



2001 SENATE BILL 443

February 13, 2002 – Introduced by Senators COWLES and RISSER, cosponsored by Representatives ALBERS, OWENS, BLACK, KRAWCZYK, J. LEHMAN and BOYLE. Referred to Committee on Environmental Resources.

1 **AN ACT** *to renumber* 93.70; *to amend* 25.29 (1) (c); and *to create* 20.115 (7) (st),
2 20.115 (7) (sv), 20.370 (6) (ax), 92.10 (9), 93.70 (2) and 281.38 of the statutes;
3 **relating to:** the formula used for calculating the estimated motorboat gas tax
4 payment; establishing a wetlands protection grant program, funding for
5 wetlands mitigation activities and positions, for lake management and river
6 protection grants, and for positions to administer lake, river, and dam financial
7 assistance programs; implementation of the conservation reserve
8 enhancement program; implementation of county land and water resource
9 management plans; granting rule-making authority; and making
10 appropriations.

Analysis by the Legislative Reference Bureau

Current law requires that an amount equal to 1.4 times the estimated motorboat gas tax payment be transferred each fiscal year from the transportation fund to the conservation fund. The estimated motorboat gas tax payment for each fiscal year is calculated by multiplying the number of registered motorboats on January 1 of the previous fiscal year by 50 gallons and then multiplying this product

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by the excise tax imposed on gasoline and diesel fuel on April 1 of the previous fiscal year. This bill increases the number of gallons used in calculating the estimated motorboat gas tax payment from 50 to 80 gallons, beginning with fiscal year 2002-2003.

This bill also creates a wetlands protection grant program to provide financial assistance for projects that will protect, enhance, and restore wetlands. The bill requires the department of natural resources (DNR) to develop and administer the program. The bill provides that local governmental units and nonprofit conservation organizations are eligible to receive grants under the program.

The bill also increases funding for various programs administered by DNR. The bill increases funding for activities relating to wetlands mitigation, funding for lake management grants and river protection grants, and funding to provide technical assistance to certain river management organizations. In addition, the bill provides funding to DNR to increase the number of financial assistance specialist positions to administer various lake, river, and dam safety financial aid programs.

Current law authorizes the department of agriculture, trade and consumer protection (DATCP) to participate in the federal Conservation Reserve Enhancement Program (CREP) under which payments are made to landowners for measures to improve water quality, erosion control, and wildlife habitat. This bill authorizes DATCP to make payments to counties that provide assistance in implementing CREP. The payments to a county may be up to \$250 per landowner who participates in CREP with the assistance of the county. In addition, the bill provides funding to DATCP for two project positions to administer CREP.

Current law requires counties to prepare land and water resource management plans. Under the land and water resource management program, current law also requires DATCP to provide funds to counties with approved land and water resource management plans. Counties may use the funds, among other purposes, for county land conservation staff. This bill authorizes DATCP to provide funds to counties, in addition to the funds provided under the land and water resource management program, for staff to implement land and water resource management plans.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

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1 **2001-02** **2002-03**

2 **20.115 Agriculture, trade and consumer**
 3 **protection, department of**

4 (7) AGRICULTURAL RESOURCE MANAGEMENT

5 (st) County soil and water assistance SEG C -0- 1,375,000

6 (sv) Conservation reserve enhance-
 7 ment program administration SEG A -0- 125,000

8 **20.370 Natural resources, department of**

9 (6) ENVIRONMENTAL AIDS

10 (ax) Environmental aids - wetlands
 11 protection; conservation fund SEG A -0- 1,348,300

12 **SECTION 2.** 20.115 (7) (st) of the statutes is created to read:

13 20.115 (7) (st) *County soil and water assistance.* From the conservation fund,
 14 as a continuing appropriation, the amounts in the schedule for payments to counties
 15 for implementing the conservation reserve enhancement program under s. 93.70 (2)
 16 and for implementing county land and water resource management plans under s.
 17 92.10 (9).

18 **SECTION 3.** 20.115 (7) (sv) of the statutes is created to read:

19 20.115 (7) (sv) *Conservation reserve enhancement program administration.*
 20 From the conservation fund, the amounts in the schedule for administration of the
 21 conservation reserve enhancement program under s. 93.70.

22 **SECTION 4.** 20.370 (6) (ax) of the statutes is created to read:

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1 20.370 (6) (ax) *Environmental aids — wetlands protection; conservation fund.*
2 From the conservation fund, the amounts in the schedule for wetlands protection
3 grants under s. 281.38.

4 **SECTION 5.** 25.29 (1) (c) of the statutes is amended to read:

5 25.29 (1) (c) For fiscal year ~~1992-93~~ 2002-2003, and for each fiscal year
6 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied
7 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the
8 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal
9 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under
10 s. 78.01 (1) on April 1 of the previous fiscal year.

11 **SECTION 6.** 92.10 (9) of the statutes is created to read:

12 92.10 (9) FUNDING FOR COUNTY STAFF. From the appropriation under s. 20.115
13 (7) (st), the department may provide funds, in addition to any funds provided under
14 s. 92.14 (3), to counties for staff to implement land and water resource management
15 plans approved under sub. (4) (d).

16 **SECTION 7.** 93.70 of the statutes is renumbered 93.70 (1).

17 **SECTION 8.** 93.70 (2) of the statutes is created to read:

18 93.70 (2) If a county enters into an agreement with the department under
19 which the county provides assistance in implementing the conservation reserve
20 enhancement program, the department may make payments to the county from the
21 appropriation under s. 20.115 (7) (st) equal to up to \$250 per landowner who
22 participates in the conservation reserve enhancement program with the assistance
23 of the county.

24 **SECTION 9.** 281.38 of the statutes is created to read:

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1 **281.38 Wetlands protection grants. (1) DEFINITION.** In this section,
2 “wetland” has the meaning given in s. 23.32 (1).

3 **(2) TYPES OF PROJECTS.** The department shall develop and administer a
4 financial assistance program to provide grants for projects that will protect, enhance,
5 or restore wetlands.

6 **(3) AMOUNT OF GRANTS.** A grant under this section may be made for up to 75%
7 of the cost of the project but may not exceed \$50,000 per grant.

8 **(4) ELIGIBLE RECIPIENTS.** All of the following shall be eligible for grants under
9 this section:

10 (a) Local governmental units, as defined in s. 66.0131 (1) (a).

11 (b) Nonprofit conservation organizations, as defined in s. 23.0955 (1).

12 **(5) RULES.** The department shall promulgate rules that designate activities
13 that are eligible for a wetlands protection grant under this section.

14 **SECTION 10. Nonstatutory provisions.**

15 (1) POSITIONS FOR ADMINISTRATION OF THE CONSERVATION RESERVE ENHANCEMENT
16 PROGRAM. The authorized FTE positions for the department of agriculture, trade and
17 consumer protection are increased by 2.0 SEG 4-year project positions to be funded
18 from the appropriation under section 20.115 (7) (sv) of the statutes, as created by this
19 act, to administer the conservation reserve enhancement program.

20 **SECTION 11. Appropriation changes.**

21 (1) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of natural resources under section
23 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
24 increased by \$479,800 for fiscal year 2002-03 for wetlands regulation activities
25 relating to wetlands mitigation under section 281.37 of the statutes and to increase

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1 the authorized FTE positions for the department of natural resources by 2.5 SEG
2 positions to conduct those activities.

3 (2) LAKE MANAGEMENT GRANTS. In the schedule under section 20.005 (3) of the
4 statutes for the appropriation to the department of natural resources under section
5 20.370 (6) (ar) of the statutes, as affected by the acts of 2001, the dollar amount is
6 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
7 appropriation is made.

8 (3) RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the
9 statutes for the appropriation to the department of natural resources under section
10 20.370 (6) (av) of the statutes, as affected by the acts of 2001, the dollar amount is
11 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
12 appropriation is made.

13 (4) TECHNICAL ASSISTANCE. In the schedule under section 20.005 (3) of the
14 statutes for the appropriation to the department of natural resources under section
15 20.370 (6) (aw) of the statutes, as affected by the acts of 2001, the dollar amount is
16 increased by \$75,000 for fiscal year 2002-03 for the purpose of providing technical
17 assistance to river management organizations under section 281.72 of the statutes.

18 (5) FINANCIAL ASSISTANCE SPECIALISTS. In the schedule under section 20.005 (3)
19 of the statutes for the appropriation to the department of natural resources under
20 section 20.370 (9) (mu) of the statutes, as affected by the acts of 2001, the dollar
21 amount is increased by \$198,000 for fiscal year 2002-03 to increase the authorized
22 FTE positions for the department of natural resources by 4.0 SEG financial
23 assistance specialist positions to administer the grant programs under sections
24 281.68, 281.69, and 281.70 of the statutes and to administer the financial assistance
25 program under section 31.385 of the statutes.

