under this chapter. The
24 department shall promulgate rules establishing the qualifications that engineering

BILL

placed on the list

*MD
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1 firms shall meet in order to receive certification. The department shall maintain a
2 current list of the private engineering firms certified under this subsection.

344x

3 SECTION 17. 31.385 (2) (c) 1. of the statutes is amended to read:

*INS
B*

4 31.385 (2) (c) 1. The department conducts an investigation of a dam or conducts
5 or causes an inspection of the a dam under this chapter and the owner of the dam
6 requests financial assistance under this section within 6 months after having
7 received department directives, based on the department's investigation or
8 inspection of the dam, for the repair, modification or abandonment and removal of
9 the dam or for another activity to increase the safety of the dam. *✓*

*MD
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10 SECTION 18. 31.387 of the statutes is created to read:

11 **31.387 Dam inspections; aid program.** (1) The department shall establish
12 a program to award grants to dam owners to pay for the costs they incur in employing
13 or contracting with certified inspectors to inspect dams under this chapter.

14 (2) A grant under this section may be for up to 50% of the costs of the inspection,
15 but may not exceed \$7,500.

16 (3) The department shall promulgate rules establishing criteria for awarding
17 grants under this section.

18 SECTION 19. **Appropriation changes.**

19 (1) DAM INSPECTORS. In the schedule under section 20.005 (3) of the statutes for
20 the appropriation to the department of natural resources under section 20.370 (1)
21 (ma) of the statutes, as affected by the acts of 1999, the dollar amount is decreased
22 by \$95,400 for fiscal year 2000-01 to decrease the authorized FTE positions for the
23 department by 2.5 GPR dam inspector positions.

24 SECTION 20. **Initial applicability.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1703/1dn

MGC:.....

WJ

1. I based this draft on a draft I had previously prepared. Please review to ensure it is consistent with your intent.

2. I have reduced the funding for both fiscal years. However, the ^{certified}~~private~~ inspections are not going to start until July 1, 2002, and for the first fiscal year, DNR has the responsibility for these inspections. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1703/1dn
MGG:wlj:ch

June 25, 2001

1. I based this draft on a draft I had previously prepared. Please review to ensure it is consistent with your intent.
2. I have reduced the funding for both fiscal years. However, the certified inspections are not going to start until July 1, 2002, and for the first fiscal year, DNR has the responsibility for these inspections. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRBb1703/r2
MGG:wlj/gh

D-N
soon

ARC:.....Tessmer - AM94, Dam inspections

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

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

2 **1.** Page 163, line 16: decrease the dollar amount for fiscal year 2001-02 by
3 \$149,300 and decrease the dollar amount for fiscal year 2002-03 by \$199,000, and
4 adjust the NET APPROPRIATION totals accordingly, to decrease the authorized
5 FTE positions for the department of natural resources by 3.5 GPR positions related
6 to dam inspections.”

7 **2.** Page 511, line 25: after that line insert:

8 “SECTION 1339g. 31.01 (1) of the statutes is renumbered 31.01 (1m).

9 SECTION 1339m. 31.01 (1g) of the statutes is created to read:

1 31.01 (1g) "Certified inspector" means a private engineering firm that has been
2 certified under s. 31.19 (7).

3 **SECTION 1340m.** 31.02 (2) of the statutes is amended to read:

4 31.02 (2) The department may investigate and determine all reasonable
5 methods of construction, operation, maintenance, and equipment for any dam so as
6 to conserve and protect all public rights in navigable waters and so as to protect life,
7 health and property; and the construction, operation, maintenance and equipment,
8 or any or all thereof, of dams in navigable waters shall be subject to the supervision
9 of the department and to the orders and regulations of the department made or
10 promulgated under this chapter. Except as provided in s. 31.19 (6) (b), any inspection
11 conducted as part of an investigation under this subsection shall be conducted by a
12 certified inspector.

13 **SECTION 1340n.** 31.02 (3) of the statutes is amended to read:

14 31.02 (3) The department ~~or~~, any member or any agent or employe thereof of
15 the department and any certified inspector shall at all times be accorded free access
16 to any ~~and all parts part~~ of any dam and ~~appurtenances to any appurtenance~~
17 constructed or maintained in navigable waters and in order to conduct an inspection
18 or investigation as authorized or required under this chapter. The department may
19 enter upon any property to investigate a waterway or use of water from any lake or
20 stream.".

21 **3.** Page 512, line 3: after that line insert:

22 **"SECTION 1344c.** 31.18 (1) of the statutes is amended to read:

23 31.18 (1) The grantee of any permit, the owner of any dam constructed before
24 permits were required by law, and the owner of any bridge at the city of Portage or

1 at any point above that city, over the Wisconsin River, shall maintain and operate all
2 such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes,
3 sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment
4 required by the department for the protection of public rights in such waters, and for
5 the preservation of life, health and property, in good repair and condition, and shall
6 not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof,
7 unless the department shall have approved such removal or destruction in writing.
8 In the event of emergency the department shall have power, pending investigation
9 and hearing, to order the repair of any dam without notice and hearing. Except as
10 provided in s. 31.19 (6) (b), any inspection conducted as part of an investigation under
11 this subsection shall be conducted by a certified inspector.

12 **SECTION 1344e.** 31.18 (3) of the statutes is amended to read:

13 31.18 (3) Except when emergency shall require the same for the protection of
14 life, health or property, no substantial alteration or addition shall be made to any
15 dam heretofore or hereafter constructed without obtaining an order therefor from
16 the department, which order may be issued only after an investigation and upon a
17 finding that the proposed alterations or additions will not impair the sufficiency of
18 such dam or any existing public rights in such waters. Except as provided in s. 31.19
19 (6) (b), any inspection conducted as part of an investigation under this subsection
20 shall be conducted by a certified inspector.

21 **SECTION 1344g.** 31.185 (4) of the statutes is amended to read:

22 31.185 (4) Prior to the hearing the department shall ~~have its staff make its own~~
23 conduct an investigation of the dam and, on the basis of such investigation, shall
24 make recommendations as to the type of requirements, if any, which it would impose
25 on the applicant under sub. (5) as a condition to granting the permit. Such

1 recommendations shall be presented at the hearing. If no one registers opposition
2 to the application at the hearing, the department shall grant the permit, subject to
3 such conditions as it deems necessary under sub. (5). If someone registers opposition
4 to the abandonment at the hearing and such opposition is not withdrawn, the
5 department shall defer action on the application for a period of 120 days after the
6 hearing. Within a reasonable time after the expiration of such period, the
7 department shall deny the permit, or grant the permit, subject to such conditions as
8 it imposes under sub. (5), unless, within such 120-day period, one or more
9 municipalities or other persons or associations have agreed to acquire ownership of
10 the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2)
11 or (3). Except as provided in s. 31.19 (6) (b), any inspection conducted as part of an
12 investigation under this subsection shall be conducted by a certified inspector.

13 **SECTION 1344j.** 31.19 (2) (a) of the statutes is amended to read:

14 31.19 (2) (a) *Requirement.* Except as provided under par. (b), at least once every
15 10 years ~~the department shall conduct a detailed inspection~~ the owner of each large
16 dam which is maintained or operated in or across navigable waters shall employ or
17 contract with a certified inspector to conduct a detailed inspection of the dam.

18 **SECTION 1344L.** 31.19 (3) of the statutes is amended to read:

19 31.19 (3) INSPECTION UPON COMPLAINT. If the department receives a complaint
20 in writing from the mayor of a city, supervisor of a town or the president or trustee
21 of a village which alleges that a dam maintained or operated in or across any
22 navigable or nonnavigable waters or a reservoir is in an unsafe condition or if the
23 department receives a complaint in writing from a person which alleges that the
24 person's property or any property under the person's control is endangered by a dam
25 or reservoir, the department shall investigate or cause an investigation to be made

1 of the complaint. Except as provided in sub. (6) (b), any inspection conducted as part
2 of an investigation under this subsection shall be conducted by a certified inspector.

3 **SECTION 1344n.** 31.19 (4) of the statutes is amended to read:

4 31.19 (4) DISCRETIONARY INSPECTION. The department may ~~inspect or cause an~~
5 inspection to be made by a certified inspector of any dam ~~or reservoir~~. The
6 department may inspect or cause an inspection to be made of any reservoir.

7 **SECTION 1344p.** 31.19 (5) of the statutes is amended to read:

8 31.19 (5) ORDER; REDUCTION IN WATER LEVEL. If the department finds pursuant
9 to an inspection or investigation that a dam or reservoir is not sufficiently strong or
10 is unsafe and that the dam or reservoir is dangerous to life or property, it shall
11 determine what alterations, additions or repairs are necessary and shall order the
12 owner or person having control of the dam or reservoir to cause those alterations,
13 additions or repairs to be made within a time specified in the order. If the department
14 finds pursuant to an inspection or investigation that a dam or reservoir is not
15 sufficiently strong or is unsafe and that the dam or reservoir is dangerous to life or
16 property, it may cause to be drawn off, in whole or in part, the water in the reservoir
17 or impounded by the dam if it determines that this action is necessary to prevent
18 impending danger to persons or property.

19 **SECTION 1344r.** 31.19 (6) of the statutes is created to read:

20 31.19 (6) REVIEW BY DEPARTMENT. (a) Each certified inspector conducting an
21 inspection under this chapter shall prepare a report of the inspection, and the owner
22 of the dam shall submit the report to the department within 6 months after the
23 inspection is completed. The department shall review the report and if the
24 department finds that the inspection is adequate to determine the strength and
25 safety of the dam and if the dam has potential to endanger life or property, the

1 department shall certify that the inspection is complete. If the department
2 determines that the inspection was not adequate to make these determinations, the
3 department shall reject the inspection. The department shall give written
4 notification of the reasons for the rejection to the owner of the dam and the certified
5 inspector.

6 (b) The department may conduct its own inspection of a dam for which an
7 inadequate report was submitted under par. (a) if any of the following apply:

8 1. The owner or certified inspector fails to inform the department within 90
9 days of the date after receipt of the written notification from the department as to
10 the steps that will be taken for the inspection to be completed.

11 2. The owner fails to submit a report containing an adequate inspection, as
12 determined by the department, within 200 days of the date of the receipt of the
13 written notification from the department.

14 **SECTION 1344t.** 31.19 (7) of the statutes is created to read:

15 31.19 (7) APPROVAL OF INSPECTORS. The department shall certify private
16 engineering firms for the purpose of conducting inspections under this chapter. The
17 department shall promulgate rules establishing the qualifications that engineering
18 firms shall meet in order to receive certification. The department shall maintain a
19 current list of the private engineering firms certified under this subsection.

20 **SECTION 1344v.** 31.19 (8) of the statutes is created to read:

21 31.19 (8) INTERNET BIDDING PROCESS. The department of natural resources, in
22 ~~cooperation with the department of administration and the department of~~
23 ~~agriculture, trade and consumer protection, shall establish an Internet site for the~~
24 ~~electronic posting of requests by dam owners for inspections under this chapter.~~ ^{shall post} The
25 department of natural resources shall ensure that the Internet site provides a means

on an Internet site maintained by the
department of agriculture, trade and consumer
protection

1 by which certified inspectors may electronically post bids in response to the posted
2 requests for inspections under this chapter and by which certified inspectors may
3 view the bids posted by other certified inspectors.

4 **SECTION 1344x.** 31.385 (2) (c) 1. of the statutes is amended to read:

5 31.385 (2) (c) 1. The department conducts an investigation of a dam or conducts
6 or causes an inspection of ~~the~~ a dam under this chapter and the owner of the dam
7 requests financial assistance under this section within 6 months after having
8 received department directives, based on the ~~department's~~ investigation or
9 inspection of the dam, for the repair, modification or abandonment and removal of
10 the dam or for another activity to increase the safety of the dam.”

11 **4.** Page 1401, line 16: after that line insert:

12 “(6k) DAM INSPECTIONS. The treatment of sections 31.01 (1g), 31.02 (2) and (3),
13 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
14 statutes first applies to inspections of dams that are begun on the effective date of
15 this subsection.”

16 **5.** Page 1422, line 14: after that line insert:

17 “(6pk) DAM INSPECTIONS. The treatment of sections 31.01 (1g), 31.02 (2) and (3),
18 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
19 statutes and SECTION 9337 (6k) of this act take effect on July 1, 2002.”

20 (END)

D-N

¶ Per LFB instructions I have redrafted the
provision dealing with the Internet bidding
process. See s. 31.19(8) ✓
MB

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

LRBb1703/2dn
MCG:wlj:pg

June 27, 2001

Per LFB instructions, I have redrafted the provision dealing with the Internet bidding process. See s. 31.19 (8).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

6/28

Allows redraft instructions

wants engineering firms not to be certified by DNR

DNR just to maintain list of those suitable firms + to give list to dam owners upon request

OKed by Jensen's office

RMR

DN

fjs

ARC:.....Tessmer - AM94, Dam inspections

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

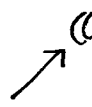
1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 163, line 16: decrease the dollar amount for fiscal year 2001-02 by
3 \$149,300 and decrease the dollar amount for fiscal year 2002-03 by \$199,000, and
4 adjust the NET APPROPRIATION totals accordingly, to decrease the authorized
5 FTE positions for the department of natural resources by 3.5 GPR positions related
6 to dam inspections.”.

7 2. Page 511, line 25: after that line insert:

8 ~~SECTION 1339g. 31.01 (1) of the statutes is renumbered 31.01 (1m).~~

9 SECTION 1339m. 31.01 ⁽⁷⁾ of the statutes is created to read:



1

Professional engineering firm

partnership, or corporation that

1 31.01 (1g) ⁽⁷⁾ ~~certified inspector~~ means a private engineering firm that has been
2 certified under s. 31.19 (7)

has been granted a certificate of authorization under S. 443. 08(3)

3 SECTION 1340m. 31.02 (2) of the statutes is amended to read:

4 31.02 (2) The department may investigate and determine all reasonable
5 methods of construction, operation, maintenance, and equipment for any dam so as
6 to conserve and protect all public rights in navigable waters and so as to protect life,
7 health and property; and the construction, operation, maintenance and equipment,
8 or any or all thereof, of dams in navigable waters shall be subject to the supervision
9 of the department and to the orders and regulations of the department made or
10 promulgated under this chapter. Except as provided in s. 31.19 (6) (b), any inspection
11 conducted as part of an investigation under this subsection shall be conducted by a

12 ~~certified inspector~~ professional engineering firm

13 SECTION 1340n. 31.02 (3) of the statutes is amended to read:

14 31.02 (3) The department ~~or~~, any member or any agent or employe thereof of
15 the department and any certified inspector shall at all times be accorded free access
16 to any ~~and all parts~~ part of any dam and appurtenances to any appurtenance
17 constructed or maintained in navigable waters and in order to conduct an inspection
18 or investigation as authorized or required under this chapter. The department may
19 enter upon any property to investigate a waterway or use of water from any lake or
20 stream.”.

21 3. Page 512, line 3: after that line insert:

22 “SECTION 1344c. 31.18 (1) of the statutes is amended to read:

23 31.18 (1) The grantee of any permit, the owner of any dam constructed before
24 permits were required by law, and the owner of any bridge at the city of Portage or

1 at any point above that city, over the Wisconsin River, shall maintain and operate all
2 such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes,
3 sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment
4 required by the department for the protection of public rights in such waters, and for
5 the preservation of life, health and property, in good repair and condition, and shall
6 not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof,
7 unless the department shall have approved such removal or destruction in writing.
8 In the event of emergency the department shall have power, pending investigation
9 and hearing, to order the repair of any dam without notice and hearing. Except as
10 provided in s. 31.19 (6) (b), any inspection conducted as part of an investigation under
11 this subsection shall be conducted by a ~~certified inspector~~

12 SECTION 1344e. 31.18 (3) of the statutes is amended to read:

13 31.18 (3) Except when emergency shall require the same for the protection of
14 life, health or property, no substantial alteration or addition shall be made to any
15 dam heretofore or hereafter constructed without obtaining an order therefor from
16 the department, which order may be issued only after an investigation and upon a
17 finding that the proposed alterations or additions will not impair the sufficiency of
18 such dam or any existing public rights in such waters. Except as provided in s. 31.19
19 (6) (b), any inspection conducted as part of an investigation under this subsection
20 shall be conducted by a ~~certified inspector~~

21 SECTION 1344g. 31.185 (4) of the statutes is amended to read:

22 31.185 (4) Prior to the hearing the department shall have its staff ~~make its own~~
23 conduct an investigation of the dam and, on the basis of such investigation, shall
24 make recommendations as to the type of requirements, if any, which it would impose
25 on the applicant under sub. (5) as a condition to granting the permit. Such

professional
engineering firm

1 recommendations shall be presented at the hearing. If no one registers opposition
2 to the application at the hearing, the department shall grant the permit, subject to
3 such conditions as it deems necessary under sub. (5). If someone registers opposition
4 to the abandonment at the hearing and such opposition is not withdrawn, the
5 department shall defer action on the application for a period of 120 days after the
6 hearing. Within a reasonable time after the expiration of such period, the
7 department shall deny the permit, or grant the permit, subject to such conditions as
8 it imposes under sub. (5), unless, within such 120-day period, one or more
9 municipalities or other persons or associations have agreed to acquire ownership of
10 the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2)
11 or (3). Except as provided in s. 31.19 (6) (b), any inspection conducted as part of an
12 investigation under this subsection shall be conducted by a certified inspector.

13 **SECTION 1344j.** 31.19 (2) (a) of the statutes is amended to read:

14 31.19 (2) (a) *Requirement.* Except as provided under par. (b), at least once every
15 10 years ~~the department shall conduct a detailed inspection~~ the owner of each large
16 dam which is maintained or operated in or across navigable waters shall employ or
17 contract with a certified inspector to conduct a detailed inspection of the dam.

18 **SECTION 1344L.** 31.19 (3) of the statutes is amended to read:

19 31.19 (3) **INSPECTION UPON COMPLAINT.** If the department receives a complaint
20 in writing from the mayor of a city, supervisor of a town or the president or trustee
21 of a village which alleges that a dam maintained or operated in or across any
22 navigable or nonnavigable waters or a reservoir is in an unsafe condition or if the
23 department receives a complaint in writing from a person which alleges that the
24 person's property or any property under the person's control is endangered by a dam
25 or reservoir, the department shall investigate or cause an investigation to be made

professional engineering firms

1 of the complaint. Except as provided in sub. (6) (b), any inspection conducted as part
2 of an investigation under this subsection shall be conducted by a certified inspector.

3 SECTION 1344n. 31.19 (4) of the statutes is amended to read:

4 31.19 (4) DISCRETIONARY INSPECTION. The department may inspect or cause an
5 inspection to be made by a certified inspector of any dam or reservoir.
6 department may inspect or cause an inspection to be made of any reservoir.

The
The
dam
inspection
shall

7 SECTION 1344p. 31.19 (5) of the statutes is amended to read:

8 31.19 (5) ORDER; REDUCTION IN WATER LEVEL. If the department finds pursuant
9 to an inspection or investigation that a dam or reservoir is not sufficiently strong or
10 is unsafe and that the dam or reservoir is dangerous to life or property, it shall
11 determine what alterations, additions or repairs are necessary and shall order the
12 owner or person having control of the dam or reservoir to cause those alterations,
13 additions or repairs to be made within a time specified in the order. If the department
14 finds pursuant to an inspection or investigation that a dam or reservoir is not
15 sufficiently strong or is unsafe and that the dam or reservoir is dangerous to life or
16 property, it may cause to be drawn off, in whole or in part, the water in the reservoir
17 or impounded by the dam if it determines that this action is necessary to prevent
18 impending danger to persons or property.

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firm.

professional engineering firms

19 SECTION 1344r. 31.19 (6) of the statutes is created to read:

20 31.19 (6) REVIEW BY DEPARTMENT. (a) Each certified inspector conducting an
21 inspection under this chapter shall prepare a report of the inspection, and the owner
22 of the dam shall submit the report to the department within 6 months after the
23 inspection is completed. The department shall review the report and if the
24 department finds that the inspection is adequate to determine the strength and
25 safety of the dam and if the dam has potential to endanger life or property, the

1 department shall certify that the inspection is complete. If the department
2 determines that the inspection was not adequate to make these determinations, the
3 department shall reject the inspection. The department shall give written
4 notification of the reasons for the rejection to the owner of the dam and the certified
5 inspector. *professional engineering firm*

6 (b) The department may conduct its own inspection of a dam for which an
7 inadequate report was submitted under par. (a) if any of the following apply:

8 1. The owner or ~~certified inspector~~ fails to inform the department within 90
9 days of the date after receipt of the written notification from the department as to
10 the steps that will be taken for the inspection to be completed. *and*

11 2. The owner fails to submit a report containing an adequate inspection, as
12 determined by the department, within 200 days of the date of the receipt of the
13 written notification from the department. *shall maintain a list of*

14 SECTION 1344t. 31.19 (7) of the statutes is created to read:

15 *(c)* LIST OF ENGINEERING FIRMS.

16 31.19 (7) ~~APPROVAL OF INSPECTORS~~. The department shall certify private
~~professional~~ *suitable* engineering firms for the purpose of conducting inspections under this chapter. ~~The~~
17 ~~department shall promulgate rules establishing the qualifications that engineering~~
18 ~~firms shall meet in order to receive certification. The department shall maintain a~~

19 ~~current list of the private engineering firms certified under this subsection.~~ *The department*
20 *shall make the list available to dam owners upon request.*

21 SECTION 1344v. 31.19 (8) of the statutes is created to read:

22 31.19 (8) INTERNET BIDDING PROCESS. The department of natural resources shall
23 post requests by dam owners for inspections under this chapter on an Internet site
24 maintained by the department of agriculture, trade and consumer protection. The
25 department of natural resources shall ensure that the Internet site provides a means
by which ~~certified inspectors~~ *professional engineering firms* may electronically post bids in response to the posted

professional engineering firms

1 requests for inspections under this chapter and by which ~~certified inspectors~~ may
2 view the bids posted by other ~~certified inspectors~~.

3 **SECTION 1344x.** 31.385 (2) (c) 1. of the statutes is amended to read:

4 31.385 (2) (c) 1. The department conducts an investigation of a dam or conducts
5 or causes an inspection of the a dam under this chapter and the owner of the dam
6 requests financial assistance under this section within 6 months after having
7 received department directives, based on the ~~department's~~ investigation or
8 inspection of the dam, for the repair, modification or abandonment and removal of
9 the dam or for another activity to increase the safety of the dam.”

10 **4.** Page 1401, line 16: after that line insert:

11 “(6k) DAM INSPECTIONS. The treatment of sections 31.01 (~~(g)~~), 31.02 (2) and (3),
12 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
13 statutes first applies to inspections of dams that are begun on the effective date of
14 this subsection.”

15 **5.** Page 1422, line 14: after that line insert:

16 “(6pk) DAM INSPECTIONS. The treatment of sections 31.01 (~~(g)~~), 31.02 (2) and (3),
17 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
18 statutes and SECTION 9337 (6k) of this act take effect on July 1, 2002.”

19 (END)

D-Note

LRBb1703/3

MGG:cjs:

The changes in this draft were requested by
Representative Albers. ~~The draft~~ to eliminate
the requirement that DNR certify the
dam inspectors.

MBG

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

LRBb1703/3dn
MGG:cjs:jf

June 28, 2001

The changes in this draft were requested by Representative Albers to eliminate the requirement that DNR certify the dam inspectors.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



ARC:.....Tessmer – AM94, Dam inspections

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

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

2 **1.** Page 163, line 16: decrease the dollar amount for fiscal year 2001-02 by
3 \$149,300 and decrease the dollar amount for fiscal year 2002-03 by \$199,000, and
4 adjust the NET APPROPRIATION totals accordingly, to decrease the authorized
5 FTE positions for the department of natural resources by 3.5 GPR positions related
6 to dam inspections.”.

7 **2.** Page 511, line 25: after that line insert:

8 “SECTION 1339m. 31.01 (7) of the statutes is created to read:

1 31.01 (7) "Professional engineering firm" means a private professional
2 engineering firm, partnership, or corporation that has been granted a certificate of
3 authorization under s. 443.08 (3).

4 **SECTION 1340m.** 31.02 (2) of the statutes is amended to read:

5 31.02 (2) The department may investigate and determine all reasonable
6 methods of construction, operation, maintenance, and equipment for any dam so as
7 to conserve and protect all public rights in navigable waters and so as to protect life,
8 health and property; and the construction, operation, maintenance and equipment,
9 or any or all thereof, of dams in navigable waters shall be subject to the supervision
10 of the department and to the orders and regulations of the department made or
11 promulgated under this chapter. Except as provided in s. 31.19 (6) (b), any inspection
12 conducted as part of an investigation under this subsection shall be conducted by a
13 professional engineering firm.

14 **SECTION 1340n.** 31.02 (3) of the statutes is amended to read:

15 31.02 (3) The department ~~or~~, any member or any agent or employe thereof of
16 the department and any professional engineering firm shall at all times be accorded
17 free access to any and all parts part of any dam and appurtenances to any
18 appurtenance constructed or maintained in navigable waters and in order to conduct
19 an inspection or investigation as authorized or required under this chapter. The
20 department may enter upon any property to investigate a waterway or use of water
21 from any lake or stream."

22 **3.** Page 512, line 3: after that line insert:

23 **"SECTION 1344c.** 31.18 (1) of the statutes is amended to read:

1 31.18 (1) The grantee of any permit, the owner of any dam constructed before
2 permits were required by law, and the owner of any bridge at the city of Portage or
3 at any point above that city, over the Wisconsin River, shall maintain and operate all
4 such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes,
5 sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment
6 required by the department for the protection of public rights in such waters, and for
7 the preservation of life, health and property, in good repair and condition, and shall
8 not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof,
9 unless the department shall have approved such removal or destruction in writing.
10 In the event of emergency the department shall have power, pending investigation
11 and hearing, to order the repair of any dam without notice and hearing. Except as
12 provided in s. 31.19 (6) (b), any inspection conducted as part of an investigation under
13 this subsection shall be conducted by a professional engineering firm.

14 **SECTION 1344e.** 31.18 (3) of the statutes is amended to read:

15 31.18 (3) Except when emergency shall require the same for the protection of
16 life, health or property, no substantial alteration or addition shall be made to any
17 dam heretofore or hereafter constructed without obtaining an order therefor from
18 the department, which order may be issued only after an investigation and upon a
19 finding that the proposed alterations or additions will not impair the sufficiency of
20 such dam or any existing public rights in such waters. Except as provided in s. 31.19
21 (6) (b), any inspection conducted as part of an investigation under this subsection
22 shall be conducted by a professional engineering firm.

23 **SECTION 1344g.** 31.185 (4) of the statutes is amended to read:

24 31.185 (4) Prior to the hearing the department shall ~~have its staff make its own~~
25 conduct an investigation of the dam and, on the basis of such investigation, shall

1 make recommendations as to the type of requirements, if any, which it would impose
2 on the applicant under sub. (5) as a condition to granting the permit. Such
3 recommendations shall be presented at the hearing. If no one registers opposition
4 to the application at the hearing, the department shall grant the permit, subject to
5 such conditions as it deems necessary under sub. (5). If someone registers opposition
6 to the abandonment at the hearing and such opposition is not withdrawn, the
7 department shall defer action on the application for a period of 120 days after the
8 hearing. Within a reasonable time after the expiration of such period, the
9 department shall deny the permit, or grant the permit, subject to such conditions as
10 it imposes under sub. (5), unless, within such 120-day period, one or more
11 municipalities or other persons or associations have agreed to acquire ownership of
12 the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2)
13 or (3). Except as provided in s. 31.19 (6) (b), any inspection conducted as part of an
14 investigation under this subsection shall be conducted by a professional engineering
15 firm.

16 **SECTION 1344j.** 31.19 (2) (a) of the statutes is amended to read:

17 31.19 (2) (a) *Requirement.* Except as provided under par. (b), at least once every
18 10 years the department shall conduct a detailed inspection the owner of each large
19 dam which is maintained or operated in or across navigable waters shall employ or
20 contract with a professional engineering firm to conduct a detailed inspection of the
21 dam.

22 **SECTION 1344L.** 31.19 (3) of the statutes is amended to read:

23 31.19 (3) **INSPECTION UPON COMPLAINT.** If the department receives a complaint
24 in writing from the mayor of a city, supervisor of a town or the president or trustee
25 of a village which alleges that a dam maintained or operated in or across any

1 navigable or nonnavigable waters or a reservoir is in an unsafe condition or if the
2 department receives a complaint in writing from a person which alleges that the
3 person's property or any property under the person's control is endangered by a dam
4 or reservoir, the department shall investigate or cause an investigation to be made
5 of the complaint. Except as provided in sub. (6) (b), any inspection conducted as part
6 of an investigation under this subsection shall be conducted by a professional
7 engineering firm.

8 **SECTION 1344n.** 31.19 (4) of the statutes is amended to read:

9 31.19 (4) DISCRETIONARY INSPECTION. The department may inspect or cause an
10 inspection to be made of any dam or reservoir. The dam inspection shall be made by
11 a professional engineering firm. The department may inspect or cause an inspection
12 to be made of any reservoir.

13 **SECTION 1344p.** 31.19 (5) of the statutes is amended to read:

14 31.19 (5) ORDER; REDUCTION IN WATER LEVEL. If the department finds pursuant
15 to an inspection or investigation that a dam or reservoir is not sufficiently strong or
16 is unsafe and that the dam or reservoir is dangerous to life or property, it shall
17 determine what alterations, additions or repairs are necessary and shall order the
18 owner or person having control of the dam or reservoir to cause those alterations,
19 additions or repairs to be made within a time specified in the order. If the department
20 finds pursuant to an inspection or investigation that a dam or reservoir is not
21 sufficiently strong or is unsafe and that the dam or reservoir is dangerous to life or
22 property, it may cause to be drawn off, in whole or in part, the water in the reservoir
23 or impounded by the dam if it determines that this action is necessary to prevent
24 impending danger to persons or property.

25 **SECTION 1344r.** 31.19 (6) of the statutes is created to read:

1 31.19 (6) REVIEW BY DEPARTMENT. (a) Each professional engineering firm
2 conducting an inspection under this chapter shall prepare a report of the inspection,
3 and the owner of the dam shall submit the report to the department within 6 months
4 after the inspection is completed. The department shall review the report and if the
5 department finds that the inspection is adequate to determine the strength and
6 safety of the dam and if the dam has potential to endanger life or property, the
7 department shall certify that the inspection is complete. If the department
8 determines that the inspection was not adequate to make these determinations, the
9 department shall reject the inspection. The department shall give written
10 notification of the reasons for the rejection to the owner of the dam and the
11 professional engineering firm.

12 (b) The department may conduct its own inspection of a dam for which an
13 inadequate report was submitted under par. (a) if any of the following apply:

14 1. The owner or professional engineering firm fails to inform the department
15 within 90 days of the date after receipt of the written notification from the
16 department as to the steps that will be taken for the inspection to be completed.

17 2. The owner fails to submit a report containing an adequate inspection, as
18 determined by the department, within 200 days of the date of the receipt of the
19 written notification from the department.

20 **SECTION 1344t.** 31.19 (7) of the statutes is created to read:

21 31.19 (7) LIST OF ENGINEERING FIRMS. The department shall maintain a list of
22 professional engineering firms suitable for the purpose of conducting inspections
23 under this chapter. The department shall make the list available to dam owners
24 upon request.

25 **SECTION 1344v.** 31.19 (8) of the statutes is created to read:

1 31.19 (8) INTERNET BIDDING PROCESS. The department of natural resources shall
2 post requests by dam owners for inspections under this chapter on an Internet site
3 maintained by the department of agriculture, trade and consumer protection. The
4 department of natural resources shall ensure that the Internet site provides a means
5 by which professional engineering firms may electronically post bids in response to
6 the posted requests for inspections under this chapter and by which professional
7 engineering firms may view the bids posted by other professional engineering firms.

8 **SECTION 1344x.** 31.385 (2) (c) 1. of the statutes is amended to read:

9 31.385 (2) (c) 1. The department conducts an investigation of a dam or conducts
10 or causes an inspection of the a dam under this chapter and the owner of the dam
11 requests financial assistance under this section within 6 months after having
12 received department directives, based on the department's investigation or
13 inspection of the dam, for the repair, modification or abandonment and removal of
14 the dam or for another activity to increase the safety of the dam.”.

15 **4.** Page 1401, line 16: after that line insert:

16 “(6k) DAM INSPECTIONS. The treatment of sections 31.01 (7), 31.02 (2) and (3),
17 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
18 statutes first applies to inspections of dams that are begun on the effective date of
19 this subsection.”.

20 **5.** Page 1422, line 14: after that line insert:

21 “(6pk) DAM INSPECTIONS. The treatment of sections 31.01 (7), 31.02 (2) and (3),
22 31.18 (1) and (3), 31.185 (4), and 31.19 (2) (a), (3), (4), (5), (6), (7), and (8) of the
23 statutes and SECTION 9337 (6k) of this act take effect on July 1, 2002.”.

24 (END)