



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1156/P1

RCT...
10/18

*CRS:
Fix
request
sheet
please
in 12/18*

DOA:.....Miner, BB0266 - Replace Land and Water Conservation board with council

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Note

Don't Gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 15.07 (1) (b) 10. of the statutes is repealed.

3 SECTION 2. 15.07 (1) (cm) of the statutes is amended to read:

4 15.07 (1) (cm) The term of one member of the government accountability board
5 shall expire on each May 1. The terms of 3 members of the development finance
6 board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every
7 even-numbered year and the terms of the other 3 members appointed under s.
8 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. ~~The terms of the~~

1 ~~3 members of the land and water conservation board appointed under s. 15.135 (4)~~
 2 ~~(b) 2. shall expire on January 1. The term of the member of the land and water~~
 3 ~~conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an~~
 4 ~~even-numbered year. The terms of members of the real estate board shall expire on~~
 5 July 1. The terms of the appraiser members of the real estate appraisers board and
 6 the terms of the auctioneer and auction company representative members of the
 7 auctioneer board shall expire on May 1 in an even-numbered year. The terms of the
 8 members of the cemetery board shall expire on July 1 in an even-numbered year.
 9 The term of the student member of the Board of Regents of the University of
 10 Wisconsin System who is at least 24 years old shall expire on May 1 of every
 11 even-numbered year.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109.

12 **SECTION 3.** 15.07 (5) (h) of the statutes is repealed.

13 **SECTION 4.** 15.135 (4) of the statutes is repealed.

14 **SECTION 5.** 15.137 (3) of the statutes is created to read:

15 15.137 (3) LAND AND WATER RESOURCE COUNCIL. (a) *Voting members.* There is
 16 created in the department of agriculture, trade and consumer protection a land and
 17 water resource council with the following voting members:

- 18 1. A representative of an agricultural organization appointed for a 4-year term.
- 19 2. A representative of an environmental organization appointed for a 4-year
- 20 term.
- 21 3. A representative of county government appointed for a 4-year term.
- 22 4. The secretary of agriculture, trade and consumer protection.
- 23 5. The secretary of natural resources.

1 6. The dean of the College of Agricultural and Life Sciences of the University
2 of Wisconsin-Madison.

3 7. The chancellor of the University of Wisconsin-Extension.

4 (b) *Nonvoting members.* In addition to the voting members under par. (a), the
5 Wisconsin state conservationist of the natural resource conservation service of the
6 federal department of agriculture and the Wisconsin state executive director of the
7 farm service agency of the federal department of agriculture may serve as nonvoting
8 members of the land and water resource council.

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

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

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (c), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27 ss. 1163 to 1168k, 9456 (3m); 1997 a. 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283; 1999 a. 9; 2001 a. 16, 103, 109; 2003 a. 33 ss. 933 to 935, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 61; 2003 a. 206 s. 23; 2005 a. 25 ss. 696, 697, 2493; 2005 a. 404; 2007 a. 20 ss. 732t, 732x, 9121 (6) (a); 2007 a. 208; 13.92 (1) (bm) (2).

16 **SECTION 7.** 91.01 (2) of the statutes is repealed.

17 **SECTION 8.** 91.03 of the statutes is amended to read:

18 **91.03 Interdepartmental cooperation.** All other departments and agencies
19 of state government shall cooperate with the ~~board~~ and the department in the
20 exchange of information concerning projects and activities, including takings under
21 eminent domain, which might jeopardize the preservation of land contemplated by
22 this chapter. The department shall periodically advise other departments and
23 agencies of state government of the location and description of land upon which there

1 exist farmland preservation agreements or zoning for exclusively agricultural use
2 and the departments and agencies shall administer their planning and projects
3 consistent with the purposes of this chapter.

4 History: 1977 c. 29.

4 **SECTION 9.** 91.05 (1) of the statutes is amended to read:

5 91.05 (1) For the purpose of assisting local units of government to preserve
6 agricultural lands, the department and the department of commerce, under
7 standards prepared by the board department, and in connection with other state
8 agencies, counties and county land conservation committees shall prepare or cause
9 to be prepared, maps that locate lands in the state which should be considered for
10 preservation because of their agricultural significance.

11 History: 1977 c. 29; 1979 c. 34; 1981 c. 314; 1981 c. 346 s. 38; 1995 a. 27 s. 9116 (5).

11 **SECTION 10.** 91.06 of the statutes is amended to read:

12 **91.06 Certification.** The board department shall review farmland
13 preservation plans and exclusive agricultural use zoning ordinances submitted to it
14 under ss. 91.61 and 91.78 and shall certify to the appropriate zoning authority
15 whether the plans and ordinances meet the standards of subchs. IV and V,
16 respectively. Certifications may be in whole or in part.

17 History: 1977 c. 29.

17 **SECTION 11.** 91.07 of the statutes is repealed and recreated to read:

18 **91.07 Rule-making authority.** The department may promulgate rules to
19 implement this chapter.

20 **SECTION 12.** 91.13 (7) of the statutes is amended to read:

21 91.13 (7) If the application for a farmland preservation agreement is rejected
22 by the local governing body or ~~the department~~, the application shall be returned to
23 the applicant with a written statement regarding the reasons for rejection. Within
24 30 days after receipt of the rejected application, the applicant may appeal the

1 rejection to the ~~board~~ department. The ~~board~~ department shall, within 60 days after
2 the appeal has been received, upon consideration of the factors listed in sub. (4) (a)
3 to (g), approve or reject the application.

4 **History:** 1977 c. 29, 169, 418, 447; 1979 c. 233 s. 8; 1981 c. 346 ss. 33, 38; 1983 a. 311; 1985 a. 29; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 56; 1991 a. 39, 286.

SECTION 13. 91.13 (8) (intro.) of the statutes is amended to read:

5 91.13 (8) (intro.) If an application is approved by the department ~~or, on appeal,~~
6 ~~by the board,~~ the department shall prepare and send to the applicant a farmland
7 preservation agreement which shall include the following provisions:

8 **History:** 1977 c. 29, 169, 418, 447; 1979 c. 233 s. 8; 1981 c. 346 ss. 33, 38; 1983 a. 311; 1985 a. 29; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 56; 1991 a. 39, 286.

SECTION 14. 91.13 (11) of the statutes is amended to read:

9 91.13 (11) An applicant may reapply for a farmland preservation agreement
10 following a one-year waiting period from notice of final determination of the original
11 application by the local governing body having jurisdiction, the department, ~~the~~
12 ~~board~~ or a court on appeal.

13 **History:** 1977 c. 29, 169, 418, 447; 1979 c. 233 s. 8; 1981 c. 346 ss. 33, 38; 1983 a. 311; 1985 a. 29; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 56; 1991 a. 39, 286.

SECTION 15. 91.19 (3) of the statutes is amended to read:

14 91.19 (3) If the request for relinquishment of the farmland preservation
15 agreement or release of part of the land from the agreement is approved by the local
16 governing body having jurisdiction, a copy of the application, along with the
17 comments and recommendations of the reviewing agencies, shall be forwarded to the
18 ~~board~~ department. The ~~board~~ department shall, within 60 days, upon consideration
19 of the factors in sub. (2) (b) and (c) 2., approve or reject the application for
20 relinquishment or release. If the ~~board~~ department approves the application it shall
21 notify the local governing body having jurisdiction and the department of revenue,
22 prepare an instrument under sub. (7) and record it with the register of deeds of the
23 county in which the land is located.

History: 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

1 **SECTION 16.** 91.19 (5) of the statutes is amended to read:

2 **91.19 (5)** If the application for relinquishment of the agreement or release of
3 part of the land from the agreement is rejected by the local governing body having
4 jurisdiction, the application shall be returned to the applicant with a written
5 statement regarding the reasons for rejection. Within 30 days after receipt of the
6 rejected application, the applicant may appeal the rejection to the board department.
7 The board department shall, within 60 days after the appeal has been received, upon
8 consideration of the factors listed in sub. (2) (b) and (c) 2., approve or reject the
9 request for relinquishment or release. If the board department approves the
10 application it shall notify the local governing body having jurisdiction and the
11 department of revenue, prepare an instrument under sub. (7) and record it with the
12 register of deeds of the county in which the land is located.

13 **History:** 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

13 **SECTION 17.** 91.19 (6s) (a) 1. of the statutes is amended to read:

14 **91.19 (6s) (a) 1.** An application for release of the land, made by either the owner
15 or the local unit of government, is approved by the local governing body having
16 jurisdiction and the board under the procedures of subs. (2) to (5).

17 **History:** 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

17 **SECTION 18.** 91.19 (6s) (b) of the statutes is amended to read:

18 **91.19 (6s) (b)** If an owner of land subject to a farmland preservation agreement
19 opposes an application brought by a local unit of government for release of that land,
20 the owner may appeal the approval of that application by the local governing body
21 having jurisdiction to the board department according to the procedures in par. (c).

22 **History:** 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

22 **SECTION 19.** 91.19 (6s) (c) of the statutes is amended to read:

23 **91.19 (6s) (c)** If the application for release of any land from the agreement is
24 approved by the local governing body having jurisdiction, the application shall be

1 returned to the applicant, and a copy of the application to the owner, with a written
2 statement regarding the reasons for approval. Within 30 days after receipt of a copy
3 of the approved application, the owner may appeal the approval to the board
4 department. The board department shall, within 60 days after the appeal has been
5 received, upon consideration of the factors listed in sub. (2) (b) and (c) 2., approve or
6 reject the request to disapprove the release. If the board department approves the
7 owner's appeal it shall notify the local governing body having jurisdiction.

8 **History:** 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

8 **SECTION 20.** 91.19 (6s) (d) of the statutes is amended to read:

9 91.19 (6s) (d) The board department may waive its approval authority under
10 this subsection for applications affecting less than 5 acres of land.

11 **History:** 1977 c. 29, 169, 418; 1979 c. 221; 1983 a. 311; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 286; 1993 a. 16; 1995 a. 27; 2003 a. 33; 2005 a. 441.

11 **SECTION 21.** 91.61 of the statutes is amended to read:

12 **91.61 Certification.** Upon completion of county agricultural preservation
13 plans described in this subchapter, copies of the plan may be submitted to the board
14 department for review and certification under s. 91.06.

15 **History:** 1977 c. 29.

15 **SECTION 22.** 91.78 of the statutes is amended to read:

16 **91.78 Certification.** Copies of exclusive agricultural zoning ordinances may
17 be submitted to the board department for review and certification under s. 91.06.

18 **History:** 1977 c. 29.

18 **SECTION 23.** 92.03 (2) of the statutes is repealed.

19 **SECTION 24.** 92.04 of the statutes is repealed.

20 **SECTION 25.** 92.045 of the statutes is created to read:

21 **92.045 Land and water resources council.** The land and water resources
22 council shall advise the department of agriculture, trade and consumer protection
23 and the department of natural resources on all of the following:

1 (1) The implementation of this chapter and ch. 281, including on the joint
2 annual grant allocation plan under ss. 92.14 (13) and 281.65 (4) (p).

3 (2) Research, information, and education needs related to the implementation
4 of this chapter and ch. 281.

5 (3) Coordination of federal, state, and local programs related to land and water
6 resources that are relevant to the implementation of this chapter and ch. 281.

7 (4) Other matters related to land and water resources, at the joint request of
8 the department of agriculture, trade and consumer protection and the department
9 of natural resources.

10 SECTION 26. 92.05 (3) (c) of the statutes is amended to read:

11 92.05 (3) (c) *Rules*. The department shall promulgate rules governing
12 implementation of this chapter and distribution of state or federal funds by the
13 department to the counties. ~~The department shall comply with the procedures under~~
14 ~~s. 92.04 (3) in promulgating these rules.~~

15 History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1987 a. 27; 1991 a. 309; 1995 a. 227; 1997 a. 27; 1999 a. 9.

16 SECTION 27. 92.05 (3) (c) of the statutes is amended to read:

17 92.05 (3) (c) *Rules*. The department shall promulgate rules governing
18 implementation of this chapter and distribution of state or federal funds by the
19 department to the counties. ~~The department shall comply with the procedures under~~
~~s. 92.04 (3) in promulgating these rules.~~

20 History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1987 a. 27; 1991 a. 309; 1995 a. 227; 1997 a. 27; 1999 a. 9.

21 SECTION 28. 92.05 (3) (i) of the statutes is repealed.

22 SECTION 29. 92.05 (3) (m) of the statutes is created to read:

23 92.05 (3) (m) *Tolerable erosion level*. The department shall establish a tolerable
24 erosion level based on an erosion rate that is acceptable and that maintains
long-term soil productivity.

1 **SECTION 30.** 92.10 (1) of the statutes is amended to read:

2 **92.10 (1) CREATION.** There is created a land and water resource management
3 planning program. The department, ~~board~~ and land conservation committees jointly
4 shall develop and administer this program.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27 ss. 2488s to 2489L, 9456 (3m); 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 1742, 2493.

5 **SECTION 31.** 92.10 (5) of the statutes is repealed.

6 **SECTION 32.** 92.10 (6) (a) 3. of the statutes is amended to read:

7 **92.10 (6) (a) 3.** Identifies the best management practices to achieve the
8 objectives under subd. 2. and to achieve the tolerable erosion level under s. ~~92.04 (2)~~
9 (i) 92.05 (3) (m).

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27 ss. 2488s to 2489L, 9456 (3m); 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 1742, 2493.

10 **SECTION 33.** 92.10 (6) (d) of the statutes is amended to read:

11 **92.10 (6) (d) Plan submission.** A land conservation committee shall submit the
12 land and water resource management plan to the ~~board and~~ department.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27 ss. 2488s to 2489L, 9456 (3m); 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 1742, 2493.

13 **SECTION 34.** 92.105 (1) to (3) of the statutes are amended to read:

14 **92.105 (1) ESTABLISHMENT.** A land conservation committee shall establish soil
15 and water conservation standards. The standards ~~for agricultural facilities and~~
16 ~~practices that are constructed or begun on or after October 14, 1997, and, if~~
17 ~~cost-sharing is available to the farmer under s. 92.14 or 281.65 or from any other~~
18 ~~source, for agricultural facilities and practices that are constructed or begun before~~
19 ~~that date~~ shall be consistent with the performance standards, prohibitions,
20 conservation practices and technical standards under s. 281.16 (3). It shall submit
21 these standards to the ~~board~~ department for review.

****NOTE: It looks like the first striking here makes a substantive change unrelated to the elimination of the LWCB. Is that intended? Should the entire sentence be deleted?

1 (2) GUIDELINES; REVIEW. The board department shall develop guidelines to be
2 used for the establishment and administration of soil and water conservation
3 standards. The board department shall review and shall approve or disapprove
4 submitted soil and water conservation standards based on the guidelines it develops.
5 If the board department approves soil and water conservation standards, it shall
6 notify any appropriate zoning authority of its approval.

7 (3) APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT. A
8 farmland preservation credit may not be allowed under subch. IX of ch. 71 for claims
9 relating to any land to which this section applies unless the land conservation
10 committee for the county where the property is located establishes soil and water
11 conservation standards which are approved by the board department.

History: 1985 a. 29, 332; 1987 a. 312 s. 17; 1997 a. 27; 1999 a. 9.

12 **SECTION 35.** 92.14 (6) (b) of the statutes is amended to read:

13 92.14 (6) (b) The department and the department of natural resources shall
14 prepare an annual grant allocation plan identifying the amounts to be provided to
15 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the
16 departments shall attempt to provide funding under this section for an average of
17 3 staff persons per county with full funding for the first staff person, 70% funding for
18 the 2nd staff person and 50% funding for any additional staff persons and to provide
19 an average of \$100,000 per county for cost-sharing grants. The department shall
20 ~~submit that plan to the board.~~

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16.

21 **SECTION 36.** 92.14 (6) (d) of the statutes is repealed.

22 **SECTION 37.** 92.14 (12) of the statutes is repealed.

23 **SECTION 38.** 92.14 (13) of the statutes is amended to read:

1 **92.14 (13) EVALUATION PLAN.** The department, jointly with the department of
2 natural resources, shall prepare a plan, which includes water quality monitoring and
3 analysis, for evaluating the program administered under this section and s. 281.65
4 ~~and submit the plan to the board. The board shall make recommendations to the~~
5 ~~department and the department of natural resources on the plan. The department~~
6 ~~shall review and approve or disapprove the plan and shall notify the board of its final~~
7 ~~action on the plan.~~ The department shall implement any part of the plan for which
8 the plan gives it responsibility.

9 **History:** 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 225, 227; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16.

9 **SECTION 39.** 92.17 (2) (c) of the statutes is repealed.

10 **SECTION 40.** 281.20 (5) of the statutes is repealed.

11 **SECTION 41.** 281.65 (2) (be) of the statutes is amended to read:

12 281.65 (2) (be) "Priority lake" means any lake or group of lakes that are

13 identified under sub. s. 281.65 (3) (am), 2007 stats.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

14 **SECTION 42.** 281.65 (2) (c) of the statutes is amended to read:

15 281.65 (2) (c) "Priority watershed" means any watershed that is identified

16 under sub. s. 281.65 (3) (am), 2007 stats., or sub. (4) (cm) or (co).

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

17 **SECTION 43.** 281.65 (3) of the statutes is repealed.

18 **SECTION 44.** 281.65 (3m) of the statutes is repealed.

19 **SECTION 45.** 281.65 (4) (c) of the statutes is amended to read:

20 281.65 (4) (c) Prepare a list of the watersheds in this state in order of the level

21 of impairment of the waters in each watershed caused by nonpoint source pollution,

22 taking into consideration the location of impaired water bodies that the department

1 has identified to the federal environmental protection agency under 33 USC 1313 (d)

2 (1) (A), ~~and submit the list to the board~~ no later than January 1, 1998.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

3 **SECTION 46.** 281.65 (4) (cd) of the statutes is amended to read:

4 281.65 (4) (cd) Prepare a list of the lakes in this state in order of the level of

5 impairment of the waters in the lakes caused by nonpoint source pollution, taking

6 into consideration the location of impaired water bodies that the department has

7 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)

8 (A), ~~and submit the list to the board~~ no later than January 1, 1998.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

9 **SECTION 47.** 281.65 (4) (cg) of the statutes is repealed.

10 **SECTION 48.** 281.65 (4) (e) of the statutes is amended to read:

11 281.65 (4) (e) Promulgate rules, in consultation with the department of

12 agriculture, trade and consumer protection, as are necessary for the proper

13 execution and administration of the program under this section. Before

14 ~~promulgating rules under this paragraph, the department shall submit the rules to~~

15 ~~the land and water conservation board for review under sub. (3) (at).~~ The rules shall

16 include standards and specifications concerning best management practices which

17 are required for eligibility for cost-sharing grants under this section. The standards

18 and specifications shall be consistent with the performance standards, prohibitions,

19 conservation practices and technical standards under s. 281.16. The department

20 may waive the standards and specifications in exceptional cases. The rules shall

21 specify which best management practices are cost-effective best management

22 practices. Only persons involved in the administration of the program under this

23 section, persons who are grant recipients or applicants and persons who receive

1 notices of intent to issue orders under s. 281.20 (1) (b) are subject to the rules
2 promulgated under this paragraph. Any rule promulgated under this paragraph
3 which relates or pertains to agricultural practices relating to animal waste handling
4 and treatment is subject to s. 13.565.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

5 **SECTION 49.** 281.65 (4) (f) of the statutes is amended to read:

6 281.65 (4) (f) Administer the distribution of grants and aids to governmental
7 units for local administration and implementation of the program under this section.
8 A grant awarded under this section may be used for cost-sharing for management
9 practices and capital improvements, easements, or other activities determined by
10 the department to satisfy the requirements of this section. A grant under this section
11 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for
12 plan preparation, technical assistance, educational and training assistance, and
13 ordinance development and administration. A grant may not be used for
14 promotional items, except for promotional items that are used for informational
15 purposes, such as brochures or videos.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

16 **SECTION 50.** 281.65 (4) (k) of the statutes is repealed.

17 **SECTION 51.** 281.65 (4) (L) of the statutes is repealed.

18 **SECTION 52.** 281.65 (4) (o) of the statutes is repealed.

19 **SECTION 53.** 281.65 (4) (p) of the statutes is amended to read:

20 281.65 (4) (p) Jointly with the department of agriculture, trade and consumer
21 protection, prepare the plan required under s. 92.14 (13). The department shall
22 review and approve or disapprove the plan and shall notify the land and water

1 ~~conservation board of its final action on the plan.~~ The department shall implement
2 any part of the plan for which the plan gives it responsibility.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

3 **SECTION 54.** 281.65 (4) (q) of the statutes is repealed.

4 **SECTION 55.** 281.65 (4) (s) of the statutes is repealed.

5 **SECTION 56.** 281.65 (4c) (b) of the statutes is amended to read:

6 281.65 (4c) (b) The department shall use the system under par. (d) to determine
7 the score of each project for which it receives an application under par. (a) and shall
8 ~~inform the land and water conservation board of the scores no later than September~~
9 ~~1 of each year.~~

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

10 **SECTION 57.** 281.65 (4c) (c) of the statutes is amended to read:

11 281.65 (4c) (c) After determining project scores under par. (b), the department
12 ~~shall notify the land and water conservation board of the projects that the~~
13 ~~department proposes to select for funding in the following year. The board shall~~
14 ~~review the proposal and make recommendations to the department. Before and~~
15 before November 1 of each year, the department shall select projects for funding
16 under this subsection in the following year. To the extent practicable, within the
17 requirements of this section, the department shall select projects so that projects are
18 distributed evenly around this state.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

19 **SECTION 58.** 281.65 (4m) (d) of the statutes is amended to read:

20 281.65 (4m) (d) After the department considers the comments of the
21 department of agriculture, trade and consumer protection on a plan under par. (c)
22 and receives approval of the plan by every county to which it was sent and by the land

1 ~~and water conservation board~~, the department shall designate the plan to be an
2 element of the appropriate areawide water quality management plan under P.L.
3 92-500, section 208.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

4 **SECTION 59.** 281.65 (5m) of the statutes is amended to read:

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

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

10 **SECTION 60.** 281.65 (5q) (a) of the statutes is amended to read:

11 281.65 (5q) (a) Notwithstanding sub. (5s), ~~neither the department nor the land~~
12 ~~and water conservation board~~ may not extend funding under this section for a
13 priority watershed or priority lake project beyond the funding termination date that
14 was in effect for the priority watershed or priority lake project on January 1, 2001,
15 except as provided in par. (b).

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

16 **SECTION 61.** 281.65 (5s) of the statutes is amended to read:

17 281.65 (5s) The department may make modifications, including designating
18 additional sites as critical sites, in a priority watershed or priority lake plan with the
19 approval of every county to which the department sent the original plan under sub.
20 (4m) (c) ~~and of the land and water conservation board~~. If the owner or operator of
21 a site prevails in a final review under sub. (7) or the site is not designated as a critical
22 site in the original plan under sub. (5m) and the pollution is from an agricultural

1 source and is not caused by animal waste, the department may not make a
2 modification designating the site as a critical site unless the designation is based on
3 a substantial increase in pollution from the site, on information about pollution from
4 the site that was not available when the plan was prepared or on a substantial
5 change to the criteria for designating a site as a critical site. This subsection applies
6 to a priority watershed or priority lake plan completed before, on or after August 12,
7 1993.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

8 **SECTION 62.** 281.65 (5w) of the statutes is amended to read:

9 281.65 (5w) After the ~~land and water conservation board~~ department ~~approves~~ completes
10 a priority watershed or priority lake plan or a modification to such a plan
11 that designates a site to be a critical site, the department shall notify the owner or
12 operator of that site of the designation and of the provisions in sub. (7) and either s.
13 281.20 or, if the pollution is caused primarily by animal waste, ss. NR 243.21 to
14 243.26, Wis. adm. code.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

15 **SECTION 63.** 281.65 (7) (b) of the statutes is repealed.

16 **SECTION 64.** 281.65 (7) (c) of the statutes is amended to read:

17 281.65 (7) (c) The owner or operator of a site designated as a critical site in a
18 priority watershed or priority lake plan under sub. (5m) or in a modification to such
19 a plan under sub. (5s) may request a contested case hearing under ch. 227 to review
20 the decision of the ~~land and water conservation board~~ par. (b) a county land
21 conservation committee under par. (a) 2. by filing a written request with the

1 department within 60 days after receiving an adverse decision of the land and water
2 ~~conservation board~~ county land conservation committee.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

3 **SECTION 65.** 281.65 (8) (f) of the statutes is amended to read:

4 281.65 (8) (f) A cost-sharing grant shall equal the percentage of the cost of
5 implementing the best management practice that is determined by the
6 governmental unit submitting the application under sub. (4c) (a) or (4e) (a) ~~and is~~
7 ~~approved by the board~~, except as provided under pars. (gm) and (jm) and except that
8 a cost-sharing grant may not exceed 70% of the cost of implementing the best
9 management practice.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

10 **SECTION 66.** 281.65 (11) of the statutes is amended to read:

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

1 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
 2 department and the local governmental staff involved with the priority watershed
 3 project shall evaluate the cost effectiveness of the project and the reduction in
 4 nonpoint source water pollution associated with the project.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33; 2007 a. 20.

5 **SECTION 67. 283.84 (5)** of the statutes is amended to read:

6 283.84 (5) Beginning no later than September 1, 1998, and annually thereafter,
 7 the department shall report to the governor, and the secretary of administration and
 8 ~~the land and water conservation board~~ on the progress and status of each pilot project
 9 in achieving water quality goals and coordinating state and local efforts to improve
 10 water quality.

History: 1997 a. 27; 2001 a. 16; 2003 a. 33.

11 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
 12 **Consumer Protection.**

13 (1) INITIAL TERMS OF MEMBERS OF THE LAND AND WATER RESOURCE COUNCIL.
 14 Notwithstanding the length of terms specified in section 15.137 (3) (a) 1. to 3. of the
 15 statutes, as created by this act, the initial members of the land and water resource
 16 council appointed under section 15.137 (3) (a) 1. and 2. of the statutes, as created by
 17 this act, shall serve for terms that expire on July 1, 2011, and the initial member of
 18 the land and water resource council appointed under section 15.137 (3) (a) 3. of the
 19 statutes, as created by this act, shall serve for a term that ends on July 1, 2013.

20 (END)

OWate

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

LRB-1156/P1dn
RCT...
JF

Date

Andrew Miner:

This is a preliminary version of the draft relating to the Land and Water Conservation Board. There were a number of statutes that needed to be affected by the elimination of the board but that were not included in the proposed statutory language. This draft should be reviewed carefully to ensure that it carries out the intent of the request.

Please see the note in the draft following s. 92.105 (1).

Let me know if you have any questions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

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

LRB-1156/P1dn
RCT:kjf.md

December 22, 2008

Andrew Miner:

This is a preliminary version of the draft relating to the Land and Water Conservation Board. There were a number of statutes that needed to be affected by the elimination of the board but that were not included in the proposed statutory language. This draft should be reviewed carefully to ensure that it carries out the intent of the request.

Please see the note in the draft following s. 92.105 (1).

Let me know if you have any questions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
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Tradewell, Becky

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Wednesday, January 14, 2009 11:27 AM
To: Tradewell, Becky
Subject: LWCB draft LRB 1156

Becky,

Please remove the striking that you refer to as a substantial change in your note on page 9 of this draft. Thanks,
Andrew

*Andrew Miner
Agriculture, Environment and Justice
Wisconsin State Budget Office
(608) 266-1103*



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1156/01

RCT:kjf:md TMY

In 1/14

DOA:.....Miner, BB0266 - Replace Land and Water Conservation Board with council

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Analysis insert

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

2 SECTION 1. 15.07 (1) (b) 10. of the statutes is repealed.

3 SECTION 2. 15.07 (1) (cm) of the statutes is amended to read:

4 15.07 (1) (cm) The term of one member of the government accountability board
5 shall expire on each May 1. The terms of 3 members of the development finance
6 board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every
7 even-numbered year and the terms of the other 3 members appointed under s.
8 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. ~~The terms of the~~

1 ~~3 members of the land and water conservation board appointed under s. 15.135 (4)~~
2 ~~(b) 2. shall expire on January 1. The term of the member of the land and water~~
3 ~~conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an~~
4 ~~even-numbered year. The terms of members of the real estate board shall expire on~~
5 ~~July 1. The terms of the appraiser members of the real estate appraisers board and~~
6 ~~the terms of the auctioneer and auction company representative members of the~~
7 ~~auctioneer board shall expire on May 1 in an even-numbered year. The terms of the~~
8 ~~members of the cemetery board shall expire on July 1 in an even-numbered year.~~
9 ~~The term of the student member of the Board of Regents of the University of~~
10 ~~Wisconsin System who is at least 24 years old shall expire on May 1 of every~~
11 ~~even-numbered year.~~

12 **SECTION 3.** 15.07 (5) (h) of the statutes is repealed. ✓

13 **SECTION 4.** 15.135 (4) of the statutes is repealed. ✓

14 **SECTION 5.** 15.137 (3) of the statutes is created to read: ✓

15 15.137 (3) LAND AND WATER RESOURCE COUNCIL. (a) *Voting members.* There is
16 created in the department of agriculture, trade and consumer protection a land and
17 water resource council with the following voting members:

- 18 1. A representative of an agricultural organization appointed for a 4-year term.
- 19 2. A representative of an environmental organization appointed for a 4-year
20 term.
- 21 3. A representative of county government appointed for a 4-year term.
- 22 4. The secretary of agriculture, trade and consumer protection.
- 23 5. The secretary of natural resources.
- 24 6. The dean of the College of Agricultural and Life Sciences of the University
25 of Wisconsin-Madison.

1 7. The chancellor of the University of Wisconsin-Extension.

2 (b) *Nonvoting members.* In addition to the voting members under par. (a), the
3 Wisconsin state conservationist of the natural resource conservation service of the
4 federal department of agriculture and the Wisconsin state executive director of the
5 farm service agency of the federal department of agriculture may serve as nonvoting
6 members of the land and water resource council.

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

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

14 **SECTION 7.** 91.01 (2) of the statutes is repealed.

15 **SECTION 8.** 91.03 of the statutes is amended to read:

16 **91.03 Interdepartmental cooperation.** All other departments and agencies
17 of state government shall cooperate with the ~~board and the department~~ in the
18 exchange of information concerning projects and activities, including takings under
19 eminent domain, which might jeopardize the preservation of land contemplated by
20 this chapter. The department shall periodically advise other departments and
21 agencies of state government of the location and description of land upon which there
22 exist farmland preservation agreements or zoning for exclusively agricultural use
23 and the departments and agencies shall administer their planning and projects
24 consistent with the purposes of this chapter.

25 **SECTION 9.** 91.05 (1) of the statutes is amended to read:

1 91.05 (1) For the purpose of assisting local units of government to preserve
2 agricultural lands, the department and the department of commerce, under
3 standards prepared by the board department, and in connection with other state
4 agencies, counties and county land conservation committees shall prepare or cause
5 to be prepared, maps that locate lands in the state which should be considered for
6 preservation because of their agricultural significance.

7 **SECTION 10.** 91.06 of the statutes is amended to read:

8 **91.06 Certification.** The board department shall review farmland
9 preservation plans and exclusive agricultural use zoning ordinances submitted to it
10 under ss. 91.61 and 91.78 and shall certify to the appropriate zoning authority
11 whether the plans and ordinances meet the standards of subchs. IV and V,
12 respectively. Certifications may be in whole or in part.

13 **SECTION 11.** 91.07 of the statutes is repealed and recreated to read:

14 **91.07 Rule-making authority.** The department may promulgate rules to
15 implement this chapter.

16 **SECTION 12.** 91.13 (7) of the statutes is amended to read:

17 91.13 (7) If the application for a farmland preservation agreement is rejected
18 by the local governing body ~~or the department~~, the application shall be returned to
19 the applicant with a written statement regarding the reasons for rejection. Within
20 30 days after receipt of the rejected application, the applicant may appeal the
21 rejection to the board department. The board department shall, within 60 days after
22 the appeal has been received, upon consideration of the factors listed in sub. (4) (a)
23 to (g), approve or reject the application.

24 **SECTION 13.** 91.13 (8) (intro.) of the statutes is amended to read:

1 91.13 (8) (intro.) If an application is approved by the department or, on appeal,
2 by the board, the department shall prepare and send to the applicant a farmland
3 preservation agreement which shall include the following provisions:

4 **SECTION 14.** 91.13 (11) of the statutes is amended to read:

5 91.13 (11) An applicant may reapply for a farmland preservation agreement
6 following a one-year waiting period from notice of final determination of the original
7 application by the local governing body having jurisdiction, the department, the
8 board or a court on appeal.

9 **SECTION 15.** 91.19 (3) of the statutes is amended to read:

10 91.19 (3) If the request for relinquishment of the farmland preservation
11 agreement or release of part of the land from the agreement is approved by the local
12 governing body having jurisdiction, a copy of the application, along with the
13 comments and recommendations of the reviewing agencies, shall be forwarded to the
14 board department. The board department shall, within 60 days, upon consideration
15 of the factors in sub. (2) (b) and (c) 2., approve or reject the application for
16 relinquishment or release. If the board department approves the application it shall
17 notify the local governing body having jurisdiction and the department of revenue,
18 prepare an instrument under sub. (7) and record it with the register of deeds of the
19 county in which the land is located.

20 **SECTION 16.** 91.19 (5) of the statutes is amended to read:

21 91.19 (5) If the application for relinquishment of the agreement or release of
22 part of the land from the agreement is rejected by the local governing body having
23 jurisdiction, the application shall be returned to the applicant with a written
24 statement regarding the reasons for rejection. Within 30 days after receipt of the
25 rejected application, the applicant may appeal the rejection to the board department.

1 The ~~board~~ department shall, within 60 days after the appeal has been received, upon
2 consideration of the factors listed in sub. (2) (b) and (c) 2., approve or reject the
3 request for relinquishment or release. If the ~~board~~ department approves the
4 application it shall notify the local governing body having jurisdiction and the
5 department of revenue, prepare an instrument under sub. (7) and record it with the
6 register of deeds of the county in which the land is located.

7 **SECTION 17.** 91.19 (6s) (a) 1. of the statutes is amended to read:

8 91.19 (6s) (a) 1. An application for release of the land, made by either the owner
9 or the local unit of government, is approved by the local governing body having
10 jurisdiction ~~and the board~~ under the procedures of subs. (2) to (5).

11 **SECTION 18.** 91.19 (6s) (b) of the statutes is amended to read:

12 91.19 (6s) (b) If an owner of land subject to a farmland preservation agreement
13 opposes an application brought by a local unit of government for release of that land,
14 the owner may appeal the approval of that application by the local governing body
15 having jurisdiction to the ~~board~~ department according to the procedures in par. (c).

16 **SECTION 19.** 91.19 (6s) (c) of the statutes is amended to read:

17 91.19 (6s) (c) If the application for release of any land from the agreement is
18 approved by the local governing body having jurisdiction, the application shall be
19 returned to the applicant, and a copy of the application to the owner, with a written
20 statement regarding the reasons for approval. Within 30 days after receipt of a copy
21 of the approved application, the owner may appeal the approval to the ~~board~~
22 department. The ~~board~~ department shall, within 60 days after the appeal has been
23 received, upon consideration of the factors listed in sub. (2) (b) and (c) 2., approve or
24 reject the request to disapprove the release. If the ~~board~~ department approves the
25 owner's appeal it shall notify the local governing body having jurisdiction.

1 **SECTION 20.** 91.19 (6s) (d) of the statutes is amended to read:

2 91.19 (6s) (d) The ~~board~~ department may waive its approval authority under
3 this subsection for applications affecting less than 5 acres of land.

4 **SECTION 21.** 91.61 of the statutes is amended to read:

5 **91.61 Certification.** Upon completion of county agricultural preservation
6 plans described in this subchapter, copies of the plan may be submitted to the ~~board~~
7 department for review and certification under s. 91.06.

8 **SECTION 22.** 91.78 of the statutes is amended to read:

9 **91.78 Certification.** Copies of exclusive agricultural zoning ordinances may
10 be submitted to the ~~board~~ department for review and certification under s. 91.06.

11 **SECTION 23.** 92.03 (2) of the statutes is repealed.

12 **SECTION 24.** 92.04 of the statutes is repealed.

13 **SECTION 25.** 92.045 of the statutes is created to read:

14 **92.045 Land and water resource council.** The land and water resource
15 council shall advise the department of agriculture, trade and consumer protection
16 and the department of natural resources on all of the following:

17 (1) The implementation of this chapter and ch. 281, including on the joint
18 annual grant allocation plan under ss. 92.14 (13) and 281.65 (4) (p).

19 (2) Research, information, and education needs related to the implementation
20 of this chapter and ch. 281.

21 (3) Coordination of federal, state, and local programs related to land and water
22 resources that are relevant to the implementation of this chapter and ch. 281.

23 (4) Other matters related to land and water resources, at the joint request of
24 the department of agriculture, trade and consumer protection and the department
25 of natural resources.

1 **SECTION 26.** 92.05 (3) (c) of the statutes is amended to read:

2 92.05 (3) (c) *Rules.* The department shall promulgate rules governing
3 implementation of this chapter and distribution of state or federal funds by the
4 department to the counties. ~~The department shall comply with the procedures under~~
5 ~~s. 92.04 (3) in promulgating these rules.~~

6 **SECTION 27.** 92.05 (3) (i) of the statutes is repealed.

7 **SECTION 28.** 92.05 (3) (m) of the statutes is created to read:

8 92.05 (3) (m) *Tolerable erosion level.* The department shall establish a tolerable
9 erosion level based on an erosion rate that is acceptable and that maintains
10 long-term soil productivity.

11 **SECTION 29.** 92.10 (1) of the statutes is amended to read:

12 92.10 (1) **CREATION.** There is created a land and water resource management
13 planning program. The department, board and land conservation committees jointly
14 shall develop and administer this program.

15 **SECTION 30.** 92.10 (5) of the statutes is repealed.

16 **SECTION 31.** 92.10 (6) (a) 3. of the statutes is amended to read:

17 92.10 (6) (a) 3. Identifies the best management practices to achieve the
18 objectives under subd. 2. and to achieve the tolerable erosion level under s. 92.04 (2)
19 (i) 92.05 (3) (m).

20 **SECTION 32.** 92.10 (6) (d) of the statutes is amended to read:

21 92.10 (6) (d) *Plan submission.* A land conservation committee shall submit the
22 land and water resource management plan to the board and department.

23 **SECTION 33.** 92.105 (1) to (3) of the statutes are amended to read:

24 92.105 (1) **ESTABLISHMENT.** A land conservation committee shall establish soil
25 and water conservation standards. The standards for agricultural facilities and

plain text

1 ~~practices that are constructed or begun on or after October 14, 1997, and, if~~
2 ~~cost-sharing is available to the farmer under s. 92.14 or 281.65 or from any other~~
3 ~~source, for agricultural facilities and practices that are constructed or begun before~~
4 ~~that date shall be consistent with the performance standards, prohibitions,~~
5 ~~conservation practices and technical standards under s. 281.16 (3). It shall submit~~
6 ~~these standards to the board department for review.~~

****NOTE: It looks like the first striking here makes a substantive change unrelated to the elimination of the LWCB. Is that intended? Should the entire sentence be deleted?

7 (2) GUIDELINES; REVIEW. The board department shall develop guidelines to be
8 used for the establishment and administration of soil and water conservation
9 standards. The board department shall review and shall approve or disapprove
10 submitted soil and water conservation standards based on the guidelines it develops.
11 If the board department approves soil and water conservation standards, it shall
12 notify any appropriate zoning authority of its approval.

13 (3) APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT. A
14 farmland preservation credit may not be allowed under subch. IX of ch. 71 for claims
15 relating to any land to which this section applies unless the land conservation
16 committee for the county where the property is located establishes soil and water
17 conservation standards which are approved by the board department.

18 SECTION 34. 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 shall attempt to provide funding under this section for an average of
23 3 staff persons per county with full funding for the first staff person, 70% funding for

1 the 2nd staff person and 50% funding for any additional staff persons and to provide
2 an average of \$100,000 per county for cost-sharing grants. ~~The department shall~~
3 ~~submit that plan to the board.~~

4 **SECTION 35.** 92.14 (6) (d) of the statutes is repealed.

5 **SECTION 36.** 92.14 (12) of the statutes is repealed.

6 **SECTION 37.** 92.14 (13) of the statutes is amended to read:

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

15 **SECTION 38.** 92.17 (2) (c) of the statutes is repealed.

16 **SECTION 39.** 281.20 (5) of the statutes is repealed.

17 **SECTION 40.** 281.65 (2) (be) of the statutes is amended to read:

18 281.65 (2) (be) "Priority lake" means any lake or group of lakes that are
19 identified under sub. s. 281.65 (3) (am), 2007 stats.

20 **SECTION 41.** 281.65 (2) (c) of the statutes is amended to read:

21 281.65 (2) (c) "Priority watershed" means any watershed that is identified
22 under sub. s. 281.65 (3) (am), 2007 stats., or sub. (4) (cm) or (co).

23 **SECTION 42.** 281.65 (3) of the statutes is repealed.

24 **SECTION 43.** 281.65 (3m) of the statutes is repealed.

25 **SECTION 44.** 281.65 (4) (c) of the statutes is amended to read:

1 281.65 (4) (c) Prepare a list of the watersheds in this state in order of the level
2 of impairment of the waters in each watershed caused by nonpoint source pollution,
3 taking into consideration the location of impaired water bodies that the department
4 has identified to the federal environmental protection agency under 33 USC 1313 (d)
5 (1) (A), and submit the list to the board no later than January 1, 1998.

6 **SECTION 45.** 281.65 (4) (cd) of the statutes is amended to read:

7 281.65 (4) (cd) Prepare a list of the lakes in this state in order of the level of
8 impairment of the waters in the lakes caused by nonpoint source pollution, taking
9 into consideration the location of impaired water bodies that the department has
10 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
11 (A), and submit the list to the board no later than January 1, 1998.

12 **SECTION 46.** 281.65 (4) (cg) of the statutes is repealed.

13 **SECTION 47.** 281.65 (4) (e) of the statutes is amended to read:

14 281.65 (4) (e) Promulgate rules, in consultation with the department of
15 agriculture, trade and consumer protection, as are necessary for the proper
16 execution and administration of the program under this section. Before
17 promulgating rules under this paragraph, the department shall submit the rules to
18 the land and water conservation board for review under sub. (3) (at). The rules shall
19 include standards and specifications concerning best management practices which
20 are required for eligibility for cost-sharing grants under this section. The standards
21 and specifications shall be consistent with the performance standards, prohibitions,
22 conservation practices and technical standards under s. 281.16. The department
23 may waive the standards and specifications in exceptional cases. The rules shall
24 specify which best management practices are cost-effective best management
25 practices. Only persons involved in the administration of the program under this

1 section, persons who are grant recipients or applicants and persons who receive
2 notices of intent to issue orders under s. 281.20 (1) (b) are subject to the rules
3 promulgated under this paragraph. Any rule promulgated under this paragraph
4 which relates or pertains to agricultural practices relating to animal waste handling
5 and treatment is subject to s. 13.565.

6 **SECTION 48.** 281.65 (4) (f) of the statutes is amended to read:

7 281.65 (4) (f) Administer the distribution of grants and aids to governmental
8 units for local administration and implementation of the program under this section.
9 A grant awarded under this section may be used for cost-sharing for management
10 practices and capital improvements, easements, or other activities determined by
11 the department to satisfy the requirements of this section. A grant under this section
12 to a lake district for a priority lake ~~identified under sub. (3m) (b) 1.~~ may be used for
13 plan preparation, technical assistance, educational and training assistance, and
14 ordinance development and administration. A grant may not be used for
15 promotional items, except for promotional items that are used for informational
16 purposes, such as brochures or videos.

17 **SECTION 49.** 281.65 (4) (k) of the statutes is repealed.

18 **SECTION 50.** 281.65 (4) (L) of the statutes is repealed.

19 **SECTION 51.** 281.65 (4) (o) of the statutes is repealed.

20 **SECTION 52.** 281.65 (4) (p) of the statutes is amended to read:

21 281.65 (4) (p) Jointly with the department of agriculture, trade and consumer
22 protection, prepare the plan required under s. 92.14 (13). ~~The department shall~~
23 ~~review and approve or disapprove the plan and shall notify the land and water~~
24 ~~conservation board of its final action on the plan.~~ The department shall implement
25 any part of the plan for which the plan gives it responsibility.

1 **SECTION 53.** 281.65 (4) (q) of the statutes is repealed.

2 **SECTION 54.** 281.65 (4) (s) of the statutes is repealed.

3 **SECTION 55.** 281.65 (4c) (b) of the statutes is amended to read:

4 281.65 (4c) (b) The department shall use the system under par. (d) to determine
5 the score of each project for which it receives an application under par. (a) ~~and shall~~
6 ~~inform the land and water conservation board of the scores no later than September~~
7 ~~1 of each year.~~

8 **SECTION 56.** 281.65 (4c) (c) of the statutes is amended to read:

9 281.65 (4c) (c) After determining project scores under par. (b), the department
10 ~~shall notify the land and water conservation board of the projects that the~~
11 ~~department proposes to select for funding in the following year. The board shall~~
12 ~~review the proposal and make recommendations to the department. Before and~~
13 before November 1 of each year, the department shall select projects for funding
14 under this subsection in the following year. To the extent practicable, within the
15 requirements of this section, the department shall select projects so that projects are
16 distributed evenly around this state.

17 **SECTION 57.** 281.65 (4m) (d) of the statutes is amended to read:

18 281.65 (4m) (d) After the department considers the comments of the
19 department of agriculture, trade and consumer protection on a plan under par. (c)
20 and receives approval of the plan by every county to which it was sent ~~and by the land~~
21 ~~and water conservation board~~, the department shall designate the plan to be an
22 element of the appropriate areawide water quality management plan under P.L.
23 92-500, section 208.

24 **SECTION 58.** 281.65 (5m) of the statutes is amended to read:

1 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), the
2 governmental unit or regional planning commission under sub. (4m) and the
3 department of agriculture, trade and consumer protection under sub. (5), and upon
4 receiving the approval of the land and water conservation board, the department
5 shall prepare and approve the final plan for a priority watershed or priority lake.

6 **SECTION 59.** 281.65 (5q) (a) of the statutes is amended to read:

7 281.65 (5q) (a) Notwithstanding sub. (5s), ~~neither the department nor the land~~
8 ~~and water conservation board~~ may not extend funding under this section for a
9 priority watershed or priority lake project beyond the funding termination date that
10 was in effect for the priority watershed or priority lake project on January 1, 2001,
11 except as provided in par. (b).

12 **SECTION 60.** 281.65 (5s) of the statutes is amended to read:

13 281.65 (5s) The department may make modifications, including designating
14 additional sites as critical sites, in a priority watershed or priority lake plan with the
15 approval of every county to which the department sent the original plan under sub.
16 (4m) (c) ~~and of the land and water conservation board~~. If the owner or operator of
17 a site prevails in a final review under sub. (7) or the site is not designated as a critical
18 site in the original plan under sub. (5m) and the pollution is from an agricultural
19 source and is not caused by animal waste, the department may not make a
20 modification designating the site as a critical site unless the designation is based on
21 a substantial increase in pollution from the site, on information about pollution from
22 the site that was not available when the plan was prepared or on a substantial
23 change to the criteria for designating a site as a critical site. This subsection applies
24 to a priority watershed or priority lake plan completed before, on or after August 12,
25 1993.

1 **SECTION 61.** 281.65 (5w) of the statutes is amended to read:

2 281.65 (5w) After the land and water conservation board approves department
3 completes a priority watershed or priority lake plan or a modification to such a plan
4 that designates a site to be a critical site, the department shall notify the owner or
5 operator of that site of the designation and of the provisions in sub. (7) and either s.
6 281.20 or, if the pollution is caused primarily by animal waste, ss. NR 243.21 to
7 243.26, Wis. adm. code.

8 **SECTION 62.** 281.65 (7) (b) of the statutes is repealed.

9 **SECTION 63.** 281.65 (7) (c) of the statutes is amended to read:

10 281.65 (7) (c) The owner or operator of a site designated as a critical site in a
11 priority watershed or priority lake plan under sub. (5m) or in a modification to such
12 a plan under sub. (5s) may request a contested case hearing under ch. 227 to review
13 the decision of ~~the land and water conservation board under par. (b)~~ a county land
14 conservation committee under par. (a) 2. by filing a written request with the
15 department within 60 days after receiving an adverse decision of the ~~land and water~~
16 ~~conservation board~~ county land conservation committee.

17 **SECTION 64.** 281.65 (8) (f) of the statutes is amended to read:

18 281.65 (8) (f) A cost-sharing grant shall equal the percentage of the cost of
19 implementing the best management practice that is determined by the
20 governmental unit submitting the application under sub. (4c) (a) or (4e) (a) ~~and is~~
21 ~~approved by the board~~, except as provided under pars. (gm) and (jm) and except that
22 a cost-sharing grant may not exceed 70% of the cost of implementing the best
23 management practice.

24 **SECTION 65.** 281.65 (11) of the statutes is amended to read:

1 281.65 (11) ~~Notwithstanding subs. (3) (am) and (3m), the~~ The South Fork of the
2 Hay River is a priority watershed for the period ending on June 30, 2005.
3 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
4 (e), the department, in consultation with the local units of government involved with
5 the priority watershed project, shall establish guidelines for the types of nonpoint
6 source water pollution abatement practices to be eligible for cost-sharing grants in
7 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
8 the watershed may be based on the amount of pollution reduction achieved rather
9 than on the cost of the practices installed, using guidelines developed by the
10 department, in consultation with the local units of government involved with the
11 priority watershed project. In providing funding under s. 92.14 (3), the department
12 of agriculture, trade and consumer protection shall determine the amount of
13 matching funds required for staff for the priority watershed project as though the
14 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
15 department and the local governmental staff involved with the priority watershed
16 project shall evaluate the cost effectiveness of the project and the reduction in
17 nonpoint source water pollution associated with the project.

18 **SECTION 66.** 283.84 (5) of the statutes is amended to read:

19 283.84 (5) Beginning no later than September 1, 1998, and annually thereafter,
20 the department shall report to the governor, and the secretary of administration ~~and~~
21 ~~the land and water conservation board~~ on the progress and status of each pilot project
22 in achieving water quality goals and coordinating state and local efforts to improve
23 water quality.

24 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
25 **Consumer Protection.**

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1156/lins
RCT:.....

Analysis insert

AGRICULTURE

This bill eliminates the Land and Water Conservation Board (LWCB), the membership of which includes the secretaries of administration, natural resources, and agriculture, trade and consumer protection or their designees and three members of county land conservation committees.

X Under current law, LWCB has responsibilities under the Farmland Preservation Program, the Soil and Water Resource Management Program, and the program that provides financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. For example, LWCB approves farmland preservation plans and exclusive agricultural zoning ordinances for the purposes of eligibility for the farmland preservation tax credit, establishes tolerable soil erosion levels, approves soil and water conservation standards established by county land conservation committees, and reviews and affirms or reverses certain decisions related to nonpoint source water pollution from agricultural facilities. The bill eliminates some LWCB responsibilities and transfers others to DATCP.

The bill creates the Land and Water Resource Council to advise DATCP and DNR about matters related to land and water resources.

Tradewell, Becky

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Thursday, January 22, 2009 9:31 PM
To: Tradewell, Becky
Subject: RE: changes to LWCB draft 1156

Becky,

The intent #2 is met with the first sentence, so either that or your suggestion about adding the sentence of "department shall consult with DNR in developing and administering this program" should work - whichever you think is clearer. Thanks for the note on 3. - Andrew

From: Tradewell, Becky [Becky.Tradewell@legis.wisconsin.gov]
Sent: Thursday, January 22, 2009 5:24 PM
To: Miner, Andrew - DOA
Subject: RE: changes to LWCB draft 1156

Andrew,

On 2: Should the sentence read "The department, in consultation with the department of natural resources, and land conservation committees jointly shall develop and administer this program." or "The department, in consultation with the department of natural resources and land conservation committees, shall develop and administer this program." or maybe it would be better to add a sentence after the current one "The department shall consult with the department of natural resources in developing and administering this program." (or something like that)

On 3: I will go ahead with that change, but the Farmland Preservation draft repeals s. 92.105, so if that draft is included in the bill, all of section 33 of this draft will be deleted from the budget.

Becky

From: Miner, Andrew - DOA [mailto:Andrew.Miner@Wisconsin.gov]
Sent: Thursday, January 22, 2009 4:36 PM
To: Tradewell, Becky
Cc: Steinmetz, Jana D - DOA
Subject: changes to LWCB draft 1156

Hi Becky,

Please make the following changes to draft 1156:

1. Page 3, section 5, lines 8-12: add "or their designee" to each of the voting members in subs. 4. through 7.
2. Page 9, section 29, line 2: add "in consultation with the department of natural resources" after "The department" and before "and land conservation committees..."
3. Page 9, section 33, line 20: At the end of this paragraph, add a sentence stating "The department shall consult with the department of natural resources as part of its review."

Please let me know if you have any questions. Thanks - Andrew

Andrew Miner

Agriculture, Environment and Justice

Wisconsin State Budget Office

(608) 266-1103

Tradewell, Becky

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Thursday, January 22, 2009 4:36 PM
To: Tradewell, Becky
Cc: Steinmetz, Jana D - DOA
Subject: changes to LWCB draft 1156

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- ✓ 1. Page 3, section 5, lines 8-12: add "or their designee" to each of the voting members in subs. 4. through 7.
2. Page 9, section 29, line 2: add "in consultation with the department of natural resources" after "The department" and before "and land conservation committees..."
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Please let me know if you have any questions. Thanks - Andrew

*Andrew Miner
Agriculture, Environment and Justice
Wisconsin State Budget Office
(608) 266-1103*