



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, July 17, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

#### Assembly Bill 153

Relating to: authorizing resident senior citizens to hunt with a crossbow.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

##### EXECUTIVE ORDER #17

#### *Proclaims of a State of Emergency Relating to Drought Conditions*

**WHEREAS**, the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara in the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during June and July of 2001; and

**WHEREAS**, the drought condition has caused extreme damage to agricultural crops in these counties; and

**WHEREAS**, continued lack of water will result in greater damage to the crops; and

**WHEREAS**, crop losses have already occurred due to spring flooding conditions; and

**WHEREAS**, continued and projected crop damage will result in severe economic losses to the agricultural industry in the listed counties; and

**WHEREAS**, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

**WHEREAS**, section 30.18, Wis. Stats., presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to permit issued by the Department of Natural Resources; and

**WHEREAS**, section 30.18, Wis. Stats., requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

**WHEREAS**, the waiver of the notice and hearing provisions of section 30.18, Wis. Stats., in the manner set forth in this Executive Order will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of this state.

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 166.03(1)(b)1 of the Wisconsin Statutes, do hereby declare the present drought condition to be a natural disaster and proclaim the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara to be in a state of emergency for 30 days, unless extended by joint resolution of the legislature.

**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and section 166.03(1)(b)1, Wis. Stats., I hereby order:

1. That the statutory notice and hearing provisions of section 30.18, Wis. Stats., relating to the diversion of water of certain lakes and streams for purposes of crop irrigation be suspended for diversions in the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara; and

2. That the water may be diverted from certain lakes and streams for purposes of crop irrigation on a case–by–case basis only where the following procedures have been adhered to:

a. The proposed diverter has requested permission from the Department of Natural Resources service center area office.

b. The proposed site of diversion has been field inspected by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert.

c. The on–site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion and

frequency of the diversion within the specified time period.

3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur.

4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance.

5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature.

6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing section 30.18, Wis. Stats., permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to section section 30.18, Wis. Stats., or this Order.

7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits. Any permit rescission shall be in writing to the permittee.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this thirteenth day of July in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

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## REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

### Senate Clearinghouse Rule 01-065

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, July 16, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, July 17, 2001.

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The committee on **Environmental Resources** reports and recommends:

### Senate Clearinghouse Rule 01-014

Relating to establishing municipal flood control and riparian restoration grants.

No action taken.

Jim Baumgart  
Chairperson

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## ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, July 19 at 10:00 A.M.

Adjourned.

10:01 A.M

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## AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 208** offered by Senator Risser.