



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

Today

LRBb2741/2

RCT:cs:rs /mv

T  
stays

SCC:.....Engel - CN5501, Transfer land and water programs from DATCP

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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

→ see pp. 28+34+35

note

→ also see pp. 30, 36, and 37

1 At the locations indicated, amend the substitute amendment as follows:  
2 1. Page 8, line 21: after that line insert:  
3 "SECTION 13g. 15.07 (1) (cm) of the statutes is amended to read:  
4 15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
5 May 1. The terms of 3 members of the development finance board appointed under  
6 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
7 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
8 every odd-numbered year. The terms of the 3 members of the land and water  
9 conservation board appointed under s. ~~15.135~~ 15.345 (4) (b) 2. shall expire on  
10 January 1. The term of the member of the land and water conservation board

1 appointed under s. ~~15.135~~ 15.345 (4) (b) 2m. shall expire on May 1 of an  
2 even-numbered year. The terms of members of the real estate board shall expire on  
3 July 1. The terms of the appraiser members of the real estate appraisers board and  
4 the terms of the auctioneer and auction company representative members of the  
5 auctioneer board shall expire on May 1 in an even-numbered year.”.

6 **2.** Page 10, line 6: after that line insert:

7 “**SECTION 14cg.** 15.135 (4) of the statutes is renumbered 15.345 (4) and 15.345  
8 (4) (am), as renumbered, is amended to read:

9 15.345 (4) (am) *Creation.* There is created a land and water conservation board  
10 which is attached to the department of ~~agriculture, trade and consumer protection~~  
11 natural resources under s. 15.03.”.

12 **3.** Page 11, line 24: after that line insert:

13 “(eq) Soil and water resource manage-

14 ment GPR A -0- 205,300

15 (rm) Soil and water resource manage-

16 ment; environmental fund SEG A -0- 836,700”.

17 **4.** Page 12, line 3: after that line insert:

18 “(4) WATER

19 (cg) Conservation reserve enhance-

20 ment program PR A -0- 40,800”.

21 **5.** Page 12, line 4: after that line insert:

1       “(as) Environmental aids – soil and  
2               water resource management  
3               grants                               SEG     A               –0– 3,725,100”.

4       **6.** Page 13, line 11: after that line insert:

5               “**SECTION 28j.** 20.115 (7) (b) of the statutes is renumbered 20.370 (7) (bb).

6               **SECTION 28jg.** 20.115 (7) (c) of the statutes is renumbered 20.370 (6) (ac).

7               **SECTION 28km.** 20.115 (7) (d) of the statutes, as affected by 2001 Wisconsin Act  
8       16, is renumbered 20.370 (6) (dd).

9               **SECTION 28ks.** 20.115 (7) (f) of the statutes is renumbered 20.370 (7) (df).

10              **SECTION 28ku.** 20.115 (7) (g) of the statutes is amended to read:

11              20.115 (7) (g) *Agricultural impact statements.* All moneys received by the  
12       department under s. 32.035 from the preparation of agricultural impact statements,  
13       except moneys appropriated under s. 20.370 (4) (cg), for general program operations.

14              **SECTION 28L.** 20.115 (7) (qd) of the statutes is repealed.”.

15       **7.** Page 14, line 6: after that line insert:

16              “**SECTION 32pd.** 20.285 (1) (eq) of the statutes is created to read:

17              20.285 (1) (eq) *Soil and water resource management.* The amounts in the  
18       schedule for University of Wisconsin–Extension activities related to soil and water  
19       resource management.

20              **SECTION 32vd.** 20.285 (1) (rm) of the statutes is created to read:

21              20.285 (1) (rm) *Soil and water resource management; environmental fund.*

22       From the environmental fund, the amounts in the schedule for University of  
23       Wisconsin–Extension activities related to soil and water resource management.”.

24       **8.** Page 15, line 24: after that line insert:

1           **SECTION 36ft.** 20.370 (4) (cg) of the statutes is created to read:

2           20.370 (4) (cg) *Conservation reserve enhancement program.* From the general  
3 fund, from the moneys received under s. 32.035, the amounts in the schedule for  
4 administering the conservation reserve enhancement program under s. 281.52.

5           **SECTION 36fx.** 20.370 (4) (mr) of the statutes is amended to read:

6           20.370 (4) (mr) *General program operations — nonpoint source and*  
7 *conservation reserve enhancement.* From the environmental fund, the amounts in  
8 the schedule for performing the duties of the department under ~~s.~~ ss. 92.14, 281.52,  
9 and 281.65.

10          **SECTION 36jv.** 20.370 (6) (as) of the statutes is created to read:

11          20.370 (6) (as) *Environmental aids – soil and water resource management*  
12 *grants.* From the environmental fund, the amounts in the schedule for soil and water  
13 resource management grants under s. 92.14.”.

14          **9.** Page 21, line 25: after that line insert:

15          **SECTION 64h.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act  
16 16, is amended to read:

17          20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
18 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) ~~and (7) (b) and (f),~~ 20.190 (1)  
19 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
20 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and  
21 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),  
22 (at), (au), (ba), ~~(bb),~~ (bq), (ca), (cb), (cc), (cd), (ce), (cf), ~~(df),~~ (ea), (eq), and (er), 20.395  
23 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6)  
24 (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),

1 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (bt), (g), (h),  
2 (i), and (q) for the payment of principal and interest on public debt contracted under  
3 subchs. I and IV of ch. 18.”.

4 **10.** Page 22, line 9: after that line insert:

5 “SECTION 64vg. 20.866 (2) (we) of the statutes, as affected by 2001 Wisconsin  
6 Act 16, is amended to read:

7 20.866 (2) (we) ~~Agriculture~~ Natural resources; soil and water. From the capital  
8 improvement fund, a sum sufficient for the department of ~~agriculture, trade and~~  
9 ~~consumer protection~~ natural resources to provide for soil and water resource  
10 management under s. 92.14. The state may contract public debt in an amount not  
11 to exceed \$13,575,000 for this purpose.

12 **SECTION 64vm.** 20.866 (2) (wf) of the statutes is amended to read:

13 20.866 (2) (wf) ~~Agriculture~~ Natural resources; conservation reserve  
14 enhancement. From the capital improvement fund, a sum sufficient for the  
15 department of ~~agriculture, trade and consumer protection~~ natural resources to fund  
16 the conservation reserve enhancement program under s. ~~93.70~~ 281.52. The state  
17 may contract public debt in an amount not to exceed \$40,000,000 for this purpose.”.

18 **11.** Page 30, line 17: after that line insert:

19 “SECTION 88p. 30.46 (1) (a) of the statutes is amended to read:

20 30.46 (1) (a) The development and use comply with the rules for the soil and  
21 water resource management program promulgated ~~by the department of~~  
22 ~~agriculture, trade and consumer protection~~ under s. 92.14; and

23 **SECTION 88pm.** 30.46 (2) of the statutes is amended to read:

1           30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with  
2 rules for the soil and water resource management program promulgated under s.  
3 92.14 ~~by the department of agriculture, trade and consumer protection~~ for land in the  
4 riverway and that is in agricultural use on October 31, 1989.”.

5           **12.** Page 31, line 17: after that line insert:

6           “**SECTION 93c.** 36.25 (7) of the statutes is amended to read:

7           36.25 (7) SOIL AND WATER CONSERVATION. The board is responsible for research  
8 and educational programs regarding soil and water conservation. The board shall  
9 cooperate with the land and water conservation board, the department of  
10 agriculture, ~~trade and consumer protection~~ natural resources and the counties in  
11 carrying out its soil and water conservation programs. The board shall prepare  
12 annually a written program of planned educational activities in soil and water  
13 conservation.”.

14           **13.** Page 154, line 4: after that line insert:

15           “**SECTION 259cd.** 88.11 (1) (intro.) of the statutes is amended to read:

16           88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~  
17 natural resources shall employ an engineer, who shall be the state drainage engineer,  
18 to improve district operations. The department shall do all of the following:

19           **SECTION 259ce.** 88.11 (1) (e) of the statutes is repealed.

20           **SECTION 259cf.** 88.11 (1) (i) of the statutes is amended to read:

21           88.11 (1) (i) Establish, by rule, performance standards for drainage district  
22 structures, ditches, maintenance and operations, in order to minimize adverse  
23 effects on water quality. The performance standards shall be consistent with any  
24 requirements imposed ~~by the department of natural resources~~ under s. 88.31.

1           **SECTION 259cg.** 88.11 (1m) of the statutes is amended to read:

2           88.11 (1m) The department of ~~agriculture, trade and consumer protection~~  
3           natural resources may perform any functions related to drainage districts that the  
4           department considers appropriate.

5           **SECTION 259ch.** 88.11 (2) of the statutes is amended to read:

6           88.11 (2) The state drainage engineer shall provide technical assistance to  
7           improve district operations on the request of the ~~department of natural resources,~~  
8           drainage board, landowners in the district or the judge.

9           **SECTION 259ci.** 88.11 (3) (intro.) of the statutes is amended to read:

10          88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single  
11          project, the board or the petitioners, before the hearing on the report under s. 88.34,  
12          88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~  
13          ~~consumer protection~~ natural resources on all of the following:

14          **SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

15          88.11 (4) The board or the petitioners, with the aid of an engineer having the  
16          qualifications specified in s. 88.21 (5), shall make the necessary survey and  
17          evaluation as directed by the department of ~~agriculture, trade and consumer~~  
18          ~~protection~~ natural resources for its report.

19          **SECTION 259cj.** 88.11 (5) (intro.) of the statutes is amended to read:

20          88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~  
21          ~~consumer protection~~ natural resources under sub. (3) also shall include a report of  
22          the college of agriculture and life sciences of the University of Wisconsin–Madison  
23          on all of the following:

24          **SECTION 259ck.** 88.11 (6) of the statutes is amended to read:

1           88.11 (6) A drainage district shall comply with the rules promulgated under  
2 this section and any requirements imposed by the department of ~~agriculture, trade~~  
3 ~~and consumer protection~~ natural resources under this section.

4           **SECTION 259cL.** 88.11 (7) of the statutes is amended to read:

5           88.11 (7) The department of ~~agriculture, trade and consumer protection~~  
6 natural resources may issue a special order directing the immediate cessation of  
7 work regulated under this section until the necessary plan approval is obtained or  
8 until the project complies with this section.

9           **SECTION 259cn.** 88.13 of the statutes is amended to read:

10          **88.13 Right to enter lands of drainage district.** Whenever necessary for  
11 any purpose connected with the organization of a district or the construction,  
12 maintenance or repair of drains and other works, members of the board,  
13 representatives of the department of ~~agriculture, trade and consumer protection~~  
14 natural resources, and persons intending to bid on or to whom contracts have been  
15 let for the construction of the works within a district and their respective agents and  
16 employees may go upon any lands proposed for inclusion or included within a district  
17 or on adjoining lands, and are not guilty of trespass therefor but are liable for  
18 unnecessary damage caused to crops or structures.

19          **SECTION 259cp.** 88.15 of the statutes is amended to read:

20          **88.15 Drainage board grants. (1)** From the appropriation under s. ~~20.115~~  
21 ~~(7) (d) 20.370 (6) (dd)~~, the department of ~~agriculture, trade and consumer protection~~  
22 natural resources shall make grants to boards to assist boards to comply with this  
23 chapter and rules promulgated under this chapter. A grant under this section may  
24 not exceed 60% of the costs incurred by the board to comply with this chapter and  
25 rules promulgated under this chapter.

1           (2) The department of ~~agriculture, trade and consumer protection~~ natural  
2 resources shall promulgate rules for the administration of the program under this  
3 section.

4           (3) The department of ~~agriculture, trade and consumer protection~~ natural  
5 resources may not make grants under this section after June 30, 2006.

6           **SECTION 259cq.** 88.19 (4) (a) (intro.) of the statutes is amended to read:

7           88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and  
8 standards under rules that the department of ~~agriculture, trade and consumer~~  
9 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

10          **SECTION 259cr.** 88.19 (4) (d) of the statutes is amended to read:

11          88.19 (4) (d) Before any records may be destroyed under this subsection, the  
12 secretary of the drainage board and the county zoning administrator shall give at  
13 least 60 days' prior written notice of the proposed destruction to the state historical  
14 society, which may preserve records that it determines to be of historical interest, and  
15 shall give at least 60 days' prior written notice to the state drainage engineer, who  
16 may preserve records determined to be of interest to the department of ~~agriculture,~~  
17 ~~trade and consumer protection~~ natural resources.

18          **SECTION 259cs.** 88.21 (5) of the statutes is amended to read:

19          88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer  
20 employed by the board shall be selected from a list of professional engineers approved  
21 by the department of ~~agriculture, trade and consumer protection~~ natural resources.  
22 The department of ~~agriculture, trade and consumer protection~~ natural resources  
23 shall furnish each drainage board, upon request, a list of professional engineers  
24 whom it considers qualified by training and experience to give competent advice in  
25 drainage matters.

1           **SECTION 259ct.** 88.24 (intro.) of the statutes is amended to read:

2           **88.24 Board to file annual report.** (intro.) On or before December 1 of each  
3 year the board shall file with the department of ~~agriculture, trade and consumer~~  
4 ~~protection~~ natural resources and the county zoning administrator a separate report,  
5 for the preceding year ending August 31, on each drainage district under the board's  
6 jurisdiction. The reports shall constitute part of the records of the districts reported  
7 on, shall be verified by the oath of one or more of the board members, and shall  
8 contain:

9           **SECTION 259cu.** 88.32 (3m) of the statutes is amended to read:

10           **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report  
11 shall be submitted to the department of ~~agriculture, trade and consumer protection~~  
12 natural resources before it is filed with the court. Within 45 days after receipt of the  
13 report, the department shall return it with a copy of the report prepared under s.  
14 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation  
15 of the district.

16           **SECTION 259cv.** 88.35 (7) of the statutes is amended to read:

17           **88.35 (7)** If the area of the district exceeds 200 acres, the report shall be  
18 submitted to the department of ~~agriculture, trade and consumer protection~~ natural  
19 resources. Within 45 days after its receipt, the department shall return it with a copy  
20 of the report prepared under s. 88.11 (3) and (5) and the department's approval or  
21 disapproval of the report prepared under sub. (6).

22           **SECTION 259cw.** 88.77 (2) of the statutes is amended to read:

23           **88.77 (2)** If the undrained portion of the area proposed to be annexed to the  
24 district exceeds 200 acres, the drainage board shall request the report described  
25 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~

1 ~~protection~~ natural resources on the annexation. Within 60 days after the request,  
2 the department shall prepare and return a copy of the report and its approval or  
3 disapproval, as provided under s. 88.35 (7).

4 **SECTION 259ec.** 92.03 (2) of the statutes is amended to read:

5 92.03 (2) “Board” means the land and water conservation board ~~created under~~  
6 ~~s. 15.135 (4).~~

7 **SECTION 259ee.** 92.03 (3) of the statutes is amended to read:

8 92.03 (3) “Department” means the department of ~~agriculture, trade and~~  
9 ~~consumer protection~~ natural resources.

10 **SECTION 259ei.** 92.04 (2) (e) of the statutes is amended to read:

11 92.04 (2) (e) *Review ~~joint~~ evaluation plan.* The board shall review the  
12 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make  
13 recommendations on the plan to the department ~~and to the department of natural~~  
14 ~~resources.~~

15 **SECTION 259ek.** 92.05 (1) of the statutes is amended to read:

16 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state  
17 responsible for setting and implementing statewide soil and water conservation  
18 policies and administering the state’s soil and water conservation programs. The  
19 department shall coordinate its soil and water conservation program with the  
20 nonpoint source water pollution abatement program established under s. 281.65, the  
21 inland lake protection and rehabilitation program established under ch. 33 and other  
22 programs with objectives related to soil and water conservation administered by the  
23 department of ~~natural resources~~ or by other state or federal agencies.

24 **SECTION 259en.** 92.05 (3) (f) of the statutes is repealed.

25 **SECTION 259ep.** 92.05 (3) (L) of the statutes is amended to read:

1           92.05 (3) (L) *Technical assistance; performance standards.* The department  
2 shall provide technical assistance to county land conservation committees and local  
3 units of government for the development of ordinances that implement standards  
4 adopted under s. 92.07 (2), 92.105 (1), ~~92.15 (2) or (3)~~ or 281.16 (3). The department's  
5 technical assistance shall include preparing model ordinances, providing data  
6 concerning the standards and reviewing draft ordinances to determine whether the  
7 draft ordinances comply with applicable statutes and rules.

8           **SECTION 259fd.** 92.10 (1) of the statutes is amended to read:

9           92.10 (1) CREATION. There is created a land and water resource management  
10 planning program. The department, board and land conservation committees jointly  
11 shall develop and administer this program. The department shall consult with the  
12 University of Wisconsin–Extension about the administration of this program.

13           **SECTION 259fi.** 92.10 (4) (c) of the statutes is renumbered 92.10 (7) and  
14 amended to read:

15           92.10 (7) PLAN ASSISTANCE. The ~~department~~ University of  
16 Wisconsin–Extension shall assist land conservation committees in preparing land  
17 and water resource management plans.

18           **SECTION 259fn.** 92.10 (5) (b) of the statutes is amended to read:

19           92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land  
20 conservation committee plans from the agencies identified as advisers to the board  
21 under s. ~~15.135~~ 15.345 (4).

22           **SECTION 259fp.** 92.10 (6) (a) 1. of the statutes is amended to read:

23           92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion  
24 conditions throughout the county, including any assessment available from the  
25 department of ~~natural resources~~.

1           **SECTION 259ft.** 92.10 (8) of the statutes is amended to read:

2           **92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES.** The department  
3 of ~~natural resources~~ shall provide counties with assistance in land and water  
4 resource management planning, including providing available water quality data  
5 and information, providing training and support for water resource assessments and  
6 appraisals and providing related program information.

7           **SECTION 259hc.** 92.14 (2) (j) of the statutes is repealed.

8           **SECTION 259he.** 92.14 (3) (intro.) of the statutes is amended to read:

9           **92.14 (3) BASIC ALLOCATIONS TO COUNTIES.** (intro.) To help counties fund their  
10 land and water conservation activities, the department shall award an annual grant  
11 from the appropriation under s. 20.115 (7) (e) 20.370 (6) (ac) or ~~(ad)~~ (as) or s. 20.866  
12 (2) (we) to any county land conservation committee that has a land and water  
13 resource management plan approved by ~~the department~~ under s. 92.10 (4) (d), and  
14 that, by county board action, has resolved to provide any matching funds required  
15 under sub. (5g). The county may use the grant for land and water resource  
16 management planning and for any of the following purposes, consistent with the  
17 approved land and water resource management plan:

18           **SECTION 259hg.** 92.14 (6) (b) of the statutes is amended to read:

19           **92.14 (6) (b)** The department ~~and the department of natural resources~~ shall  
20 prepare an annual grant allocation plan identifying the amounts to be provided to  
21 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the  
22 ~~departments~~ department shall attempt to provide funding under this section for an  
23 average of 3 staff persons per county with full funding for the first staff person, 70%  
24 funding for the 2nd staff person and 50% funding for any additional staff persons and

1 to provide an average of \$100,000 per county for cost-sharing grants. The  
2 department shall submit that plan to the board.

3 **SECTION 259hi.** 92.14 (6) (d) of the statutes is amended to read:

4 92.14 (6) (d) The board shall review the annual allocation plan submitted to  
5 it under par. (b) and make recommendations to the department of agriculture, trade  
6 and consumer protection and the department of natural resources on approval,  
7 modification or disapproval of the plan.

8 **SECTION 259hk.** 92.14 (6) (h) 3. of the statutes is amended to read:

9 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the  
10 department of natural resources to act under ch. 283.

11 **SECTION 259hm.** 92.14 (6) (m) of the statutes is amended to read:

12 92.14 (6) (m) The department of agriculture, trade and consumer protection  
13 and the department of natural resources and the University of Wisconsin-Extension  
14 shall assist counties in conducting the activities for which grants under sub. (3) may  
15 be used.

16 **SECTION 259hn.** 92.14 (6) (n) of the statutes is created to read:

17 92.14 (6) (n) The University of Wisconsin-Extension shall assist the  
18 department in the administration of the program under this section.

19 **SECTION 259hp.** 92.14 (8) of the statutes is amended to read:

20 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~  
21 The department shall promulgate rules to administer this section and the  
22 department's duties under s. 281.65.

23 **SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

1           92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~  
2 ~~department of natural resources,~~ shall submit a report on the progress of the  
3 program under this section and s. 281.65 to the board.

4           **SECTION 259hr.** 92.14 (13) of the statutes is amended to read:

5           92.14 (13) EVALUATION PLAN. The department, ~~jointly with the department of~~  
6 ~~natural resources,~~ shall prepare a plan, which includes water quality monitoring and  
7 analysis, for evaluating the program administered under this section and s. 281.65  
8 and submit the plan to the board. The board shall make recommendations to the  
9 department ~~and the department of natural resources~~ on the plan. The department  
10 shall review and ~~approve or disapprove~~ decide whether to modify the plan and shall  
11 notify the board of its final action on the plan. The department shall implement ~~any~~  
12 ~~part of the plan for which the plan gives it responsibility.~~

13           **SECTION 259ht.** 92.14 (14) of the statutes is amended to read:

14           92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The  
15 department, ~~jointly with the department of natural resources,~~ shall develop a single  
16 set of grant application, reporting and evaluation forms for use by counties receiving  
17 grants under this section and ss. 281.65 and 281.66. The department, ~~jointly with~~  
18 ~~the department of natural resources,~~ shall implement a single process for grant  
19 application, funding allocation, reporting and evaluation for counties receiving  
20 grants under this section and ss. 281.65 and 281.66.

21           **SECTION 259hv.** 92.14 (14m) of the statutes is amended to read:

22           92.14 (14m) COORDINATION. The department ~~of agriculture, trade and~~  
23 ~~consumer protection and the department of natural resources,~~ jointly, shall review  
24 applications from counties for grants under sub. (5r) and, for projects and activities

1 selected to receive funding shall determine whether to provide funding under this  
2 section or under s. 281.65 or 281.66.

3 **SECTION 259hw.** 92.14 (15) of the statutes is repealed.

4 **SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.

5 **SECTION 259ic.** 92.18 (4) of the statutes is repealed.

6 **SECTION 259id.** 92.18 (5) of the statutes is amended to read:

7 92.18 (5) Any training required under this section may be conducted by the  
8 department ~~or the department of natural resources~~ or by another person with the  
9 approval of the department.”.

10 **14.** Page 154, line 18: after that line insert:

11 “**SECTION 260h.** 93.38 (3m) of the statutes is created to read:

12 93.38 (3m) The department shall provide technical assistance to county land  
13 conservation committees and local units of government for the development of  
14 ordinances under sub. (2) or (3). The department’s technical assistance shall include  
15 preparing model ordinances, providing data concerning the standards under s.  
16 281.16 (3) and reviewing draft ordinances to determine whether the draft ordinances  
17 comply with applicable statutes and rules.

18 **SECTION 260hp.** 93.70 of the statutes is renumbered 281.52.”.

19 **15.** Page 182, line 16: after that line insert:

20 “**SECTION 369jd.** 281.16 (3) (b) of the statutes is amended to read:

21 281.16 (3) (b) The department of ~~agriculture, trade and consumer protection,~~  
22 ~~in consultation with the department of natural resources,~~ shall promulgate rules  
23 prescribing conservation practices to implement the performance standards and  
24 prohibitions under par. (a) and specifying a process for the development and

1 dissemination of technical standards to implement the performance standards and  
2 prohibitions under par. (a).

3 **SECTION 369je.** 281.16 (3) (c) of the statutes is amended to read:

4 281.16 (3) (c) Using the process specified under par. (b), the department of  
5 ~~agriculture, trade and consumer protection, in consultation with the University of~~  
6 ~~Wisconsin-Extension,~~ shall develop and disseminate technical standards to  
7 implement the performance standards and prohibitions under par. (a). The  
8 department of ~~agriculture, trade and consumer protection~~ shall disseminate  
9 alternative technical standards for situations in which more than one method exists  
10 to implement the performance standards and prohibitions.

11 **SECTION 369jg.** 281.16 (3) (e) of the statutes is amended to read:

12 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
13 is in existence before October 14, 1997, may not be required by this state or a  
14 municipality to comply with the performance standards, prohibitions, conservation  
15 practices or technical standards under this subsection unless cost-sharing is  
16 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
17 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38  
18 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules  
19 that specify criteria for determining whether cost-sharing is available under s. 92.14  
20 ~~or 281.65 and the department of agriculture, trade and consumer protection shall~~  
21 ~~promulgate rules that specify criteria for determining whether cost-sharing is~~  
22 ~~available under s. 92.14 or from any other source.~~ The rules may not allow a  
23 determination that cost-sharing is available to meet local regulations under s. 92.07  
24 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance  
25 standards, prohibitions, conservation practices or technical standards under this

1 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from  
2 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the  
3 rules.

4 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:

5 281.20 (1) (a) Order or cause the abatement of pollution which the department,  
6 in consultation with the ~~department of agriculture, trade and consumer protection~~  
7 University of Wisconsin-Extension if the source is agricultural, has determined to  
8 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),  
9 including pollution which causes the violation of a water quality standard, pollution  
10 which significantly impairs aquatic habitat or organisms, pollution which restricts  
11 navigation due to sedimentation, pollution which is deleterious to human health or  
12 pollution which otherwise significantly impairs water quality, except that under this  
13 paragraph the department may not order or cause the abatement of any pollution  
14 caused primarily by animal waste or of pollution from an agricultural source that is  
15 located in a priority watershed or priority lake area unless the source is designated  
16 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or  
17 a modification to such a plan under s. 281.65 (5s).

18 **SECTION 369kh.** 281.20 (3) (c) of the statutes is amended to read:

19 281.20 (3) (c) If the nonpoint source which is the subject of a notice under par.  
20 (a) is agricultural, the department shall send the notice to the ~~department of~~  
21 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension. The  
22 ~~department of agriculture, trade and consumer protection~~ University of  
23 Wisconsin-Extension shall do all of the following:

24 1. Upon receipt of the notice and in cooperation with the land conservation  
25 committee, provide to the person whom the department has determined to be

1 responsible for the nonpoint source under sub. (1) (a) a listing of management  
2 practices which, if followed, would reduce pollution to an amount determined to be  
3 acceptable by the department, in consultation with either the ~~department of~~  
4 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension or  
5 the land conservation committee. The list shall, with reasonable limits, set forth all  
6 of the options which are available to the person to reduce pollution to that amount  
7 of pollution. The ~~department of agriculture, trade and consumer protection~~ shall  
8 provide to each person receiving a notice an explanation of financial aids and  
9 technical assistance which may be available to the person for the abatement of  
10 pollution or the implementation of best management practices from the department  
11 ~~of agriculture, trade and consumer protection~~ under s. 92.14 and from other sources.

12 2. Issue a report to the department within one year after the date of the notice  
13 describing the actions taken by the person receiving the notice and a  
14 recommendation as to whether the department should issue an order to abate the  
15 pollution or implement the best management practices. Notwithstanding par. (a),  
16 the department may not issue an order until the department receives that report  
17 unless the department determines that the pollution is causing or will cause severe  
18 water quality degradation which could be mitigated or prevented by abatement  
19 action taken in less than one year and unless the ~~department of agriculture, trade~~  
20 ~~and consumer protection~~ University of Wisconsin-Extension files a concurring  
21 determination in writing with the department within 30 days after receiving notice  
22 of the department's determination.

23 **SECTION 369kk.** 281.20 (3) (d) 3. of the statutes is amended to read:

24 281.20 (3) (d) 3. If the nonpoint source is agricultural, the department provides  
25 a copy of the temporary emergency order to the ~~department of agriculture, trade and~~

1 ~~consumer protection~~ University of Wisconsin-Extension and to the land  
2 conservation committee created under s. 92.06 in every county in which the nonpoint  
3 source is located.

4 **SECTION 369pc.** 281.65 (3) (f) of the statutes is amended to read:

5 281.65 (3) (f) Require the department ~~and the department of agriculture, trade~~  
6 ~~and consumer protection~~ to conduct or contract for another person to conduct any  
7 evaluation or audit of the program under this section and of individual priority  
8 watershed or priority lake projects that the board determines is necessary.

9 **SECTION 369pf.** 281.65 (4) (as) of the statutes is amended to read:

10 281.65 (4) (as) Consult with the ~~department of agriculture, trade and consumer~~  
11 ~~protection~~ University of Wisconsin-Extension in developing any federal grant  
12 application under par. (ar). Every application is subject to s. 16.54 and shall include  
13 the proposed expenditures of federal nonpoint source water pollution abatement  
14 grant moneys and the allocation of such moneys between the department and the  
15 ~~department of agriculture, trade and consumer protection~~ University of  
16 Wisconsin-Extension.

17 **SECTION 369ph.** 281.65 (4) (dr) of the statutes is amended to read:

18 281.65 (4) (dr) Appoint a committee for each priority watershed and priority  
19 lake, to advise the department, ~~the department of agriculture, trade and consumer~~  
20 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint  
21 source pollution abatement financial assistance program. Each committee shall  
22 include at least 2 farmers as members if the priority watershed or priority lake area  
23 includes property in agricultural use. Each committee shall include at least 2  
24 representatives of a public inland lake protection and rehabilitation district that is  
25 within the priority watershed or priority lake area or, if one does not exist, of riparian

1 property owners. Each committee for a priority watershed or priority lake area with  
2 any area in the Milwaukee River basin shall include a member of the county board  
3 from each county with any area in that priority watershed or priority lake area.

4 **SECTION 369pi.** 281.65 (4) (e) of the statutes is amended to read:

5 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~  
6 ~~agriculture, trade and consumer protection~~ University of Wisconsin–Extension, as  
7 are necessary for the proper execution and administration of the program under this  
8 section. Before promulgating rules under this paragraph, the department shall  
9 submit the rules to the land and water conservation board for review under sub. (3)  
10 (at). The rules shall include standards and specifications concerning best  
11 management practices which are required for eligibility for cost-sharing grants  
12 under this section. The standards and specifications shall be consistent with the  
13 performance standards, prohibitions, conservation practices and technical  
14 standards under s. 281.16. The department may waive the standards and  
15 specifications in exceptional cases. The rules shall specify which best management  
16 practices are cost-effective best management practices. Only persons involved in the  
17 administration of the program under this section, persons who are grant recipients  
18 or applicants and persons who receive notices of intent to issue orders under s. 281.20  
19 (1) (b) are subject to the rules promulgated under this paragraph. Any rule  
20 promulgated under this paragraph which relates or pertains to agricultural  
21 practices relating to animal waste handling and treatment is subject to s. 13.565.

22 **SECTION 369pk.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

23 281.65 (4) (g) (intro.) In cooperation with the ~~department of agriculture, trade~~  
24 ~~and consumer protection~~ and the appropriate governmental unit, prepare priority  
25 watershed and priority lakes plans to implement nonpoint source water pollution

1 abatement projects in priority watersheds and priority lake areas. In preparing the  
2 plans, the department shall:

3 **SECTION 369pL.** 281.65 (4) (g) 2. of the statutes is amended to read:

4 281.65 (4) (g) 2. Promote significant participation from ~~the department of~~  
5 ~~agriculture, trade and consumer protection and~~ other state agencies, governmental  
6 units and other persons located in any priority watershed or in any priority lake area  
7 that is the subject of the plan.

8 **SECTION 369pn.** 281.65 (4) (g) 4. of the statutes is amended to read:

9 281.65 (4) (g) 4. In cooperation with the ~~department of agriculture, trade and~~  
10 ~~consumer protection~~ University of Wisconsin-Extension, incorporate the  
11 appropriate best management practices into the plan.

12 **SECTION 369pp.** 281.65 (4) (i) of the statutes is repealed.

13 **SECTION 369pr.** 281.65 (4) (L) of the statutes is amended to read:

14 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~  
15 ~~department of agriculture, trade and consumer protection~~, submit a budget report  
16 to the board that includes anticipated expenditures for projects under this section  
17 during the next year, criteria for ending projects under this section and, if anticipated  
18 expenditures exceed anticipated funding, a plan for reducing expenditures.

19 **SECTION 369pt.** 281.65 (4) (o) of the statutes is amended to read:

20 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~  
21 ~~trade and consumer protection~~, submit a report on the progress of the program under  
22 this section to the land and water conservation board.

23 **SECTION 369pu.** 281.65 (4) (p) of the statutes is amended to read:

24 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~  
25 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~

1 shall review and approve or disapprove the plan and shall notify the land and water  
2 conservation board of its final action on the plan. The department shall implement  
3 any part of the plan for which the plan gives it responsibility.

4 **SECTION 369pv.** 281.65 (4) (pm) of the statutes is amended to read:

5 281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~  
6 ~~protection, develop~~ Develop the forms required and implement the process under s.  
7 92.14 (14).

8 **SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001  
9 Wisconsin Act 16, is amended to read:

10 281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~  
11 ~~agriculture, trade and consumer protection,~~ determines that funding provided under  
12 s. 92.14 is insufficient to fund the project.

13 **SECTION 369pz.** 281.65 (4m) (c) of the statutes is amended to read:

14 281.65 (4m) (c) The department shall submit a copy of any plan it completes  
15 under this subsection to any county located in or containing any watershed which is  
16 a subject of the plan and to the ~~department of agriculture, trade and consumer~~  
17 ~~protection~~ University of Wisconsin–Extension. The department of agriculture, trade  
18 and consumer protection University of Wisconsin–Extension shall review the plan  
19 and notify the department of natural resources of its comments on the plan. A county  
20 receiving a plan under this subsection shall review the plan, approve or disapprove  
21 the plan and notify the department of natural resources of its action on the plan.

22 **SECTION 369qc.** 281.65 (4m) (d) of the statutes is amended to read:

23 281.65 (4m) (d) After the department considers the comments of the  
24 ~~department of agriculture, trade and consumer protection~~ University of  
25 Wisconsin–Extension on a plan under par. (c) and receives approval of the plan by

1 every county to which it was sent and by the land and water conservation board, the  
2 department shall designate the plan to be an element of the appropriate areawide  
3 water quality management plan under P.L. 92–500, section 208.

4 **SECTION 369qd.** 281.65 (5) (intro.) of the statutes is amended to read:

5 281.65 (5) (intro.) The department of ~~agriculture, trade and consumer~~  
6 ~~protection, in consultation with the University of Wisconsin–Extension,~~ shall:

7 **SECTION 369qe.** 281.65 (5m) of the statutes is amended to read:

8 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), and  
9 (5) and the governmental unit or regional planning commission under sub. (4m) and  
10 ~~the department of agriculture, trade and consumer protection under sub. (5), and~~  
11 upon receiving the approval of the land and water conservation board, the  
12 department shall prepare and approve the final plan for a priority watershed or  
13 priority lake.

14 **SECTION 369qh.** 281.65 (7) (a) 2. of the statutes is amended to read:

15 281.65 (7) (a) 2. A county land conservation committee receiving a request  
16 under subd. 1. shall provide the owner or operator with a hearing and shall provide  
17 reasonable notice of the hearing to the owner or operator, the department and the  
18 ~~department of agriculture, trade and consumer protection~~ University of  
19 Wisconsin–Extension. The county land conservation committee shall conduct the  
20 hearing under this subdivision as an informal hearing. Section 68.11 (2) does not  
21 apply to the hearing. The land conservation committee shall hold the hearing in a  
22 place convenient to the owner or operator. Within 60 days after the hearing, the  
23 department shall, and the ~~department of agriculture, trade and consumer protection~~  
24 University of Wisconsin–Extension may, submit a report and recommendation to the  
25 land conservation committee concerning the issues at the hearing. The land

1 conservation committee may affirm or reverse the designation of the site as a critical  
2 site.

3 **SECTION 369qj.** 281.65 (10) of the statutes is amended to read:

4 281.65 (10) To the greatest extent practicable, the department, ~~the department~~  
5 ~~of agriculture, trade and consumer protection~~ and the administering and  
6 implementing governmental unit shall encourage and utilize the Wisconsin  
7 conservation corps for appropriate projects.

8 **SECTION 369qL.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act  
9 16, is amended to read:

10 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay  
11 River is a priority watershed for the period ending on June 30, 2005.  
12 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and  
13 (e), the department, in consultation with the local units of government involved with  
14 the priority watershed project, shall establish guidelines for the types of nonpoint  
15 source water pollution abatement practices to be eligible for cost-sharing grants in  
16 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in  
17 the watershed may be based on the amount of pollution reduction achieved rather  
18 than on the cost of the practices installed, using guidelines developed by the  
19 department, in consultation with the local units of government involved with the  
20 priority watershed project. In providing funding under s. 92.14 (3), the department  
21 ~~of agriculture, trade and consumer protection~~ shall determine the amount of  
22 matching funds required for staff for the priority watershed project as though the  
23 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The  
24 department and the local governmental staff involved with the priority watershed

1 project shall evaluate the cost effectiveness of the project and the reduction in  
2 nonpoint source water pollution associated with the project.

3 **SECTION 369sc.** 281.67 of the statutes is repealed.

4 **SECTION 369tc.** 281.695 (5) of the statutes is amended to read:

5 281.695 (5) Any municipality may participate in the state financial assistance  
6 program for soil and water resources protection established under s. 281.55, 281.57  
7 or 281.65 and may enter into agreements with the department of natural resources  
8 for that purpose. Any municipality may participate in the clean water fund program  
9 under ss. 281.58 and 281.59 and may enter into agreements with the department of  
10 administration and the department of natural resources for that purpose. Any  
11 county may participate in the state financial assistance program for soil and water  
12 resources protection established under s. 92.14 and may enter into agreements with  
13 the department of ~~agriculture, trade and consumer protection~~ natural resources for  
14 that purpose.”.

15 **16.** Page 352, line 18: after that line insert:

16 “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN-EXTENSION.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
18 liabilities of the department of agriculture, trade and consumer protection that are  
19 primarily related to the functions of the conservation engineering section in the land  
20 and water resources bureau and that are primarily related to the soil erosion control  
21 and federal and county liaison functions of the conservation management section in  
22 the land and water resources bureau, as determined by the secretary of  
23 administration, shall become the assets and liabilities of the University of Wisconsin  
24 System.

1           (b) *Position transfers.* On the effective date of this paragraph:

2           1. The authorized FTE positions for the department of agriculture, trade and  
3 consumer protection are decreased by 0.2 GPR position related to land and water  
4 resource management planning, 0.1 GPR position related to soil erosion, 1.0 GPR  
5 position related to certification, 0.5 GPR position related to engineering design, and  
6 0.5 GPR position related to computer design programming funded from the  
7 appropriation under section 20.115 (7) (a) of the statutes.

8           2. The authorized FTE positions for the department of agriculture, trade and  
9 consumer protection are decreased by 1.75 PR positions related to land and water  
10 resource management planning, 0.25 PR position related to soil erosion, 0.5 PR  
11 position related to certification, and 0.5 PR position related to engineering design  
12 funded from the appropriation under section 20.115 (7) (k) of the statutes.

13           3. The authorized FTE positions for the department of agriculture, trade and  
14 consumer protection are decreased by 0.5 SEG position related to performance  
15 standard evaluation, 1.0 SEG position related to county liaison, 4.0 SEG positions  
16 related to certification, and 4.0 SEG positions related to engineering design funded  
17 from the appropriation under section 20.115 (7) (qd) of the statutes.

18           4. There are authorized for the University of Wisconsin System 0.2 FTE GPR  
19 position related to land and water resource management planning, 0.1 FTE GPR  
20 position related to soil erosion, 1.0 FTE GPR position related to certification, 0.5 FTE  
21 GPR position related to engineering design, and 0.5 FTE GPR position related to  
22 computer design programming to be funded from the appropriation under section  
23 20.285 (1) (eq) of the statutes, as created by this act.

24           5. There are authorized for the University of Wisconsin System 1.75 FTE PR  
25 positions related to land and water resource management planning, 0.25 FTE PR

1 position related to soil erosion, 0.5 FTE PR position related to certification, and 0.5  
2 FTE PR position related to engineering design to be funded from the appropriation  
3 under section 20.285 (1) (k) of the statutes, ~~as created by this act~~

4 6. There are authorized for the University of Wisconsin System 0.5 FTE SEG  
5 position related to performance standard evaluation, 1.0 FTE SEG position related  
6 to county liaison, 4.0 FTE SEG positions related to certification, and 4.0 FTE SEG  
7 positions related to engineering design to be funded from the appropriation under  
8 section 20.285 (1) (rm) of the statutes, as created by this act.

9 (c) *Employee transfers.* All incumbent employees holding positions in the  
10 department of agriculture, trade and consumer protection that are specified in  
11 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the  
12 University of Wisconsin System.

13 (d) *Employee status.* Employees transferred under paragraph (c) shall have the  
14 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
15 statutes in the University of Wisconsin System that they enjoyed in the department  
16 of agriculture, trade and consumer protection immediately before the transfer.  
17 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
18 has attained permanent status in class is required to serve a probationary period.

19 (e) *Tangible personal property.* On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department of agriculture, trade  
21 and consumer protection that is primarily related to the functions of the conservation  
22 engineering section in the land and water resources bureau and that is primarily  
23 related to the soil erosion control and federal and county liaison functions of the  
24 conservation management section in the land and water resources bureau, as

1 determined by the secretary of administration, shall be transferred to the University  
2 of Wisconsin System.

3 (f) *Contracts.* All contracts entered into by the department agriculture, trade  
4 and consumer protection in effect on the effective date of this paragraph that are  
5 primarily related to the functions of the conservation engineering section in the land  
6 and water resources bureau and that are primarily related to the soil erosion control  
7 and federal and county liaison functions of the conservation management section in  
8 the land and water resources bureau, as determined by the secretary of  
9 administration, remain in effect and are transferred to the University of Wisconsin  
10 System. The University of Wisconsin System shall carry out any such contractual  
11 obligations except to the extent that the contracts are modified or rescinded by the  
12 University of Wisconsin System in a manner allowed under the contracts.

13 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
14 trade and consumer protection that are primarily related to the functions of the  
15 conservation engineering section in the land and water resources bureau and that  
16 are primarily related to the soil erosion control and federal and county liaison  
17 functions of the conservation management section in the land and water resources  
18 bureau, as determined by the secretary of administration, and that are in effect on  
19 the effective date of this paragraph remain in effect until their specified expiration  
20 dates or until amended or repealed by the University of Wisconsin System. All orders  
21 issued by the department of agriculture, trade and consumer protection that are  
22 primarily related to the functions of the conservation engineering section in the land  
23 and water resources bureau and that are primarily related to the soil erosion control  
24 and federal and county liaison functions of the conservation management section in  
25 the land and water resources bureau, as determined by the secretary of

1 administration, and that are in effect on the effective date of this paragraph remain  
2 in effect until their specified expiration dates or until modified or rescinded by the  
3 University of Wisconsin System.

4 (h) *Pending matters.* Any matter pending with the department of agriculture,  
5 trade and consumer protection on the effective date of this paragraph that is  
6 primarily related to the functions of the conservation engineering section in the land  
7 and water resources bureau or that is primarily related to the soil erosion control and  
8 federal and county liaison functions of the conservation management section in the  
9 land and water resources bureau, as determined by the secretary of administration,  
10 is transferred to the University of Wisconsin System and all materials submitted to  
11 or actions taken by the department of agriculture, trade and consumer protection  
12 with respect to the pending matter are considered as having been submitted to or  
13 taken by the University of Wisconsin System.

14 <sup>199</sup> (b) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
16 liabilities of the department of agriculture, trade and consumer protection that are  
17 primarily related to the conservation reserve enhancement program and land and  
18 water resource management planning functions of the conservation management  
19 section in the land and water resources bureau and that are primarily related to the  
20 grant administration and drainage district program functions of the resource  
21 evaluation and grants section in the land and water resources bureau, as determined  
22 by the secretary of administration, shall become the assets and liabilities of the  
23 department of natural resources.

24 (b) *Position transfers.* On the effective date of this paragraph:

1           1. The authorized FTE positions for the department of agriculture, trade and  
2 consumer protection are decreased by 1.25 GPR positions related to soil and water  
3 resource management grants, 1.2 GPR positions related to drainage districts, and  
4 1.13 GPR positions related to the conservation reserve enhancement program  
5 funded from the appropriation under section 20.115 (7) (a) of the statutes.

6           2. The authorized FTE positions for the department of agriculture, trade and  
7 consumer protection are decreased by 0.75 PR position related to the conservation  
8 reserve enhancement program funded from the appropriation under section 20.115  
9 (7) (g) of the statutes.

10           3. The authorized FTE positions for the department of agriculture, trade and  
11 consumer protection are decreased by 1.0 SEG position related to soil and water  
12 resource management grants and 0.5 SEG position related to the conservation  
13 reserve enhancement program funded from the appropriation under section 20.115  
14 (7) (qd) of the statutes.

15           4. There are authorized for the department of natural resources 1.25 FTE GPR  
16 positions related to soil and water resource management grants, 1.2 FTE GPR  
17 positions related to drainage districts, and 1.13 FTE GPR positions related to the  
18 conservation reserve enhancement program to be funded from the appropriation  
19 under section 20.370 (4) (ma) of the statutes.

20           5. There is authorized for the department of natural resources 0.75 FTE PR  
21 position related to the conservation reserve enhancement program to be funded from  
22 the appropriation under section 20.370 (4) (cg) of the statutes, as created by this act.

23           6. There are authorized for the department of natural resources 1.0 FTE SEG  
24 position related to soil and water resource management grants and 0.5 FTE SEG

1 position related to the conservation reserve enhancement program to be funded from  
2 the appropriation under section 20.370 (4) (mr) of the statutes, as created by this act.

3 (c) *Employee transfers.* All incumbent employees holding positions in the  
4 department of agriculture, trade and consumer protection that are specified in  
5 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the  
6 department of natural resources.

7 (d) *Employee status.* Employees transferred under paragraph (c) shall have the  
8 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
9 statutes in the department of natural resources that they enjoyed in the department  
10 of agriculture, trade and consumer protection immediately before the transfer.  
11 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
12 has attained permanent status in class is required to serve a probationary period.

13 (e) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of agriculture, trade  
15 and consumer protection that is primarily related to the conservation reserve  
16 enhancement program and land and water resource management planning  
17 functions of the conservation management section in the land and water resources  
18 bureau and that is primarily related to the grant administration and drainage  
19 district program functions of the resource evaluation and grants section in the land  
20 and water resources bureau, as determined by the secretary of administration, shall  
21 be transferred to the department of natural resources.

22 (f) *Contracts.* All contracts entered into by the department agriculture, trade  
23 and consumer protection in effect on the effective date of this paragraph that are  
24 primarily related to the conservation reserve enhancement program and land and  
25 water resource management planning functions of the conservation management

1 section in the land and water resources bureau and that are primarily related to the  
2 grant administration and drainage district program functions of the resource  
3 evaluation and grants section in the land and water resources bureau, as determined  
4 by the secretary of administration, remain in effect and are transferred to the  
5 department of natural resources. The department of natural resources shall carry  
6 out any such contractual obligations except to the extent that the contracts are  
7 modified or rescinded by the department of natural resources in a manner allowed  
8 under the contracts.

9 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
10 trade and consumer protection that are primarily related to the conservation reserve  
11 enhancement program and land and water resource management planning  
12 functions of the conservation management section in the land and water resources  
13 bureau and that are primarily related to the grant administration and drainage  
14 district program functions of the resource evaluation and grants section in the land  
15 and water resources bureau, as determined by the secretary of administration, and  
16 that are in effect on the effective date of this paragraph remain in effect until their  
17 specified expiration dates or until amended or repealed by the department of natural  
18 resources. All orders issued by the department of agriculture, trade and consumer  
19 protection that are primarily related to the conservation reserve enhancement  
20 program and land and water resource management planning functions of the  
21 conservation management section in the land and water resources bureau and that  
22 are primarily related to the grant administration and drainage district program  
23 functions of the resource evaluation and grants section in the land and water  
24 resources bureau, as determined by the secretary of administration, and that are in  
25 effect on the effective date of this paragraph remain in effect until their specified

1 expiration dates or until modified or rescinded by the department of natural  
2 resources.

3 (h) *Pending matters.* Any matter pending with the department of agriculture,  
4 trade and consumer protection on the effective date of this paragraph that is  
5 primarily related to the conservation reserve enhancement program and land and  
6 water resource management planning functions of the conservation management  
7 section in the land and water resources bureau or that is primarily related to the  
8 grant administration and drainage district program functions of the resource  
9 evaluation and grants section in the land and water resources bureau, as determined  
10 by the secretary of administration, is transferred to the department of natural  
11 resources and all materials submitted to or actions taken by the department of  
12 agriculture, trade and consumer protection with respect to the pending matter are  
13 considered as having been submitted to or taken by the department of natural  
14 resources. (19)

15 (19) ELIMINATION OF BUREAU DIRECTOR POSITION. The authorized FTE positions  
16 for the department of agriculture, trade and consumer protection are decreased by  
17 1.0 GPR position funded from the appropriation under section 20.115 (7) (a) of the  
18 statutes to eliminate the position of director of the land and water resources  
19 bureau.”

20 17. Page 373, line 2: delete the material beginning with that line and ending  
21 with 2002-03 on line 3. "and" e

22 18. Page 375, line 19: delete the material beginning with "and" and ending  
23 with "2002-03" on line 20.

1           **19.** Page 375, line 24: delete the material beginning with "and" and ending  
2 with "2002-03" on page 376, line 1.

3           **20.** Page 376, line 8: after that line insert:

4           “(14q) LAND AND WATER RESOURCE MANAGEMENT TRANSFER. In the schedule under  
5 section 20.005 (3) of the statutes for the appropriation to the department of  
6 agriculture, trade and consumer protection under section 20.115 (7) (a) of the  
7 statutes, as affected by the acts of 2001, the dollar amount is decreased by \$544,700  
8 for fiscal year 2002-03 to reflect the transfer of responsibilities related to land and  
9 water resource management, drainage districts, and the conservation reserve  
10 enhancement program away from the department.”.

11           **21.** Page 409, line 16: after that line insert:

12           “(38<sup>99</sup>) LAND AND WATER RESOURCE MANAGEMENT GENERAL PURPOSE REVENUE. In the  
13 schedule under section 20.005 (3) of the statutes for the appropriation to the  
14 department of natural resources under section 20.370 (4) (ma) of the statutes, as  
15 affected by the acts of 2001, the dollar amount is increased by \$237,600 for fiscal year  
16 2002-03 to provide funding for administration of the soil and water resource  
17 management grant program and the conservation reserve enhancement program  
18 and for activities related to drainage districts.

19           “(38<sup>95</sup>) LAND AND WATER RESOURCE MANAGEMENT <sup>environmental fund</sup> ~~GENERAL PURPOSE REVENUE~~. In the  
20 schedule under section 20.005 (3) of the statutes for the appropriation to the  
21 department of natural resources under section 20.370 (4) (mr) of the statutes, as  
22 affected by the acts of 2001, the dollar amount is increased by \$68,100 for fiscal year  
23 2002-03 to provide funding for administration of the soil and water resource  
24 management grant program and the conservation reserve enhancement program.

1           (38<sup>95</sup>) SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. In the schedule under  
2 section 20.005 (3) of the statutes for the appropriation to the department of natural  
3 resources under section 20.370 (6) (ac) of the statutes, as renumbered by this act and  
4 as affected by the acts of 2001, the dollar amount is decreased by \$293,800 for fiscal  
5 year 2002-03 to decrease funding for the purpose for which the appropriation is  
6 made.

7           (38<sup>9+</sup>) DRAINAGE BOARD GRANTS. In the schedule under section 20.005 (3) of the  
8 statutes for the appropriation to the department of natural resources under section  
9 20.370 (6) (dd) of the statutes, as renumbered by this act and as affected by the acts  
10 of 2001, the dollar amount is decreased by \$25,000 for fiscal year 2002-03 to decrease  
11 funding for the purpose for which the appropriation is made.”

12           **22.** Page 445, line 5: after that line insert:

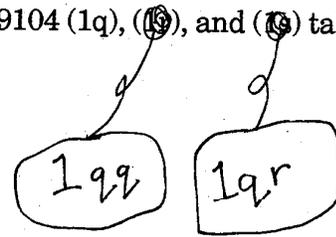
13           “(3q) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF  
14 NATURAL RESOURCES.

15           (a) The treatment of sections 15.07 (1) (cm), 15.135 (4), 20.115 (7) (b), (c), (d),  
16 (f), (g), and (qd), 20.285 (1) (eq) and (rm), 20.370 (4) (cg) and (mr) and (6) (as), 20.866  
17 (1) (u) and (2) (we) and (wf), 30.46 (1) (a) and (2), 36.25 (7), 88.11 (1) (intro.), (e), and  
18 (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.)  
19 and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2), 92.03 (2) and (3),  
20 92.04 (2) (e), 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) (c), (5) (b), (6) (a) 1., and (8),  
21 92.14 (2) (j), (3) (intro.), (6) (b), (d), (h) 3., (m), and (n), (8), (12), (13), (14), (14m), and  
22 (15), 92.15, 92.18 (4) and (5), 93.38 (3m), 93.70, 281.16 (3) (b), (c), and (e), 281.20 (1)  
23 (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as), (dr), (e), (g) (intro.), 2., and 4., (i), (L), (o),  
24 (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (10), and (11),

1 281.67, and 281.695 (5) of the statutes and SECTION 9104 (1q), ~~(1r)~~, and ~~(1s)~~ take effect  
2 on July 1, 2002.”.

3

(END)



*DNote*

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

LRBb2741/2dn  
RCT:cjs:jf

April 3, 2002

This redraft makes technical corrections.

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State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2741/2  
RCT:cs:jf

SCC:.....Engel – CN5501, Transfer land and water programs from DATCP

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

1           At the locations indicated, amend the substitute amendment as follows:  
2           **1.** Page 8, line 21: after that line insert:  
3           “**SECTION 13g.** 15.07 (1) (cm) of the statutes is amended to read:  
4           15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
5           May 1. The terms of 3 members of the development finance board appointed under  
6           s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
7           of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
8           every odd-numbered year. The terms of the 3 members of the land and water  
9           conservation board appointed under s. ~~15.135~~ 15.345 (4) (b) 2. shall expire on  
10          January 1. The term of the member of the land and water conservation board

1 appointed under s. ~~15.135~~ 15.345 (4) (b) 2m. shall expire on May 1 of an  
2 even-numbered year. The terms of members of the real estate board shall expire on  
3 July 1. The terms of the appraiser members of the real estate appraisers board and  
4 the terms of the auctioneer and auction company representative members of the  
5 auctioneer board shall expire on May 1 in an even-numbered year.”.

6 **2.** Page 10, line 6: after that line insert:

7 “**SECTION 14cg.** 15.135 (4) of the statutes is renumbered 15.345 (4) and 15.345  
8 (4) (am), as renumbered, is amended to read:

9 15.345 (4) (am) *Creation.* There is created a land and water conservation board  
10 which is attached to the department of ~~agriculture, trade and consumer protection~~  
11 natural resources under s. 15.03.”.

12 **3.** Page 11, line 24: after that line insert:

13 “(eq) Soil and water resource manage-  
14 ment GPR A -0- 205,300  
15 (rm) Soil and water resource manage-  
16 ment; environmental fund SEG A -0- 836,700”.

17 **4.** Page 12, line 3: after that line insert:

18 “(4) WATER  
19 (cg) Conservation reserve enhance-  
20 ment program PR A -0- 40,800”.

21 **5.** Page 12, line 4: after that line insert:

1       “(as) Environmental aids – soil and  
2               water resource management  
3               grants                               SEG     A               –0– 3,725,100”.

4       **6.** Page 13, line 11: after that line insert:

5       “**SECTION 28j.** 20.115 (7) (b) of the statutes is renumbered 20.370 (7) (bb).

6       **SECTION 28jg.** 20.115 (7) (c) of the statutes is renumbered 20.370 (6) (ac).

7       **SECTION 28km.** 20.115 (7) (d) of the statutes, as affected by 2001 Wisconsin Act  
8       16, is renumbered 20.370 (6) (dd).

9       **SECTION 28ks.** 20.115 (7) (f) of the statutes is renumbered 20.370 (7) (df).

10       **SECTION 28ku.** 20.115 (7) (g) of the statutes is amended to read:

11       20.115 (7) (g) *Agricultural impact statements.* All moneys received by the  
12       department under s. 32.035 from the preparation of agricultural impact statements,  
13       except moneys appropriated under s. 20.370 (4) (cg), for general program operations.

14       **SECTION 28L.** 20.115 (7) (qd) of the statutes is repealed.”.

15       **7.** Page 14, line 6: after that line insert:

16       “**SECTION 32pd.** 20.285 (1) (eq) of the statutes is created to read:

17       20.285 (1) (eq) *Soil and water resource management.* The amounts in the  
18       schedule for University of Wisconsin–Extension activities related to soil and water  
19       resource management.

20       **SECTION 32vd.** 20.285 (1) (rm) of the statutes is created to read:

21       20.285 (1) (rm) *Soil and water resource management; environmental fund.*

22       From the environmental fund, the amounts in the schedule for University of  
23       Wisconsin–Extension activities related to soil and water resource management.”.

24       **8.** Page 15, line 24: after that line insert:

1           “**SECTION 36ft.** 20.370 (4) (cg) of the statutes is created to read:

2           20.370 (4) (cg) *Conservation reserve enhancement program.* From the general  
3 fund, from the moneys received under s. 32.035, the amounts in the schedule for  
4 administering the conservation reserve enhancement program under s. 281.52.

5           **SECTION 36fx.** 20.370 (4) (mr) of the statutes is amended to read:

6           20.370 (4) (mr) *General program operations — nonpoint source and*  
7 *conservation reserve enhancement.* From the environmental fund, the amounts in  
8 the schedule for performing the duties of the department under ~~s. ss. 92.14, 281.52,~~  
9 and 281.65.

10          **SECTION 36jv.** 20.370 (6) (as) of the statutes is created to read:

11          20.370 (6) (as) *Environmental aids – soil and water resource management*  
12 *grants.* From the environmental fund, the amounts in the schedule for soil and water  
13 resource management grants under s. 92.14.”

14          **9.** Page 21, line 25: after that line insert:

15          “**SECTION 64h.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act  
16 16, is amended to read:

17          20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
18 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) ~~and (7) (b) and (f)~~, 20.190 (1)  
19 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
20 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and  
21 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),  
22 (at), (au), (ba), (bb), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (df), (ea), (eq), and (er), 20.395  
23 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6)  
24 (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),

1 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (bt), (g), (h),  
2 (i), and (q) for the payment of principal and interest on public debt contracted under  
3 subchs. I and IV of ch. 18.”.

4 **10.** Page 22, line 9: after that line insert:

5 “**SECTION 64vg.** 20.866 (2) (we) of the statutes, as affected by 2001 Wisconsin  
6 Act 16, is amended to read:

7 20.866 (2) (we) ~~Agriculture~~ Natural resources; soil and water. From the capital  
8 improvement fund, a sum sufficient for the department of ~~agriculture, trade and~~  
9 ~~consumer protection~~ natural resources to provide for soil and water resource  
10 management under s. 92.14. The state may contract public debt in an amount not  
11 to exceed \$13,575,000 for this purpose.

12 **SECTION 64vm.** 20.866 (2) (wf) of the statutes is amended to read:

13 20.866 (2) (wf) ~~Agriculture~~ Natural resources; conservation reserve  
14 enhancement. From the capital improvement fund, a sum sufficient for the  
15 department of ~~agriculture, trade and consumer protection~~ natural resources to fund  
16 the conservation reserve enhancement program under s. ~~93.70~~ 281.52. The state  
17 may contract public debt in an amount not to exceed \$40,000,000 for this purpose.”.

18 **11.** Page 30, line 17: after that line insert:

19 “**SECTION 88p.** 30.46 (1) (a) of the statutes is amended to read:

20 30.46 (1) (a) The development and use comply with the rules for the soil and  
21 water resource management program promulgated ~~by the department of~~  
22 ~~agriculture, trade and consumer protection~~ under s. 92.14; and

23 **SECTION 88pm.** 30.46 (2) of the statutes is amended to read:

1           30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with  
2 rules for the soil and water resource management program promulgated under s.  
3 92.14 ~~by the department of agriculture, trade and consumer protection~~ for land in the  
4 riverway and that is in agricultural use on October 31, 1989.”.

5           **12.** Page 31, line 17: after that line insert:

6           “**SECTION 93c.** 36.25 (7) of the statutes is amended to read:

7           36.25 (7) SOIL AND WATER CONSERVATION. The board is responsible for research  
8 and educational programs regarding soil and water conservation. The board shall  
9 cooperate with the land and water conservation board, the department of  
10 ~~agriculture, trade and consumer protection~~ natural resources and the counties in  
11 carrying out its soil and water conservation programs. The board shall prepare  
12 annually a written program of planned educational activities in soil and water  
13 conservation.”.

14           **13.** Page 154, line 4: after that line insert:

15           “**SECTION 259cd.** 88.11 (1) (intro.) of the statutes is amended to read:

16           88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~  
17 natural resources shall employ an engineer, who shall be the state drainage engineer,  
18 to improve district operations. The department shall do all of the following:

19           **SECTION 259ce.** 88.11 (1) (e) of the statutes is repealed.

20           **SECTION 259cf.** 88.11 (1) (i) of the statutes is amended to read:

21           88.11 (1) (i) Establish, by rule, performance standards for drainage district  
22 structures, ditches, maintenance and operations, in order to minimize adverse  
23 effects on water quality. The performance standards shall be consistent with any  
24 requirements imposed ~~by the department of natural resources~~ under s. 88.31.

1           **SECTION 259cg.** 88.11 (1m) of the statutes is amended to read:

2           88.11 (1m) The department of ~~agriculture, trade and consumer protection~~  
3           natural resources may perform any functions related to drainage districts that the  
4           department considers appropriate.

5           **SECTION 259ch.** 88.11 (2) of the statutes is amended to read:

6           88.11 (2) The state drainage engineer shall provide technical assistance to  
7           improve district operations on the request of the ~~department of natural resources,~~  
8           drainage board, landowners in the district or the judge.

9           **SECTION 259ci.** 88.11 (3) (intro.) of the statutes is amended to read:

10          88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single  
11          project, the board or the petitioners, before the hearing on the report under s. 88.34,  
12          88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~  
13          ~~consumer protection~~ natural resources on all of the following:

14          **SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

15          88.11 (4) The board or the petitioners, with the aid of an engineer having the  
16          qualifications specified in s. 88.21 (5), shall make the necessary survey and  
17          evaluation as directed by the department of ~~agriculture, trade and consumer~~  
18          ~~protection~~ natural resources for its report.

19          **SECTION 259cj.** 88.11 (5) (intro.) of the statutes is amended to read:

20          88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~  
21          ~~consumer protection~~ natural resources under sub. (3) also shall include a report of  
22          the college of agriculture and life sciences of the University of Wisconsin–Madison  
23          on all of the following:

24          **SECTION 259ck.** 88.11 (6) of the statutes is amended to read:

1           88.11 (6) A drainage district shall comply with the rules promulgated under  
2 this section and any requirements imposed by the department of ~~agriculture, trade~~  
3 ~~and consumer protection~~ natural resources under this section.

4           **SECTION 259cL.** 88.11 (7) of the statutes is amended to read:

5           88.11 (7) The department of ~~agriculture, trade and consumer protection~~  
6 natural resources may issue a special order directing the immediate cessation of  
7 work regulated under this section until the necessary plan approval is obtained or  
8 until the project complies with this section.

9           **SECTION 259cn.** 88.13 of the statutes is amended to read:

10           **88.13 Right to enter lands of drainage district.** Whenever necessary for  
11 any purpose connected with the organization of a district or the construction,  
12 maintenance or repair of drains and other works, members of the board,  
13 representatives of the department of ~~agriculture, trade and consumer protection~~  
14 natural resources, and persons intending to bid on or to whom contracts have been  
15 let for the construction of the works within a district and their respective agents and  
16 employees may go upon any lands proposed for inclusion or included within a district  
17 or on adjoining lands, and are not guilty of trespass therefor but are liable for  
18 unnecessary damage caused to crops or structures.

19           **SECTION 259cp.** 88.15 of the statutes is amended to read:

20           **88.15 Drainage board grants. (1)** From the appropriation under s. ~~20.115~~  
21 ~~(7) (d) 20.370 (6) (dd)~~, the department of ~~agriculture, trade and consumer protection~~  
22 natural resources shall make grants to boards to assist boards to comply with this  
23 chapter and rules promulgated under this chapter. A grant under this section may  
24 not exceed 60% of the costs incurred by the board to comply with this chapter and  
25 rules promulgated under this chapter.

1           (2) The department of ~~agriculture, trade and consumer protection~~ natural  
2 resources shall promulgate rules for the administration of the program under this  
3 section.

4           (3) The department of ~~agriculture, trade and consumer protection~~ natural  
5 resources may not make grants under this section after June 30, 2006.

6           **SECTION 259cq.** 88.19 (4) (a) (intro.) of the statutes is amended to read:

7           88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and  
8 standards under rules that the department of ~~agriculture, trade and consumer~~  
9 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

10           **SECTION 259cr.** 88.19 (4) (d) of the statutes is amended to read:

11           88.19 (4) (d) Before any records may be destroyed under this subsection, the  
12 secretary of the drainage board and the county zoning administrator shall give at  
13 least 60 days' prior written notice of the proposed destruction to the state historical  
14 society, which may preserve records that it determines to be of historical interest, and  
15 shall give at least 60 days' prior written notice to the state drainage engineer, who  
16 may preserve records determined to be of interest to the department of ~~agriculture,~~  
17 ~~trade and consumer protection~~ natural resources.

18           **SECTION 259cs.** 88.21 (5) of the statutes is amended to read:

19           88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer  
20 employed by the board shall be selected from a list of professional engineers approved  
21 by the department of ~~agriculture, trade and consumer protection~~ natural resources.  
22 The department of ~~agriculture, trade and consumer protection~~ natural resources  
23 shall furnish each drainage board, upon request, a list of professional engineers  
24 whom it considers qualified by training and experience to give competent advice in  
25 drainage matters.

1           **SECTION 259ct.** 88.24 (intro.) of the statutes is amended to read:

2           **88.24 Board to file annual report.** (intro.) On or before December 1 of each  
3 year the board shall file with the department of ~~agriculture, trade and consumer~~  
4 ~~protection~~ natural resources and the county zoning administrator a separate report,  
5 for the preceding year ending August 31, on each drainage district under the board's  
6 jurisdiction. The reports shall constitute part of the records of the districts reported  
7 on, shall be verified by the oath of one or more of the board members, and shall  
8 contain:

9           **SECTION 259cu.** 88.32 (3m) of the statutes is amended to read:

10           **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report  
11 shall be submitted to the department of ~~agriculture, trade and consumer protection~~  
12 natural resources before it is filed with the court. Within 45 days after receipt of the  
13 report, the department shall return it with a copy of the report prepared under s.  
14 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation  
15 of the district.

16           **SECTION 259cv.** 88.35 (7) of the statutes is amended to read:

17           **88.35 (7)** If the area of the district exceeds 200 acres, the report shall be  
18 submitted to the department of ~~agriculture, trade and consumer protection~~ natural  
19 resources. Within 45 days after its receipt, the department shall return it with a copy  
20 of the report prepared under s. 88.11 (3) and (5) and the department's approval or  
21 disapproval of the report prepared under sub. (6).

22           **SECTION 259cw.** 88.77 (2) of the statutes is amended to read:

23           **88.77 (2)** If the undrained portion of the area proposed to be annexed to the  
24 district exceeds 200 acres, the drainage board shall request the report described  
25 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~

1 ~~protection~~ natural resources on the annexation. Within 60 days after the request,  
2 the department shall prepare and return a copy of the report and its approval or  
3 disapproval, as provided under s. 88.35 (7).

4 **SECTION 259ec.** 92.03 (2) of the statutes is amended to read:

5 92.03 (2) “Board” means the land and water conservation board ~~created under~~  
6 ~~s. 15.135 (4).~~

7 **SECTION 259ee.** 92.03 (3) of the statutes is amended to read:

8 92.03 (3) “Department” means the department of ~~agriculture, trade and~~  
9 ~~consumer protection~~ natural resources.

10 **SECTION 259ei.** 92.04 (2) (e) of the statutes is amended to read:

11 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the  
12 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make  
13 recommendations on the plan to the department ~~and to the department of natural~~  
14 ~~resources.~~

15 **SECTION 259ek.** 92.05 (1) of the statutes is amended to read:

16 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state  
17 responsible for setting and implementing statewide soil and water conservation  
18 policies and administering the state’s soil and water conservation programs. The  
19 department shall coordinate its soil and water conservation program with the  
20 nonpoint source water pollution abatement program established under s. 281.65, the  
21 inland lake protection and rehabilitation program established under ch. 33 and other  
22 programs with objectives related to soil and water conservation administered by the  
23 department ~~of natural resources~~ or by other state or federal agencies.

24 **SECTION 259en.** 92.05 (3) (f) of the statutes is repealed.

25 **SECTION 259ep.** 92.05 (3) (L) of the statutes is amended to read:

1           92.05 (3) (L) *Technical assistance; performance standards.* The department  
2 shall provide technical assistance to county land conservation committees and local  
3 units of government for the development of ordinances that implement standards  
4 adopted under s. 92.07 (2), 92.105 (1), ~~92.15 (2) or (3)~~ or 281.16 (3). The department's  
5 technical assistance shall include preparing model ordinances, providing data  
6 concerning the standards and reviewing draft ordinances to determine whether the  
7 draft ordinances comply with applicable statutes and rules.

8           **SECTION 259fd.** 92.10 (1) of the statutes is amended to read:

9           92.10 (1) CREATION. There is created a land and water resource management  
10 planning program. The department, board and land conservation committees jointly  
11 shall develop and administer this program. The department shall consult with the  
12 University of Wisconsin–Extension about the administration of this program.

13           **SECTION 259fi.** 92.10 (4) (c) of the statutes is renumbered 92.10 (7) and  
14 amended to read:

15           92.10 (7) PLAN ASSISTANCE. The ~~department~~ University of  
16 Wisconsin–Extension shall assist land conservation committees in preparing land  
17 and water resource management plans.

18           **SECTION 259fn.** 92.10 (5) (b) of the statutes is amended to read:

19           92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land  
20 conservation committee plans from the agencies identified as advisers to the board  
21 under s. ~~15.135~~ 15.345 (4).

22           **SECTION 259fp.** 92.10 (6) (a) 1. of the statutes is amended to read:

23           92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion  
24 conditions throughout the county, including any assessment available from the  
25 department of ~~natural resources~~.

1           **SECTION 259ft.** 92.10 (8) of the statutes is amended to read:

2           **92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES.** The department  
3 ~~of natural resources~~ shall provide counties with assistance in land and water  
4 resource management planning, including providing available water quality data  
5 and information, providing training and support for water resource assessments and  
6 appraisals and providing related program information.

7           **SECTION 259hc.** 92.14 (2) (j) of the statutes is repealed.

8           **SECTION 259he.** 92.14 (3) (intro.) of the statutes is amended to read:

9           **92.14 (3) BASIC ALLOCATIONS TO COUNTIES.** (intro.) To help counties fund their  
10 land and water conservation activities, the department shall award an annual grant  
11 from the appropriation under s. ~~20.115 (7) (e)~~ 20.370 (6) (ac) or ~~(ad)~~ (as) or s. 20.866  
12 (2) (we) to any county land conservation committee that has a land and water  
13 resource management plan approved by ~~the department~~ under s. 92.10 (4) (d), and  
14 that, by county board action, has resolved to provide any matching funds required  
15 under sub. (5g). The county may use the grant for land and water resource  
16 management planning and for any of the following purposes, consistent with the  
17 approved land and water resource management plan:

18           **SECTION 259hg.** 92.14 (6) (b) of the statutes is amended to read:

19           **92.14 (6) (b)** The department ~~and the department of natural resources~~ shall  
20 prepare an annual grant allocation plan identifying the amounts to be provided to  
21 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the  
22 ~~departments~~ department shall attempt to provide funding under this section for an  
23 average of 3 staff persons per county with full funding for the first staff person, 70%  
24 funding for the 2nd staff person and 50% funding for any additional staff persons and

1 to provide an average of \$100,000 per county for cost-sharing grants. The  
2 department shall submit that plan to the board.

3 **SECTION 259hi.** 92.14 (6) (d) of the statutes is amended to read:

4 92.14 (6) (d) The board shall review the annual allocation plan submitted to  
5 it under par. (b) and make recommendations to the department of agriculture, trade  
6 and consumer protection and the department of natural resources on approval,  
7 modification or disapproval of the plan.

8 **SECTION 259hk.** 92.14 (6) (h) 3. of the statutes is amended to read:

9 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the  
10 department of natural resources to act under ch. 283.

11 **SECTION 259hm.** 92.14 (6) (m) of the statutes is amended to read:

12 92.14 (6) (m) The department of agriculture, trade and consumer protection  
13 and the department of natural resources and the University of Wisconsin-Extension  
14 shall assist counties in conducting the activities for which grants under sub. (3) may  
15 be used.

16 **SECTION 259hn.** 92.14 (6) (n) of the statutes is created to read:

17 92.14 (6) (n) The University of Wisconsin-Extension shall assist the  
18 department in the administration of the program under this section.

19 **SECTION 259hp.** 92.14 (8) of the statutes is amended to read:

20 92.14 (8) RULES. In consultation with the department of natural resources, the  
21 The department shall promulgate rules to administer this section and the  
22 department's duties under s. 281.65.

23 **SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

1           92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~  
2 ~~department of natural resources,~~ shall submit a report on the progress of the  
3 program under this section and s. 281.65 to the board.

4           **SECTION 259hr.** 92.14 (13) of the statutes is amended to read:

5           92.14 (13) EVALUATION PLAN. The department, ~~jointly with the department of~~  
6 ~~natural resources,~~ shall prepare a plan, which includes water quality monitoring and  
7 analysis, for evaluating the program administered under this section and s. 281.65  
8 and submit the plan to the board. The board shall make recommendations to the  
9 department ~~and the department of natural resources~~ on the plan. The department  
10 shall review and ~~approve or disapprove~~ decide whether to modify the plan and shall  
11 notify the board of its final action on the plan. The department shall implcment ~~any~~  
12 ~~part of the plan for which the plan gives it responsibility.~~

13           **SECTION 259ht.** 92.14 (14) of the statutes is amended to read:

14           92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The  
15 department, ~~jointly with the department of natural resources,~~ shall develop a single  
16 set of grant application, reporting and evaluation forms for use by counties receiving  
17 grants under this section and ss. 281.65 and 281.66. The department, ~~jointly with~~  
18 ~~the department of natural resources,~~ shall implement a single process for grant  
19 application, funding allocation, reporting and evaluation for counties receiving  
20 grants under this section and ss. 281.65 and 281.66.

21           **SECTION 259hv.** 92.14 (14m) of the statutes is amended to read:

22           92.14 (14m) COORDINATION. The department ~~of agriculture, trade and~~  
23 ~~consumer protection and the department of natural resources, jointly,~~ shall review  
24 applications from counties for grants under sub. (5r) and, for projects and activities

1 selected to receive funding shall determine whether to provide funding under this  
2 section or under s. 281.65 or 281.66.

3 **SECTION 259hw.** 92.14 (15) of the statutes is repealed.

4 **SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.

5 **SECTION 259ic.** 92.18 (4) of the statutes is repealed.

6 **SECTION 259id.** 92.18 (5) of the statutes is amended to read:

7 92.18 (5) Any training required under this section may be conducted by the  
8 department ~~or the department of natural resources~~ or by another person with the  
9 approval of the department.”

10 **14.** Page 154, line 18: after that line insert:

11 **“SECTION 260h.** 93.38 (3m) of the statutes is created to read:

12 93.38 (3m) The department shall provide technical assistance to county land  
13 conservation committees and local units of government for the development of  
14 ordinances under sub. (2) or (3). The department’s technical assistance shall include  
15 preparing model ordinances, providing data concerning the standards under s.  
16 281.16 (3) and reviewing draft ordinances to determine whether the draft ordinances  
17 comply with applicable statutes and rules.

18 **SECTION 260hp.** 93.70 of the statutes is renumbered 281.52.”

19 **15.** Page 182, line 16: after that line insert:

20 **“SECTION 369jd.** 281.16 (3) (b) of the statutes is amended to read:

21 281.16 (3) (b) The department of agriculture, trade and consumer protection,  
22 ~~in consultation with the department of natural resources,~~ shall promulgate rules  
23 prescribing conservation practices to implement the performance standards and  
24 prohibitions under par. (a) and specifying a process for the development and

1 dissemination of technical standards to implement the performance standards and  
2 prohibitions under par. (a).

3 **SECTION 369je.** 281.16 (3) (c) of the statutes is amended to read:

4 281.16 (3) (c) Using the process specified under par. (b), the department of  
5 ~~agriculture, trade and consumer protection, in consultation with the University of~~  
6 ~~Wisconsin-Extension,~~ shall develop and disseminate technical standards to  
7 implement the performance standards and prohibitions under par. (a). The  
8 department of ~~agriculture, trade and consumer protection~~ shall disseminate  
9 alternative technical standards for situations in which more than one method exists  
10 to implement the performance standards and prohibitions.

11 **SECTION 369jg.** 281.16 (3) (e) of the statutes is amended to read:

12 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
13 is in existence before October 14, 1997, may not be required by this state or a  
14 municipality to comply with the performance standards, prohibitions, conservation  
15 practices or technical standards under this subsection unless cost-sharing is  
16 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
17 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38  
18 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules  
19 that specify criteria for determining whether cost-sharing is available under s. 92.14  
20 or 281.65 and ~~the department of agriculture, trade and consumer protection shall~~  
21 ~~promulgate rules that specify criteria for determining whether cost-sharing is~~  
22 ~~available under s. 92.14~~ or from any other source. The rules may not allow a  
23 determination that cost-sharing is available to meet local regulations under s. 92.07  
24 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance  
25 standards, prohibitions, conservation practices or technical standards under this

1 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from  
2 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the  
3 rules.

4 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:

5 281.20 (1) (a) Order or cause the abatement of pollution which the department,  
6 in consultation with the ~~department of agriculture, trade and consumer protection~~  
7 University of Wisconsin-Extension if the source is agricultural, has determined to  
8 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),  
9 including pollution which causes the violation of a water quality standard, pollution  
10 which significantly impairs aquatic habitat or organisms, pollution which restricts  
11 navigation due to sedimentation, pollution which is deleterious to human health or  
12 pollution which otherwise significantly impairs water quality, except that under this  
13 paragraph the department may not order or cause the abatement of any pollution  
14 caused primarily by animal waste or of pollution from an agricultural source that is  
15 located in a priority watershed or priority lake area unless the source is designated  
16 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or  
17 a modification to such a plan under s. 281.65 (5s).

18 **SECTION 369kh.** 281.20 (3) (c) of the statutes is amended to read:

19 281.20 (3) (c) If the nonpoint source which is the subject of a notice under par.  
20 (a) is agricultural, the department shall send the notice to the ~~department of~~  
21 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension. The  
22 ~~department of agriculture, trade and consumer protection~~ University of  
23 Wisconsin-Extension shall do all of the following:

24 1. Upon receipt of the notice and in cooperation with the land conservation  
25 committee, provide to the person whom the department has determined to be

1 responsible for the nonpoint source under sub. (1) (a) a listing of management  
2 practices which, if followed, would reduce pollution to an amount determined to be  
3 acceptable by the department, in consultation with either the ~~department of~~  
4 ~~agriculture, trade and consumer protection~~ University of Wisconsin–Extension or  
5 the land conservation committee. The list shall, with reasonable limits, set forth all  
6 of the options which are available to the person to reduce pollution to that amount  
7 of pollution. The ~~department of agriculture, trade and consumer protection~~ shall  
8 provide to each person receiving a notice an explanation of financial aids and  
9 technical assistance which may be available to the person for the abatement of  
10 pollution or the implementation of best management practices from the department  
11 ~~of agriculture, trade and consumer protection~~ under s. 92.14 and from other sources.

12 2. Issue a report to the department within one year after the date of the notice  
13 describing the actions taken by the person receiving the notice and a  
14 recommendation as to whether the department should issue an order to abate the  
15 pollution or implement the best management practices. Notwithstanding par. (a),  
16 the department may not issue an order until the department receives that report  
17 unless the department determines that the pollution is causing or will cause severe  
18 water quality degradation which could be mitigated or prevented by abatement  
19 action taken in less than one year and unless the ~~department of agriculture, trade~~  
20 ~~and consumer protection~~ University of Wisconsin–Extension files a concurring  
21 determination in writing with the department within 30 days after receiving notice  
22 of the department's determination.

23 **SECTION 369kk.** 281.20 (3) (d) 3. of the statutes is amended to read:

24 281.20 (3) (d) 3. If the nonpoint source is agricultural, the department provides  
25 a copy of the temporary emergency order to the ~~department of agriculture, trade and~~

1 ~~consumer protection~~ University of Wisconsin-Extension and to the land  
2 conservation committee created under s. 92.06 in every county in which the nonpoint  
3 source is located.

4 **SECTION 369pc.** 281.65 (3) (f) of the statutes is amended to read:

5 281.65 (3) (f) Require the department ~~and the department of agriculture, trade~~  
6 ~~and consumer protection~~ to conduct or contract for another person to conduct any  
7 evaluation or audit of the program under this section and of individual priority  
8 watershed or priority lake projects that the board determines is necessary.

9 **SECTION 369pf.** 281.65 (4) (as) of the statutes is amended to read:

10 281.65 (4) (as) Consult with the ~~department of agriculture, trade and consumer~~  
11 ~~protection~~ University of Wisconsin-Extension in developing any federal grant  
12 application under par. (ar). Every application is subject to s. 16.54 and shall include  
13 the proposed expenditures of federal nonpoint source water pollution abatement  
14 grant moneys and the allocation of such moneys between the department and the  
15 ~~department of agriculture, trade and consumer protection~~ University of  
16 Wisconsin-Extension.

17 **SECTION 369ph.** 281.65 (4) (dr) of the statutes is amended to read:

18 281.65 (4) (dr) Appoint a committee for each priority watershed and priority  
19 lake, to advise the department, ~~the department of agriculture, trade and consumer~~  
20 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint  
21 source pollution abatement financial assistance program. Each committee shall  
22 include at least 2 farmers as members if the priority watershed or priority lake area  
23 includes property in agricultural use. Each committee shall include at least 2  
24 representatives of a public inland lake protection and rehabilitation district that is  
25 within the priority watershed or priority lake area or, if one does not exist, of riparian

1 property owners. Each committee for a priority watershed or priority lake area with  
2 any area in the Milwaukee River basin shall include a member of the county board  
3 from each county with any area in that priority watershed or priority lake area.

4 **SECTION 369pi.** 281.65 (4) (e) of the statutes is amended to read:

5 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~  
6 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension, as  
7 are necessary for the proper execution and administration of the program under this  
8 section. Before promulgating rules under this paragraph, the department shall  
9 submit the rules to the land and water conservation board for review under sub. (3)  
10 (at). The rules shall include standards and specifications concerning best  
11 management practices which are required for eligibility for cost-sharing grants  
12 under this section. The standards and specifications shall be consistent with the  
13 performance standards, prohibitions, conservation practices and technical  
14 standards under s. 281.16. The department may waive the standards and  
15 specifications in exceptional cases. The rules shall specify which best management  
16 practices are cost-effective best management practices. Only persons involved in the  
17 administration of the program under this section, persons who are grant recipients  
18 or applicants and persons who receive notices of intent to issue orders under s. 281.20  
19 (1) (b) are subject to the rules promulgated under this paragraph. Any rule  
20 promulgated under this paragraph which relates or pertains to agricultural  
21 practices relating to animal waste handling and treatment is subject to s. 13.565.

22 **SECTION 369pk.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

23 281.65 (4) (g) (intro.) In cooperation with the ~~department of agriculture, trade~~  
24 ~~and consumer protection~~ and the appropriate governmental unit, prepare priority  
25 watershed and priority lakes plans to implement nonpoint source water pollution

1 abatement projects in priority watersheds and priority lake areas. In preparing the  
2 plans, the department shall:

3 **SECTION 369pL.** 281.65 (4) (g) 2. of the statutes is amended to read:

4 281.65 (4) (g) 2. Promote significant participation from ~~the department of~~  
5 ~~agriculture, trade and consumer protection and~~ other state agencies, governmental  
6 units and other persons located in any priority watershed or in any priority lake area  
7 that is the subject of the plan.

8 **SECTION 369pn.** 281.65 (4) (g) 4. of the statutes is amended to read:

9 281.65 (4) (g) 4. In cooperation with the ~~department of agriculture, trade and~~  
10 ~~consumer protection~~ University of Wisconsin-Extension, incorporate the  
11 appropriate best management practices into the plan.

12 **SECTION 369pp.** 281.65 (4) (i) of the statutes is repealed.

13 **SECTION 369pr.** 281.65 (4) (L) of the statutes is amended to read:

14 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~  
15 ~~department of agriculture, trade and consumer protection~~, submit a budget report  
16 to the board that includes anticipated expenditures for projects under this section  
17 during the next year, criteria for ending projects under this section and, if anticipated  
18 expenditures exceed anticipated funding, a plan for reducing expenditures.

19 **SECTION 369pt.** 281.65 (4) (o) of the statutes is amended to read:

20 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~  
21 ~~trade and consumer protection~~, submit a report on the progress of the program under  
22 this section to the land and water conservation board.

23 **SECTION 369pu.** 281.65 (4) (p) of the statutes is amended to read:

24 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~  
25 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~

1 ~~shall review and approve or disapprove the plan and shall notify the land and water~~  
2 ~~conservation board of its final action on the plan. The department shall implement~~  
3 ~~any part of the plan for which the plan gives it responsibility.~~

4 **SECTION 369pv.** 281.65 (4) (pm) of the statutes is amended to read:

5 281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~  
6 ~~protection, develop~~ Develop the forms required and implement the process under s.  
7 92.14 (14).

8 **SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001  
9 Wisconsin Act 16, is amended to read:

10 281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~  
11 ~~agriculture, trade and consumer protection,~~ determines that funding provided under  
12 s. 92.14 is insufficient to fund the project.

13 **SECTION 369pz.** 281.65 (4m) (c) of the statutes is amended to read:

14 281.65 (4m) (c) The department shall submit a copy of any plan it completes  
15 under this subsection to any county located in or containing any watershed which is  
16 a subject of the plan and to the ~~department of agriculture, trade and consumer~~  
17 ~~protection~~ University of Wisconsin–Extension. ~~The department of agriculture, trade~~  
18 ~~and consumer protection~~ University of Wisconsin–Extension shall review the plan  
19 and notify the department of ~~natural resources~~ of its comments on the plan. A county  
20 receiving a plan under this subsection shall review the plan, approve or disapprove  
21 the plan and notify the department of ~~natural resources~~ of its action on the plan.

22 **SECTION 369qc.** 281.65 (4m) (d) of the statutes is amended to read:

23 281.65 (4m) (d) After the department considers the comments of the  
24 ~~department of agriculture, trade and consumer protection~~ University of  
25 Wisconsin–Extension on a plan under par. (c) and receives approval of the plan by

1 every county to which it was sent and by the land and water conservation board, the  
2 department shall designate the plan to be an element of the appropriate areawide  
3 water quality management plan under P.L. 92–500, section 208.

4 **SECTION 369qd.** 281.65 (5) (intro.) of the statutes is amended to read:

5 281.65 (5) (intro.) The department of ~~agriculture, trade and consumer~~  
6 ~~protection, in consultation with the University of Wisconsin–Extension,~~ shall:

7 **SECTION 369qe.** 281.65 (5m) of the statutes is amended to read:

8 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), and  
9 (5) and the governmental unit or regional planning commission under sub. (4m) and  
10 ~~the department of agriculture, trade and consumer protection under sub. (5), and~~  
11 upon receiving the approval of the land and water conservation board, the  
12 department shall prepare and approve the final plan for a priority watershed or  
13 priority lake.

14 **SECTION 369qh.** 281.65 (7) (a) 2. of the statutes is amended to read:

15 281.65 (7) (a) 2. A county land conservation committee receiving a request  
16 under subd. 1. shall provide the owner or operator with a hearing and shall provide  
17 reasonable notice of the hearing to the owner or operator, the department and the  
18 ~~department of agriculture, trade and consumer protection~~ University of  
19 Wisconsin–Extension. The county land conservation committee shall conduct the  
20 hearing under this subdivision as an informal hearing. Section 68.11 (2) does not  
21 apply to the hearing. The land conservation committee shall hold the hearing in a  
22 place convenient to the owner or operator. Within 60 days after the hearing, the  
23 department shall, and the ~~department of agriculture, trade and consumer protection~~  
24 University of Wisconsin–Extension may, submit a report and recommendation to the  
25 land conservation committee concerning the issues at the hearing. The land

1 conservation committee may affirm or reverse the designation of the site as a critical  
2 site.

3 **SECTION 369qj.** 281.65 (10) of the statutes is amended to read:

4 281.65 (10) To the greatest extent practicable, the department, ~~the department~~  
5 ~~of agriculture, trade and consumer protection~~ and the administering and  
6 implementing governmental unit shall encourage and utilize the Wisconsin  
7 conservation corps for appropriate projects.

8 **SECTION 369qI.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act  
9 16, is amended to read:

10 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay  
11 River is a priority watershed for the period ending on June 30, 2005.  
12 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and  
13 (e), the department, in consultation with the local units of government involved with  
14 the priority watershed project, shall establish guidelines for the types of nonpoint  
15 source water pollution abatement practices to be eligible for cost-sharing grants in  
16 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in  
17 the watershed may be based on the amount of pollution reduction achieved rather  
18 than on the cost of the practices installed, using guidelines developed by the  
19 department, in consultation with the local units of government involved with the  
20 priority watershed project. In providing funding under s. 92.14 (3), the department  
21 ~~of agriculture, trade and consumer protection~~ shall determine the amount of  
22 matching funds required for staff for the priority watershed project as though the  
23 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The  
24 department and the local governmental staff involved with the priority watershed

1 project shall evaluate the cost effectiveness of the project and the reduction in  
2 nonpoint source water pollution associated with the project.

3 **SECTION 369sc.** 281.67 of the statutes is repealed.

4 **SECTION 369tc.** 281.695 (5) of the statutes is amended to read:

5 281.695 (5) Any municipality may participate in the state financial assistance  
6 program for soil and water resources protection established under s. 281.55, 281.57  
7 or 281.65 and may enter into agreements with the department of natural resources  
8 for that purpose. Any municipality may participate in the clean water fund program  
9 under ss. 281.58 and 281.59 and may enter into agreements with the department of  
10 administration and the department of natural resources for that purpose. Any  
11 county may participate in the state financial assistance program for soil and water  
12 resources protection established under s. 92.14 and may enter into agreements with  
13 the department of ~~agriculture, trade and consumer protection~~ natural resources for  
14 that purpose.”

15 **16.** Page 352, line 18: after that line insert:

16 “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN-EXTENSION.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
18 liabilities of the department of agriculture, trade and consumer protection that are  
19 primarily related to the functions of the conservation engineering section in the land  
20 and water resources bureau and that are primarily related to the soil erosion control  
21 and federal and county liaison functions of the conservation management section in  
22 the land and water resources bureau, as determined by the secretary of  
23 administration, shall become the assets and liabilities of the University of Wisconsin  
24 System.

1 (b) *Position transfers.* On the effective date of this paragraph:

2 1. The authorized FTE positions for the department of agriculture, trade and  
3 consumer protection are decreased by 0.2 GPR position related to land and water  
4 resource management planning, 0.1 GPR position related to soil erosion, 1.0 GPR  
5 position related to certification, 0.5 GPR position related to engineering design, and  
6 0.5 GPR position related to computer design programming funded from the  
7 appropriation under section 20.115 (7) (a) of the statutes.

8 2. The authorized FTE positions for the department of agriculture, trade and  
9 consumer protection are decreased by 1.75 PR positions related to land and water  
10 resource management planning, 0.25 PR position related to soil erosion, 0.5 PR  
11 position related to certification, and 0.5 PR position related to engineering design  
12 funded from the appropriation under section 20.115 (7) (k) of the statutes.

13 3. The authorized FTE positions for the department of agriculture, trade and  
14 consumer protection are decreased by 0.5 SEG position related to performance  
15 standard evaluation, 1.0 SEG position related to county liaison, 4.0 SEG positions  
16 related to certification, and 4.0 SEG positions related to engineering design funded  
17 from the appropriation under section 20.115 (7) (qd) of the statutes.

18 4. There are authorized for the University of Wisconsin System 0.2 FTE GPR  
19 position related to land and water resource management planning, 0.1 FTE GPR  
20 position related to soil erosion, 1.0 FTE GPR position related to certification, 0.5 FTE  
21 GPR position related to engineering design, and 0.5 FTE GPR position related to  
22 computer design programming to be funded from the appropriation under section  
23 20.285 (1) (eq) of the statutes, as created by this act.

24 5. There are authorized for the University of Wisconsin System 1.75 FTE PR  
25 positions related to land and water resource management planning, 0.25 FTE PR

1 position related to soil erosion, 0.5 FTE PR position related to certification, and 0.5  
2 FTE PR position related to engineering design to be funded from the appropriation  
3 under section 20.285 (1) (k) of the statutes.

4 6. There are authorized for the University of Wisconsin System 0.5 FTE SEG  
5 position related to performance standard evaluation, 1.0 FTE SEG position related  
6 to county liaison, 4.0 FTE SEG positions related to certification, and 4.0 FTE SEG  
7 positions related to engineering design to be funded from the appropriation under  
8 section 20.285 (1) (rm) of the statutes, as created by this act.

9 (c) *Employee transfers.* All incumbent employees holding positions in the  
10 department of agriculture, trade and consumer protection that are specified in  
11 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the  
12 University of Wisconsin System.

13 (d) *Employee status.* Employees transferred under paragraph (c) shall have the  
14 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
15 statutes in the University of Wisconsin System that they enjoyed in the department  
16 of agriculture, trade and consumer protection immediately before the transfer.  
17 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
18 has attained permanent status in class is required to serve a probationary period.

19 (e) *Tangible personal property.* On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department of agriculture, trade  
21 and consumer protection that is primarily related to the functions of the conservation  
22 engineering section in the land and water resources bureau and that is primarily  
23 related to the soil erosion control and federal and county liaison functions of the  
24 conservation management section in the land and water resources bureau, as

1 determined by the secretary of administration, shall be transferred to the University  
2 of Wisconsin System.

3 (f) *Contracts.* All contracts entered into by the department agriculture, trade  
4 and consumer protection in effect on the effective date of this paragraph that are  
5 primarily related to the functions of the conservation engineering section in the land  
6 and water resources bureau and that are primarily related to the soil erosion control  
7 and federal and county liaison functions of the conservation management section in  
8 the land and water resources bureau, as determined by the secretary of  
9 administration, remain in effect and are transferred to the University of Wisconsin  
10 System. The University of Wisconsin System shall carry out any such contractual  
11 obligations except to the extent that the contracts are modified or rescinded by the  
12 University of Wisconsin System in a manner allowed under the contracts.

13 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
14 trade and consumer protection that are primarily related to the functions of the  
15 conservation engineering section in the land and water resources bureau and that  
16 are primarily related to the soil erosion control and federal and county liaison  
17 functions of the conservation management section in the land and water resources  
18 bureau, as determined by the secretary of administration, and that are in effect on  
19 the effective date of this paragraph remain in effect until their specified expiration  
20 dates or until amended or repealed by the University of Wisconsin System. All orders  
21 issued by the department of agriculture, trade and consumer protection that are  
22 primarily related to the functions of the conservation engineering section in the land  
23 and water resources bureau and that are primarily related to the soil erosion control  
24 and federal and county liaison functions of the conservation management section in  
25 the land and water resources bureau, as determined by the secretary of

1 administration, and that are in effect on the effective date of this paragraph remain  
2 in effect until their specified expiration dates or until modified or rescinded by the  
3 University of Wisconsin System.

4 (h) *Pending matters.* Any matter pending with the department of agriculture,  
5 trade and consumer protection on the effective date of this paragraph that is  
6 primarily related to the functions of the conservation engineering section in the land  
7 and water resources bureau or that is primarily related to the soil erosion control and  
8 federal and county liaison functions of the conservation management section in the  
9 land and water resources bureau, as determined by the secretary of administration,  
10 is transferred to the University of Wisconsin System and all materials submitted to  
11 or actions taken by the department of agriculture, trade and consumer protection  
12 with respect to the pending matter are considered as having been submitted to or  
13 taken by the University of Wisconsin System.

14 (1qq) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
16 liabilities of the department of agriculture, trade and consumer protection that are  
17 primarily related to the conservation reserve enhancement program and land and  
18 water resource management planning functions of the conservation management  
19 section in the land and water resources bureau and that are primarily related to the  
20 grant administration and drainage district program functions of the resource  
21 evaluation and grants section in the land and water resources bureau, as determined  
22 by the secretary of administration, shall become the assets and liabilities of the  
23 department of natural resources.

24 (b) *Position transfers.* On the effective date of this paragraph:

1           1. The authorized FTE positions for the department of agriculture, trade and  
2 consumer protection are decreased by 1.25 GPR positions related to soil and water  
3 resource management grants, 1.2 GPR positions related to drainage districts, and  
4 1.13 GPR positions related to the conservation reserve enhancement program  
5 funded from the appropriation under section 20.115 (7) (a) of the statutes.

6           2. The authorized FTE positions for the department of agriculture, trade and  
7 consumer protection are decreased by 0.75 PR position related to the conservation  
8 reserve enhancement program funded from the appropriation under section 20.115  
9 (7) (g) of the statutes.

10           3. The authorized FTE positions for the department of agriculture, trade and  
11 consumer protection are decreased by 1.0 SEG position related to soil and water  
12 resource management grants and 0.5 SEG position related to the conservation  
13 reserve enhancement program funded from the appropriation under section 20.115  
14 (7) (qd) of the statutes.

15           4. There are authorized for the department of natural resources 1.25 FTE GPR  
16 positions related to soil and water resource management grants, 1.2 FTE GPR  
17 positions related to drainage districts, and 1.13 FTE GPR positions related to the  
18 conservation reserve enhancement program to be funded from the appropriation  
19 under section 20.370 (4) (ma) of the statutes.

20           5. There is authorized for the department of natural resources 0.75 FTE PR  
21 position related to the conservation reserve enhancement program to be funded from  
22 the appropriation under section 20.370 (4) (cg) of the statutes, as created by this act.

23           6. There are authorized for the department of natural resources 1.0 FTE SEG  
24 position related to soil and water resource management grants and 0.5 FTE SEG

1 position related to the conservation reserve enhancement program to be funded from  
2 the appropriation under section 20.370 (4) (mr) of the statutes, as created by this act.

3 (c) *Employee transfers.* All incumbent employees holding positions in the  
4 department of agriculture, trade and consumer protection that are specified in  
5 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the  
6 department of natural resources.

7 (d) *Employee status.* Employees transferred under paragraph (c) shall have the  
8 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
9 statutes in the department of natural resources that they enjoyed in the department  
10 of agriculture, trade and consumer protection immediately before the transfer.  
11 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
12 has attained permanent status in class is required to serve a probationary period.

13 (e) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of agriculture, trade  
15 and consumer protection that is primarily related to the conservation reserve  
16 enhancement program and land and water resource management planning  
17 functions of the conservation management section in the land and water resources  
18 bureau and that is primarily related to the grant administration and drainage  
19 district program functions of the resource evaluation and grants section in the land  
20 and water resources bureau, as determined by the secretary of administration, shall  
21 be transferred to the department of natural resources.

22 (f) *Contracts.* All contracts entered into by the department agriculture, trade  
23 and consumer protection in effect on the effective date of this paragraph that are  
24 primarily related to the conservation reserve enhancement program and land and  
25 water resource management planning functions of the conservation management

1 section in the land and water resources bureau and that are primarily related to the  
2 grant administration and drainage district program functions of the resource  
3 evaluation and grants section in the land and water resources bureau, as determined  
4 by the secretary of administration, remain in effect and are transferred to the  
5 department of natural resources. The department of natural resources shall carry  
6 out any such contractual obligations except to the extent that the contracts are  
7 modified or rescinded by the department of natural resources in a manner allowed  
8 under the contracts.

9 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
10 trade and consumer protection that are primarily related to the conservation reserve  
11 enhancement program and land and water resource management planning  
12 functions of the conservation management section in the land and water resources  
13 bureau and that are primarily related to the grant administration and drainage  
14 district program functions of the resource evaluation and grants section in the land  
15 and water resources bureau, as determined by the secretary of administration, and  
16 that are in effect on the effective date of this paragraph remain in effect until their  
17 specified expiration dates or until amended or repealed by the department of natural  
18 resources. All orders issued by the department of agriculture, trade and consumer  
19 protection that are primarily related to the conservation reserve enhancement  
20 program and land and water resource management planning functions of the  
21 conservation management section in the land and water resources bureau and that  
22 are primarily related to the grant administration and drainage district program  
23 functions of the resource evaluation and grants section in the land and water  
24 resources bureau, as determined by the secretary of administration, and that are in  
25 effect on the effective date of this paragraph remain in effect until their specified

1 expiration dates or until modified or rescinded by the department of natural  
2 resources.

3 (h) *Pending matters.* Any matter pending with the department of agriculture,  
4 trade and consumer protection on the effective date of this paragraph that is  
5 primarily related to the conservation reserve enhancement program and land and  
6 water resource management planning functions of the conservation management  
7 section in the land and water resources bureau or that is primarily related to the  
8 grant administration and drainage district program functions of the resource  
9 evaluation and grants section in the land and water resources bureau, as determined  
10 by the secretary of administration, is transferred to the department of natural  
11 resources and all materials submitted to or actions taken by the department of  
12 agriculture, trade and consumer protection with respect to the pending matter are  
13 considered as having been submitted to or taken by the department of natural  
14 resources.

15 (1qr) ELIMINATION OF BUREAU DIRECTOR POSITION. The authorized FTE positions  
16 for the department of agriculture, trade and consumer protection are decreased by  
17 1.0 GPR position funded from the appropriation under section 20.115 (7) (a) of the  
18 statutes to eliminate the position of director of the land and water resources  
19 bureau.”.

20 **17.** Page 373, line 2: delete the material beginning with “and” and ending with  
21 “2002–03” on line 3.

22 **18.** Page 375, line 19: delete the material beginning with “and” and ending  
23 with “2002–03” on line 20.

1           **19.** Page 375, line 24: delete the material beginning with “and” and ending  
2 with “2002–03” on page 376, line 1.

3           **20.** Page 376, line 8: after that line insert:

4           “(14q) LAND AND WATER RESOURCE MANAGEMENT TRANSFER. In the schedule under  
5 section 20.005 (3) of the statutes for the appropriation to the department of  
6 agriculture, trade and consumer protection under section 20.115 (7) (a) of the  
7 statutes, as affected by the acts of 2001, the dollar amount is decreased by \$544,700  
8 for fiscal year 2002–03 to reflect the transfer of responsibilities related to land and  
9 water resource management, drainage districts, and the conservation reserve  
10 enhancement program away from the department.”.

11           **21.** Page 409, line 16: after that line insert:

12           “(38qq) LAND AND WATER RESOURCE MANAGEMENT GENERAL PURPOSE REVENUE. In  
13 the schedule under section 20.005 (3) of the statutes for the appropriation to the  
14 department of natural resources under section 20.370 (4) (ma) of the statutes, as  
15 affected by the acts of 2001, the dollar amount is increased by \$237,600 for fiscal year  
16 2002–03 to provide funding for administration of the soil and water resource  
17 management grant program and the conservation reserve enhancement program  
18 and for activities related to drainage districts.

19           “(38qr) LAND AND WATER RESOURCE MANAGEMENT ENVIRONMENTAL FUND. In the  
20 schedule under section 20.005 (3) of the statutes for the appropriation to the  
21 department of natural resources under section 20.370 (4) (mr) of the statutes, as  
22 affected by the acts of 2001, the dollar amount is increased by \$68,100 for fiscal year  
23 2002–03 to provide funding for administration of the soil and water resource  
24 management grant program and the conservation reserve enhancement program.

1 (38qs) SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. In the schedule under  
2 section 20.005 (3) of the statutes for the appropriation to the department of natural  
3 resources under section 20.370 (6) (ac) of the statutes, as renumbered by this act and  
4 as affected by the acts of 2001, the dollar amount is decreased by \$293,800 for fiscal  
5 year 2002–03 to decrease funding for the purpose for which the appropriation is  
6 made.

7 (38qt) DRAINAGE BOARD GRANTS. In the schedule under section 20.005 (3) of the  
8 statutes for the appropriation to the department of natural resources under section  
9 20.370 (6) (dd) of the statutes, as renumbered by this act and as affected by the acts  
10 of 2001, the dollar amount is decreased by \$25,000 for fiscal year 2002–03 to decrease  
11 funding for the purpose for which the appropriation is made.”

12 **22.** Page 445, line 5: after that line insert:

13 “(3q) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF  
14 NATURAL RESOURCES.

15 (a) The treatment of sections 15.07 (1) (cm), 15.135 (4), 20.115 (7) (b), (c), (d),  
16 (f), (g), and (qd), 20.285 (1) (eq) and (rm), 20.370 (4) (cg) and (mr) and (6) (as), 20.866  
17 (1) (u) and (2) (we) and (wf), 30.46 (1) (a) and (2), 36.25 (7), 88.11 (1) (intro.), (e), and  
18 (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.)  
19 and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2), 92.03 (2) and (3),  
20 92.04 (2) (e), 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) (c), (5) (b), (6) (a) 1., and (8),  
21 92.14 (2) (j), (3) (intro.), (6) (b), (d), (h) 3., (m), and (n), (8), (12), (13), (14), (14m), and  
22 (15), 92.15, 92.18 (4) and (5), 93.38 (3m), 93.70, 281.16 (3) (b), (c), and (e), 281.20 (1)  
23 (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as), (dr), (e), (g) (intro.), 2., and 4., (i), (L), (o),  
24 (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (10), and (11),

