

Senate Bill 620

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Chapter 614

AN ACT to repeal 20.705 and 20.870, both as affected by the laws of 1965, 20.930 (1m) (e) 9, as created by chapter 592, laws of 1965 (Senate Bill 583), 31.03, 31.28, 31.36 (1) to (5), (7), (10) and (12), as affected by chapter 163, laws of 1965, 144.02 (1) (d), 144.08, 144.11, 144.51 (intro. par.) and (1), 144.52, 144.53, 144.535, 144.54, 144.56 (3) and 144.565; to suspend chapter 109 of the statutes, as affected by the laws of 1965; to renumber 31.36 (6), (8), (9) and (11), as affected by chapter 163, laws of 1965, 66.33 (5) and 144.51 (2) to (4); to amend 23.26 (2), 30.18 (8), 30.20 (1) (b), 30.21 (2) (b), 31.06 (3), 31.095 (1) (intro. par.), 31.185 (3), 31.33 (1), 36.225 (6) and (7), 36.245, as created by chapter 502, laws of 1965, 60.302 (1), 60.303 (5) and (8), 60.306 (2) and (4), 70.11 (21) (a) and (d), 71.04 (2b) (intro. par.) and (b), 97.30, 144.01 (1) and (8), 144.536, 144.537, 144.55 and 144.57; to repeal and recreate 144.03; and to create 15.65, 20.360 (2), 20.706, 20.930 (2) (w), 30.20 (2) (c), 31.02 (5), 59.971, 66.33 (5) and (6), 71.05 (1) (b) 5, 87.30, 144.01 (12) and (13), 144.023, 144.025, 144.07 (4) (g), 144.21, 144.26 and 236.13 (2m) of the statutes, relating to the creation of a water resources division in a reconstituted department of resource development, transferring to such department the water quality functions of the state board of health and committee on water pollution and the water regulatory functions of the public service commission, placing certain functions formerly in the department of resource development in the governor's office, abolishing the committee on water pollution, providing incentives for pollution abatement, providing for the protection of shorelands and flood plains, granting rule-making power and making an appropriation.

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

SECTION 1. STATEMENT OF POLICY AND PURPOSES. Continued pollution of the waters of the state has aroused widespread public concern. It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health, fish and aquatic life, scenic and ecological values and domestic, municipal, recreational, industrial, agricultural and other uses of water. The purpose of this act is to grant necessary powers and to organize a comprehensive

program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this act and all rules and orders promulgated pursuant thereto shall be liberally construed in favor of the policy objectives set forth in this act. In order to achieve the policy objectives of this act, it is the express policy of the state to mobilize governmental effort and resources at all levels, state, federal and local, allocating such effort and resources to accomplish the greatest result for the people of the state as a whole. Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for those rivers emptying into Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

SECTION 2. PREAMBLE. It is the intention of the legislature to create a department of natural resources to conserve our land, water, air, wildlife and other natural resources. The temporary reorganization commission created under chapter 265, laws of 1965, is hereby directed to include in its report to the 1967 legislature specific recommendations for the organization of a department of natural resources. The 1965 legislature recognizes the serious need in our state relating to water quality and the necessity of enabling the state to proceed with a bold program immediately. It is the intention of the legislature that the department of resource development, as reconstituted by this act, shall become a part of the department of natural resources upon creation of that new department. The provisions relating to the reconstituting of the department of resource development shall be in effect only until the effective date of an act creating the department of natural resources.

SECTION 2m. 15.65 of the statutes is created to read:

15.65 DIVISION OF STATE ECONOMIC DEVELOPMENT. There is created, in the executive office of the governor, a division of state economic development headed by a director outside the classified service, appointed by the governor and serving at his pleasure. All other employees of the division shall be under the classified service.

SECTION 3. 20.360 (2) of the statutes is created to read:

20.360 (2) ECONOMIC DEVELOPMENT. For the division of state economic development:

(a) *General program operations.* The amounts in the schedule for general program operations.

(b) *Conference proceeds.* All moneys received from the conduct of conferences to carry out the purposes of the program.

SECTION 3c. 20.705 of the statutes, as affected by the laws of 1965, is repealed.

SECTION 3f. 20.706 of the statutes is created to read:

20.706 RESOURCE DEVELOPMENT, DEPARTMENT OF. There is appropriated to the department of resource development for the following programs:

(1) WATER RESOURCES. (a) *General program operations.* The amounts in the schedule for the development, management and protection of the state's water resources.

(b) *Water research.* Biennially, the amounts in the schedule for an accelerated water resources research and data collection program.

(c) *Payments to municipalities.* A sum sufficient to make payments to municipalities on agreements entered into pursuant to s. 144.21 (6) (a).

(d) *Rental payments.* A sum sufficient to make payment of rentals on leases and subleases entered into pursuant to s. 144.21 (7).

(g) *Licensing of well drillers and pump installers.* All moneys received under s. 162.04.

(h) *Gifts and grants.* All moneys received from gifts and grants to carry out the purposes for which made.

(m) *Federal aid.* All moneys received as federal aid as authorized by the governor under s. 16.54.

(2) PLANNING AND RECREATION. (a) *General program operations.* The amounts in the schedule for the functions of the department related to planning and recreation.

(g) *Local government contributions.* All moneys received from units of local governments to carry out the purposes of the program.

(h) *Aids for urban parks.* Biennially, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the state's share of aids for urban parks under ss. 66.36 and 109.05 (3).

(m) *Federal aid.* All moneys received as federal aid as authorized by the governor under s. 16.54.

SECTION 3i. 20.870 of the statutes, as affected by the laws of 1965, is repealed.

SECTION 3j. 20.930 (1m) (e) 9 of the statutes, as created by chapter 592, laws of 1965 (Senate Bill 583), is repealed.

SECTION 4. 20.930 (2) (w) of the statutes is created to read:

20.930 (2) (w) Department of resource development: deputy director.

SECTION 5. 23.26 (2) of the statutes is amended to read:

23.26 (2) There is created a natural resources committee of state agencies consisting of the governor as chairman, ex officio; 2 members of the joint legislative council appointed by the chairman of the council; 2 representatives of the state conservation department appointed by the conservation commission; 2 representatives of the university of Wisconsin appointed by the president of the university; 2 representatives of the public service commission appointed by the public service commission; 2 representatives of the state department of agriculture appointed by the state board of agriculture; one representative of the state board of health appointed by the state board of health; *one representative of the department of resource development appointed by the director of resource development*; one representative of the attorney general's office appointed by the attorney general; one representative of the state department of taxation appointed by the commissioner of taxation; ~~the director of the department of resource development~~; one representative of the highway commission appointed by the state highway commission and one representative of the state soil and water conservation committee appointed by the committee. *After July 1, 1967, the 2 representatives of the public service commission shall cease to serve as members of the committee and shall be replaced by an additional representative of the department of resource development appointed by the director of resource development.* Each such representative shall be a member of the staff of his respective board, commission, department, office or agency and, with the exception of the governor, shall continue in office at the pleasure of his appointing body.

SECTION 6. 30.18 (8) of the statutes is amended to read:

30.18 (8) When after due examination and investigation, the conservation commission determines it to be necessary for conservation pur-

poses that water elevations in any navigable stream or lake be raised, the commission may, whenever it has funds available from any source other than license fees, file with the ~~public service commission~~ *department of resource development* an application for a permit under this section or ch. 31. The ~~commission~~ *department of resource development* shall grant such permit, and shall determine and fix the elevations to which the water may be raised or maintained, but such water elevation shall in no case be fixed below the normal elevation without the consent of the conservation commission. If any lands are damaged by the raising of the water levels above normal, pursuant to the permit, and the conservation commission cannot acquire the right to flow such lands by agreement with the owner, it may acquire such lands or the right to flow the same by condemnation under ch. 32.

SECTION 7. 30.20 (1) (b) of the statutes is amended to read:

30.20 (1) (b) No person shall remove any material from the bed of any lake or stream not mentioned in ~~sub. (2) so as to leave any hole or other condition dangerous to human life~~ *par. (a) without first obtaining a permit from the department under sub. (2) (c).*

SECTION 8. 30.20 (2) (c) of the statutes is created to read:

30.20 (2) (c) A permit to remove material from the bed of any lake or stream not included in sub. (1) (a) may be issued by the department if it finds that the issuance of such a permit will be consistent with the public interest in the water involved. The department may adopt rules to enable it to administer this section.

SECTION 9. 30.21 (2) (b) of the statutes is amended to read:

30.21 (2) (b) Place any public utility structure, including all or part of any plant for the generation of electricity and the appurtenances, upon the bed of any of the waters specified in sub. (1), provided the utility first obtains *approval under this chapter and obtains* the approval of the public service commission as required by s. 196.49 or rules or orders of the public service commission issued pursuant thereto, and also obtains the approval of the ~~commission~~ *department of resource development* to the making of any payment to be made to the municipality with respect to the erection of such structure.

SECTION 10. 31.02 (5) of the statutes is created to read:

31.02 (5) The department of resource development shall give written notice to the public service commission of any hearing under this chapter involving public utilities and similar notice to the conservation commission of any hearing under this chapter involving conservation interests.

SECTION 11. 31.03 of the statutes is repealed.

SECTION 12. 31.06 (3) of the statutes is amended to read:

31.06 (3) At such hearing or any adjournment thereof the ~~commission~~ *department of resource development* shall consider the application, and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it appears that the construction, operation or maintenance of the proposed dam ~~will not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property~~ *is in the public interest, considering esthetic, economic and recreational values, the commission department shall so find and grant a permit is hereby granted* to the applicant, provided the ~~commission~~ *department* also finds that the applicant has complied with s. 31.14 (2)

or (3) and, where applicable, with s. 31.05 (3), based on the ~~commission's~~ *department's* own estimate of the area of the flowage. The enjoyment of natural scenic beauty is declared to be a public right to be considered along with other public rights and the economic need of electric power for the full development of agricultural and industrial activity and other useful purposes in the area to be served. In considering public rights to the recreational use and natural scenic beauty of the river, the ~~commission~~ *department* shall investigate the potentialities of the lake and lake shore created by the flowage and shall weigh the recreational use and scenic beauty thereof against the known recreational use and scenic beauty of the river in its natural state, and the ~~commission~~ *department* shall further weigh the known recreational use and scenic beauty of the particular section of river involved against the known recreational use and scenic beauty of other sections of the same river and other rivers in the area remaining in their natural state (without regard to plans of other dams subsequently filed or to be filed); if it appears that the river in its natural state offers greater recreational facilities and scenic value for a larger number of people than can be obtained from the use of the lake and lake shore and that the remaining sections of the river and other rivers in the area in their natural state provide an insufficient amount of recreational facilities and scenic beauty, and if it further appears that the economic need of electric power is less than the value of the recreational and scenic beauty advantages of such river in its natural state, the ~~commission~~ *department* shall so find and the permit be denied, ~~provided that in the case of a dam or flowage located outside the boundaries of a state park or state forest the commission shall accept the findings of the county board provided for in sub. (4), if made within 50 days after notice to the county clerk as provided in sub. (1) and concurred in by all county boards in which the proposed dam and flowage created thereby are located, unless such findings of the county board are contrary to the preponderance of the evidence introduced before the commission.~~

SECTION 13. 31.095 (1) (intro. par.) of the statutes is amended to read:

31.095 (1) (intro. par.) Except where the stream to be improved forms a boundary line between this and another state, no permit shall be granted or transferred in accordance with the provisions of this chapter until the applicant ~~shall have~~ *has* filed with ~~both the department of resource development and the public service commission~~, in addition to all other things required by law to be filed, an agreement setting forth:

SECTION 14. 31.185 (3) of the statutes is amended to read:

31.185 (3) Upon receipt of an application for such a permit, the ~~commission~~ *department* shall fix a time and place for a public hearing thereon and shall give written notice of such hearing to the conservation department, *the public service commission* and ~~to~~ the clerk of each municipality in which the dam and flowage are located. The ~~commission~~ *department of resource development* may give such additional notice as it deems necessary and may require the applicant to give notice of the hearing substantially as provided in s. 31.06 (2) with respect to hearings on applications for construction of dams.

SECTION 15. 31.28 of the statutes is repealed.

SECTION 16. 31.33 (1) of the statutes is amended to read:

31.33 (1) All mills and milldams lawfully erected or constructed, on streams not navigable at the time, under ~~and pursuant to the provisions of ch. No. 48 of the, territorial laws of 1840, ch. 62, laws of 1857, ch. 56,~~

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R.S. 1858, ch. 146, R.S. 1878, ch. 146, R.S. 1898, ch. 146, Wisconsin Statutes of 1911, 1913 or 1915 or ~~under and pursuant to~~ any special, private or local act, or under any other act whatsoever, which are not now abandoned but are still in existence and use, and all dams heretofore or hereafter erected or constructed on streams not navigable in fact for any purpose whatsoever, shall be subject to and regulated and controlled by the provisions, so far as applicable, of ~~by~~ ss. 31.02, ~~31.03~~, 31.12, 31.18, 31.19, 31.20, 31.22, 31.25, and 31.26 and ~~31.28~~ of the statutes, except that the provisions of said sections shall not prevent the owner of any land flooded or otherwise injured by any milldam from recovering by action at law, full compensation for all damages resulting to him in times past and that will result to him in the future in consequence of such flooding and injury; ~~provided that~~ but no damages suffered more than 3 years before the commencement of such action shall be recovered. The amount recovered shall constitute a first lien upon the milldam and upon the mill, if any, and such lien may be enforced by execution sale of the property affected. In every such action the amount paid or secured to be paid under prior laws as damages shall be considered and proper allowance made therefor. The authority hereby granted to bring such action shall not be construed as precluding the owner from proceeding under the provisions of ch. 32. Such owner may not exercise his option to bring such action after condemnation proceedings have been commenced against his property under the provisions of said ch. 32.

SECTION 17. 31.36 (1) to (5), (7), (10) and (12) of the statutes, as affected by chapter 163, laws of 1965, are repealed.

SECTION 18. 31.36 (6), (8), (9) and (11) of the statutes, as affected by chapter 163, laws of 1965, are renumbered 31.02 (6), (7), (8) and (9), respectively.

SECTION 19. 36.225 (6) and (7) of the statutes are amended to read:

36.225 (6) The state laboratory of hygiene shall be operated to furnish a complete laboratory service to the state board of health ~~for the purpose of administering the rules and regulations of said board and the health laws of the state and the department of resource development~~ and to make available to the university of Wisconsin ~~and~~, the state board of health ~~and the department of resource development~~ such facilities for teaching in the ~~field~~ fields of public health ~~and water quality~~ as may be derived from such a laboratory.

(7) For the purpose of co-ordination between the state board of health, ~~the department of resource development~~ and the university board of regents and for the purpose of determining policies, an administrative committee for the state laboratory of hygiene is created to be composed of the president of the university, the dean of the medical school, ~~the director of resource development~~, the president of the state board of health, the secretary of the state board of health and the director of the laboratory or their representatives. The ~~board of regents of the university~~, upon the recommendation of the dean of the medical school with the administrative committee approving, shall appoint the director of the laboratory and such other members of its professional staff as are required for the administration of the duties of the laboratory. The technical staff and other employes necessary to the administration of the laboratory shall be employed by the director from the eligibility rolls of the department of administration.

SECTION 20. 36.245 of the statutes, as created by chapter 502, laws of 1965, is amended to read:

36.245 Funds made available to the conservation commission, ~~board of health, water pollution committee~~, department of resource develop-

ment and geological and natural history survey of the university of Wisconsin, respectively, by ss. 20.280 (5), ~~20.410 (1) (f)~~, ~~20.705 (1) (b)~~, ~~20.706 (1) (b)~~ and ~~20.830 (1) and 20.970 (2)~~ for a joint accelerated water resources research and data collection program shall be administered and co-ordinated by the director of the water resources center of the university of Wisconsin. No *such* funds ~~appropriated by said sections~~ shall be made available to any of the agencies specified until, on application from the state agency concerned, such director finds that such funds will be used for water resource investigations needed for the solution of existing or emerging water resource problems and that these investigations will wherever practical be co-ordinated with such investigations by other state or federal agencies and with research in progress or proposed under the sponsorship of the water resources center of the university of Wisconsin. The director shall make biennial reports thereon to the legislature at the convening thereof. In connection with his review of applications hereunder, the director of the water resources center shall seek the advice of the water subcommittee of the natural resources committee of state agencies.

SECTION 22. 59.971 of the statutes is created to read:

59.971 ZONING OF SHORELANDS ON NAVIGABLE WATERS.

(1) To effect the purposes of s. 144.26 and to promote the public health, safety and general welfare, counties may, by ordinance enacted separately from ordinances pursuant to s. 59.97, zone all lands (referred to herein as shorelands) in their unincorporated areas within the following distances from the normal high-water elevation of navigable waters as defined in s. 144.26 (2) (d): 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high watermark thereof.

(2) (a) Except as otherwise specified, all provisions of s. 59.97 apply to ordinances and their amendments enacted under this section, but they shall not require approval or be subject to disapproval by any town or town board.

(b) If an existing town ordinance relating to shorelands is more restrictive than an ordinance later enacted under this section affecting the same shorelands, it continues as a town ordinance in all respects to the extent of the greater restrictions, but not otherwise.

(c) Ordinances enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting counties, so far as practicable.

(3) All powers granted to a county under s. 236.45 may be exercised by it with respect to shorelands, but it must have or provide a planning agency as defined in s. 236.02 (1).

(4) (a) Section 66.30 applies to this section, except that for the purposes of this section any agreement under s. 66.30 shall be effected by ordinance. If the municipalities as defined in s. 144.26 are served by a regional planning commission under s. 66.945, the commission may, with its consent, be empowered by the ordinance of agreement to administer each ordinance enacted hereunder throughout its enacting municipality, whether or not the area otherwise served by the commission includes all of that municipality.

(b) Variances and appeals regarding shorelands within a county are for the board of adjustment for that county under s. 59.99, and the procedures of that section apply.

(5) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 59.97 that relate to shorelands.

(6) If any county does not adopt an ordinance by January 1, 1968, or if the department, after notice and hearing, determines that a county

has adopted an ordinance which fails to meet reasonable minimum standards in accomplishing the shoreland protection objectives of s. 144.26 (1), the department shall adopt such an ordinance. As far as possible, s. 87.30 shall apply to this subsection.

SECTION 23. 60.302 (1) of the statutes is amended to read:

60.302 (1) Before any town board shall establish a district as heretofore authorized, a petition requesting such establishment shall be filed with the town clerk, addressed to the town board and signed by at least ~~sixty~~ 51% of the persons owning real estate or the ~~owner or~~ owners of at least ~~sixty~~ 51% of the land, within the limits of the territory proposed to be organized into such district.

SECTION 24. 60.303 (5) and (8) of the statutes are amended to read:

60.303 (5) The state board of health *and the department of resource development* shall be notified of the hearing to be held for the creation of such district, by mailing notice addressed to ~~same them~~, such notice to be deposited in the mail not less than 10 days prior to the date set for such hearing, and ~~said~~ the state board of health *and the department of resource development* shall be represented at the hearing and shall advise with the town board.

(8) In the case of additions to any such district, the petition requesting such addition shall be signed by at least ~~60~~ 51% of the persons owning real estate or the owners of at least ~~60~~ 51% of the land within the limits of the territory proposed to be added to such district. All additions heretofore made to town sanitary districts under petitions as set forth in this subsection are ~~hereby~~ validated.

SECTION 25. 60.306 (2) and (4) of the statutes are amended to read:

60.306 (2) The commission shall project, plan, construct and maintain in such district a system or systems of waterworks, garbage or refuse disposal or sewerage, including sanitary sewers, surface sewers or storm water sewers, *provide for sewage collection*, provide chemical treatment of waters for the suppression of swimmers' itch, algae and other nuisance-producing aquatic growths, or all of such improvements or any combination thereof necessary for the promotion of the public health, comfort, convenience or public welfare of such district, and such commission is authorized to enter into contracts and take any or all proceedings necessary to carry out such powers and duties. *The commission may require the installation of private sewage systems.*

(4) The commission may provide an office, fix and collect charges for garbage disposal *and sewage collection*, and collect water rentals in the manner provided by law which charges and rentals shall constitute a general fund for the operation and maintenance of the garbage or waterworks systems the same as for any public utility.

SECTION 26. 66.33 (5) of the statutes is renumbered 66.33 (7).

SECTION 27. 66.33 (5) and (6) of the statutes are created to read:

66.33 (5) Any municipality is authorized to participate in the state financial assistance program for water resources protection established under s. 144.21 and may enter into agreements with the department of resource development for that purpose.

(6) Any municipality is authorized to enter into contracts with a nonprofit-sharing corporation for the municipality to design and construct the projects it will sublease from the department of resource development pursuant to s. 144.21 (6) (b).

SECTION 28. 70.11 (21) (a) and (d) of the statutes are amended to read:

70.11 (21) (a) All ~~real and personal~~ property purchased, constructed ~~and, installed as the result of a recommendation or order and operated with the approval~~ of the committee on water pollution, state board of health, a city council, a village board or county board pursuant to s. 59.07 (53) or (85) for the purpose of abating or eliminating pollution of ~~surface waters or the air shall be exempt from local taxation for a period of 5 years provided, that if the operation of such pollution abatement property results in a net income before real and personal property taxes for any year during the 5 year exemption period, such property shall be placed on the next following May 1 assessment roll and assessed in the usual manner, except that the taxes levied thereon shall in no event exceed the net profit before real and personal property taxes for the preceding calendar year, and all property purchased, constructed, installed and operated with the approval of the department of resource development for the purposes of abating or eliminating pollution of the waters of the state.~~

(d) The books and records of owners of property covered by this subsection shall be open to examination by representatives of the ~~committee on water pollution department of resource development, state board of health and department of taxation.~~

SECTION 29. 71.04 (2b) (intro. par.) and (b) of the statutes are amended to read:

71.04 (2b) (intro. par.) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the ~~accelerated amortization deduction~~ *the write off of the balance not previously deducted in years prior to the 1966 calendar year or corresponding fiscal year* for waste treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) ~~on any undepreciated portion of such treatment plant and equipment computed on an estimated life of 60 months in the 1966 calendar year or corresponding fiscal year. Any waste treatment plant and pollution abatement equipment purchased or constructed and installed in the 1966 calendar year or corresponding fiscal year, or in a subsequent year, pursuant to order or recommendation of the committee on water pollution, department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) may be deducted in the year of cash disbursement for same.~~

(b) The taxpayer shall file with the department of taxation at the time of his election under this subsection copies of recommendations, orders and approvals issued by the ~~committee on water pollution department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department may by rule require requires.~~

SECTION 30. 71.05 (1) (b) 5 of the statutes is created to read:

71.05 (1) (b) 5. In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the write off of the balance not previously deducted in years prior to the 1966 calendar year or corresponding fiscal year for waste treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the com-

mittee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in the 1966 calendar year or corresponding fiscal year. Any waste treatment plant and pollution abatement equipment purchased or constructed and installed in the 1966 calendar year or corresponding fiscal year, or in a subsequent year, pursuant to order or recommendation of the committee on water pollution, department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) may be deducted in the year of cash disbursement for same.

a. Written notice of election to take amortization of any treatment plant and pollution abatement equipment under this subdivision must be filed with the department of taxation on or before the filing date of the return for the first taxable year for which such election under this subdivision is made in respect to such plant and equipment. Such notice shall be given on such forms and in such manner as the department by rule prescribes.

b. The taxpayer shall file with the department at the time of his election under this subdivision copies of recommendations, orders and approvals issued by the department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department by rule requires.

c. No deduction shall be allowed under this subdivision on other than depreciable property, except that where wastes are disposed of through a lagoon process such lagooning costs and the cost of land containing such lagoons shall be subject to the accelerated amortization provided for under this subdivision.

d. In no event shall accelerated amortization, or depreciation and accelerated amortization deductions be permitted in excess of the cost of the asset subject to this subdivision.

SECTION 31. 87.30 of the statutes is created to read:

87.30 FLOOD PLAIN ZONING. (1) STATE POWERS. If any county, city or village does not adopt a reasonable and effective flood plain zoning ordinance by January 1, 1968, the department shall, upon petition of an interested state agency, a municipality, 12 or more freeholders, or upon its own motion as soon as practicable and after public hearing, determine and fix by order the limits of any or all flood plains within such county, city or village within which serious damage may occur. Thereafter the department shall as soon as practicable after public hearing adopt a flood plain zoning ordinance applicable to such county, city or village. Thirty days' notice of all hearings on flood plain determination or zoning before the department shall be given to the county, city or village clerk, the clerks of all towns where lands may be affected, to the highway commission and to the conservation commission. Each state agency mentioned shall keep an official record of all proceedings. Exhibits and testimony shall be a part of the official record. Failure of a county, city or village to adopt a flood plain zoning ordinance for an area where appreciable damage from floods is likely to occur or to adopt an ordinance which will result in a practical minimum of flood damage in an area shall be prima facie proof of the necessity for action specified herein by the department. The department shall make a decision in writing of insufficiency of any county, city or village flood plain zoning ordinance before adopting an ordinance superseding such county, village or city ordinance. All final orders, determinations or decisions made under this subsection shall be subject to review under ch. 227 and be effective 20 days after the same have been served unless such order, determination and decision specifies a different date upon which the same shall be effective.

Such flood plain determination and zoning ordinance shall be of the same effect as if adopted by the county, city or village. Thereafter it is the duty of the county, city, village and town officials to administer and enforce the ordinance in the same manner as if the county, city or village had adopted it. Flood plain determinations and zoning ordinances so adopted may be modified by the county, city or village concerned only with the written consent of the department except that nothing in this subsection shall be construed to prohibit a county, city, village or town from adopting a flood plain ordinance more restrictive than that adopted by the state. The cost of such flood plain determination and ordinance promulgation and enforcement by the state shall be assessed against the county, city or village concerned and collected in substantially the same manner as other taxes levied by the state.

(2) ENFORCEMENT AND PENALTIES. Every structure, building, fill, or development placed or maintained within any flood plain in violation of a zoning ordinance adopted under this section, or s. 59.97, 61.35 or 62.23 is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of any municipality, the state or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any flood plain in violation of a zoning ordinance adopted under this section, or s. 59.97, 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during which such violation exists is a separate offense.

SECTION 32. 97.30 of the statutes is amended to read:

97.30 The *department of resource development*, state board of health, medical officers of local boards of health, town and village boards or common councils may submit to the department samples of water or other drinks, ~~of~~ food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable. Such reports shall fully specify the results of the analysis and be signed by such department; ~~they~~ and shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

SECTION 33. 144.01 (1) and (8) of the statutes are amended to read:

144.01 (1) "Waters of the state" includes those portions of Lake Michigan and Lake Superior ~~bordering upon~~ *within the boundaries of Wisconsin*, and all lakes, bays, rivers, streams, springs, ponds, wells, *impounding reservoirs, marshes, watercourses, drainage systems* and ~~bodies of other surface or ground water, natural or artificial, public or private~~, within the state or its jurisdiction.

(8) "Owner," the state, county, ~~township~~ *town, town sanitary district, city, village, metropolitan sewerage district*, corporation, firm, company, institution, or individual owning or operating any water supply, sewerage or water system or sewage and refuse disposal plant.

SECTION 34. 144.01 (12) and (13) of the statutes are created to read:

144.01 (12) "Municipality", any city, town, village, county, county utility district, town sanitary district or metropolitan sewage district.

(13) "Nonprofit-sharing corporation", a nonstock corporation organized under ch. 181 or corresponding prior general corporation laws.

SECTION 35. 144.02 (1) (d) of the statutes is repealed.

SECTION 36. 144.023 of the statutes is created to read:

144.023 DEPARTMENT OF RESOURCE DEVELOPMENT. (1) (a) There is created a department of resource development. The administra-

tive head of the department shall be a director outside the classified service appointed by and serving at the pleasure of the resource development board. The director shall appoint a deputy director outside the classified service to serve at the pleasure of the director and such other personnel under the classified service as are needed to carry out the duties of the department.

(b) The resource development board shall provide policy direction for the department. The board shall be composed of 7 members appointed by the governor, with the advice and consent of the senate, for terms of 3 years. Of the persons first appointed to the board, one each shall be appointed for terms of 1, 2 and 3 years, and 4 shall be appointed for terms ending January 15, 1967. Two successors to the persons appointed for terms ending January 15, 1967, shall be appointed for 3-year terms and one each for 2-year and 1-year terms. Board members shall receive no salary, but shall be reimbursed for their actual and necessary expenses.

(2) There is created a state planning division in the department of resource development. The division head shall be under the classified service.

(3) There is created a recreation division in the department of resource development. The division head shall be under the classified service.

(4) There is created a water resources division in the department of resource development. The division head shall be under the classified service.

(5) The director and deputy director of the department of resource development, the head of the water resources division, any regional director of such division and any other person in a position of administrative responsibility in the department may not have a financial interest in any enterprise which might profit by weak or preferential administration or enforcement of the powers and duties of such division.

SECTION 37. 144.025 of the statutes is created to read:

144.025 DEPARTMENT OF RESOURCE DEVELOPMENT. (1) STATEMENT OF POLICY AND PURPOSE. The department of resource development shall serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. Continued pollution of the waters of the state has aroused widespread public concern. It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health, fish and aquatic life, scenic and ecological values and domestic, municipal, recreational, industrial, agricultural and other uses of water. The purpose of this act is to grant necessary powers and to organize a comprehensive program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this act and all rules and orders promulgated pursuant thereto shall be liberally construed in favor of the policy objectives set forth in this act. In order to achieve the policy objectives of this act, it is the express policy of the state to mobilize governmental effort and resources at all levels, state, federal and local, allocating such effort and resources to accomplish the greatest result for the people of the state as a whole. Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for those rivers emptying into Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

(2) POWERS AND DUTIES. (a) The department shall have general supervision and control over the waters of the state. It shall formulate no later than July 1, 1968, a long-range, comprehensive state water resources plan for each region, as fixed by the department under sub. (4), to guide the development, management and protection of water resources. Such plan shall thereafter be carried out by the department. Such plan shall be reviewed and projected by the department every 2 years and a report thereon submitted to the governor by September 1 of each odd-numbered year. The department also shall formulate plans and programs for the prevention and abatement of water pollution and for the maintenance and improvement of water quality.

(b) The department shall adopt rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Such standards of quality shall be such as to protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water supplies, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.

(c) The department may issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state. Such general orders and rules shall be issued only after an opportunity to be heard thereof has been afforded to interested parties.

(d) 1. The department may issue special orders directing particular owners to secure such operating results toward the control of pollution of the waters of the state as the department prescribes, within a specified time. Pending efforts to comply with any order, the department may permit continuance of operations on such conditions as it prescribes. If any owner cannot comply with an order within the time specified, he may, before the date set in the order, petition the department to modify the order. The department may modify the order, specifying in writing the reasons therefor. If any order is not complied with within the time period specified, the department shall immediately notify the attorney general of this fact. Within 30 days thereafter, the attorney general shall forthwith commence an action under s. 144.536.

2. The department may issue temporary emergency orders without prior hearing when the department determines that the protection of the public health necessitates such immediate action. Such emergency orders shall take effect at such time as the department determines. As soon as is practicable, the department shall hold a public hearing after which it may modify or rescind the temporary emergency order or issue a special order under subd. 1.

(e) No wells shall be constructed, installed or operated to withdraw water from underground sources for any purpose where the capacity and rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day without first obtaining the approval of the department. If the department finds that the proposed withdrawal will adversely affect or reduce the availability of water to any public utility in furnishing water to or for the public it shall either withhold its approval or grant a limited approval under which it imposes such conditions as to location, depth, pumping capacity, rate of flow and ultimate use so that the water supply of any public utility engaged in furnishing water to or for the public will not be impaired. The department may issue such general or special

orders as it deems necessary to insure prompt and effective administration of this paragraph.

(f) The department shall make investigations and inspections to insure compliance with any general or special order or rule which it issues. In the exercise of this power the department may require the submission and approval of plans for the installation of systems and devices for handling, treating or disposing of any wastes.

(g) The department may conduct scientific experiments, investigations, waste treatment demonstrations and research on any matter under its jurisdiction. It may establish pilot plants, prototypes and facilities in connection therewith and lease or purchase land or equipment.

(h) The department, upon request, and without charge for service or expense, shall consult with and advise owners having installed or about to install systems or plants, as to the most appropriate water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. The department shall not be required to prepare plans.

(i) The department shall supervise chemical treatment of waters for the suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing plants and organisms. It may purchase equipment and may make a charge for the use of the same and for materials furnished, together with a per diem charge for any services performed in such work. The charge shall be sufficient to reimburse the department for the use of the equipment, the actual cost of materials furnished, and the actual cost of the services rendered plus 10% for overhead and development work.

(j) The department may enter into agreements with the responsible authorities of other states, subject to approval by the governor, relative to methods, means and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but, unless otherwise expressly provided, the department shall be the agency for the enforcement of any such legislative agreement.

(k) The department may order or cause the abatement of any nuisance affecting the waters of the state under ss. 146.13 and 146.14.

(L) The department shall by rule establish an examining program for the certification of waterworks and sewage treatment plant operators, setting such standards as the department finds necessary to accomplish the purposes of this chapter, and may charge applicants for such certificates for the cost of examination. After January 1, 1969, no person shall operate a waterworks or sewage treatment plant unless he holds a valid certificate issued under this paragraph.

(m) Orders issued by the department shall be signed by the person designated by the board.

(n) The department may accept gifts and grants from any private or public source for any purpose under its jurisdiction and may expend or use such gifts and grants for the purposes for which received.

(p) Beginning January 1, 1967, any provision of the state plumbing code which sets specifications for septic tanks and their installation shall be void unless it has been approved by the department.

(q) The department may prohibit the installation or use of septic tanks in any area of the state where the department finds that the use of septic tanks would impair water quality. The department shall prescribe alternate methods for waste treatment and disposal in such prohibited areas.

(r) If the department finds that a system or plant tends to create a nuisance or menace to health or comfort, it shall order the owner or the person in charge to secure such operating results as the department prescribes, within a specified time. If the order is not complied with, the department may order designated changes in operation, and if necessary, alterations or extension to the system or plant, or a new system or plant. If the department finds that the absence of a municipal system or plant tends to create a nuisance or menace to health or comfort, it may order the city, village, town or town sanitary district embracing the area where such conditions exist to prepare and file complete plans of a corrective system as provided by s. 144.04, and to construct such system within a specified time.

(s) In cases of noncompliance with any order issued under par. (d) or (r), the department may take the action directed by the order, and collect the costs thereof from the owner to whom the order was directed. The department shall have all the necessary powers needed to carry out this paragraph including powers granted municipalities under ss. 66.076 and 66.201 to 66.209. It shall also be eligible for financial assistance under s. 144.21.

(3) STATE ADVISORY BOARD. (a) There is created a state water resources advisory board to consist of one representative selected annually by each regional advisory board under sub. (5) from its citizen members. First selections shall be made no later than April 1, 1967.

(b) A representative of the state board of health, conservation department, soil and water conservation committee and geological and natural history survey, each appointed by his agency head, shall comprise a technical advisory committee and shall attend each meeting of the state advisory board.

(c) The state advisory board shall advise the department on the setting of water quality standards and other state water problems.

(d) The state advisory board shall meet at least semiannually and at the call of the department or a majority of its members. It shall annually elect a chairman.

(e) State advisory board members shall be reimbursed for their actual and necessary expenses.

(4) REGIONS. By January 1, 1967, the department shall divide the state into not more than 12 regions on the basis of criteria established by the department, taking into consideration such factors as river basins, watersheds, population density, economic factors, regional planning commissions and geographic, geologic and topographic features, and designate for each region a departmental employe as the regional director to administer the local work of the department in that region.

(5) REGIONAL ADVISORY BOARDS. (a) There shall be a regional water resources advisory board for each region composed of the regional director, who shall serve as executive secretary; an employe of the state board of health serving in the region, appointed by and serving at the pleasure of the state health officer; an employe of the conservation department serving in the region, appointed by and serving at the pleasure of the conservation director; and 5 citizen members appointed by and serving at the pleasure of the governor. The first appointees shall be named no later than February 1, 1967.

(b) Each regional advisory board shall advise the department on regional water quality standards and other water problems of the region, act as liaison to the public, foster educational programs and aid in fostering the development of sanitary districts.

(c) Each regional advisory board shall meet at least semiannually and at the call of the chairman or a majority of its members.

(d) Regional advisory board members shall be reimbursed for their actual and necessary expenses by the department, but such reimbursement in the case of members who are not citizen members shall be by the employing agency.

(6) Personnel of all state agencies shall report any evidence of water pollution found by them to the department.

(7) The department shall study the feasibility of a system of effluent charges for the control of water pollution in this state and shall report thereon to the 1969 legislature at its convening.

SECTION 38. 144.03 of the statutes is repealed and recreated to read:

144.03 SEPTIC TANK PERMITS. (1) Before any septic tank may be purchased or installed, the owner of the property on which the septic tank is to be installed shall obtain a permit for such installation from the county clerk or other persons designated by the state board of health. The permit application shall state the owner's name and address, the location of the property on which the septic tank is to be installed, the name of the installer and any state license held by him, the specifications of the septic tank and any other information required by the state board of health. Upon receipt of an application together with a fee of \$1, the county clerk or such other person shall issue a permit and shall forward the application and fee to the state board of health. If the state board of health receives the application within 10 days after the application is filed, it shall reimburse the county clerk or such other person 50 cents for issuing the permit. The state board of health shall prescribe and furnish application and permit forms, and may designate any person to issue permits, including sellers of septic tanks.

(2) No retailer may sell a septic tank for installation in this state unless the purchaser first displays a permit obtained under this section for that installation.

SECTION 39. 144.07 (4) (g) of the statutes is created to read:

144.07 (4) (g) This subsection does not preclude more than 2 municipalities from jointly acting under this subsection. In such cases, the sewerage commission shall be composed of one member appointed by the governing body of each municipality, except that if an even number of municipalities are jointly acting, one additional sewerage commissioner shall be selected by the members representing municipalities.

SECTION 40. 144.08 of the statutes is repealed.

SECTION 40m. 144.11 of the statutes is repealed.

SECTION 41. 144.21 of the statutes is created to read:

144.21 FINANCIAL ASSISTANCE PROGRAM. (1) The legislature finds that state financial assistance for the construction and financing of pollution prevention and abatement facilities is a public purpose and a proper state government function in that the state is trustee of the waters of the state and that such financial assistance is necessary to protect the purity of state waters.

(2) In order that the construction of pollution prevention and abatement facilities necessary to the protection of state waters be encouraged, a state program of assistance to municipalities for the financing of such facilities is established. The state program shall be administered by the department of resource development and the department shall make such rules as are necessary for the proper execution of the state program.

(3) (a) The department shall establish criteria to determine those municipalities and projects which are eligible for the state program and to determine appropriate priorities among the projects.

(b) Until May 1, 1967, the criteria in par. (c) shall apply only to agreements under sub. (6) (a) and the only municipalities eligible for agreements under sub. (6) (b) are those which have reached the limit of their bonding authority or those which, in the opinion of the department would face extreme financial hardship because of equalized valuation, governmental structure, size, population or such other factors as the department finds relevant were they to bond for such projects.

(c) After May 1, 1967, all municipalities are eligible for agreements under sub. (6) (a) and (b) based on the criteria in this paragraph. The criteria shall consider the health hazards of existing conditions, the extent and nature of pollution, per capita costs of the project, property valuation of the municipalities as equalized by the state, income of the residents in the municipalities, the availability of federal funds for the project, soil conditions, the feasibility and practicality of the project, the borrowing capacity of the municipality and any other factors which the department considers important.

(d) After May 1, 1967, the program under sub. (6) (b) shall be conducted through the issuance of state bonds, if then constitutionally allowed, or, if the issuance of such bonds is not allowed, through the lease and sublease agreements with nonprofit corporations set forth in this section.

(4) Municipalities which desire to participate in the state program shall submit application for participation to the department. The application shall be in such form and include such information as the department prescribes.

(5) The department shall review applications for participation in the state program. It shall determine those applications which meet the criteria it established under sub. (3), and shall arrange the applications in appropriate priority order.

(6) The department may enter into agreement with municipalities to provide state assistance for the financing of those pollution prevention and abatement facilities projects it approves under sub. (5). The department may enter into one of 2 alternative agreements with municipalities:

(a) The department may enter into agreement with municipalities to make payments to municipalities from the appropriation made by s. 20.706 (1) (c) to pay up to 33-1/3% of the total combined cost of the approved project costs and the net interest and financing costs. These payments shall be in even annual amounts, based on the total net interest to be paid during the life of the bonds or other obligations issued by the municipality divided by the number of years of the bond issue or the period of obligation, and shall extend for a period of not less than 15 years and not more than 30 years. It is the intent of this alternative that state payments will reimburse municipalities which finance approved projects through bond issues or other forms of borrowing for the approximate net interest costs it incurs over the term of the bond issue or other borrowing techniques.

(b) The department may enter into agreements with municipalities for the municipalities to sublease and eventually acquire from the department the approved project for which the department has entered into lease and sublease agreements with nonprofit corporations pursuant to sub. (7). Such an agreement shall provide that municipalities shall make even annual rental payments to the state which shall not be less than 66-2/3% of the lease rental payments for the approved project for which appropriation is made by s. 20.706 (1) (d). The even annual rental payments shall be 66-2/3% of the lease rental payments by the department to the nonprofit-sharing corporation under sub. (7) for that project divided by the number of years such lease rental payments are made. Municipal

rental payments shall be deposited in general fund general purpose revenues pursuant to s. 20.951. It is the intent of this alternative that the state may assist municipalities to acquire approved projects when it is impractical for the municipalities to finance such approved project through their municipal borrowing authority. It is the further intent that state payments similar in concept and amount to those authorized under par. (a) will reimburse municipalities which finance projects under sub. (7) for the approximate net interest costs it incurs under the life of the sublease.

(c) The department shall determine which of the 2 agreements authorized under pars. (a) and (b) it will enter into with a municipality applying for participation in the state program of financial assistance.

(d) The net state payments for agreements entered into pursuant to pars. (a) and (b) and sub. (7) and for which appropriation is made by s. 20.706 (1) (c) and (d) shall not exceed \$6 million annually. "Net state payments" means the combined total of the payments for which appropriation is made by s. 20.706 (1) (c) and (d), less the municipal rental payments received under agreements entered into pursuant to par. (b).

(e) The department shall review and approve the plans and specifications of all facilities designed and constructed by agreement under this section.

(7) In order to assist municipalities to acquire pollution prevention and abatement facilities it deems necessary to the protection of state waters, for those projects it has entered into agreements pursuant to sub.

(6) (b) the department:

(a) May lease from municipalities any land and any existing improvements thereon owned by the municipality for such consideration and upon such terms as the department deems in the public interest.

(b) May lease or sublease to a nonprofit-sharing corporation, for terms not exceeding 50 years each, any land and any existing improvements thereon leased from municipalities pursuant to par. (a) upon such terms as the department deems in the public interest.

(c) May lease or sublease from such nonprofit-sharing corporation and then lease or sublease to municipalities, any such lands and existing improvements leased to such corporation under par. (b), and any new pollution prevention and abatement facilities constructed upon such land or any other land owned by the corporation, upon such terms, conditions and rentals, subject to available appropriations, as the department deems in the public interest.

(d) Shall submit all conveyances, leases and subleases made under this subsection to the governor and the department of administration, for written approval before they are finally adopted, executed and delivered.

(e) May pledge and assign, subject to available appropriations, all moneys provided by law for the purpose of the payment of rentals pursuant to leases and subleases made under par. (c) as security for the payment of rentals due under any lease or sublease of such pollution prevention and abatement facilities made under par. (c).

(f) Shall, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, recognize and give effect to such assignments, and pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(8) (a) The state shall be liable for accrued rentals and for any other default under any lease or sublease executed under sub. (7) and may be sued therefor on contract as in other contract actions pursuant to ch. 285, but it shall not be necessary for the lessor or any person or other legal entity on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(b) If a municipality with which the department has entered into an agreement pursuant to sub. (6) (b) is delinquent in making rental payments to the state under such agreement, the department shall notify the department of administration of such delinquency as it stands on October 1 each year. On or before the 3rd Monday of October in each year, the department of administration shall notify the secretary of state of the rental delinquency of each municipality. On or before the 4th Monday in each year, the secretary of state shall certify to the county clerk the delinquency as it exists in said county. The county clerk shall charge such delinquency to the proper municipality as follows:

1. If the delinquent municipality is a town, village or city, such town, village or city shall be charged for its liability.

2. If the delinquent municipality is a county or a county utility district, such delinquency shall become a part of the county's next calendar year budget and shall be apportioned to the towns, villages and cities in accordance with s. 70.63.

3. If the delinquent municipality is a town sanitary district, such town shall be charged for the liability.

4. If the delinquent municipality is a metropolitan sewage district, such charge shall be apportioned to the towns, villages and cities or the parts of such municipalities in the metropolitan sewage district on the basis of the preceding May 1 equalized value of taxable general property of such municipality or portion thereof in the metropolitan sewage district as determined by the department of taxation. If the metropolitan sewage district lies in more than one county, the delinquency shall be allocated on the basis of the equalized value of each county in the district as determined by the department of taxation as of the preceding May 1.

(c) Delinquent rental payments shall bear interest at the rate of 5% from the due date of the payment until paid by the municipality or if certified as delinquent by the secretary of state from the due date of the payment to the next February 1.

(d) Delinquent rental payments shall be paid into the state treasury by the county treasurer on or before February 1 of the year following the delinquency certification by the secretary of state. Such payments shall be deposited in general fund general purpose revenues pursuant to s. 20.951.

(9) Nothing contained in this section shall create a debt of the state.

(10) All powers and duties conferred upon the department pursuant to subs. (6) (b) and (7) shall be exercised and performed by resolution of the resource development board. All conveyances, leases and subleases made pursuant to subs. (6) (b) and (7), when authorized pursuant to resolution of the board, shall be made, executed and delivered in the name of the department and shall be signed by a person designated by the board.

(11) This section shall be construed liberally in aid of the purposes declared in sub. (1).

SECTION 42. 144.26 of the statutes is created to read:

144.26 NAVIGABLE WATERS PROTECTION LAW. (1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

(2) In this section, unless the context clearly requires otherwise:

(a) "Subcommittee" means the water subcommittee of the natural resources committee of state agencies.

(b) "Department" means the department of resource development.

(c) "Municipality" or "municipal" means a county, village or city.

(d) "Navigable water" or "navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

(e) "Regulation" refers to ordinances enacted under ss. 59.971 and 62.23 (7) and means shoreland subdivision and zoning regulations which include control of uses of lands under, abutting or lying close to navigable waters for the purposes specified in sub. (1), pursuant to any of the zoning and subdivision control powers delegated by law to cities, villages and counties.

(f) "Water resources," where the term is used in reference to studies, plans, collection of publications on water and inquiries about water, means all water whether in the air, on the earth's surface or under the earth's surface. "Water resources" as used in connection with the regulatory functions under this section means navigable waters.

(g) "Shorelands" means the lands specified under par. (e) and s. 59.971 (1).

(3) (a) The subcommittee shall serve in an ex officio advisory capacity to the department and provide a liaison function whereby the several state agencies may better co-ordinate their activities in managing and regulating water resources.

(b) The department shall make studies, establish policies and make plans for the efficient use, conservation, development and protection of the state's water resources and:

1. On the basis of these studies and plans make recommendations, through the subcommittee, to existing state agencies relative to their water resource activities.

2. Locate and maintain information relating to the state's water resources. The department shall collect pertinent data available from state, regional and federal agencies, the university of Wisconsin, local units of government and other sources.

3. Serve as a clearinghouse for information relating to water resources including referring citizens and local units of government to the appropriate sources for advice and assistance in connection with particular water use problems.

4. Allocate not to exceed \$40,000 annually for the purposes specified by sub. (4) from the appropriation made by s. 20.706 (1) (a).

(4) Annual grants-in-aid for the administration and enforcement of county regulations shall be made by the department to any county or group of counties upon its finding that there is in force a set of regulations, properly administered and enforced, that meet the standards and criteria prepared under sub. (6). The amount of the grant shall be determined by the department applying a formula developed by it, taking into account miles of shoreline, acres of shorelands protected, the number of permit applications processed in a previous period, and number of counties participating jointly under s. 59.971 (4) (a). The annual grant-in-aid shall not exceed \$1,000 per year for each county in which suitable regulations are being properly administered and enforced.

(5) (a) The department shall prepare a comprehensive plan as a guide for the application of municipal ordinances regulating navigable waters and their shorelands as defined in this section for the preventive control of pollution. The plan shall be based on a use classification of

navigable waters and their shorelands throughout the state or within counties and shall be governed by the following general standards:

1. Domestic uses shall be generally preferred.
2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
3. Areas in which the existing or potential economic value of public, recreational or similar uses exceeds the existing or potential economic value of any other use shall be classified primarily on the basis of the higher economic use value.
4. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
5. Use dispersions within an area shall be preferred over concentrations of uses or their undue proximity to each other.

(b) The department shall apply to the plan the standards and criteria set forth in sub. (6).

(6) Within the purposes of sub. (1) the department shall prepare and provide to municipalities general recommended standards and criteria for navigable water protection studies and planning and for navigable water protection regulations and their administration. Such standards and criteria shall give particular attention to safe and healthful conditions for the enjoyment of aquatic recreation; the demands of water traffic, boating and water sports; the capability of the water resource; requirements necessary to assure proper operation of septic tank disposal fields near navigable waters; building setbacks from the water; preservation of shore growth and cover; conservancy uses for low lying lands; shoreland layout for residential and commercial development; suggested regulations and suggestions for the effective administration and enforcement of such regulations.

(7) The department, the municipalities and all state agencies shall mutually co-operate 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, and shall extend all possible assistance therefor.

(8) This section and s. 59.971 shall be construed together to accomplish the purposes and objective of this section.

(9) Sections 30.50 to 30.80 are not affected or superseded by this section.

(10) A person aggrieved by an order or decision of the department under this section may cause its review under ch. 227.

SECTION 43. 144.51 (intro. par.) and (1) of the statutes are repealed.

SECTION 44. 144.51 (2) to (4) of the statutes are renumbered 144.01 (9) to (11), respectively.

SECTION 45. 144.52 of the statutes is repealed.

SECTION 46. 144.53 of the statutes is repealed.

SECTION 47. 144.535 of the statutes is repealed.

SECTION 48. 144.536 of the statutes is amended to read:

144.536 All orders of the ~~committee~~ department shall be enforced by the attorney general. The circuit court of Dane county or any other county where violation of such an order has occurred in whole or in part shall have jurisdiction to enforce the order by injunctive and other relief appropriate to the enforcement of the order. For purposes of such proceeding where the order prohibits in whole or in part any pollution, a violation thereof shall be deemed a public nuisance. The expenses incurred by the attorney general and his staff in assisting with the administration of ch. 144 shall be charged to the appropriation made by s. ~~20.870~~ 20.706.

SECTION 49. 144.537 of the statutes is amended to read:

144.537 ~~In addition to all other powers and duties of the committee on water pollution, it shall have the power and it shall be its duty to~~ *The department shall hold a public hearing relating to alleged or potential water pollution upon the verified complaint of 6 or more citizens filed with the committee department. The complaint shall state the name and address of a person within the state authorized to receive service of answer and other papers in behalf of complainants. The committee department shall serve a copy of the complaint and notice of the hearing upon the alleged or potential polluter either personally or by registered mail directed to his last known post-office address at least 20 days prior to the time set for the hearing which shall be held not later than 90 days from the filing of the complaint. The respondent shall file his verified answer to the complaint with the committee department and serve a copy on the person so designated by the complainants by not later than 5 days prior to the date set for the hearing, unless the time for answering is extended by the committee department for cause shown. For purposes of any hearing under this chapter, the director or any member of the committee may issue subpoenas and administer oaths. Within 90 days after the closing of the hearing, the committee department shall make and file its findings of fact, conclusions of law and order, which shall be subject to review in the manner provided in under ch. 227 or section 144.56. If the committee department determines that any complaint has been filed maliciously or in bad faith it shall so find, and the person complained against shall be entitled to recover his expenses on the hearing in a civil action. Any situation, project or activity which upon continuance or implementation would cause, beyond reasonable doubt, a degree of pollution that normally would require clean-up action, if it already existed, shall be considered potential water pollution.*

SECTION 50. 144.54 of the statutes is repealed.

SECTION 51. 144.55 of the statutes is amended to read:

144.55 VISITORIAL POWERS OF DEPARTMENT. Every owner of an industrial establishment shall furnish to the ~~committee on water pollution department~~ all information required by it in the discharge of its duties under s. ~~144.53~~ *144.025(2)*. Any member of the ~~committee and resource development board~~ or any employe of the ~~bureau of sanitary engineering department~~ may enter any industrial establishment for the purpose of collecting such information, and no owner of an industrial establishment shall refuse to admit such member or employe. ~~Any member of the committee~~ *The department shall make such inspections at frequent intervals. The director and all members of the board shall have power for all purposes falling within its the department's jurisdiction to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of necessary or essential data.*

SECTION 52. 144.56 (3) of the statutes is repealed.

SECTION 53. 144.565 of the statutes is repealed.

SECTION 54. 144.57 of the statutes is amended to read:

144.57 Any person who ~~shall violate any of the provisions of sections 144.51 to 144.57 violates this chapter, or who shall fail, neglect or refuse fails, neglects or refuses to obey any general or special order of the committee on water pollution lawfully issued pursuant to section 144.53 or any joint order of the state board of health and committee on water pollution issued pursuant to section 144.565 department,~~ shall forfeit and pay into the state treasury a sum of not less than \$10 nor more than \$100, ~~except that in the case of a wilful violation the maximum shall be \$250~~ *\$5,000*, for each violation, failure or refusal. Each day

of continued violation ~~shall be deemed~~ is a separate offense. While ~~said~~ the order ~~shall be~~ is suspended ~~or~~, stayed or enjoined, such penalty shall not accrue.

SECTION 55. 236.13 (2m) of the statutes is created to read:

236.13 (2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high watermark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of resource development, if it deems it necessary for the prevention of pollution of navigable waters, or the state board of health, if it deems it necessary for the protection of public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, industrial wastes and other wastes, as defined in s. 144.01. Such public sewage disposal facilities may consist of one or more systems as the department of resource development or the state board of health determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

SECTION 56. DEPARTMENT OF RESOURCE DEVELOPMENT TRANSFERRED. (1) The powers, duties and functions of the department of resource development, under chapter 109 of the statutes, relating to state planning under section 109.05 of the statutes and the recreation division of the department under section 109.02 (4) of the statutes and that much of the personnel, capital equipment and budget of the department as was assigned to these powers, duties and functions, shall become the planning division and the recreation division in the department of resource development as constituted by this act. The advisory committee under section 109.07 of the statutes shall continue to exist and exercise its present advisory role in an advisory capacity to the resource development commission. The Wisconsin council on natural beauty under section 109.13 of the statutes, as created by chapter 575, laws of 1965 (Senate Bill 669), attached to the department of resource development for administrative purposes only, shall continue to function as a council attached to the department of resource development.

(2) All other powers, duties and functions of the department of resource development, and that much of the personnel, capital equipment and budget of the department as was assigned to these other powers, duties and functions, is transferred to the executive office of the governor to become the division of state economic development.

(3) The department of administration shall develop a plan for the orderly transfer of the various powers, duties and functions of the department of resource development.

(4) On and after the effective date of this act, chapter 109 of the statutes, as affected by the laws of 1965, is suspended. Its provisions shall be resorted to solely as a guide to govern the division of state economic development in the executive office of the governor, and the planning division and the recreation division in the department of resource development under chapter 144 of the statutes as created by this act in the performance of their powers, duties and functions until such time as the 1967 legislature, by a duly enacted law, once more specifies in detail the powers, duties and functions of each division, and with the enactment of such law chapter 109 of the statutes shall be repealed.

SECTION 57. TERMINOLOGY AND STATUTORY REFERENCES CHANGED. (1) Wherever the words "state board of health," or "state board" and "board" appear in sections 29.29 (4), 29.545, 59.96 (6) (k),

60.315, 144.02, 144.03 (2) to (8), 144.04 to 144.07, 144.09, 144.10, 144.12, 144.14, 146.20, ch. 162 and 198.22 (13) of the statutes, the words "department of resource development" and "department" are substituted.

(2) Wherever the words "committee on water pollution" or "committee" appear in sections 29.29 (3), 144.555 and 144.56 (intro. par.) and (1) of the statutes, the words "department of resource development" and "department," respectively, are substituted.

(2g) Wherever the words "public service commission," "state public service commission" and "public service commission of Wisconsin" or "commission" appear in sections 30.01 to 30.18 (7), 30.18 (9) to 30.205, 30.31 (2), 31.01 (1), 31.02, 31.05 to 31.09, 31.11 to 31.14, 31.18, 31.185 (1), (2), (4) and (5), 31.19 to 31.21, 31.23 to 31.26, 31.29, 31.30, 31.34, 31.38, 87.01 to 87.18, 88.72 (4) and 107.05 of the statutes, the words "department of resource development" and "department," respectively, are substituted.

(2r) Wherever the word "board" appears in section 31.02 (7) and (8) of the statutes, as renumbered, the word "department" is substituted.

(3) Wherever the words "commission" or "commissioners" appear in section 144.07 (4) of the statutes, the words "sewerage commission" and "sewerage commissioners," respectively, are substituted.

(4) Wherever the reference to "sections 144.01 to 144.12, inclusive," appears in section 59.96 (6) (k), the reference "ch. 144" is substituted.

(5) Wherever the reference to sections "144.01 to 144.12" appears in section 144.01 (intro. par.) of the statutes, the words "this chapter" are substituted.

(6) Wherever the reference to section "144.51 (1)" appears in section 146.13 (2) of the statutes, the reference "144.01 (9)" is substituted.

SECTION 58. SUPPLEMENTARY APPROPRIATION. The appropriation in section 20.706 (1) (a) of the statutes, as created by this act and as affected by the laws of 1965, is increased by \$500,000 for the fiscal year 1966-67 for the purpose of providing funds for the general operations of the water resources division.

SECTION 59. TRANSFER OF FUNDS. (1) On August 1, 1966, the unencumbered balances of those portions of the appropriations in sections 20.410, 20.705 (1) (b) and 20.870 of the statutes to the state board of health, the department of resource development and the committee on water pollution, respectively, which were made for the water functions transferred under this act shall be determined by the department of administration and are hereby transferred to the appropriation under section 20.706 (1) created by this act. The department of administration, in making its determination, shall consider the needs of the functions retained by the state board of health.

(2) On July 1, 1967, the unencumbered balances of those portions of the appropriations in section 20.660 of the statutes to the public service commission which were made for the water functions transferred under this act shall be determined by the department of administration and are transferred to the appropriation under section 20.706 (1) created by this act. The department of administration, in making its determination, shall consider the needs of the functions retained by the public service commission.

(3) (a) On the effective date of this act, the unencumbered balances of those portions of the appropriation in section 20.705 (1) of the statutes to the department of resource development for the state planning function and for the recreation function, transferred under this act to the department of resource development under chapter 144 of the statutes, are hereby transferred to the appropriation under section 20.706 ~~(1) (c) and (d)~~ created by this act.

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(b) On the effective date of this act, the unencumbered balances of those portions of the appropriation in section 20.705 (1) of the statutes to the department of resource development for the functions not transferred under par. (a) or relating to water, which under this act are transferred to the executive office of the governor, are hereby transferred to the appropriation under section 20.360 (2) created by this act.

SECTION 60. TRANSFER OF PERSONNEL. (1) On August 1, 1966, all employes of the committee on water pollution and those employes of the state board of health whose duties fall primarily under the water functions transferred by this act, as determined by the department of administration, are transferred to the department of resource development.

(2) On July 1, 1967, those employes of the public service commission whose duties fall primarily under the water functions transferred by this act, as determined by the department of administration, are transferred to the department of resource development.

SECTION 61. TRANSFER OF RECORDS. (1) On August 1, 1966, all records of the committee on water pollution and those records of the state board of health relating to matters which fall under the water functions transferred by this act are transferred to the department of resource development.

(2) On July 1, 1967, those records of the public service commission relating to matters which fall under the water functions transferred by this act are transferred to the department of resource development.

SECTION 62. ORDERS VALID. (1) All orders issued by the committee on water pollution or by the state board of health and all joint orders issued by the committee and the state board under authority transferred by this act to the department of resource development shall remain in effect unless modified or rescinded by the division. All pending matters before the committee or before the state board under such authority shall be assumed by the department.

(2) All rules, orders and permits issued by the public service commission under authority transferred by this act shall remain in effect unless modified or rescinded by the department of resource development. All pending matters before the public service commission under such authority shall be assumed by the department of resource development.

SECTION 63. EFFECTIVE DATE. SECTIONS 6, 9, 10, 11, 13 to 18, 57 (2g) and (2r), 59 (2), 60 (2), 61 (2) and 62 (2) shall take effect on July 1, 1967. All other provisions of this act shall take effect on August 1, 1966.

Approved June 30, 1966.