

			<u>1991-92</u>	<u>1992-93</u>
20.115	Agriculture, trade and consumer protection, department of			
(7)	AGRICULTURAL RESOURCE MANAGEMENT			
(q)	Soil and water management; environmental fund	SEG A	-0-	1,250,000
20.370	Natural resources, department of			
(2)	ENVIRONMENTAL STANDARDS			
Vetoed in Part	(ag) Water resources management— construction site erosion	PR A	-0-	-0-
	(as) Water resources management— construction erosion loan	SEG B	200,000	-0-
	(mr) General program operations-- nonpoint source	SEG A	-0-	407,900
(4)	LOCAL SUPPORT			
(cq)	Environmental aids-- nonpoint source program	SEG A	-0-	6,325,000
(hs)	Aids administration-- nonpoint source program	SEG A	-0-	42,100
20.399	Wisconsin conservation corps board			
(1)	CORPS ENROLLEE SUPPORT			
Vetoed in Part	(s) Corps enrollee compensation and support; shoreland grazing	SEG C	-0-	75,000

SECTION 5m. 20.115 (7) (q) of the statutes is created to read:

20.115 (7) (q) *Soil and water management; environmental fund.* From the environmental fund, the amounts in the schedule for the soil and water resource management program under s. 92.14.

Vetoed in Part SECTION 7. 20.370 (2) (ag) of the statutes is created to read:

~~20.370 (2) (ag) *Water resources management— construction site erosion.* The amounts in the schedule for the cost of administering construction site erosion control under s. 144.267 and for payment to the environmental fund of amounts equal to the amounts encumbered under par. (as). All moneys received as fees under s. 144.267 shall be credited to this appropriation. On July 1, 1993, the department of natural resources shall transfer from the appropriation under this paragraph to the environmental fund an amount equal to the amount encumbered under par. (as) or the unencumbered balance in the appropriation under this paragraph, whichever is greater. In each calendar quarter, beginning with the quarter starting on October 1, 1993, if the amount previously transferred from the appropriation under this paragraph to the environmental fund is less than the amount encumbered under par. (as), the department of natural resources shall transfer from the appropriation under this paragraph to the environmental fund an amount equal to the fees received under s. 144.267 (5) (b) during the preceding calendar quarter.~~

~~SECTION 7m. 20.370 (2) (as) of the statutes is created to read:~~

~~20.370 (2) (as) *Water resources management— construction erosion loan.* Biennially from the environmental fund, the amounts in the schedule for the cost of administering construction site erosion control under s. 144.267. No moneys may be encumbered under this paragraph if the unencumbered balance of the appropriation under par. (ag) is greater than zero.~~

SECTION 7s. 20.370 (2) (mr) of the statutes is created to read:

20.370 (2) (mr) *General program operations— nonpoint source.* From the environmental fund, the amounts in the schedule for performing the duties of the department under s. 144.25.

SECTION 7w. 20.370 (4) (cc) of the statutes is amended to read:

20.370 (4) (cc) *Environmental aids; nonpoint source.* From the general fund, as a continuing appropriation, the amounts in the schedule for the nonpoint source water pollution abatement program under s. 144.25 for grants for the installation of best management practices and, for financial assistance for the implementation of this program and for the purposes of 1991 Wisconsin Act (this act), section 9142 (3m). Beginning in fiscal year 1990-91, the department shall allocate \$300,000 in each fiscal year from this appropriation for grants under s. 144.25 (8) (cm).

SECTION 9b. 20.370 (4) (cq) of the statutes is created to read:

Vetoed in Part

20.370 (4) (cq) *Environmental aids — nonpoint source program.* From the environmental fund, the amounts in the schedule for nonpoint source grants and assistance under s. 144.25.

SECTION 9s. 20.370 (4) (hs) of the statutes is created to read:

20.370 (4) (hs) *Aids administration — nonpoint source program.* From the environmental fund, the amounts in the schedule for the administration of the nonpoint source water pollution abatement program under s. 144.25.

SECTION 10. 20.370 (4) (jf) of the statutes, as created by 1991 Wisconsin Act 39, is amended to read:

20.370 (4) (jf) *Principal repayment and interest — nonpoint source grants.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in making providing funds for nonpoint source water pollution abatement grants to governmental units projects under s. 144.25.

Vetoed in Part SECTION 11p. 20.395 (3) (eg) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

~~20.395 (3) (eg) *Highway maintenance, repair and traffic operations, state funds.* Biennially, the amounts in the schedule for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07 and bridges that are not on the state trunk highway system under s. 84.10, for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; for research on alternatives to highway salt under 1991 Wisconsin Act (this act), section 9155 (1), and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.~~

SECTION 12b. 20.399 (1) (s) of the statutes is created to read:

Vetoed in Part 20.399 (1) (s) *Corps enrollee compensation and support; shoreland grazing.* From the environmental fund, as a continuing appropriation, the amounts in the schedule for projects required under a shoreland ~~grazing~~ **Vetoed in Part** management ordinance.

SECTION 13. 20.866 (2) (te) of the statutes, as created by 1991 Wisconsin Act 39, is amended to read:

20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide funds for nonpoint source water pollution abatement ~~grants projects~~ **Vetoed in Part** ~~under s. 144.25 to governmental units, as defined in s. 144.25 (2) (am), for construction projects in priority watersheds.~~ The state may contract public debt in an amount not to exceed ~~\$11,500,000 or \$82,500,000~~ for this purpose.

SECTION 13c. 23.09 (2) (d) 13 of the statutes is created to read:

23.09 (2) (d) 13. For the stream bank protection program.

SECTION 13f. 23.09 (2p) (d) of the statutes is amended to read:

23.09 (2p) (d) This subsection does not apply to an easement granted or land donated to the department under s. 23.092 or 23.094.

SECTION 13h. 23.0915 (1) (f) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

23.0915 (1) (f) Stream bank easements protection, \$1,000,000.

SECTION 13j. 23.094 (title) and (1) of the statutes are amended to read:

23.094 (title) Stream bank protection program. (1) CREATION. In order to protect the water quality and the fish habitat of the streams in this state, there is created a stream bank easement protection program to be administered by the department.

SECTION 13L. 23.094 (2m) of the statutes is created to read:

23.094 (2m) ACQUISITION OF LAND. For a stream identified as a priority stream under sub. (2), the department may acquire land adjacent to the stream by gift or devise or by purchase. Whenever possible, the land acquired shall include the area within at least 66 feet from either side of the stream.

SECTION 13n. 23.094 (3) (c) of the statutes is amended to read:

23.094 (3) (c) Mowing, grazing or spraying the land with chemicals, except as necessary to comply with noxious weed control laws or to control pests on an emergency basis when such control is necessary to protect public health or unless the department specifically approves the mowing, grazing or spraying.

SECTION 13p. 23.094 (4) (a) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

23.094 (4) (a) The department shall determine the value of land or an easement donated to the department for purposes of this section. ~~The~~ For an easement, the valuation shall be based on the extent to which the fair market value of the land is diminished by ~~that~~ the transfer. Beginning July 1, 1990, and except as provided in par. (b), an amount of money equal to the value of the donation shall be released from the appropriation under s. 20.866 (2) (tz) to be used for stream protection activities under this section for the same stream for which any donation was made on or after August 9, 1989.

SECTION 13x. 23.094 (6) of the statutes is amended to read:

23.094 (6) FENCING. Beginning July 1, 1990, the department shall pay the cost of purchasing and installing any fencing the department determines to be necessary to protect a stream for which land or an easement has been acquired on or after August 9, 1989, under this section.

SECTION 13y. 23.094 (8) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

23.094 (8) APPROPRIATION. The costs of acquiring easements and land under sub. (3) this section shall be paid from the appropriation under s. 20.866 (2) (tz). Except as provided in s. 23.0915 (2), the department may not expend more than \$1,000,000 for fisheries, for stream bank easements under this section, and for grants for this purpose under s. 23.096 in each fiscal year.

SECTION 14. 23.096 (3) (bn) of the statutes is amended to read:

23.096 (3) (bn) A prohibition against the property acquired in fee simple being closed to the public unless the department determines it is necessary to protect wild animals, plants or other natural features.

Vetoed in Part

SECTION 15. 23.096 (3m) of the statutes is created to read:

23.096 (3m) The department by rule shall establish criteria concerning public access to property acquired under this section other than property acquired in fee simple. If the nonprofit conservation organization proposes to acquire an interest in property other than an interest in fee simple, the department shall give a higher priority to acquisitions that permit access by the public.

SECTION 16. 25.40 (1) (a) 8 of the statutes is created to read:

25.40 (1) (a) 8. Fees collected under s. 342.14 (3m) that are deposited in the environmental fund.

SECTION 16g. 25.46 (20) of the statutes is created to read:

25.46 (20) The fees imposed under s. 342.14 (3m) for nonpoint source water pollution abatement.

Vetoed in Part

SECTION 17. 59.974 (title), (2) and (4) (b) and (c) of the statutes are amended to read:

59.974 (title) Storm water management zoning.

(2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a county may enact a construction site erosion control and storm water management zoning ordinance applicable to all of its unincorporated area. This ordinance may be enacted separately from ordinances enacted under s. 59.97.

(4) (b) Variances and appeals regarding construction site erosion control and storm water management regulations are to be determined by the board of adjustment for that county. Procedures under s. 59.99 apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 59.97 that relate to construction site erosion control or storm water management regulation.

SECTION 18. 59.974 (5), (7), (8) and (10) of the statutes are amended to read:

59.974 (5) APPLICABILITY OF PREEXISTING TOWN ORDINANCES. If an existing town ordinance relating to

~~construction site erosion control or storm water management is more restrictive than an ordinance later enacted under this section affecting the same area, it continues as a town ordinance in all respects to the extent of the greater restrictions, but not otherwise, unless the town board repeals the town ordinance. If the town board repeals the town ordinance, the county ordinance enacted under this section becomes applicable to the town.~~

Vetoed in Part

~~(7) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a county under s. 236.45 may be exercised by it with respect to construction site erosion control or storm water management regulation if the county has or provides a county planning agency as defined in s. 236.02 (1).~~

~~(8) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).~~

~~(10) VALIDITY UPON ANNEXATION. An ordinance enacted under this section by a county continues in effect in any area annexed by a city or village after the effective date of that ordinance unless the city or village adopts, maintains and enforces a city or village ordinance which complies with minimum standards established by the department and which is at least as restrictive as the county construction site erosion control and storm water management zoning ordinance. If, after providing notice and conducting a hearing on the matter, the department determines that an ordinance adopted by a city or village which is applicable to an area annexed after the effective date of the county ordinance does not meet these standards or is not as restrictive as the county ordinance, the department shall issue an order declaring the city or village ordinance void and reinstating the applicability of the county construction site erosion control and storm water management zoning ordinance to the annexed area.~~

~~SECTION 19. 61.354 (title), (2), (4) (b) and (c), (6) and (7) of the statutes are amended to read:~~

~~61.354 (title) Storm water management zoning.~~

~~(2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a village may enact a construction site erosion control and storm water management zoning ordinance applicable to all of its incorporated area. This ordinance may be enacted separately from ordinances enacted under s. 61.35.~~

~~(4) (b) Variances and appeals regarding construction site erosion control and storm water management~~

Vetoed
in Part

regulations are to be determined by the board of appeals or similar agency for that village. To the extent specified under s. 61.35, procedures under s. 62.23 (7) (e) apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 61.35 that relate to construction site erosion control or storm water management regulation.

(6) **APPLICABILITY OF LOCAL SUBDIVISION REGULATION.** All powers granted to a village under s. 236.45 may be exercised by it with respect to construction site erosion control or storm water management regulation if the village has or provides a planning commission or agency.

(7) **APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES.** An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 20. 62.234 (title), (2), (4) (b) and (c), (6) and (7) of the statutes are amended to read:

62.234 (title). **Storm water management zoning.**

(2) **AUTHORITY TO ENACT ORDINANCE.** To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a city may enact a construction site erosion control and storm water management zoning ordinance applicable to all of its incorporated area. This ordinance may be enacted separately from ordinances enacted under s. 62.23.

(4) (b). Variances and appeals regarding construction site erosion control or storm water management regulations are to be determined by the board of appeals for that city. Procedures under s. 62.23 (7) (e) apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 62.23 that relate to construction site erosion control or storm water management regulation.

(6) **APPLICABILITY OF LOCAL SUBDIVISION REGULATION.** All powers granted to a city under s. 236.45 may be exercised by it with respect to construction site erosion control or storm water management regulation if the city has or provides a planning commission or agency.

(7) **APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES.** An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management

plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 20m. 70.32 (1j) of the statutes is created to read:

70.32 (1j). In addition to the factors set out in sub. (1), the assessor shall consider the effect on the value of the property of any loss of the use of the property due to fences or other structures required under an ordinance that requires actions to restrict the access of livestock to streams and lakes.

SECTION 20r. 71.59 (1) (b) (intro.) of the statutes is amended to read:

71.59 (1) (b) (intro.) Every claimant under this subchapter shall supply, at the request of the department, in support of the claim, a all of the following:

1. A copy of the property tax bill relating to the farmland certification.

2. Certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid and a.

3. A copy of the farmland preservation agreement or a certificate of the appropriate zoning authority. The

(c) A farmland preservation agreement submitted under par. (b) 3 shall contain provisions specified under s. 91.13 (8) including either a provision requiring farming operations to be conducted in substantial accordance with a soil and water conservation plan prepared under s. 92.104 or a provision requiring farming operations to be conducted in compliance with reasonable soil and water conservation standards established under s. 92.105.

(d) The certificate of the zoning authority submitted under par. (b) 3 shall certify:

SECTION 20s. 71.59 (1) (b) 1 to 5 of the statutes are renumbered 71.59 (1) (d) 1 to 5.

SECTION 20t. 71.59 (1) (b) 4 of the statutes is created to read:

71.59 (1) (b) 4. Certification by the claimant that each county land conservation committee with jurisdiction over the farmland has been notified that the claimant intends to submit a claim under this subchapter.

SECTION 22. 85.19 of the statutes is created to read:

85.19 Construction site erosion control. (1) **STANDARDS.** The department, in consultation with the department of natural resources, shall, by rule, establish standards for the control of soil erosion related to highway and bridge construction that is funded in whole or in part with state or federal funds. At a minimum, the standards shall require the use of best management practices, as defined under s. 144.267 (1) (b). To the extent practicable, the department shall make the standards consistent with rules promulgated by the department of natural resources under s. 144.267.

Vetoed
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in Part

(2) TRAINING. (a) The department shall establish a program of training for persons who prepare plans for, review plans for, conduct inspections of or engage in construction activities subject to the standards under sub. (1). The department shall do all of the following:

1. Identify those persons involved in plan preparation, plan review, construction supervision or inspections who are required to be trained.

4. Identify other persons who may benefit from the training program, and encourage those persons to enroll in the training program.

(b) The department may impose fees for the training program.

(c) The department shall establish the training program in consultation with the department of natural resources. ~~To the extent practicable, the department shall make the training requirements under this subsection consistent with the rules promulgated under s. 144.267(7).~~

(d) Any training required under this subsection may be conducted by the department or by another person with the approval of the department.

SECTION 23. 88.11 (1) (intro.), (a), (b) and (d) of the statutes are amended to read:

88.11 (1) (intro.) The department of agriculture, trade and consumer protection shall employ an engineer to improve district operations. The department ~~may~~ shall do all of the following:

(a) Perform inspections in drainage districts to determine compliance with this section.

(b) Review and approve district maintenance plans including ditch designs; installation and maintenance of structures; and plans for drainage, drainage control, soil conservation and water conservation, and require alteration of plans and existing structures in order to achieve and maintain compliance with performance standards established under par. (i).

(d) Review and approve district designs for new ditches and structures and, assist districts in developing hydrologic and hydraulic information about project effectiveness, and require alteration of the designs in order to achieve and maintain compliance with performance standards established under par. (i).

SECTION 24. 88.11 (1) (h) and (i) of the statutes are repealed and recreated to read:

88.11 (1) (h) Establish, by rule, procedures for assessments and reassessments.

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

SECTION 25. 88.11 (1) (j) and (k) of the statutes are created to read:

88.11 (1) (j) Prepare reports for the purposes of sub. (3).

(k) Establish, by rule, a procedure ~~for residents of this state to petition the department~~ for an investigation of whether a drainage district complies with this section and any requirements imposed by the department under this section.

SECTION 26. 88.11 (1m) of the statutes is created to read:

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

SECTION 27. 88.11 (3) (intro.) and (4) of the statutes are amended to read:

88.11 (3) (intro.) If the area recommended by a board proposed for drainage exceeds 200 acres in a single project, the board or the petitioners, prior to the court's hearing on its report, shall procure and file with the court a report of the department of agriculture, trade and consumer protection on all of the following:

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

SECTION 28. 88.11 (6), (7) and (8) of the statutes are created to read:

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

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

(8) Any person who violates this section may be required to forfeit not less than \$25 nor more than \$5,000 for each violation. Each day of continued violation constitutes a separate offense.

SECTION 29. 88.16 (6) of the statutes is created to read:

88.16 (6) This section does not apply to any drainage district beginning on the first day of the 13th month beginning after the effective date of this subsection [revisor inserts date].

SECTION 30. 88.161 of the statutes is created to read:

88.161 Transition for certain drainage districts. A drainage district operating under s. 88.16, 1989 stats., becomes a drainage district under this chapter as a matter of law on the first day of the 13th month beginning after the effective date of this section [revisor inserts date]. The records, assessments, funds and indebtedness of such a drainage district become the records, assessments, funds and indebtedness of the

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drainage district that takes its place. Before the first day of the 13th month beginning after the effective date of this section [revisor inserts date], the circuit court of each county having a drainage district that has elected to operate under s. 88.16, 1989 stats., shall appoint a county drainage board under s. 88.17, if none exists, to take the place of the board of drainage commissioners of a district that elected to operate under s. 88.16, 1989 stats. The terms of office of the members of the new board commence on the first day of the 13th month beginning after the effective date of this section [revisor inserts date].

SECTION 31. 92.05 (3) (j) of the statutes is created to read:

92.05 (3) (j) *Milkhouse wastewater.* The department, in consultation with appropriate state and federal agencies, shall promulgate, by rule, technical guidelines for the handling and treatment of milkhouse wastewater for use in determining eligibility for financial assistance under ss. 92.14 and 144.25 for milkhouse wastewater handling and treatment equipment. Upon referral of any proposed rule under this paragraph to the presiding officers of each house of the legislature under s. 227.19 (2), the presiding officers shall refer the proposed rule to a senate and an assembly committee concerned with agriculture.

Vetoed in Part

Vetoed in Part

SECTION 32. 92.07 (15) of the statutes is created to read:

92.07 (15) ADMINISTRATION AND ENFORCEMENT OF ORDINANCES. A land conservation committee may, if authorized by the county board, administer and enforce the construction site erosion control ordinance enacted by the county under s. 144.267 (3), those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion or a storm water management zoning ordinance enacted under s. 59.974.

Vetoed in Part

Vetoed in Part

SECTION 33. 92.08 (1) of the statutes is amended to read:

92.08 (1) Every land conservation committee shall prepare annually for its county a plan which describes the soil and water resource activities to be undertaken by that county and the dollar amounts required for personnel to administer and implement activities in that county related to soil conservation activities required under ss. 92.104 and 92.105 to claim a farmland preservation credit under s. 71.09 (11), activities required under s. 92.17 related to shoreland grazing management or activities required under s. 144.25 (8m) related to the development or implementation of animal waste or construction site erosion ordinances. The land conservation committee shall submit that plan to the county board of that county and to the department.

Vetoed in Part

Vetoed in Part

SECTION 33m. 92.106 of the statutes is created to read:

92.106 Department review. The department shall review all soil and water conservation standards under s. 92.105 at least once every 5 years to determine

whether the standards are consistent with the purposes of the soil and water resource management program under s. 92.14 (2).

SECTION 33n. 92.14 (3m) of the statutes is created to read:

92.14 (3m) ~~SHORELAND GRAZING MANAGEMENT GRANTS.~~ From the appropriation under s. 20.115 (7) (q), the department shall award grants to counties or farmers for implementing best management practices required under a shoreland grazing management ordinance enacted under s. 92.17, including reimbursement for all of the following:

Vetoed in Part

Vetoed in Part

(a) The cost of fencing that the landowner installs in order to comply with the ordinance.

(b) The cost of providing a well for livestock if, as a result of complying with the ordinance, the livestock does not have adequate access to water for drinking purposes.

SECTION 33p. 92.14 (4) (intro.) of the statutes is amended to read:

92.14 (4) OTHER SOIL AND WATER RESOURCE GRANTS. (intro.) From the moneys remaining in s. 20.115 (7) (c) after the department has awarded all grants for a year under sub. (3), ~~the department may award grants or from the appropriation under s. 20.115 (7) (e) (q), the department may award grants~~ to any eligible county, including any county which has received a grant under sub. (3), for one or more of the following:

SECTION 33t. 92.14 (4r) of the statutes is created to read:

92.14 (4r) REQUESTING TRANSFER OF FUNDS. The department shall submit a request to the joint committee on finance for the transfer of funds from the appropriation under s. 20.370 (4) (cq) to the appropriation under s. 20.115 (7) (q) if necessary to provide grants under sub. (4) (c).

SECTION 34. 92.14 (6) (h) 1. d. of the statutes is amended to read:

92.14 (6) (h) 1. d. The grant for the facility or system, combined with all other governmental funding, is no more than ~~\$10,000~~ \$20,000, except that there is no limit on the amount of the grant if the principal purpose of the facility or system is to prevent or control barnyard runoff.

SECTION 35. 92.14 (6) (h) 4 of the statutes is created to read:

92.14 (6) (h) 4. The department may exceed the limits under subd. 1. d. and e. in cases of economic hardship, as defined by rule by the department. The department may issue grants that exceed the limits under subd. 1. d. and e. to no more than 10% of the recipients who receive grants under this section for an animal waste management facility or system.

~~SECTION 35d. 92.14 (6) (h) 5 of the statutes is created to read:~~

Vetoed in Part

~~92.14 (6) (h) 5. Notwithstanding subd. 1. e. or 4, the department may not issue a grant that exceeds 25% of the cost of a facility or system in a priority watershed, as defined in s. 144.25 (2) (c), or a priority lake area, as~~

Vetoed in Part defined in s. 144.25 (2) (b), after the initial 3-year period designated under s. 144.25 (4) (g) 7 by the department of natural resources for that priority watershed or priority lake area.

SECTION 36. 92.14 (6) (i) 3 of the statutes is repealed.

SECTION 37. 92.14 (6) (k) of the statutes is created to read:

Vetoed in Part 92.14 (6) (k) ~~N~~. The department shall identify by rule the types of cost-shared practices and the minimum grant amounts for cost-sharing grants that require compliance with subd. 2.

Vetoed in Part 2. No portion of the funds from a cost-sharing grant that meets the conditions identified under subd. 1 may be distributed to a landowner or land user unless the landowner records in the office of the register of deeds a document, approved by the department, that binds any subsequent owner of the property to maintain the cost-shared practice for the life of the cost-shared practice, as determined by the department. The landowner may remove the document with the approval of the department if the department determines that a change in land use makes the practice unnecessary.

Vetoed in Part SECTION 38. 92.14 (10) of the statutes is amended to read:

92.14 (10) TRAINING. The department shall identify, in cooperation with the department of natural resources, the training required for the personnel of a county awarded a grant under this section or s. 144.25 to administer and implement any nonpoint source water pollution abatement project or soil and water resource project funded by that grant and shall coordinate such a training program. The county may use the a grant under this section for that training required under s. 92.18 or for any other training necessary to prepare personnel to perform job duties related to this section. The department may contract with any person from the appropriation under s. 20.115 (7) (c) for services to administer or implement this chapter, including information and education and training.

SECTION 39. 92.17 of the statutes is created to read:

Vetoed in Part 92.17 Shoreland grazing management. (1) GUIDELINES ORDINANCE; DISTRIBUTION. The department shall prepare guidelines for a shoreland grazing management ordinance in the form of an administrative rule. The guidelines are subject to ch. 227 in the same manner as other administrative rules. The guidelines shall establish standards for activities related to restricting the access of livestock to streams and lakes for the purpose of maintaining and improving surface water quality. Following promulgation of the rule creating the guidelines, the department shall distribute a copy of the guidelines to all counties and, upon request, to any city or village.

(2) AUTHORITY TO ENACT ORDINANCE. (a) A city or village may enact a shoreland grazing management ordinance.

(g) A county may enact a shoreland grazing management ordinance. A county shoreland grazing management ordinance does not apply in any town that enacts an ordinance under par. (ar).

(ar) A town may enact a shoreland grazing management ordinance that is at least as restrictive as the model ordinance prepared under sub. (1).

(b) If a county, city or village proposes to enact an ordinance based on the guidelines prepared under sub. (1), or if a town proposes to enact a shoreland grazing management ordinance, the county, city, village or town shall submit a draft of the ordinance to the board and to the department.

(c) The board shall review a draft of an ordinance submitted under par. (b) and make recommendations to the department.

(d) The department shall review and approve or disapprove a draft of an ordinance submitted under par. (b).

(e) A county, city or village may enact an ordinance based on the guidelines prepared under sub. (1) only if the draft of the ordinance is approved by the department under par. (d). A town may enact a shoreland grazing management ordinance only if the draft of the ordinance is approved by the department under par. (d).

(2m) AUTHORITY TO ENFORCE ORDINANCE. A county, city, village or town may not enforce a shoreland grazing management ordinance unless funds have been appropriated for grants under s. 92.14 (3m).

(2r) DEPARTMENT NOT REQUIRE ENACTMENT. The department may not require a county, city, village or town to enact an ordinance under this section as a condition of any other program administered by the department.

(3) INTERGOVERNMENTAL COOPERATION. Section 66.30 applies to this section, but for the purposes of this section any agreement under s. 66.30 may only be accomplished by ordinance.

(4) COOPERATION. The department and the counties, cities, villages and towns shall cooperate to accomplish the objective of this section. To that end, the department shall consult with the governing bodies of counties, cities, villages and towns to secure voluntary uniformity of regulations, so far as practicable, shall identify low-cost practices that will enable a person to comply with the minimum shoreland grazing management standards set forth in the guidelines and shall extend assistance to counties, cities, villages and towns under this section.

(5) GOAL FOR ADOPTION. The department shall encourage all counties to adopt the ordinance by January 1, 1995.

SECTION 40. 92.18 of the statutes is created to read:

92.18 Training and certification. (1) The department shall, by rule, establish a program of training and certification for persons who review plans for, conduct inspections of or engage in activities under any of the following:

- (a) This chapter.
- (b) Section 144.25, if those activities relate to agricultural practices.
- (2) The department shall do all of the following:
 - (a) Identify those persons involved in plan review or inspections who are required to obtain certification.
 - (b) Establish the requirements for and the term of initial certification, and the requirements for recertification upon expiration of that term. To the extent possible, the department shall establish the requirements for certification in conformance with the engineering approval system used by the federal soil conservation service in providing technical assistance under 7 CFR 610.1 to 610.5. The department may require applicants to pass an examination in order to receive initial certification.
 - (c) Establish different levels of certification as the department determines is appropriate.
 - (d) Identify persons other than inspectors and plan reviewers who may benefit from the training program, and encourage those persons to enroll in the training program.
- (3) The department may impose fees for the training and certification program.
- (4) The department shall promulgate rules under this section in consultation with the department of natural resources.
- (5) Any training required under this section may be conducted by the department or the department of natural resources or by another person with the approval of the department.
- (6) The department may suspend or revoke a certification under this section for failure to comply with this section or rules promulgated under this section.

SECTION 41. 93.07 (24) (intro.) of the statutes is amended to read:

93.07 (24) ENFORCEMENT OF LAWS. (intro.) To enforce chs. 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

SECTION 42. 93.22 of the statutes is amended to read:

93.22 Enforcement provisions. (1) In cases arising under chs. 88 and 93 to 100, the department may be represented by its attorney.

(2) The department may, with the approval of the governor, appoint special counsel to prosecute or assist in the prosecution of any case arising under chs. 88 and 93 to 100. The cost of such special counsel shall be charged to the appropriation for the department of agriculture, trade and consumer protection.

(3) In any criminal or civil action under chs. 88 and 93 to 100, any exception, exemption, proviso, excuse or qualification contained in any of said chapters, or

in any order, standard or regulation thereunder, may be proved by the defendant, but need not be specified or negated in the information or complaint, and, if so specified or negated, no proof in relation to the matters so specified or negated, shall be required of the plaintiff.

SECTION 43. 101.615 of the statutes is renumbered 101.615 (intro.) and amended to read:

101.615 Application. (intro.) This subchapter applies to a dwelling the initial construction of which was commenced on or after December 1, 1978, except that s. as follows:

(1) Section 101.645 applies to a dwelling the initial construction of which was commenced before, on or after May 23, 1978.

SECTION 44. 101.615 (2) of the statutes is created to read:

101.615 (2) Section 101.653 applies to a dwelling the initial construction of which was commenced on or after the effective date of this subsection [revisor inserts date].

SECTION 45. 101.63 (2) of the statutes is amended to read:

~~101.63 (2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10), of one- and 2-family dwellings under sub. (1). Rules for the certification of inspectors for construction site erosion control shall comply with s. 101.653 (6). Persons certified as inspectors may be employees of the department, a city, village, town, county or an independent inspection agency. The department may not adopt any rule which prohibits any city, village, town or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.~~

Vetoed
in Part

SECTION 46. 101.651 (3) of the statutes is amended to read:

101.651 (3) ~~The~~ Except as provided in sub. (3m) or (3s), the department or a county may not enforce this subchapter or an ordinance ~~adopted~~ enacted under s. 101.65 (1) (a) or provide inspection services in a municipality unless requested to do so by a person with respect to a particular dwelling or by the municipality. A request by a person or a municipality with respect to a particular dwelling does not give the department or a county authority with respect to any other dwelling. Costs shall be collected under s. 101.65 (1) (c) or ss. 101.63 (9) and 101.65 (2) from the person or municipality making the request.

SECTION 47. 101.651 (3m) and (3s) of the statutes are created to read:

101.651 (3m) The department may enforce s. 101.653 in a municipality that does not perform or contract for inspection services under s. 101.65 (1) (a) or (b). A county may enforce those provisions of an

ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any city or village that does not perform or contract for inspection services under s. 101.65 (1) (a) or (b). The department or the county shall collect a fee for the inspection services under this subsection.

(3s) A county shall enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in its unincorporated area. A town may not enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion unless the department delegates enforcement authority to the town. If the town requests delegation of enforcement authority, the department shall delegate that authority if the town submits information to the department that demonstrates the town's capacity to comply with s. 101.653 (5) (a).

SECTION 48. 101.653 of the statutes is created to read:

101.653 Construction site erosion control. (1) DEFINITION. In this section, "best management practices" means practices, techniques or measures that the department determines to be effective means of preventing or reducing pollutants of surface water generated from construction sites.

(2) SOIL EROSION PREVENTION RULES. The department shall promulgate rules that establish standards for practices to prevent soil erosion related to the construction of one- and 2-family dwellings, subject to all of the following requirements:

- (a) At a minimum, the rules shall require the use of best management practices.
- (b) The rules shall require the use of more restrictive or additional practices on an area with a slope that is greater than 12%.

Vetoed
in Part

~~(2c) PREEXISTING COUNTY ORDINANCES. (a) Notwithstanding sub. (2) and s. 101.65 (1) (a), a county that has in effect on the effective date of this paragraph ... [revisor inserts date], an ordinance that establishes standards for practices to prevent soil erosion related to the construction of one- and 2-family dwellings may exercise jurisdiction over the construction and inspection of one- and 2-family dwellings as it relates to the prevention of soil erosion by enforcing that ordinance rather than an ordinance enacted under s. 101.65 (1) (a) that meets the standards established under sub. (2).~~

~~(b) Subsection (5) and the rules promulgated under subs. (2m), (3) and (6) do not apply to a county that chooses to enforce its preexisting ordinance as described in par. (a).~~

(2m) RULES FOR ADMINISTRATION. The department shall promulgate rules for the administration of construction site erosion control under this subchapter by counties, cities, villages and towns, including provisions regarding the issuance of permits and the collection and distribution of fees.

~~(3) FEES. (a) The department, by rule, shall establish fees that shall, as closely as possible, equal the cost of all of the following:~~

Vetoed
in Part

- ~~1. The examination and approval of construction site erosion control plans by a county, city, village or town.~~
- ~~2. The inspection of construction site erosion control practices by a county, city, village or town.~~
- ~~3. The administration of this section by the department.~~

~~(b) The rule under par. (a) shall establish the portion of the fee to be retained by the county, city, village or town and the portion of the fee to be forwarded to the department.~~

~~(c) A county, city, village or town shall collect the fee established under par. (a) and shall forward the state's portion of the fee to the department within 90 days after collecting the fee. A county, city, village or town may not collect a fee related to construction site erosion control that is greater or less than the fee established under par. (a). A county, city, village or town shall use the revenues from its portion of the fees only for the administration of the construction site erosion control program.~~

(4) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a county, city, village or town under s. 236.45 may be exercised by it with respect to construction site erosion control regulation if the county, city, village or town has or provides a planning commission or agency.

(5) MUNICIPAL RESPONSIBILITIES; DEPARTMENT REVIEW. (a) Each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion shall do all of the following:

- 1. Obtain the services of an inspector certified under sub. (6) to conduct all inspections related to the soil erosion control standards under this section.
- 2. Obtain the services of a plan reviewer certified under sub. (6) to review all erosion control plans submitted under this section.
- 3. Review erosion control plans, conduct inspections of erosion control practices and enforce the requirements of this section as provided in s. 101.65 (1) (d).
- 4. Complete the review of an erosion control plan no later than the 15th working day after the day that the erosion control plan is submitted.

Vetoed
in Part

Vetoed
in Part

(b) The department shall review the construction site erosion control program for one- and 2-family dwellings of each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to ascertain compliance with par. (a) and the rules promulgated under this section. This review shall include all of the following:

- 1. A performance audit of the erosion control program of the county, city, village or town.

2. A written determination by the department, issued every 3 years, of whether or not the county, city, village or town complies with par. (a).

Vetoed
in Part

~~(6) TRAINING AND CERTIFICATION. (a) The department shall, by rule, establish a program of training and certification for persons who review plans or conduct inspections under this section and who are engaged in construction activities subject to this section. The department shall do all of the following:~~

~~1. Identify those persons involved in plan review or inspections under this section who are required to obtain certification.~~

~~2. Establish the requirements for and the term of initial certification, and the requirements for recertification upon expiration of that term. At a minimum, the department shall require applicants to pass an examination in order to receive initial certification.~~

~~2m. Specify the types of activities that certified plan reviewers and inspectors may perform.~~

~~3. Establish different levels of certification as the department determines is appropriate.~~

~~4. Identify persons other than inspectors and plan reviewers who may benefit from the training program, and encourage those persons to enroll in the training program.~~

~~(b) The department may impose fees for the training and certification program.~~

~~(c) Any training required under this subsection may be conducted by the department or by another person with the approval of the department.~~

~~(d) The department may suspend or revoke a certification under this subsection for failure to comply with this section or rules promulgated under this section.~~

~~(6m) REVIEW. The department and the department of natural resources shall enter into a memorandum of agreement that establishes a process for reviewing the standards established under sub. (2), periodically~~

Vetoed
in Part

~~updating those standards and reviewing the training program established under sub. (6). The memorandum of understanding shall ensure that local officials~~

Vetoed
in Part

~~and other persons interested in the standards established under sub. (2) and the training program established under sub. (6) may participate in the process.~~

~~(7) ENFORCEMENT; REMEDIES. (a) A county, city, village or town may submit orders to abate violations of those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to the district attorney, the corporation counsel or the attorney general for enforcement. The district attorney, the corporation counsel or the attorney general may enforce those orders.~~

~~(b) The department or a city, village, town or county may issue a special order directing the immediate cessation of work on a one- or 2-family dwelling until the necessary plan approval is obtained or until the site complies with the rules promulgated under sub. (2).~~

~~SECTION 50. 144.025 (2) (u) of the statutes is renumbered 144.025 (2) (u) (intro.) and amended to read:~~

Vetoed
in Part

~~144.025 (2) (u) (intro.) Under the procedure specified in par. (v), the department, in consultation with the department of agriculture, trade and consumer protection, may order do either of the following:~~

~~1. Order or cause the abatement of pollution which the department has determined to be significant and caused by a nonpoint source, as defined in s. 144.25 (2) (b), including pollution which causes the violation of a water quality standard, pollution which significantly impairs aquatic habitat or organisms, pollution which restricts navigation due to sedimentation, pollution which is deleterious to human health or pollution which otherwise significantly impairs water quality, but not including any pollution caused primarily by animal waste.~~

~~SECTION 51. 144.025 (2) (u) 2 of the statutes is created to read:~~

~~144.025 (2) (u) 2. Pursuant to an enforcement plan applied under s. 144.25 (4) (g) 8, g., order a landowner or operator in a priority watershed or priority lake area to implement best management practices, but not with respect to any pollution caused primarily by animal waste.~~

~~SECTION 51g. 144.025 (2) (um) of the statutes is created to read:~~

~~144.025 (2) (um) 1. Except as provided in subd. 2 or 3, the department may not issue an order under par. (u) 2 to a landowner or operator in a priority watershed or priority lake area that was identified by the department under s. 144.25 (4) before the effective date of this subdivision ... [revisor inserts date].~~

~~2. The department may issue an order under par. (u) 2 to a landowner or operator in a priority watershed that was identified by the department under s. 144.25 (4) (cm) before the effective date of this subdivision ... [revisor inserts date].~~

~~3. The department may issue an order under par. (u) 2 to a landowner or operator in a priority watershed, other than a priority watershed described in subd. 2, or a priority lake area that was identified by the department under s. 144.25 (4) before the effective date of this subdivision ... [revisor inserts date], if the county board of the county that contains all of the priority watershed or priority lake area or the county boards of all of the counties that contain a portion of the priority watershed or priority lake area volunteer to the department to have par. (u) 2 apply.~~

~~SECTION 52. 144.025 (2) (v) 1 and 2 of the statutes are amended to read:~~

~~144.025 (2) (v) 1. If the department determines under par. (u) 1 that significant pollution is caused by a nonpoint source, the department shall send a written notice of intent to issue an order to abate the pollution to the person whom the department determines to be responsible for the nonpoint source, to the department of agriculture, trade and consumer protection~~

Vetoed
in Part

~~and to the land conservation committee created under s. 92.06 in every county in which the nonpoint source is located. If the department determines under par. (b) 2 that the person is required to implement best management practices in a priority watershed or priority lake area, the department shall send a written notice of intent to issue an order to implement the designated best management practices to the landowner or operator. The notice shall describe the department's findings and intent, and shall include a date by which that person is required to abate the pollution or implement the best management practices. That date shall be at least one year after the date of the notice unless the department determines that the pollution is causing or will cause severe water quality degradation that could be mitigated or prevented by abatement action taken in less than one year. In its determination under this paragraph, the department shall consider the nature of the actual or potential damage caused by the pollution and the feasibility of measures to abate that pollution.~~

~~2. If the nonpoint source which is the subject of a notice under subd. 1 is agricultural, the department shall send the notice to the department of agriculture, trade and consumer protection and to the land conservation committee created under s. 92.06 in every county in which the nonpoint source is located. The department of agriculture, trade and consumer protection shall do all of the following:~~

~~a. Upon receipt of the notice and in cooperation with the land conservation committee, provide to the person whom the department has determined to be responsible for the nonpoint source under par. (u) 1 a listing of management practices which, if followed, would reduce pollution to an amount which the department of natural resources determines determined to be acceptable by the department, in consultation with either the department of agriculture, trade and consumer protection or the land conservation committee. The list shall, with reasonable limits, set forth all of the options which are available to the person to reduce pollution to that amount of pollution; and~~
~~The department of agriculture, trade and consumer protection shall include provide to each person receiving a notice an explanation of financial aids and technical assistance which may be available to the person for the abatement of pollution or the implementation of best management practices from the department of agriculture, trade and consumer protection under s. 92.14 and from other sources.~~

~~b. Issue a report to the department within one year after the date of the notice which describes describing the actions taken by the person whom the department has determined to be responsible for the nonpoint source receiving the notice and a recommendation as to whether the department should issue an order to abate the pollution caused by that nonpoint source or implement the best management practices. Notwithstanding subd. 1, the department may not issue an~~

~~order to abate that pollution until the department receives that report unless the department determines that the pollution is causing or will cause severe water quality degradation which could be mitigated or prevented by abatement action taken in less than one year and unless the department of agriculture, trade and consumer protection files a concurring determination in writing with the department within 30 days after receiving notice of the department's determination.~~

~~SECTION 53. 144.025 (2) (v) 3 and 4 of the statutes are created to read:~~

~~144.025 (2) (v) 3. The department may issue a temporary emergency order prior to issuing a notice under subd. 1 if all of the following apply:~~

~~a. The department determines that the pollution is causing or will cause severe water quality degradation.~~

~~b. The abatement action required by the order does not involve a capital expenditure.~~

~~c. If the nonpoint source is agricultural, the department provides a copy of the temporary emergency order to the department of agriculture, trade and consumer protection and to the land conservation committee created under s. 92.06 in every county in which the nonpoint source is located.~~

~~d. As soon as practicable after issuing the temporary emergency order, the department issues a written notice of intent to issue an order under subds. 1 and 2 or rescinds the temporary emergency order.~~

~~4. The department shall give a higher priority to the issuance of orders under par. (b) 1 in a priority watershed or priority lake area for which the department has ended the period during which a landowner or operator may enter into a cost-sharing agreement under s. 144.25 on the effective date of this subdivision [reviser inserts date], than in other areas.~~

~~SECTION 54. 144.25 (1) (intro.) of the statutes is amended to read:~~

~~144.25 (1) (intro.) The purposes of the nonpoint source pollution abatement grant financial assistance program under this section are to:~~

~~SECTION 55. 144.25 (2) (a) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:~~

~~144.25 (2) (a) "Best management practices" means practices, techniques or measures, except for dredgings, identified in areawide water quality management plans, which are determined to be the most effective means of preventing or reducing pollutants generated from nonpoint sources, or from the sediments of inland lakes polluted by nonpoint sources, to a level compatible with water quality objectives established under this section and which do not have an adverse impact on fish and wildlife habitat. The practices, techniques or measures include land acquisition, storm sewer rerouting and the removal of structures necessary to install structural urban best management practices, facilities for the handling and treatment of milkhouse wastewater, repair of fences built using~~

Vetoed
in Part

grants under this section and measures to prevent or reduce pollutants generated from mine tailings disposal sites for which the department has not approved a plan of operation under s. 144.44 (3).

SECTION 56. 144.25 (2) (be) and (bs) of the statutes are created to read:

144.25 (2) (be) "Priority lake" means any lake or group of lakes that the department has identified under sub. (4) (cd).

(bs) "Priority lake area" means a priority lake and the area surrounding the priority lake designated by the department for the implementation of the nonpoint source pollution abatement project for the priority lake.

Vetoed in Part SECTION 57. 144.25 (4) (c) and (cd) of the statutes are amended to read:

Vetoed in Part 144.25 (4) (c) ~~Through the continuing planning process under s. 147.25, identify those priority watersheds where the need for nonpoint source water pollution abatement is most critical. The department shall complete the designation of priority watersheds by January 1, 1995. The department shall prepare project funding lists for large-scale and small-scale projects subject to the approval of the department of agriculture, trade and consumer protection.~~

(cd) Identify, through the continuing planning process under s. 147.25, the lakes where the need for nonpoint source water pollution abatement is most critical and identify for those lakes the best management practices necessary to meet water quality objectives. The department shall collect the information necessary to determine the need to designate lakes as priority lakes and shall complete the designation of priority lakes by January 1, 1995. The department shall prepare project funding lists for projects affecting priority lakes subject to the approval of the department of agriculture, trade and consumer protection.

Vetoed in Part

SECTION 58. 144.25 (4) (dm) of the statutes is created to read:

144.25 (4) (dm) Establish water quality objectives for each priority watershed and priority lake and identify the best management practices that must be implemented by individual landowners or operators in the priority watershed or priority lake area in order to achieve the water quality objectives.

Vetoed in Part

SECTION 59. 144.25 (4) (dr) of the statutes is created to read:

144.25 (4) (dr) Appoint a committee for each priority watershed and priority lake, to advise the department, the department of agriculture, trade and consumer protection and the counties, cities and villages concerning all aspects of the nonpoint source pollution abatement financial assistance program. Each committee shall include at least 2 farmers as members if the priority watershed or priority lake area includes property in agricultural use. Each committee shall include at least 2 representatives of a public inland lake protection and rehabilitation district that

is within the priority watershed or priority lake area or, if one does not exist, of riparian property owners.

~~SECTION 60. 144.25 (4) (e) of the statutes is amended to read.~~ **Vetoed in Part**

~~144.25 (4) (e) Promulgate rules, in consultation with the department of agriculture, trade and consumer protection, as are necessary for the proper execution and administration of the program under this section. The rules shall include standards and specifications concerning best management practices which are required for eligibility for cost-sharing grants under this section. The department may waive the standards and specifications in exceptional cases. For the purposes of an enforcement plan applied under par. (g) 8, g., the department shall waive the standards and specifications if compliance will not significantly promote the achievement of water quality objectives for the priority watershed or priority lake. Only persons involved in the administration of the program under this section and, persons who are grant recipients or applicants and persons who are identified in an enforcement plan applied under par. (g) 8, g., are subject to the rules promulgated under this paragraph. Any rule promulgated under this paragraph which relates or pertains to agricultural practices relating to animal waste handling and treatment are subject to s. 13.563.~~

SECTION 62. 144.25 (4) (g) (intro.) and 2 of the statutes are amended to read:

144.25 (4) (g) (intro.) In cooperation with the department of agriculture, trade and consumer protection and the appropriate governmental unit, prepare priority watershed and priority lakes plans to implement nonpoint source water pollution abatement projects and storm water control activities described in sub. (8c) in priority watersheds and priority lakes lake areas. In preparing the plans, the department shall:

2. Promote significant participation from the department of agriculture, trade and consumer protection and other state agencies, governmental units and other persons located in any priority watershed or in any project affecting a priority lake which area that is the subject of the plan.

~~SECTION 63. 144.25 (4) (g) 5 of the statutes is amended to read.~~ **Vetoed in Part**

~~144.25 (4) (g) 5. Determine whether any county, city, village or town within the area which is the subject of the plan, as a condition of a grant under this section, should be required to develop a construction site erosion control ordinance under s. 59.974 or a manure storage ordinance under s. 92.16 in order to meet the water quality goals established in the plan.~~

~~SECTION 64. 144.25 (4) (g) 7, 8 and 9 of the statutes are created to read:~~ **Vetoed in Part**

~~144.25 (4) (g) 7. Establish an initial 3-year period, commencing upon final plan approval under s. 144.25 (5m), during which full grants are available to governmental units and individual landowners and operators~~ **Vetoed in Part**

Vetoed in Part and a subsequent period during which reduced grants are available to individual landowners and operators.

8. Establish an implementation plan for each priority watershed and priority lake, including all of the following:

a. A list of the best management practices identified under par. (dm) that are most critically needed to achieve water quality objectives in the priority watershed or priority lake.

b. A procedure for establishing implementation priorities to meet the needs identified in subd. 8. a. with the highest priority given to significant sources of nonpoint pollution that substantially inhibit the achievement of water quality objectives.

c. Consultation with the committee appointed under par. (dr) concerning the implementation plan.

d. A requirement to review the implementation plan periodically and to modify the implementation plan to reflect the agreements entered into by landowners and operators to implement best management practices.

e. Provisions for public notice and education concerning the implementation plan in the period during which grants are available to governmental units and landowners and operators, in order to achieve the greatest level of voluntary participation.

Vetoed in Part f. A procedure, that includes consultation with the committee appointed under par. (dr) for the establishment of an enforcement plan at the end of the period during which grants are available, if the department determines that the water quality objectives will not be met in the priority watershed or priority lake by voluntary participation.

g. Application of the enforcement plan to landowners and operators who have not agreed to implement best management practices that are determined under subd. 8. a. to be critically needed to achieve water quality objectives in the priority watershed or priority lake and who own or operate properties that have been identified under subd. 8. b. as significant sources of nonpoint pollution that substantially inhibit the achievement of water quality objectives in the priority watershed or priority lake.

9. Complete the planning process in all priority watersheds by December 31, 2000.

Vetoed in Part SECTION 64d. 144.25 (4) (g) 10 of the statutes is created to read:

144.25 (4) (g) 10. Establish a date, after the end of the initial 3-year period established under subd. 7, after which a landowner or operator is no longer eligible for a loan guarantee under s. 234.87 for a loan for the installation of best management practices in the priority watershed or priority lake area.

SECTION 65. 144.25 (4) (j) of the statutes is amended to read:

144.25 (4) (j) ~~In cooperation with the department of agriculture, trade and consumer protection, identify~~

~~the training required for the personnel of a governmental unit awarded a grant under this section or s. 92.14 to administer and implement any nonpoint source water pollution abatement project or soil and water resource project funded by that grant and shall coordinate such a training program. The A governmental unit may use the a grant under this section for that training required under s. 92.18 or 144.267 or for any other training necessary to prepare personnel to perform job duties related to this section. The department may contract with any person from the appropriation appropriations under s. 20.370 (4) (cc) and (cq) for services to administer or implement this chapter, including information and education and training.~~

Vetoed in Part

~~SECTION 66m. 144.25 (4) (s) of the statutes is created to read:~~

Vetoed in Part

~~144.25 (4) (s) Ensure that the amount of funds allocated under this section for best management practices in Milwaukee county in a biennium does not exceed the percentage of the total amount of funds allocated under this section for best management practices in that biennium equal to the percentage of motor vehicles registered in this state that are reported under s. 341.08 (2) (d) to be customarily kept in Milwaukee county in the most recent year for which that information is available from the department of transportation.~~

~~SECTION 66q. 144.25 (4) (t) of the statutes is created to read:~~

~~144.25 (4) (t) Ensure that the amount of funds allocated under this section for best management practices in a county other than Milwaukee county in a biennium does not exceed the amount allocated for best management practices in Milwaukee county in that biennium.~~

SECTION 67b. 144.25 (5) (a) of the statutes is amended to read:

144.25 (5) (a) Approve or disapprove the project funding list of any priority watershed or priority lakes project about which it receives notice under sub. (4) (c) or (cd).

SECTION 68. 144.25 (5) (e) of the statutes is amended to read:

144.25 (5) (e) Identify areas within a priority watershed or priority lake ~~project which~~ area that are subject to activities required under ss. 92.104 and 92.105.

SECTION 69. 144.25 (5m) of the statutes is created to read:

144.25 (5m) Upon completion of plans by the department under sub. (4) (g), the governmental unit or regional planning commission under sub. (4m) and the department of agriculture, trade and consumer protection under sub. (5), the department shall prepare and approve the final plan for a priority watershed or priority lake.

SECTION 70. 144.25 (8) ~~(a), (b)~~ and (cm) of the statutes are amended to read:

Vetoed in Part

144.25 (8) (a) Governmental units and individual landowners or operators ~~shall be~~ are eligible for cost-sharing grants.

~~The department shall, by rule, establish procedures, accounting requirements, allowable uses and timetables for trust funds.~~

Vetoed in Part

Vetoed in Part

~~(b) Grants may be provided to applicants in priority watershed areas for projects in conformance with approved areawide water quality management plans. Full grants may be made to governmental units and to individual landowners and operators during the 3-year period designated by the department in the plan under sub. (4) (g) 7. The department may extend the period during which full grants are available if the department determines that extension of the full grant period will significantly increase voluntary participation by landowners or operators in the priority watershed or priority lake area. The department may provide a full grant after the 3-year period expires if necessary to accommodate changes in the agricultural practices on a farm or if ownership of property changes. The department shall make a full grant available to any landowner or operator who receives notice of the department's intent to issue an order under s. 144.025 (2) (n) 2 for 6 months following the receipt of the notice.~~

~~SECTION 73. 144.25 (8) (cw) of the statutes is created to read:~~

Vetoed in Part

~~144.25 (8) (cw) Reduced grants, as described in par. (im), may be provided to individual landowners and operators in a priority watershed or priority lake area for projects in conformance with approved areawide water quality management plans, commencing at the end of the period when full grants are available under par. (b) or (cm) and for the period designated by the department in the plan.~~

~~SECTION 74b. 144.25 (8) (e) of the statutes is amended to read:~~

~~144.25 (8) (e) Grants Except as provided in sub. (8c), grants may only be used for implementing best management practices.~~

~~SECTION 75. 144.25 (8) (gm) of the statutes is created to read:~~

~~144.25 (8) (gm) The department may exceed the limit under par. (g) and any limit imposed by rule on the total amount of a grant in cases of economic hardship, as defined by the department by rule, unless the grant is for the implementation of best management practices in a priority watershed or priority lake area in which s. 144.025 (2) (u) 2 does not apply because of s. 144.025 (2) (um). The department may issue grants that exceed those limits to no more than 10% of the landowners or operators who receive grants under this section.~~

Vetoed in Part

Vetoed in Part

~~(cm) Grants may be provided from the appropriation appropriations under s. 20.370 (4) (cc) and (cq) to applicants for projects affecting priority lakes identified under sub. (4) (cd) if the project is in conformance with areawide water quality management plans and the purposes specified under sub. (1). Full grants may be made to governmental units and individual landowners and operators during the 3-year period designated by the department in the plan under sub. (4) (g) 7. The department may extend the period during which full grants are available if the department determines that extension of the full grant period will significantly increase voluntary participation by landowners or operators in the priority lake area. The department may provide a full grant after the 3-year period expires if necessary to accommodate changes in the agricultural practices on a farm or if ownership of property changes. The department shall make a full grant available to any landowner or operator who receives notice of the department's intent to issue an order under s. 144.025 (2) (u) 2 for 6 months following the receipt of the notice.~~

~~SECTION 75c. 144.25 (8) (im) of the statutes is created to read:~~

Vetoed in Part

~~144.25 (8) (im) Notwithstanding pars. (f) to (gm), only a reduced grant, which may not exceed 25% of the cost of implementing the best management practice, may be provided, beginning at the end of the period during which full grants are available under par. (b) or (cm) and for the period designated by the department in the priority lake or priority watershed plan.~~

~~SECTION 78. 144.25 (8) (m) and (n) of the statutes are created to read:~~

Vetoed in Part

~~144.25 (8) (m) The department may recognize the value of a conservation easement created under s. 700.40 (2) and donated to the department or to any person approved by the department as constituting all or a portion of the landowner's or operator's share of a cost-sharing grant as determined under pars. (f) to (h), unless the land is located in a priority watershed or priority lake area in which s. 144.025 (2) (u) 2 does not apply because of s. 144.025 (2) (um).~~

Vetoed in Part

Vetoed in Part

~~SECTION 72. 144.25 (8) (or) of the statutes is created to read:~~

~~144.25 (8) (or) Grants may be provided to one or more counties in the priority watershed or priority lake area to establish a trust fund for use by all affected governmental units for the long-term maintenance of best management practices and easements in the priority watershed or priority lake area, for management of the priority watershed or priority lake area, for information and education regarding the priority watershed or priority lake area, for water quality monitoring and for other appropriate activities. Interest earned on the trust fund shall be retained in the trust fund and used for the purposes of the trust fund.~~

~~(n) 1. The department shall identify by rule the types of cost-shared practices and the minimum grant amounts for cost-sharing grants that require compliance with subd. 2.~~

Vetoed in Part

~~2. No portion of the cost-sharing funds from any grant may be distributed to a landowner or operator unless the landowner records in the office of the regis-~~

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Vetoed in Part ter of deeds a document, approved by the department, that binds any subsequent owner of the property to maintain the cost-shared practice for the life of the cost-shared practice, as determined by the department. The landowner may remove the document with the approval of the department if the department determines that a change in land use makes the practice unnecessary.

SECTION 78h. 144.25 (8) (o) of the statutes is created to read:

Vetoed in Part 144.25 (8) (o) The department shall provide grants for animal waste storage facilities in amounts not to exceed \$20,000, except that if the animal waste storage facility is located in a priority watershed or priority lake area in which s. 144.025 (2) (u) 2 does not apply because of s. 144.025 (2) (um), the amount of a grant may not exceed \$10,000.

SECTION 78u. 144.25 (8c) of the statutes is created to read:

144.25 (8c) The department may distribute a grant to a municipality that is required to control storm water discharges under 33 USC 1342 (p) in a priority watershed or priority lake area for practices, techniques or measures to control storm water discharges if those practices, techniques or measures are identified in the plan under sub. (4) (g) for the priority watershed or priority lake area.

SECTION 79. 144.25 (8e) of the statutes is created to read:

144.25 (8e) The department may not require a person who received a cost-sharing grant to repay the cost-sharing grant on the basis of a violation of this section, rules promulgated under this section or the grant agreement, if, at the time of the violation, the person who received the grant no longer owns or operates the land for which the department provided the grant. This subsection applies without regard to whether the person received the grant before, on or after the effective date of this subsection [revisor inserts date].

SECTION 80. 144.25 (8m) of the statutes is amended to read:

Vetoed in Part 144.25 (8m) If the department determines under sub. (4) (g) 5 that a county, city, village or town should be required to develop a construction site erosion control ordinance under s. 59.974 or a manure storage ordinance under s. 92.16, that county, city, village or town shall make a commitment to develop and adopt the ordinance at least one year before completion of the nonpoint source water pollution abatement project for which it receives as a condition of receiving a grant under this section.

Vetoed in Part SECTION 80e. 144.25 (9m) of the statutes is created to read:

144.25 (9m) (a) Before public debt is contracted for projects under this section, the department shall prepare a plan for the expenditure of the proceeds of that

public debt and submit the plan to the joint committee on finance.

(b) Notwithstanding s. 18.03 (1), the building commission may not contract public debt for projects under this section until the joint committee on finance approves a plan submitted under par. (a) for the expenditure of the proceeds of that debt.

SECTION 81. 144.26 (2m) (intro.) of the statutes is amended to read:

144.26 (2m) (intro.) Notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. 59.971, a construction site erosion control and storm water management zoning ordinance authorized under s. 59.974, 61.354 or 62.234, a construction site erosion control ordinance required under s. 144.267 or a wetland zoning ordinance required under s. 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if:

SECTION 82. 144.266 (title), (1), (2) and (3) (a) 1, 2 and 3 of the statutes are amended to read:

Vetoed in Part 144.266 (title) Storm water management. (1) Objectives. To aid in the fulfillment of the state's role as trustee of its navigable waters, to promote public health, safety and general welfare and to protect natural resources, it is declared to be in the public interest to make studies, establish policies, make plans, authorize municipal construction site erosion control and storm water management zoning ordinances for the efficient use, conservation, development and protection of this state's groundwater, surface water, soil and related resources and establish a state construction site erosion control and storm water management plan for the efficient use, conservation, development and protection of this state's groundwater, surface water, soil and related resources while at the same time encouraging sound economic growth in this state. The purposes of the municipal ordinances and state plan shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control the adverse effects of storm water; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(2) (title) STATE STORM WATER MANAGEMENT PLAN. The department shall promulgate by rule a state construction site erosion control and storm water management plan. This state plan is applicable to construction activities contracted for or conducted by any agency, as defined under s. 227.01 (1) but also including the office of district attorney, unless that agency enters into a memorandum of understanding with the department in which that agency agrees to regulate activities related to construction site erosion control and storm water management. The department shall coordinate the activities of agencies, as defined under s. 227.01 (1), in construction site erosion control and storm water management and make

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recommendations to these agencies concerning activities related to ~~construction site erosion control and storm water management.~~

(3) (a) 1. Except as restricted under subd. 2, the department shall establish by rule minimum standards for activities related to ~~construction site erosion control and storm water management.~~

2. The department, in cooperation with the department of transportation, shall establish by rule minimum standards for activities related to ~~construction site erosion control and storm water management~~ if those activities concern street, highway, road or bridge construction, enlargement, relocation or reconstruction.

3. Minimum standards established under this paragraph are applicable to the state ~~construction site erosion control and storm water management plan.~~ The department shall encourage a county, city or village to comply with these minimum standards for any ~~construction site erosion control and storm water management zoning ordinance enacted under s. 59.974, 61.354 or 62.234.~~

SECTION 83. 144.266 (3) (b) of the statutes is repealed.

SECTION 84. 144.266 (4) and (5) of the statutes are amended to read:

144.266 (4). MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The department shall prepare a model ~~construction site erosion control and storm water management zoning ordinance in the form of an administrative rule.~~ The model ordinance shall be based upon the state ~~construction site erosion control and storm water management plan.~~ The model ordinance is subject to s. 227.19 and other provisions of ch. 227 in the same manner as other administrative rules. Following the promulgation of the model ordinance as a rule, the department shall distribute a copy of the model ordinance to any county, city or village which submits a request. The department shall distribute a copy of the state plan to any agency which submits a request.

(5) COOPERATION. The department, the municipalities and all state agencies shall cooperate to accomplish the objective of this section. To that end, the department shall consult with the governing bodies of municipalities to secure voluntary uniformity of regulations, so far as practicable, shall prepare model ~~construction site erosion control and storm water management zoning ordinances,~~ shall extend assistance to municipalities under this section, shall prepare a state ~~construction site erosion control and storm water management plan,~~ shall encourage uniformity through the implementation of this plan and the utilization of memoranda of understanding which are substantially similar to the plan and shall extend assistance to agencies under this section.

SECTION 85. 144.267 of the statutes is created to read:

~~144.267 Construction site erosion control. (1) DEFINITIONS. In this section:~~

(a) "Agricultural production" includes the raising of grains, grass, mint, seed crops, vegetables, fruits, nuts, berries, livestock and poultry, sod farming, grazing, aquaculture, silviculture and floriculture.

(b) "Best management practices" means practices, techniques or measures that are determined to be the most effective means of preventing or reducing pollutants generated from construction sites to a level compatible with water quality objectives established under s. 144.25 and that do not have an adverse impact on fish and wildlife habitat.

(2) CONSTRUCTION SITE EROSION CONTROL RULES. (a) The department shall establish all of the following by rule:

1. Standards for activities related to construction site erosion control and for the administration of this section.

2. The text of a construction site erosion control ordinance that conforms with the standards under subd. 1 and includes remedies and penalties consistent with sub. (8).

(b) Except as provided in par. (c), the standards for construction site erosion control shall provide for the regulation of any activity that does any of the following:

1. Involves the grading, removal of protective ground cover or vegetation, excavation, land filling or other land-disturbing activity that affects an area of 4,000 square feet or more.

2. Involves the excavation or filling or a combination of excavation and filling that affects 400 cubic yards or more of dirt, sand or other excavation or fill material.

3. Involves street, highway, road or bridge construction, enlargement, relocation or reconstruction.

4. Involves the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

5. Requires a subdivision plat approval or a certified survey.

(c) The standards for construction site erosion control do not apply to any of the following:

1. The construction of one- and 2-family dwellings.

2. Metallic mining activities regulated under ss. 144.80 to 144.94.

3. Agricultural production and any activities on the land where the agricultural production occurs if those activities are associated with the agricultural production.

4. Road or bridge construction that is funded in whole or in part with state or federal funds.

(e) At a minimum, the rules shall require the use of best management practices.

(f) The rules shall require the use of more restrictive or additional practices in the following areas:

1. Areas with slopes greater than 12%.

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~~2. Shorelands, as defined under s. 59.071 (1).~~

~~(g) The rules shall require counties to enact and begin administration of the ordinance under sub. (3) within 6 months after the effective date of the rules.~~

~~(3) MANDATORY ENACTMENT AND ADMINISTRATION OF ORDINANCE. (a) Each county shall enact and administer a construction site erosion control ordinance that conforms with the ordinance promulgated under sub. (2) (a), except as provided in par. (b). This ordinance may be enacted separately from an ordinance enacted under s. 59.07.~~

~~(b) Any county with a construction site erosion control ordinance in effect on the day on which the county is required to enact a construction site erosion control ordinance under sub. (2) (g) may maintain and administer that ordinance if the department reviews the existing ordinance and determines that it is at least as restrictive as the ordinance promulgated under sub. (2) (a). If the department determines that any part of the existing ordinance is not as restrictive as the ordinance promulgated under sub. (2) (a), the county may amend the ordinance and submit the amended ordinance to the department for approval. After obtaining the approval of the department under this paragraph, the county may not amend the ordinance to make it less restrictive.~~

~~(c) The ordinance under par. (a) or (b) applies to the entire area of the county, except for cities, villages or towns that enact and administer a construction site erosion control ordinance under sub. (4).~~

~~(d) The county may authorize the land conservation committee to administer or enforce the construction site erosion control ordinance. If the county does not authorize the land conservation committee to administer and enforce the ordinance, the county board shall direct the county agency that administers and enforces the ordinance to enter a memorandum of understanding with the land conservation committee regarding the powers and duties of the respective agencies regarding construction site erosion control.~~

~~(e) The county may require a deposit of funds, letter of credit or similar form of financial assurance conditioned on the faithful performance of all of the requirements of this section.~~

~~(f) All powers granted to a county under s. 236.43 may be exercised by it with respect to construction site erosion control regulation if the county has or provides a county planning agency as defined in s. 236.02 (3).~~

~~(g) 1. Section 66.30 applies to this subsection, but for the purposes of this subsection any agreement under s. 66.30 may only be accomplished by ordinance.~~

~~2. If a county is served by a regional planning commission under s. 66.945 and if the commission consents, the county may empower the commission by ordinance to administer an ordinance enacted under this section throughout the county, whether or not the~~

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~~area otherwise served by the commission includes all of that county.~~

~~(4) AUTHORITY TO ENACT AND ADMINISTER ORDINANCE. (a) A city, village or town with a population greater than 5,000 may enact and administer a construction site erosion control ordinance that conforms with the ordinance under sub. (2) (a). A city or village with a population less than or equal to 5,000 may not enact or administer a construction site erosion control ordinance. A town with a population less than or equal to 5,000 may administer a construction site erosion control ordinance only as provided in par. (bm). Except as provided in par. (b), a city or village may not enact a construction site erosion control ordinance that does not conform with the ordinance under sub. (2) (a). Except as provided in par. (bm), a town may not enact a construction site erosion control ordinance that does not conform with the ordinance under sub. (2) (a). If a town enacts and administers a construction site erosion control ordinance, the town board shall direct the town agency that administers the ordinance to enter a memorandum of understanding with the land conservation committee regarding the powers and duties of the agencies.~~

~~(b) A city or village with a construction site erosion control ordinance in effect on the day on which the county is required to enact a construction site erosion control ordinance under sub. (2) (g) may maintain and administer that ordinance if the department reviews the existing ordinance and determines that it is at least as restrictive as the ordinance promulgated under sub. (2) (a). If the department determines that any part of the existing ordinance is not as restrictive as the ordinance promulgated under sub. (2) (a), the city or village may amend the ordinance and submit the amended ordinance to the department for approval. After obtaining the approval of the department under this paragraph, the city or village may not amend the ordinance to make it more restrictive.~~

~~(bm) A town with a construction site erosion control ordinance in effect on the day on which the county is required to enact a construction site erosion control ordinance under sub. (2) (g) may maintain and administer that ordinance if the department reviews the existing ordinance and determines that it is at least as restrictive as the ordinance promulgated under sub. (2) (a). If the department determines that any part of the existing ordinance is not as restrictive as the ordinance promulgated under sub. (2) (a), the town may amend the ordinance and submit the amended ordinance to the department for approval. After obtaining the approval of the department under this paragraph, the town may not amend the ordinance to make it more restrictive.~~

~~(c) A city, village or town may require a deposit of funds, letter of credit or similar form of financial assurance conditioned on the faithful performance of all of the requirements of this section.~~

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~~(d) All powers granted to a city, village or town under s. 236.45 may be exercised by it with respect to construction site erosion control regulation if the city, village or town has or provides a planning commission or agency.~~

~~(e) 1. Section 66.30 applies to this subsection, but for the purposes of this section any agreement under s. 66.30 may only be accomplished by ordinance.~~

~~2. If a city, village or town is served by a regional planning commission under s. 66.945 and if the commission consents, the city, village or town may empower the commission by ordinance to administer the ordinance enacted under this section throughout the city, village or town, whether or not the area otherwise served by the commission includes all of that city, village or town.~~

~~(5) FEES. (a) The department, by rule, shall establish fees that shall, as closely as possible, equal the cost of all of the following:~~

~~1. The examination and approval of construction site erosion control plans by a county, city, village or town.~~

~~2. The inspection of construction site erosion control practices by a county, city, village or town.~~

~~3. The administration of this section by the department.~~

~~(b) The department shall, by rule, establish fees for construction site erosion control plan review and site inspection to make the payments to the environmental fund under s. 20.370 (2) (ag) over a period not to exceed 5 years. The fee for any individual project under this paragraph may not exceed 10% of the total fee for the project under par. (a).~~

~~(c) The rule under par. (a) shall establish the portion of the fee to be retained by the county, city, village or town and the portion of the fee to be forwarded to the department.~~

~~(d) A county, city, village or town shall collect the fees established under pars. (a) and (b) and shall forward the state's portion of the fee to the department within 90 days after collecting the fee. A county, city, village or town may not collect fees related to construction site erosion control that are greater or less than the fees established under pars. (a) and (b). A county, city, village or town shall use the revenues from its portion of the fees only for the administration of the construction site erosion control program.~~

~~(6) MUNICIPAL RESPONSIBILITIES: DEPARTMENT REVIEW. (a) Each county and each city, village or town that exercises jurisdiction under this section shall do all of the following:~~

~~1. Obtain the services of an inspector certified under sub. (7) to conduct all inspections related to the soil erosion control standards under this section.~~

~~2. Obtain, individually or jointly with other counties, cities or villages, the services of a plan reviewer certified under sub. (7) to review all erosion control plans submitted under this section.~~

~~3. Review erosion control plans, conduct inspections of erosion control practices and enforce the requirements of this section.~~

~~4. Complete the review of an erosion control plan no later than the 15th working day after the day that the erosion control plan is submitted.~~

~~(b) The department shall review the construction site erosion control program under this section of each county and each city, village or town that exercises jurisdiction under this section to ascertain compliance with par. (a) and the rules promulgated under this section. This review shall include all of the following:~~

~~1. A performance audit of the erosion control program of the county, city, village or town.~~

~~2. Verification, by on-site inspections, of county, city, village or town compliance with par. (a).~~

~~3. A written determination by the department, issued every 3 years, of whether or not the county, city, village or town complies with par. (a).~~

~~(c) If the department determines under par. (b) that a county, city, village or town is not in compliance with par. (a), the department shall conduct a hearing after 30 days notice in the county, city, village or town. As soon as practicable after the hearing, the department shall issue a written decision regarding compliance with par. (a).~~

~~(d) If the department determines that a city, village or town is not in compliance with par. (a), the city, village or town may not administer the construction site erosion control program. The county ordinance shall apply to that city, village or town and the county shall administer the construction site erosion control program in that city, village or town. The city, village or town may apply to the department to resume its authority to administer the construction site erosion control program, but not sooner than 3 years after the department issues a decision under par. (c). The department, after a hearing, may approve the city, village or town request to administer the construction site erosion control program if the city, village or town demonstrates the capacity to comply with par. (a).~~

~~(e) If the department determines that a county is not in compliance with par. (a), the department shall administer the construction site erosion control program in that county, including the collection of fees, review and approval of plans, inspection of construction sites and enforcement. If the department administers a county construction site erosion control program under this paragraph, the department shall enter a memorandum of understanding with the land conservation committee regarding the powers and duties of the department and the land conservation committee. Notwithstanding sub. (5) (c), the department shall retain the entire amount of the fee established under subs. (5) (a) and (b). The county may apply to the department at any time to resume administration of the construction site erosion control program. The department, after a hearing, may approve the county request to administer the construction site~~

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erosion control program if the county demonstrates the capacity to comply with par. (a). No city, village or town may enact an ordinance under sub. (4) during the time that the county in which the city, village or town is located has been determined not to be in compliance with par. (a).

(7) TRAINING AND CERTIFICATION. (a) The department shall, by rule, establish a program of training and certification for persons who review plans or conduct inspections of, and who are engaged in, construction activities subject to any of the following:

1. This section.
2. Section 144.25, if those activities do not relate to agricultural practices.

(b) The department shall do all of the following:

1. Identify those persons involved in plan review or inspections who are required to obtain certification.
2. Establish the requirements for and the term of initial certification, and the requirements for recertification upon expiration of that term. At a minimum, the department shall require applicants to pass an examination in order to receive initial certification.

2m. Specify the types of activities that certified plan reviewers and inspectors may perform.

3. Establish different levels of certification as the department determines is appropriate.

4. Identify persons other than inspectors and plan reviewers who may benefit from the training program, and encourage those persons to enroll in the training program.

(c) The department may impose fees for the training and certification program.

(d) The department shall promulgate the rules under pars. (b) and (c) in consultation with the department of industry, labor and human relations and the department of transportation.

(e) Any training required under this subsection may be conducted by the department or by another person with the approval of the department.

(f) The department may suspend or revoke a certification under this subsection for failure to comply with this section or rules promulgated under this section.

(8) ENFORCEMENT; REMEDIES; PENALTIES. (a) A county, city, village or town may submit orders to abate violations of ordinances under sub. (3) or (4) to the district attorney, the corporation counsel or the attorney general for enforcement. The district attorney, the corporation counsel or the attorney general may enforce those orders.

(b) The department may issue a special order directing the immediate cessation of an activity regulated under this section until the necessary plan approval is obtained or until the site complies with sub. (2).

(c) If a person removes soil from a construction site regulated under this section and deposits the soil without permission on the property of another, the department may order the person to take action necessary to

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remove the soil and to restore the environment to the extent practicable, subject to approval of the owner of the property on which the soil is deposited.

(d) Any person who violates this section may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under this section is suspended, stayed or enjoined, this penalty does not accrue.

(9) CITIZEN SUITS. (a) Except as provided in par. (b), any resident of this state may commence a civil action on his or her own behalf against the department if the resident alleges a failure of the department to perform any act or duty under this section that is not discretionary with the department.

(b) No action may be commenced under par. (a) less than 30 days after the plaintiff has given notice to the department of intent to commence the action.

(c) The court, in issuing any final order in any action brought under this subsection, shall award costs of litigation including, notwithstanding s. 814.04 (1) and (2), reasonable attorney and expert witness fees to the plaintiff if he or she prevails, and the court may do so if it determines that the outcome of the controversy is consistent with the relief sought by the plaintiff irrespective of the formal disposition of the civil action.

(d) Nothing in this section restricts any right of any person or class of persons under any other statute or common law.

SECTION 86. 144.99 of the statutes is amended to read:

144.99 Penalties. Any person who violates this chapter, except ss. 144.267, 144.30 to 144.426 and 144.96 (1), or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty does not accrue.

SECTION 87. 147.28 of the statutes is created to read:

147.28 Animal waste management rules. The department shall promulgate rules providing all of the following:

(1) Procedures for implementing best management practices related to discharges of animal waste regulated under this chapter that incorporate the provisions of s. 144.025 (2) (u) 2 and (v) 3.

(2) A higher priority for issuance of notices of discharge under this chapter related to animal waste in a priority watershed designated under s. 144.25 (4) (c) or (cm) or a priority lake area, as defined in s. 144.25 (2) (b), for which the department has ended the period during which a landowner or operator may enter into a cost-sharing agreement under s. 144.25 on the effective date of this subsection ... [revisor inserts date].

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in Part

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SECTION 91. 227.01 (13) (zn) of the statutes is created to read:

227.01 (13) (zn) Establishes water quality objectives for priority watersheds or priority lakes under s. 144.25 (4) (dm).

SECTION 91f. 234.265 (2) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

234.265 (2) Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.08, 234.49, 234.59, 234.65, 234.67, 234.70, 234.765, 234.82, 234.83, 234.87, 234.90, 234.905 or 234.907, seeking financial assistance under ss. 234.75 to 234.802, seeking investment of funds under s. 234.03 (18m) or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

SECTION 91g. 234.87 of the statutes is created to read:

234.87 Nonpoint source pollution abatement loan guarantee program. (1) DEFINITIONS. In this section:

(a) "Best management practices" has the meaning given in s. 144.25 (2) (a).

(b) "Priority lake area" has the meaning given in s. 144.25 (2) (bs).

(c) "Priority watershed" has the meaning given in s. 144.25 (2) (c).

(2) GUARANTEE REQUIREMENTS. The authority may use money from the Wisconsin development reserve fund under s. 234.93 to guarantee a loan under this section if all of the following apply:

(a) The borrower is a landowner or operator and has a debt to asset ratio of at least 40% but not more than 80%.

(b) The loan qualifies as an eligible loan under sub. (3).

(c) The lender is a financial institution that enters into an agreement under s. 234.93 (2) (a).

(3) ELIGIBLE LOAN. A loan is an eligible loan if all of the following apply:

(a) The loan is made for the installation of best management practices, as certified by the department of natural resources or the department of agriculture, trade and consumer protection.

(b) If the loan is made for the installation of best management practices in a priority watershed or priority lake area, the loan is made before the date specified under s. 144.25 (4) (g) for that priority watershed or priority lake area and the loan is made for the installation of best management practices in one of the following:

1. A priority watershed or priority lake area that is identified by the department of natural resources under s. 144.25 (4) after the effective date of this subdivision [revisor inserts date].

2. A priority watershed or priority lake area that is identified by the department of natural resources under s. 144.25 (4) (cm).

~~3. A priority watershed or priority lake area to which s. 144.25 (2) (b) 2 applies because of action by the county board or county boards under s. 144.25 (2) (um) 3.~~

Vetoed
in Part

(c) The interest rate on the loan, including any origination fees or other charges, is approved by the authority.

(d) The loan term is not less than 3 years nor more than 10 years beginning on the date on which the financial institution disburses the loan.

(e) The financial institution believes that it is reasonably likely that the borrower will be able to repay the loan in full with interest.

(f) The financial institution agrees to the percentage of guarantee established for the loan by the authority.

(4) AUTHORITY DUTIES. (a) The authority shall give highest priority for loan guarantees under this section to loans for the installation of best management practices in a priority watershed or priority lake area.

(b) The authority shall establish the maximum amount of a loan that may be guaranteed under this section.

(5) GUARANTEE OF COLLECTION. (a) Subject to par. (b) and sub. (4) (a), the authority shall guarantee collection of a percentage, not exceeding 90%, of the principal of a loan eligible for a guarantee under sub. (2). The authority shall establish the percentage of the principal of an eligible loan that it will guarantee. The authority may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

(b) Except as provided in s. 234.93 (3), the total guaranteed principal amount of all loans that the authority may guarantee under par. (a) may not exceed \$850,000.

SECTION 91t. 342.06 (1m) of the statutes is created to read:

342.06 (1m) On the form for application for a certificate of title, the department may show the fee under s. 342.14 (3m) separately from the fee under s. 342.14 (1) or (3).

SECTION 92. 342.14 (3m) of the statutes is created to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a nonpoint source pollution fee of \$7.50 by the owner of the vehicle. The fee specified under this subsection is in addition to any other fee specified in this section.

SECTION 92g. 443.14 (10) of the statutes is created to read:

443.14 (10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of soil and water conservation activities under ch. 92 or s. 144.25 or 144.267 and who is certified under s. 92.18 or 144.267 (c).

Vetoed
in Part

SECTION 92k. 443.14 (11) of the statutes is created to read:

443.14 (11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, instal-

Vetoed
in Part

Vetoed in Part lation or regulation of soil and water conservation activities under ch. 92 or s. 144.25 or 144.267.

SECTION 92m. 600.01 (1) (b) 8 of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

600.01 (1) (b) 8. Guarantees of the Wisconsin housing and economic development authority under ss. 234.67, 234.765, 234.82, 234.83, 234.87, 234.90, 234.905 and 234.907.

Vetoed in Part SECTION 9104. **Nonstatutory provisions; agriculture, trade and consumer protection.** (1) **SHORELAND DRAINAGE MANAGEMENT ORDINANCE GUIDELINES.** The department of agriculture, trade and consumer protection shall submit the rule creating the guidelines for a shoreland grazing management ordinance required under section 92.17 (1) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes by the first day of the 18th month beginning after the effective date of this subsection. The department shall appoint a committee to assist in the drafting of the guidelines required under section 92.17 (1) of the statutes, as created by this act. The committee shall include at least 3 representatives of livestock and dairy farm organizations and at least one representative of the Wisconsin towns association, one representative of the Wisconsin counties association, one representative of the Wisconsin land conservation association and 2 representatives of environmental organizations. The committee shall also include 4 legislators, one each from the majority and minority parties from each house.

Vetoed in Part (3) **COMMITTEE FOR RULE DRAFTING.** The department of agriculture, trade and consumer protection shall appoint a committee under section 227.13 of the statutes to assist in the drafting of rules required under section 88.11 of the statutes, as affected by this act. The committee shall include at least one drainage engineer, 2 representatives of drainage districts, 2 representatives of environmental organizations, 2 farmers, a soil scientist and a hydrologist.

Vetoed in Part (4) **RULES APPLICABLE TO DRAINAGE DISTRICTS.** The department of agriculture, trade and consumer protection shall submit proposed rules for the purpose of regulating drainage districts under section 88.11 of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes within 18 months after the effective date of this subsection.

Vetoed in Part (5) **STUDY OF CONSTRUCTION SITE EROSION CONTROL STANDARDS FOR AGRICULTURAL DRAINS.** The department of agriculture, trade and consumer protection, in consultation with land conservation committees, shall study the need for and the appropriateness of construction site erosion control standards for all agricultural drains. The department of agriculture, trade and consumer protection shall submit its findings, together with any recommendations for statutory changes, to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

~~(5m) **STUDY OF TAX ROLLOVER PROVISIONS OF THE FARMLAND PRESERVATION PROGRAM.** The department of agriculture, trade and consumer protection shall study the tax rollover provisions of the farmland preservation program, as provided under sections 91.19 (7), 91.77 (2) and 91.79 of the statutes, to determine if changes to these provisions are appropriate. The department of agriculture, trade and consumer protection shall submit its findings, together with any recommendations for statutory changes, to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes no later than 6 months after the effective date of this subsection.~~

Vetoed in Part

(6) **POSITION AUTHORIZATIONS.** The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 8.0 GPR positions on July 1, 1992, to be funded from the appropriation under section 20.115 (7) (q) of the statutes, as created by this act, for the purpose of performing the duties of the department of agriculture, trade and consumer protection under section 92.14 of the statutes, as affected by this act.

(6g) **MANURE STORAGE FACILITIES.** In fiscal year 1992-93, the department of agriculture, trade and consumer protection shall allocate \$100,000 from the appropriation under section 20.115 (7) (q) of the statutes, as created by this act, for grants for manure storage facilities under section 92.14 of the statutes, as affected by this act.

SECTION 9129. **Nonstatutory provisions; industry, labor and human relations.** (1) **RULES FOR CONSTRUCTION SITE EROSION.** The department of industry, labor and human relations shall submit proposed rules for the purpose of regulating construction site erosion for one- and 2-family dwellings, under section 101.653 of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes within one year after the effective date of this subsection.

~~(2) **ESTABLISHING CONSTRUCTION SITE EROSION CONTROL FEES.** The department of industry, labor and human relations shall appoint a committee under section 227.13 of the statutes to assist in the establishment of the fees under section 101.653 (3) (a) of the statutes, as created by this act. The committee shall include local governmental officials, representatives of home builders and representatives of environmental organizations. The department shall also conduct a survey of the local costs of providing services similar to those for which fees will be established under section 101.653 (3) (a) of the statutes and shall consider the results of the survey in establishing those fees.~~

Vetoed in Part

~~(3) **ESTABLISHING CERTIFICATION AND TRAINING RULES.** The department of industry, labor and human relations shall appoint a committee under section~~

Vetoed in Part 227.13 of the statutes to advise it in the drafting of the rules for the training and certification program under section 101.053 (6) of the statutes, as created by this act. The committee shall consist of not less than 6 members, with an equal number representing the public sector and the private sector.

SECTION 9142. Nonstatutory provisions; natural resources. (3) PRIORITY WATERSHEDS AND PRIORITY LAKES; COST-SHARING GRANTS. If the department of natural resources has commenced making grants to governmental units for cost-sharing agreements with landowners or operators in a priority watershed or priority lake area under section 144.25 of the statutes, as affected by this act, but has not concluded the period during which a landowner or operator may enter into a cost-sharing agreement on the effective date of this subsection and the priority watershed was identified by the department under section 144.25 (4) (cm) of the statutes or the county board of the county that contains all of the priority watershed or priority lake area or the county boards of all of the counties that contain a portion of the priority watershed or priority lake area volunteer under section 144.025 (2) (um) 3 of the statutes, as created by this act, to have section 144.025 (2) (u) 2 of the statutes, as created by this act,

Vetoed in Part apply, the department of natural resources shall require governmental units to extend the period to enter into cost-sharing agreements as necessary to provide a minimum period of one year after the effective date of this subsection during which cost-sharing agreements may be entered into.

(3m) DAM DEBRIS REMOVAL. In fiscal year 1991-92, the department of natural resources shall allocate \$74,000 from the appropriation under section 20.370 (4) (cc) of the statutes, as affected by this act, for removal of Milwaukee river North Avenue dam impoundment debris.

(4) STUDY OF PERMEABLE SURFACES FOR PARKING LOTS. The department of natural resources shall study the feasibility of using permeable surfaces for parking lots and structures such as settling ponds for parking lot drains to determine the most cost-effective and durable means of reducing the nonpoint source water pollution resulting from parking lots. The department of natural resources shall submit its findings, together with any recommendations for changes in statutes or administrative rules, to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes no later than 18 months after the effective date of this subsection.

Vetoed in Part (4m) STUDY OF AIRBORNE CONTAMINANTS OF WATER. The department of natural resources shall conduct a study of the effects of airborne contaminants on water quality and shall submit its findings to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.

Vetoed in Part (5) RULES FOR CONSTRUCTION SITE EROSION. The department of natural resources shall submit proposed rules for the purpose of regulating construction site erosion control under section 144.267 of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes within one year after the effective date of this subsection.

(5m) ESTABLISHING CONSTRUCTION SITE EROSION CONTROL FEES. The department of natural resources shall appoint a committee under section 227.13 of the statutes to assist in the establishment of fees under section 144.267 (5) (a) of the statutes, as created by this act. The committee shall include local governmental officials, representatives of the construction industry and representatives of environmental organizations. The department shall also conduct a survey of the local costs of providing services similar to those for which fees will be established under section 144.267 (5) (a) of the statutes and shall consider the results of the survey in establishing those fees.

(5n) ESTABLISHING CERTIFICATION AND TRAINING RULES. The department of natural resources shall appoint a committee under section 227.13 of the statutes to advise it in the drafting of the rules for the training and certification program under section 144.267 (7) of the statutes, as created by this act. The committee shall consist of not less than 6 members, with an equal number representing the public sector and the private sector.

(6) POSITION AUTHORIZATIONS. (b) The authorized FTE positions for the department of natural resources are increased by 5.0 SEG positions on July 1, 1992, to be funded from the appropriation under section 20.370 (2) (mr) of the statutes, as affected by this act, for the purpose of performing the duties of the department of natural resources under section 144.25 of the statutes, as affected by this act.

Vetoed in Part (c) The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions to be funded from the appropriation under section 20.370 (2) (as) of the statutes, as created by this act, for the purpose of performing the duties of the department of natural resources under section 144.267 of the statutes, as created by this act.

(d) The authorized FTE positions for the department of natural resources are increased by 1.0 SEG on July 1, 1992, to be funded from the appropriation under section 20.370 (4) (hs) of the statutes, as created by this act, for the purposes of performing duties under section 144.25 of the statutes, as affected by this act, related to providing financial assistance.

Vetoed in Part SECTION 9155. Nonstatutory provisions; transportation. (1) ALTERNATIVES TO HIGHWAY SALT. From the appropriation under section 20.395 (3) (eg) of the statutes, as affected by this act, the department of transportation shall provide \$21,000 in fiscal year 1992-93 to the university of Wisconsin-Eau Claire department of chemistry for research on alternatives to highway salt.

SECTION 9242. Appropriation changes; natural resources. (2) **TRANSFER FOR LOAN GUARANTEES.** There is transferred to the appropriation to the Wisconsin housing and economic development authority under section 20.490 (5) (a) of the statutes, as affected by the acts of 1991, from the appropriation to the department of natural resources under section 20.370 (4) (cc) of the statutes, as affected by the acts of 1991, \$200,000 in fiscal year 1992-93 for nonpoint source pollution abatement loan guarantees.

Vetoed
in Part

(3) **NONPOINT PROGRAM REDUCTION.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (cc) of the statutes, as affected by the acts of 1991, the dollar amount is decreased by \$10,000 for fiscal year 1992-93 to offset the appropriation increase to the university of Wisconsin system for student internships in the water resources management program at the university of Wisconsin-Madison.

SECTION 9257. Appropriation changes, university of Wisconsin system. (1) **WATER RESOURCES INTERNSHIPS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the university of Wisconsin system under section 20.285 (1) (a) of the statutes, as affected by the acts of 1991, the dollar amount is increased by \$10,000 for fiscal year 1992-93 to fund student internships in the water resources management program at the university of Wisconsin-Madison.

SECTION 9304. Initial applicability; agriculture, trade and consumer protection. (1) **MANURE STORAGE FACILITIES GRANT LIMITS.** The treatment of section 92.14 (6) (h) 1. d. of the statutes first applies to facili-

ties for which a person has entered into a cost-sharing agreement before the effective date of this subsection, but for which a cost-sharing grant has not been issued on the effective date of this subsection.

~~**SECTION 9342. Initial applicability; natural resources.** (1) **PRIORITY WATERSHEDS AND PRIORITY LAKES; ENFORCEMENT ORDERS.** The treatment of section 144.825 (2) (a) 2 of the statutes first applies in a priority watershed or priority lake area for which the department of natural resources has commenced making grants to governmental units for cost-sharing grants to landowners and operators under section 144.25 of the statutes, as affected by this act, but has not concluded the period during which a landowner or operator may enter into a cost-sharing agreement on the effective date of this subsection.~~

Vetoed
in Part

SECTION 9349. Initial applicability; revenue. (1) **FARMLAND PRESERVATION CREDIT NOTIFICATION.** The treatment of section 71.59 (1) (b) (intro.) and 4 of the statutes and the renumbering of section 71.59 (1) (b) 1 to 5 of the statutes first apply to claims for credits filed in 1993 based on property taxes accrued during the previous year.

SECTION 9400. Effective date. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 59.974 (title), (2), (4) (b) and (c), (5), (7), (8) and (10), 61.354 (title), (2), (4) (b) and (c), (6) and (7) and 62.234 (title), (2), (4) (b) and (c), (6) and (7) of the statutes takes effect on January 1, 1993.

Vetoed
in Part

(3) The treatment of section 342.14 (3m) of the statutes takes effect on the first day of the 7th month beginning after publication.