

1 **SECTION 1864.** 86.302 (title) of the statutes is repealed and recreated to read:

2 **86.302 (title) Local roads; inventory.**

3 **SECTION 1865.** 86.302 (1) of the statutes is renumbered 86.302 (1g) and
4 amended to read:

5 86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the
6 board of every town, village and county, and the governing body of every city, shall
7 file with the department ~~and with the county clerk~~ not later than December 15 of
8 every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality
9 or county showing the ~~roads and streets~~ highways under their ~~its~~ jurisdiction and the
10 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~
11 ~~may be used by the.~~ The department may use the plats in making computations of
12 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on
13 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality
14 or county.

15 **SECTION 1866.** 86.302 (1d) of the statutes is created to read:

16 86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

17 (b) "Municipality" means a city, village or town.

18 **SECTION 1867.** 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a)
19 1. and amended to read:

20 86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body~~
21 ~~of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing
22 a certified plat under sub. (1g), if a municipality or county or city has not added or
23 deleted jurisdictional mileage since filing its last preceding certified plat under sub.
24 (1) (1g), its board or governing body may file a certified statement to that effect with
25 the department.

1 **SECTION 1868.** 86.302 (1m) (a) 2. of the statutes is created to read:

2 86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every
3 municipality and county to file a certified plat under sub. (1g) with the department
4 in the year after the year in which a federal decennial census is conducted.

5 **SECTION 1869.** 86.302 (1m) (b) of the statutes is amended to read:

6 86.302 (1m) (b) Upon incorporation of a village or city, the board of the village
7 and the governing body of the city shall file with the department ~~and with the county~~
8 ~~clerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways
9 under its jurisdiction and the mileage thereof to be open and used for travel as of the
10 date of incorporation, which may be used by the department in making computations
11 of transportation aids. ~~One-half of the mileage of roads or streets~~ highways on
12 boundary lines shall be considered as lying in the village or city.

13 **SECTION 1870.** 86.302 (2) of the statutes is amended to read:

14 86.302 (2) Not later than December 15, 2001, and biennially thereafter, each
15 municipality and county shall assess the physical condition of highways under its
16 jurisdiction, using a pavement rating system approved by the department and report
17 the results of that assessment to the department. The department shall assess the
18 accuracy of mileage or other data concerning highways reported by municipalities
19 and counties and may use field investigations to verify a portion of the ~~data~~
20 constituting a valid random sample or such specialized sample as the department
21 considers appropriate. The department shall cooperate with and provide assistance
22 to local units of government in their jurisdictional mileage determination efforts
23 under this subsection. The department shall inventory and verify all road mileage
24 in a county or municipality once every 10 years Information collected under this

1 subsection is inadmissible as evidence, except to show compliance with this
2 subsection.

3 **SECTION 1871.** 86.302 (3) of the statutes is amended to read:

4 86.302 (3) For the purposes of transportation aid determinations under s.
5 86.30, the department shall use changes in the road highway mileage of a city,
6 municipality or county, town or village indicated on the certified plat filed under sub.
7 ~~(1) shall be used by the department (1g)~~ in making computations of transportation
8 aids to be paid beginning in the ~~next odd-numbered~~ 2nd year following the
9 ~~odd-numbered~~ year in which the certified plat is filed. The department shall
10 consider the following factors shall be considered by the department:

11 (a) New roads highways.

12 (b) Abandoned roads highways.

13 (c) Changes in jurisdictional mileage responsibilities for existing roads
14 highways.

15 **SECTION 1872.** 86.303 (4) (b) of the statutes is amended to read:

16 86.303 (4) (b) In the case of municipalities formed within the previous 6 years,
17 the information needed for the determinations under this section shall be calculated
18 as follows: for those years for which the necessary data does not exist, the data for
19 the new municipality and the municipality from which it was formed shall be
20 combined and the sum shall be apportioned to each municipality in proportion to the
21 total mileage of roads and streets highways under their respective jurisdictions. In
22 making these calculations, the department shall use the certified plats filed under
23 s. 86.302 ~~(1)~~ (1g).

24 **SECTION 1873.** 86.303 (6) (c) (intro.) of the statutes is amended to read:

1 86.303 (6) (c) (intro.) The following other costs to the extent to which they are
2 highway related are reportable:

3 **SECTION 1874.** 86.303 (6) (c) 4. of the statutes is amended to read:

4 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

5 **SECTION 1875.** 86.303 (6) (cm) of the statutes is created to read:

6 86.303 (6) (cm) Some portion of law enforcement costs determined by the
7 department, in consultation with the representatives appointed under sub. (5) (am),
8 may be reported as eligible cost items. The department may establish different
9 portions under this paragraph for different classes of counties or municipalities.

10 **SECTION 1875cb.** 86.31 (1) (am) of the statutes is amended to read:

11 86.31 (1) (am) “County highway improvement program district committee”
12 means a committee established by the department by rule under sub. (6) (f)
13 consisting of ~~not more than 5 county executives or county board chairpersons in~~
14 ~~counties that do not have county executives, or their designees,~~ all of the county
15 highway commissioners from counties within a county highway improvement
16 program district.

17 **SECTION 1875cg.** 86.31 (2) (b) of the statutes is amended to read:

18 86.31 (2) (b) Except as provided in par. (d), improvements for highway
19 construction projects funded under the program shall be under contracts. Such
20 contracts shall be awarded on the basis of competitive bids and shall be awarded to
21 the lowest responsible bidder. If a city, ~~village or town~~ or village does not receive a
22 responsible bid for an improvement, the city, ~~village or town~~ or village may contract
23 with a county for the improvement. A town may contract with a county for the
24 improvement subject to the criteria and procedures promulgated as rules under sub.
25 (6) (h).

1 **SECTION 1875dc.** 86.31 (2) (d) 1. of the statutes is repealed.

2 **SECTION 1875dd.** 86.31 (2) (d) 1m. of the statutes is created to read:

3 86.31 (2) (d) 1m. The county highway department demonstrates that it is
4 cost-effective for it to perform the work and that competitive bidding is to be used
5 for improvements with an estimated total cost at least equal to the total funds
6 allocated for its county trunk highway improvements under the program during the
7 current biennium.

8 **SECTION 1875de.** 86.31 (2) (d) 2. of the statutes is repealed.

9 **SECTION 1875df.** 86.31 (2) (d) 3. of the statutes is repealed.

10 **SECTION 1875dg.** 86.31 (2) (d) 5. of the statutes is renumbered 86.31 (2) (d) 5.
11 (intro.) and amended to read:

12 86.31 (2) (d) 5. (intro.) Each county highway improvement program district
13 committee shall ~~be responsible for ensuring compliance with this paragraph. do all~~
14 of the following with respect to any work to be performed by any county highway
15 department within the county highway improvement program district:

16 **SECTION 1875dh.** 86.31 (2) (d) 5. a. and b. of the statutes are created to read:

17 86.31 (2) (d) 5. a. Review the proposed work and determine that it is
18 cost-effective for the county highway department to perform the work.

19 b. Approve the proposed work prior to its being performed by the county
20 highway department.

21 **SECTION 1875cd.** 86.31 (1) (f) of the statutes is created to read:

22 86.31 (1) (f) "Street" has the meaning given in s. 340.01 (64).

23 **SECTION 1875ce.** 86.31 (2) (a) of the statutes is amended to read:

24 86.31 (2) (a) The department shall administer a local roads improvement
25 program to accelerate the improvement of seriously deteriorating local roads by

1 reimbursing political subdivisions for improvements. The selection of improvements
2 that may be funded under the program shall be performed by officials of each political
3 subdivision, consistent with the requirements of subs. (3), (3g) ~~and~~, (3m) and (3r).
4 The department shall notify each county highway commissioner of any deadline that
5 affects eligibility for reimbursement under the program no later than 15 days before
6 such deadline.

7 **SECTION 1875di.** 86.31 (3) (b) (intro.) of the statutes is amended to read:

8 86.31 (3) (b) (intro.) From the appropriation under s. 20.395 (2) (fr), after first
9 deducting the funds allocated under subs. (3g) ~~and~~, (3m) and (3r), the department
10 shall allocate funds for entitlement as follows:

11 **SECTION 1875f.** 86.31 (3m) of the statutes is amended to read:

12 86.31 (3m) TOWN ROAD IMPROVEMENTS. From the appropriation under s. 20.395
13 (2) (fr), the department shall allocate \$2,000,000 in fiscal year 1999–2000 and
14 \$500,000 in each following fiscal year to fund town road improvements with eligible
15 costs totaling \$100,000 or more. The funding of improvements under this subsection
16 is in addition to the allocation of funds for entitlements under sub. (3).

17 **SECTION 1875gd.** 86.31 (6) (g) of the statutes is created to read:

18 86.31 (6) (g) Specific criteria for making determinations of cost-effectiveness
19 under sub. (2) (d) 5. a. and procedures for review by the department of disputes
20 relating to whether proposed work to be performed by a county highway department
21 is cost-effective for purposes of sub. (2) (d) 5. a.

22 **SECTION 1875ge.** 86.31 (6) (h) of the statutes is created to read:

23 86.31 (6) (h) Criteria and procedures for contracting with a county for a town
24 road improvement that includes at least all of the following:

1 1. A requirement that a written and sealed estimate of the cost of the
2 improvement that includes the source of the estimate be prepared prior to the time
3 set for the opening of bids for the improvement and not be opened until after the
4 opening of all bids.

5 2. A requirement that all bids may be rejected and the contract awarded to a
6 county for the improvement if the lowest bid exceeds the cost estimate under subd.
7 1. by at least 10% and the town board notifies the 2 lowest bidders or, if only one bid
8 was received, the bidder to provide information on the accuracy of the cost estimate
9 under subd. 1.

10 3. A requirement that the amount of the contract with a county for the
11 improvement be at least 10% below the lowest bid received for the improvement.

12 4. A provision that permits rebidding if the amount of the proposed contract
13 with a county for the improvement is less than 10% below the lowest bid received for
14 the improvement.

15 **SECTION 1875fd.** 86.31 (3r) of the statutes is created to read:

16 86.31 (3r) MUNICIPAL STREET IMPROVEMENTS. From the appropriation under s.
17 20.395 (2) (fr), the department shall allocate \$1,250,000 in fiscal year 1999–2000,
18 and \$750,000 in each fiscal year thereafter, to fund municipal street improvement
19 projects having total estimated costs of \$250,000 or more. The funding of
20 improvements under this subsection is in addition to the allocation of funds for
21 entitlements under sub. (3).

22 **SECTION 1875gc.** 86.31 (6) (d) of the statutes is amended to read:

23 86.31 (6) (d) Procedures for reimbursements for county trunk highway
24 improvements under sub. (3g) and, for town road improvements under sub. (3m) and
25 for municipal street improvements under sub. (3r).

1 **SECTION 1876e.** 87.30 (1) (d) of the statutes is created to read:

2 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
3 an activity that meets all of the requirements under s. 281.165 (2) or (3) (a), the
4 department may not proceed under this subsection, or otherwise review the
5 amendment, to determine whether the ordinance, as amended, is insufficient.

6 **SECTION 1876m.** 88.01 (8m) of the statutes is created to read:

7 88.01 (8m) “Duck Creek Drainage District” has the meaning given in s. 30.01
8 (1nm).

9 **SECTION 1877.** 88.15 of the statutes is created to read:

10 **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115
11 (7) (d), the department of agriculture, trade and consumer protection shall make
12 grants to boards to assist boards to comply with this chapter and rules promulgated
13 under this chapter. A grant under this section may not exceed 60% of the costs
14 incurred by the board to comply with this chapter and rules promulgated under this
15 chapter.

16 (2) The department of agriculture, trade and consumer protection shall
17 promulgate rules for the administration of the program under this section.

18 (3) The department of agriculture, trade and consumer protection may not
19 make grants under this section after June 30, 2006.

20 **SECTION 1903.** 91.75 (1) of the statutes is repealed and recreated to read:

21 91.75 (1) A minimum lot size is specified.

22 **SECTION 1909m.** 92.05 (3) (L) of the statutes is created to read:

23 92.05 (3) (L) *Technical assistance; performance standards.* The department
24 shall provide technical assistance to county land conservation committees and local
25 units of government for the development of ordinances that implement standards

1 adopted under s. 92.07 (2), 92.105 (1), 92.15 (2) or (3) or 281.16 (3). The department's
2 technical assistance shall include preparing model ordinances, providing data
3 concerning the standards and reviewing draft ordinances to determine whether the
4 draft ordinances comply with applicable statutes and rules.

5 **SECTION 1877d.** 88.31 (7m) of the statutes is created to read:

6 88.31 (7m) The Duck Creek Drainage District is exempt from the permit
7 requirements and procedures under subs. (1) to (7).

8 **SECTION 1877e.** 88.31 (8) (intro.) of the statutes is amended to read:

9 88.31 (8) (intro.) Subject to other restrictions imposed by this chapter, a
10 drainage board which has obtained ~~a permit under this chapter~~ all of the permits as
11 required under this chapter and ch. 30 may:

12 **SECTION 1877f.** 88.35 (5m) of the statutes is amended to read:

13 88.35 (5m) If navigable waters are affected by the proposed drainage, the
14 drainage board shall obtain a permit under s. 88.31. This subsection does not apply
15 to the Duck Creek Drainage District.

16 **SECTION 1877j.** 88.62 (3) of the statutes is renumbered 88.62 (3) (a) and
17 amended to read:

18 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
19 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
20 department of natural resources, except as provided in par. (b).

21 **SECTION 1877k.** 88.62 (3) (b) of the statutes is created to read:

22 88.62 (3) (b) If drainage work is undertaken in navigable waters located in the
23 Duck Creek Drainage District, the board for that district shall obtain a permit under
24 s. 30.20 or ch. 31, as directed by the department of natural resources.

25 **SECTION 1877m.** 88.72 (3) of the statutes is amended to read:

1 88.72 (3) At the hearing on the petition, any interested person may appear and
2 contest its sufficiency and the necessity for the work. If the drainage board finds that
3 the petition has the proper number of signers and that to afford an adequate outlet
4 it is necessary to remove dams or other obstructions from waters and streams which
5 may be navigable, or to straighten, clean out, deepen or widen any waters or streams
6 either within or beyond the limits of the district, the board shall ~~file an application~~
7 ~~with the department of natural resources as provided in s. 30.20 or 88.31, as directed~~
8 ~~by the department of natural resources. Thereafter, proceedings shall be had as~~
9 ~~provided in s. 30.20 or 88.31 insofar as the same is applicable~~ obtain any permit that
10 is required under this chapter or ch. 30 or 31.

11 **SECTION 1877p.** 88.72 (4) of the statutes is amended to read:

12 88.72 (4) Within 30 days after the department of natural resources has issued
13 ~~a permit under s. 30.20 or 88.31~~ all of the permits as required under this chapter and
14 chs. 30 and 31, the board shall proceed to estimate the cost of the work, including the
15 expenses of the proceeding together with the damages that will result from the work,
16 and shall, within a reasonable time, award damages to all lands damaged by the
17 work and assess the cost of the work against the lands in the district in proportion
18 to the assessment of benefits then in force.

19 **SECTION 1909p.** 92.07 (2) of the statutes is amended to read:

20 92.07 (2) STANDARDS. Each land conservation committee may develop and
21 adopt standards and specifications for management practices to control erosion,
22 sedimentation and nonpoint source water pollution. The standards and
23 specifications for agricultural facilities and practices that are constructed or begun
24 on or after October 14, 1997, and, if cost-sharing is available to the owner or operator
25 under s. 92.14, ~~281.16(5)~~ or 281.65 or from any other source, for agricultural facilities

1 and practices that are constructed or begun before that date shall be consistent with
2 the performance standards, prohibitions, conservation practices and technical
3 standards under s. 281.16 (3). The land conservation committee shall use the rules
4 promulgated under s. 281.16 (3) (e) to determine whether cost-sharing is available.

5 **SECTION 1909w.** 92.08 of the statutes is repealed.

6 **SECTION 1910e.** 92.10 (3) of the statutes is repealed.

7 **SECTION 1910h.** 92.10 (4) (c) of the statutes is amended to read:

8 92.10 (4) (c) *Plan assistance.* The department shall assist land conservation
9 committees in preparing land and water resource management plans. The
10 department ~~may allocate funds appropriated under s. 20.115 (7) (e) to land~~
11 ~~conservation committees in identified priority counties to cover up to 50% of the cost~~
12 ~~of preparing land and water resource management plans.~~

13 **SECTION 1913b.** 92.10 (6) (a) of the statutes is repealed and recreated to read:

14 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare
15 a land and water resource management plan that, at a minimum, does all of the
16 following:

17 1. Includes an assessment of water quality and soil erosion conditions
18 throughout the county, including any assessment available from the department of
19 natural resources.

20 2. Specifies water quality objectives for each water basin, priority watershed,
21 as defined in s. 281.65 (2) (c), and priority lake, as defined in s. 281.65 (2) (be).

22 3. Identifies the best management practices to achieve the objectives under
23 subd. 2. and to achieve the tolerable erosion level under s. 92.04 (2) (i).

24 4. Identifies applicable performance standards and prohibitions related to the
25 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil

1 erosion control, including those under this chapter and chs. 281 and 283 and ss.
2 59.692 and 59.693.

3 5. Includes a multiyear description of planned county activities, and priorities
4 for those activities, related to land and water resources, including those designed to
5 meet the objectives specified under subd. 2. and to ensure compliance with the
6 standards and prohibitions identified under subd. 4.

7 6. Describes a system to monitor the progress of activities described in the plan.

8 7. Includes a strategy to provide information and education related to soil and
9 water resource management.

10 8. Describes methods for coordinating activities described in the plan with
11 programs of other local, state and federal agencies.

12 **SECTION 1913m.** 92.10 (8) of the statutes is created to read:

13 92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES. The department
14 of natural resources shall provide counties with assistance in land and water
15 resource management planning, including providing available water quality data
16 and information, providing training and support for water resource assessments and
17 appraisals and providing related program information.

18 **SECTION 1915b.** 92.105 (1) of the statutes is amended to read:

19 92.105 (1) ESTABLISHMENT. A land conservation committee shall establish soil
20 and water conservation standards. The standards and specifications for agricultural
21 facilities and practices that are constructed or begun on or after October 14, 1997,
22 and, if cost-sharing is available to the farmer under s. 92.14, ~~281.16(5)~~ or 281.65 or
23 from any other source, for agricultural facilities and practices that are constructed
24 or begun before that date shall be consistent with the performance standards,

1 prohibitions, conservation practices and technical standards under s. 281.16 (3). It
2 shall submit these standards to the board for review.

3 **SECTION 1922w.** 92.14 (2) (c) of the statutes is amended to read:

4 92.14 (2) (c) Providing statewide financial and technical assistance for land
5 and water conservation activities at the county level.

6 **SECTION 1922y.** 92.14 (2) (j) of the statutes is amended to read:

7 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
8 source water pollution abatement activities by the department and the department
9 of natural resources, including providing a single process for grant application,
10 funding allocation, reporting and evaluation.

11 **SECTION 1923w.** 92.14 (3) (intro.) of the statutes is amended to read:

12 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties ~~meet~~
13 ~~administrative and technical operating costs in~~ fund their land and water
14 conservation activities, the department shall award ~~grants~~ an annual grant from the
15 appropriation under s. 20.115 (7) (c) or (qd) ~~or s. 20.866 (2) (we)~~ to any county land
16 conservation committee ~~which~~ that has a ~~workload allocation~~ land and water
17 resource management plan approved by the department under s. ~~92.08 (2)~~ 92.10 (4)
18 (d), and ~~which~~ that, by county board action, has resolved to ~~match any moneys~~
19 ~~granted under this subsection with an equal amount of county moneys~~ provide any
20 matching funds required under sub. (5g). The county ~~shall~~ may use the grant for
21 county land and water resource management planning and for any of the following
22 purposes, consistent with the approved land and water resource management plan:

23 (a) County land conservation personnel to administer and implement activities
24 directly related to any of the following:

1 **SECTION 1924b.** 92.14 (3) (a) and (b) of the statutes are renumbered 92.14 (3)
2 (a) 1. and 2.

3 **SECTION 1924c.** 92.14 (3) (c) of the statutes is repealed.

4 **SECTION 1924d.** 92.14 (3) (d) and (e) of the statutes are renumbered 92.14 (3)
5 (a) 4. and 5.

6 **SECTION 1924f.** 92.14 (3) (f) of the statutes is created to read:

7 92.14 (3) (f) Training required under s. 92.18 or any other training necessary
8 to prepare personnel to perform job duties related to this section or s. 281.65.

9 **SECTION 1924h.** 92.14 (3) (g) of the statutes is created to read:

10 92.14 (3) (g) Technical assistance, education and training, ordinance
11 development or administration related to this chapter or s. 281.65.

12 **SECTION 1924m.** 92.14 (3m) (title) of the statutes is repealed.

13 **SECTION 1924n.** 92.14 (3m) of the statutes is renumbered 92.14 (3) (b), and
14 92.14 (3) (b) (intro.), as renumbered, is amended to read:

15 92.14 (3) (b) (intro.) ~~From the appropriation under s. 20.115 (7) (e) or (qd) or~~
16 ~~20.866 (2) (we), the department shall award grants to counties or Grants to farmers~~
17 for implementing best management practices required under a shoreland
18 management ordinance enacted under s. 92.17, including reimbursement for all of
19 the following:

20 **SECTION 1924q.** 92.14 (4) (intro.) of the statutes is repealed.

21 **SECTION 1924s.** 92.14 (4) (a) of the statutes is renumbered 92.14 (3) (c).

22 **SECTION 1925b.** 92.14 (4) (b) of the statutes is renumbered 92.14 (3) (d).

23 **SECTION 1925e.** 92.14 (4) (c) of the statutes is renumbered 92.14 (3) (e) and
24 amended to read:

1 92.14 (3) (e) Construction of a facility or system related to animal waste
2 management by a farmer who has received a notice of discharge under ch. 283 or
3 management practices required under a notice to a farmer under s. 281.20 (3). ~~In~~
4 ~~awarding grants under this paragraph, the department shall give preference to~~
5 ~~farmers who have received a notice of discharge under s. 281.20 (3) or ch. 283. The~~
6 amount of a grant for management practices required under a notice to a farmer
7 under s. 281.20 (3) shall be based on the cost of the method of controlling nonpoint
8 source pollution ~~which that~~ the department determines to be the most cost-effective
9 ~~and may not exceed 70% of the total cost of that method. The department may issue~~
10 ~~grants directly to farmers under this paragraph.~~

11 **SECTION 1925g.** 92.14 (4m) of the statutes is repealed.

12 **SECTION 1925i.** 92.14 (4r) of the statutes is repealed.

13 **SECTION 1925k.** 92.14 (5) of the statutes is repealed.

14 **SECTION 1925m.** 92.14 (5g) of the statutes is created to read:

15 92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for
16 salary and fringe benefits for more than one county staff person, a county shall
17 provide matching funds equal to 30% of the cost of salary and fringe benefits for the
18 2nd staff person and 50% of the cost of salary and fringe benefits for any additional
19 staff persons for whom the grant provides funding.

20 **SECTION 1925p.** 92.14 (5r) of the statutes is created to read:

21 92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall
22 prepare annually a grant request that describes the land and water resource staffing
23 needs and activities to be undertaken or funded by the county under this chapter and
24 ss. 281.65 and 281.66 and the funding needed for those purposes. The grant request

1 shall be consistent with the county's plan under s. 92.10. The land conservation
2 committee shall submit the grant request to the department.

3 **SECTION 1925r.** 92.14 (6) (a) of the statutes is repealed.

4 **SECTION 1925t.** 92.14 (6) (b) of the statutes is amended to read:

5 92.14 (6) (b) The department, ~~in cooperation with~~ and the department of
6 natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~
7 ~~with the spending levels approved under par. (a), identifying the amounts to be spent~~
8 ~~annually for land and water resource management projects to be funded provided to~~
9 ~~counties under this section and the general purposes of those projects, which it shall~~
10 ~~specify ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt~~
11 ~~to provide funding under this section for an average of 3 staff persons per county with~~
12 ~~full funding for the first staff person, 70% funding for the 2nd staff person and 50%~~
13 ~~funding for any additional staff persons and to provide an average of \$100,000 per~~
14 ~~county for cost-sharing grants. The department shall submit that plan to the board.~~

15 **SECTION 1926b.** 92.14 (6) (c) of the statutes is repealed.

16 **SECTION 1926c.** 92.14 (6) (d) of the statutes is amended to read:

17 92.14 (6) (d) The board shall review the annual allocation plan submitted to
18 it under par. (b) and make recommendations to the department of agriculture, trade
19 and consumer protection and the department of natural resources on approval,
20 modification or disapproval of the plan. ~~The department shall review and approve~~
21 ~~or disapprove the plan and shall notify the board of the department's final action on~~
22 ~~the plan.~~

23 **SECTION 1926e.** 92.14 (6) (e) of the statutes is repealed.

24 **SECTION 1926f.** 92.14 (6) (f) of the statutes is repealed.

25 **SECTION 1926g.** 92.14 (6) (g) of the statutes is amended to read:

1 92.14 (6) (g) Every ~~project grant~~ grant awarded a grant to a county under this section
2 and s. 281.65 shall be consistent with the plans under s. 92.15, 1985 stats., and under
3 this section and ss. ~~92.08~~, 92.10 and 281.65.

4 **SECTION 1926i.** 92.14 (6) (gm) of the statutes is created to read:

5 92.14 (6) (gm) A county may not provide cost-sharing funds using funds
6 provided under this section in an amount that exceeds 70% of the cost of a project,
7 except in cases of economic hardship, as defined by the department by rule.

8 **SECTION 1926j.** 92.14 (6) (h) 1. (intro.) of the statutes is amended to read:

9 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not ~~make a grant under~~
10 ~~this section~~ provide cost-sharing funds using funds provided under this section for
11 the construction of any facility or system related to animal waste management
12 unless all of the following conditions are met:

13 **SECTION 1926k.** 92.14 (6) (h) 1. e. of the statutes is repealed.

14 **SECTION 1926m.** 92.14 (6) (h) 2. of the statutes is repealed.

15 **SECTION 1926p.** 92.14 (6) (h) 4. of the statutes is repealed.

16 **SECTION 1926q.** 92.14 (6) (i) 2. of the statutes is amended to read:

17 92.14 (6) (i) 2. Conduct all land management and pollutant management
18 activities in substantial accordance with the performance standards, prohibitions,
19 conservation practices and technical standards under s. 281.16 and with plans
20 approved under this section, under s. 92.15, 1985 stats., and under ss. ~~92.08~~, 92.10
21 and 281.65, or to repay the cost-sharing funds.

22 **SECTION 1926s.** 92.14 (6) (j) of the statutes is repealed.

23 **SECTION 1926t.** 92.14 (6) (L) of the statutes is amended to read:

24 92.14 (6) (L) ~~The department may make a~~ A county may provide cost-sharing
25 funds from a grant under this section to replace a structure or facility at a new

1 location, rather than to repair or reconstruct the structure or facility, if the relocation
2 reduces water pollution and replacement is cost-effective compared to repairing or
3 reconstructing the structure or facility.

4 **SECTION 1926u.** 92.14 (6) (m) of the statutes is created to read:

5 92.14 (6) (m) The department of agriculture, trade and consumer protection
6 and the department of natural resources shall assist counties in conducting the
7 activities for which grants under sub. (3) may be used.

8 **SECTION 1926v.** 92.14 (10) of the statutes is amended to read:

9 92.14 (10) TRAINING. ~~The county may use a grant under this section for training~~
10 ~~required under s. 92.18 or for any other training necessary to prepare personnel to~~
11 ~~perform job duties related to this section.~~ The department may contract with any
12 person for services to administer or implement this chapter, including information
13 and education and training.

14 **SECTION 1926w.** 92.14 (11) of the statutes is repealed.

15 **SECTION 1926x.** 92.14 (14) of the statutes is amended to read:

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

23 **SECTION 1926y.** 92.14 (14m) of the statutes is created to read:

24 92.14 (14m) COORDINATION. The department of agriculture, trade and
25 consumer protection and the department of natural resources, jointly, shall review

1 applications from counties for grants under sub. (5r) and, for projects and activities
2 selected to receive funding shall determine whether to provide funding under this
3 section or under s. 281.65 or 281.66.

4 **SECTION 1926ye.** 92.15 (4) of the statutes is amended to read:

5 92.15 (4) A local governmental unit may not apply a regulation under sub. (2)
6 or (3) to a livestock operation that exists on October 14, 1997, unless the local
7 governmental unit determines, using the rules promulgated under s. 281.16 (3) (e),
8 that cost-sharing is available to the owner or operator of the livestock operation
9 under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.

10 **SECTION 1926ym.** 92.17 (2m) of the statutes is amended to read:

11 92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, ~~city, village or town~~
12 may not enforce a shoreland management ordinance unless the county uses funds
13 have been appropriated provided under s. 92.14 (3) for grants for the purposes under
14 s. 92.14 (3m) (3) (b). A city, village or town may not enforce a shoreland management
15 ordinance unless the county in which the city, village or town is located uses funds
16 provided under s. 92.14 (3) for grants for the purposes under s. 92.14 (3) (b).

17 **SECTION 1926yr.** 92.18 (2m) of the statutes is created to read:

18 92.18 (2m) If a person is certified under this section to review plans for, or
19 conduct inspections of, a type of agricultural engineering practice at one of the levels
20 under sub. (2) (c), the department shall allow the person to review plans for, or
21 conduct inspections of, all types of agricultural engineering practices at that same
22 level without requiring any additional certification.

23 **SECTION 1927.** 93.06 (1n) of the statutes is created to read:

1 **93.06 (1n) ELECTRONIC PROCESSING.** (a) Accept and process by electronic means
2 applications and payments for licenses, permits, registrations and certificates that
3 are issued by the department.

4 (b) Accept and process by electronic means requests and payments for goods
5 and services that the department is authorized to provide.

6 (c) Promulgate rules specifying fees to cover the department's electronic
7 processing costs under pars. (a) and (b). The fees under this paragraph are in
8 addition to any other fees required to be paid to the department.

9 **SECTION 1928.** 93.06 (12) of the statutes is created to read:

10 **93.06 (12) FEDERAL DAIRY POLICY REFORM.** Provide assistance to organizations
11 to seek the reform of federal milk marketing orders and other federally authorized
12 dairy pricing policies for the benefit of milk producers in this state.

13 **SECTION 1929.** 93.06 (12) of the statutes, as created by 1999 Wisconsin Act
14 (this act), is repealed.

15 **SECTION 1930.** 93.06 (13) of the statutes is created to read:

16 **93.06 (13) PLANT PROTECTION AGREEMENTS.** Enter into cooperative agreements
17 with corporations, associations, foundations and individuals to carry out plant
18 protection activities under ch. 94.

19 **SECTION 1930j.** 93.07 (3) of the statutes is amended to read:

20 **93.07 (3) PROMOTION OF AGRICULTURE.** To promote the interests of agriculture,
21 dairying, horticulture, manufacturing, commercial fishing and the domestic arts and
22 to advertise Wisconsin and its dairy, food and agricultural products by conducting
23 campaigns of education throughout the United States and in foreign markets. Such
24 campaigns shall include the distribution of educational and advertising material
25 concerning Wisconsin and its plant, animal, food and dairy products. The

1 department shall coordinate efforts by the state to advertise and promote
2 agricultural products of this state, with the department of commerce where
3 appropriate. The department shall submit its request and plan for market
4 development program expenditures for each biennium with its biennial budget
5 request. The plan shall include the identification and priority of expenditures for
6 each market development program activity. In each fiscal year, the department shall
7 seek federal moneys for the promotion of exports of agricultural products in an
8 amount at least equal to \$130,000 plus the amount of federal moneys received for this
9 purpose in fiscal year 1998-99.

10 **SECTION 1930r.** 93.07 (7) (e) of the statutes is created to read:

11 93.07 (7) (e) On September 1 of each year, to submit a consumer
12 telecommunication services report to the chief clerk of each house of the legislature
13 for distribution to the appropriate standing committees under s. 13.172 (3). The
14 report shall contain all of the following information for the preceding 12 months:

15 1. The types of consumer complaints received by the department regarding
16 telecommunication services, by category.

17 2. The number of consumer complaints in each category reported under subd.
18 1. and the aggregate number of consumer complaints for all categories reported
19 under subd. 1.

20 3. The number of consumer complaints reported under subd. 1. that the
21 department referred to the department of justice for prosecution and the result of
22 those prosecutions.

23 4. A description of the department's efforts to coordinate with the department
24 of justice and the public service commission to respond to and address consumer
25 complaints regarding telecommunication services and the results of those efforts.

1 5. A description of how the services offered by the department to respond to and
2 address consumer complaints regarding telecommunication services differ from
3 those offered by the department of justice and the public service commission.

4 **SECTION 1931v.** 93.135 (1) (intro.) of the statutes is amended to read:

5 93.135 (1) (intro.) The Except as provided in sub. (1m), the department shall
6 require each applicant who is an individual to provide the department with the
7 applicant's social security number as a condition of issuing or renewing any of the
8 following:

9 **SECTION 1932.** 93.135 (1) (b) of the statutes is amended to read:

10 93.135 (1) (b) A license under s. 94.10 (2), (3) or (4) (3g).

11 **SECTION 1932c.** 93.135 (1m) of the statutes is created to read:

12 93.135 (1m) (a) If an individual who applies for the issuance or renewal of a
13 license, registration, registration certificate or certification specified in sub. (1) does
14 not have a social security number, the department shall require the applicant, as a
15 condition of issuing or renewing the license, registration, registration certificate or
16 certification, to submit a statement made or subscribed under oath or affirmation
17 that the applicant does not have a social security number. The statement shall be
18 in the form prescribed by the department of workforce development.

19 (b) A license, registration, registration certificate or certification specified in
20 sub. (1) that is issued in reliance on a statement submitted under par. (a) is invalid
21 if the statement is false.

22 **SECTION 1933.** 93.60 of the statutes is repealed.

23 **SECTION 1933gm.** 93.70 of the statutes is created to read:

24 **93.70 Conservation reserve enhancement program. (1) DEFINITIONS.** In
25 this section:

1 (a) "Conservation easement" has the meaning given in s. 700.40 (1) (a).

2 (b) "Nonprofit conservation organization" has the meaning given in s. 23.0955

3 (1).

4 (2) STATE PARTICIPATION. Subject to subs. (3) to (6), the department may expend
5 funds from the appropriation account under s. 20.866 (2) (wf) to improve water
6 quality, erosion control and wildlife habitat through participation by this state in the
7 conservation reserve enhancement program as approved by the secretary of the
8 federal department of agriculture under 16 USC 3834 (f) (4). The department shall
9 administer the program in cooperation with the department of natural resources.

10 (3) FORMS OF PARTICIPATION. (a) Land enrolled in the conservation reserve
11 enhancement program may either be subject to a permanent conservation easement
12 or to a contract under which the owner of the land agrees to remove the land from
13 agricultural production. The department shall provide greater financial incentives
14 for landowners to grant permanent easements than to enter into contracts. The
15 department shall provide a financial bonus to landowners who allow public access
16 to enrolled land.

17 (b) The department shall administer the conservation reserve enhancement
18 program so that at least 50% of the acreage of land enrolled in the program is covered
19 by permanent conservation easements under par. (a). If, after 50,000 acres of land
20 have been enrolled in the program, less than 50% of the acreage of land enrolled in
21 the program is covered by permanent conservation easements, the department and
22 the department of natural resources shall review the effectiveness of the program to
23 determine whether the program is meeting its water quality and wildlife habitat
24 objectives and shall report the results of the review to the legislature under s. 13.172
25 (2).

1 (c) On behalf of this state, the department and the department of natural
2 resources shall jointly hold conservation easements entered into for land enrolled in
3 the conservation reserve enhancement program.

4 (d) The department may provide funding from the appropriation under s.
5 20.866 (2) (wf) for a contract under par. (a) only if the contract has a term of 20 years
6 or longer.

7 (4) GRASSLAND COMPONENT. (a) If the plan approved by the secretary of the
8 federal department of agriculture authorizes this state to enroll 100,000 or more
9 acres in the conservation resource enhancement program, the department shall
10 administer the program so that at least 30,000 acres are designated for grassland
11 wildlife habitat. If the secretary of the federal department of agriculture authorizes
12 this state to enroll fewer than 100,000 acres, the department shall administer the
13 program so that at least 30% of the acreage of land enrolled in the program is
14 designated for grassland wildlife habitat. The department shall designate for
15 grassland wildlife habitat areas that include the Blue Mounds area in Iowa, Dane
16 and Green counties, the prairie chicken range in Portage, Clark, Taylor and
17 Marathon counties and the western prairie area in Polk and St. Croix counties.

18 (b) The department may not require that land designated for grassland wildlife
19 habitat be riparian land.

20 (c) The department shall provide a financial bonus to landowners who enroll
21 land that is designated for grassland habitat if the land is adjacent to land that is
22 owned by another person and that is enrolled and designated for grassland habitat.
23 The department shall also provide a financial bonus to a landowner who enrolls land
24 that is designated for grassland habitat if the landowner agrees to implement a
25 conservation practice that requires restoration of native prairie vegetation.

1 (5) PARTICIPATION REQUIREMENTS. The department may not impose more
2 restrictive requirements for participation in the conservation reserve enhancement
3 program with respect to production and land ownership than are required by the
4 secretary of the federal department of agriculture under 16 USC 3834 (f) (4).

5 (6) STATE, LOCAL AND NONPROFIT ORGANIZATION INVOLVEMENT. A nonprofit
6 conservation organization may negotiate contracts or easements under sub. (3) (a)
7 with landowners with the assistance of the department and the department of
8 natural resources. A county may negotiate contracts or easements under sub. (3) (a)
9 with landowners with the assistance of the department and the department of
10 natural resources. In counties that do not choose to participate, the department and
11 the department of natural resources shall negotiate the contracts or easements.

12 (7) PROHIBITION. No person may use land enrolled in the conservation reserve
13 enhancement program as a pheasant and quail farm licensed under s. 29.865, a game
14 bird and animal farm licensed under s. 29.867, a fur animal farm licensed under s.
15 29.869 or a deer farm licensed under s. 29.871.

16 **SECTION 1934.** 94.10 of the statutes is repealed and recreated to read:

17 **94.10 Nursery stock; inspection and licensing. (1) DEFINITIONS.** In this
18 section:

19 (a) "Christmas tree grower" means a person who grows evergreen trees for
20 eventual harvest and sale as Christmas trees, except that "Christmas tree grower"
21 does not include a person who grows evergreen trees for eventual harvest and sale
22 as Christmas trees if the person also grows nursery stock for sale and if the person
23 is licensed under sub. (3).

1 (b) "Nonprofit organization" means an organization described in section 501 (c)
2 of the Internal Revenue Code that is exempt from federal income tax under section
3 501 (a) of the Internal Revenue Code.

4 (c) "Nursery" means premises in this state on which a person propagates or
5 grows nursery stock for sale. "Nursery" does not include heeling-in grounds or other
6 premises where a person holds nursery stock for purposes other than propagation or
7 growth.

8 (d) "Nursery dealer" means a person, other than a nursery grower, who sells,
9 offers for sale or distributes nursery stock from a location in this state, except that
10 "nursery dealer" does not include an employe of a person licensed under this section.

11 (e) "Nursery grower" means a person who owns or operates a nursery.

12 (f) "Nursery stock" means plants and plant parts that can be propagated or
13 grown, excluding seeds, sod, cranberry cuttings, annuals and evergreen trees grown
14 for eventual harvest and sale as Christmas trees.

15 (g) "Officially inspected source" means any of the following:

- 16 1. A nursery dealer licensed under sub. (2).
- 17 2. A nursery grower licensed under sub. (3).
- 18 3. A source outside this state that the department recognizes under sub. (10)

19 as an officially inspected source.

20 (j) "Sell" means to transfer ownership, for consideration.

21 (2) NURSERY DEALER; ANNUAL LICENSE. (a) *License required.* Except as provided
22 in par. (f), no person may operate as a nursery dealer without an annual license from
23 the department. A nursery dealer license expires on February 20. A nursery dealer
24 license may not be transferred to another person.

1 (b) *Applying for a license.* A person applying for a nursery dealer license under
2 par. (a) shall apply on a form provided by the department. An applicant shall provide
3 all of the following to the department:

4 1. The applicant's legal name and address and any other name under which the
5 applicant does business.

6 2. The address of each location at which the applicant proposes to hold nursery
7 stock for sale.

8 3. The license fee required under par. (c).

9 4. The surcharge required under par. (d), if any.

10 5. Other information reasonably required by the department for licensing
11 purposes.

12 (c) *License fee.* A nursery dealer shall pay the following annual license fee,
13 based on annual purchases calculated according to par. (e):

14 1. If the nursery dealer buys no more than \$5,000 worth of nursery stock for
15 resale, \$30.

16 2. If the nursery dealer buys more than \$5,000 but not more than \$20,000 worth
17 of nursery stock for resale, \$50.

18 3. If the nursery dealer buys more than \$20,000 but not more than \$100,000
19 worth of nursery stock for resale, \$100.

20 4. If the nursery dealer buys more than \$100,000 but not more than \$200,000
21 worth of nursery stock for resale, \$150.

22 5. If the nursery dealer buys more than \$200,000 but not more than \$500,000
23 worth of nursery stock for resale, \$200.

24 6. If the nursery dealer buys more than \$500,000 but not more than \$2,000,000
25 worth of nursery stock for resale, \$300.

1 7. If the nursery dealer buys more than \$2,000,000 worth of nursery stock for
2 resale, \$400.

3 (d) *Surcharge for operating without a license.* In addition to the fee required
4 under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal
5 to the amount of that fee if the department determines that, within 365 days before
6 submitting the application, the applicant operated as a nursery dealer without a
7 license in violation of par. (a). Payment of the surcharge does not relieve the
8 applicant of any other penalty or liability that may result from the violation, but does
9 not constitute evidence of a violation of par. (a).

10 (e) *Calculating annual purchases.* The amount of an applicant's license fee
11 under par. (c) for a license year shall be based on the applicant's purchases of nursery
12 stock during the applicant's preceding fiscal year, except that if the applicant made
13 no purchases of nursery stock during the preceding fiscal year the fee shall be based
14 on the applicant's good faith prediction of purchases during the license year for which
15 the applicant is applying.

16 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

17 1. A person whose only sales of nursery stock are retail sales totaling less than
18 \$250 annually.

19 2. A person selling or offering to sell nursery stock for the benefit of a nonprofit
20 organization, for a period of not more than 7 consecutive days.

21 **(3) NURSERY GROWER; ANNUAL LICENSE.** (a) *License required.* Except as provided
22 in par. (f), no person may operate as a nursery grower without an annual license from
23 the department. A nursery grower license expires on February 20. A nursery grower
24 license may not be transferred to another person.

1 (b) *Applying for a license.* A person applying for a nursery grower license under
2 par. (a) shall apply on a form provided by the department. An applicant shall provide
3 all of the following to the department:

4 1. The applicant's legal name and address and any other name under which the
5 applicant does business.

6 2. The address of each location in this state at which the applicant operates a
7 nursery, grows evergreen trees for eventual sale as Christmas trees or holds nursery
8 stock or Christmas trees for sale.

9 3. The license fee required under par. (c) and under par. (cm), if applicable.

10 4. The surcharge required under (d), if any.

11 5. Other information reasonably required by the department for licensing
12 purposes.

13 (c) *License fee.* A nursery grower shall pay the following annual license fee,
14 based on annual sales calculated according to par. (e):

plus the additional license fee under par. (cm), if applicable

15 1. If the nursery grower annually sells no more than \$5,000 worth of nursery
16 stock, \$40.

17 2. If the nursery grower annually sells more than \$5,000 but not more than
18 \$20,000 worth of nursery stock, \$75. *remove 1 space*

19 3. If the nursery grower annually sells more than \$20,000 but not more than
20 \$100,000 worth of nursery stock, \$125. *remove 1 space*

21 4. If the nursery grower annually sells more than \$100,000 but not more than
22 \$200,000 worth of nursery stock, \$200. *remove 1 space*

23 5. If the nursery grower annually sells more than \$200,000 but not more than
24 \$500,000 worth of nursery stock, \$350. *remove 1 space*

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changes)

1 6. If the nursery grower annually sells more than \$500,000 but not more than
2 \$2,000,000 worth of nursery stock, \$600. *remove 1 space*

3 7. If the nursery grower annually sells more than \$2,000,000 worth of nursery
4 stock, \$1,200. *remove 1 space*

5 (cm) *Additional license fee for Christmas tree sales.* A nursery grower that sells
6 Christmas trees shall pay the following additional license fee, based on annual sales
7 calculated according to par. (e): *plus the additional license fee under par. (cm), if applicable*

8 1. If the nursery grower annually sells no more than \$5,000 worth of Christmas
9 trees, \$20. *nursery stock, \$40*

10 2. If the nursery grower annually sells more than \$5,000 but not more than
11 \$20,000 worth of Christmas trees, \$50. *nursery stock, \$75*

12 3. If the nursery grower annually sells more than \$20,000 but not more than
13 \$100,000 worth of Christmas trees, \$90. *nursery stock, \$125*

14 4. If the nursery grower annually sells more than \$100,000 but not more than
15 \$200,000 worth of Christmas trees, \$150.

16 5. If the nursery grower annually sells more than \$200,000 but not more than
17 \$500,000 worth of Christmas trees, \$250.

18 6. If the nursery grower annually sells more than \$500,000 but not more than
19 \$2,000,000 worth of Christmas trees, \$450.

20 7. If the nursery grower annually sells more than \$2,000,000 worth of
21 Christmas trees, \$900.

22 (d) *Surcharge for operating without a license.* In addition to the fee required
23 under par. (c) and under par. (cm), if applicable, an applicant for a nursery grower
24 license shall pay a surcharge equal to the amount of that fee if the department
25 determines that, within 365 days before submitting that application, the applicant

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1 operated as a nursery grower without a license in violation of par. (a). Payment of
2 the surcharge does not relieve the applicant of any other penalty or liability that may
3 result from the violation, but does not constitute evidence of a violation of par. (a).

4 (e) *Calculating annual sales.* The amount of an applicant's license fee under
5 par. (c) for a license year shall be based on the applicant's sales of nursery stock
6 during the applicant's preceding fiscal year, except that if the applicant made no
7 sales of nursery stock during the preceding fiscal year the fee shall be based on the
8 applicant's good faith prediction of sales during the license year for which the
9 applicant is applying. If par. (cm) applies to an applicant, the amount of the
10 applicant's additional license fee under par. (cm) for a license year shall be based on
11 the applicant's sales of Christmas trees during the applicant's preceding fiscal year,
12 except that if the applicant made no sales of Christmas trees during the preceding
13 fiscal year the fee shall be based on the applicants good faith prediction of sales
14 during the license year for which the applicant is applying.

15 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

16 1. A nursery grower whose only sales of nursery stock and Christmas trees are
17 retail sales totaling less than \$250 annually.

18 2. A person growing nursery stock only for sale for the benefit of a nonprofit
19 organization, for a period of not more than 7 days.

20 (3g) CHRISTMAS TREE GROWER; ANNUAL LICENSE. (a) *License required.* Except as
21 provided in par. (e), no person may operate as a Christmas tree grower without an
22 annual license from the department. A Christmas tree grower license expires on
23 February 20. A Christmas tree grower license may not be transferred to another
24 person.

1 (b) *Applying for a license.* A person applying for a Christmas tree grower
2 license under par. (a) shall apply on a form provided by the department. An applicant
3 shall provide all of the following to the department:

4 1. The applicant's legal name and address and any other name under which the
5 applicant does business.

6 2. The address of each location in this state at which the applicant grows
7 evergreen trees for eventual sale as Christmas trees or at which the applicant holds
8 Christmas trees for sale.

9 3. The license fee required under par. (c).

10 4. Other information reasonably required by the department for licensing
11 purposes.

12 (c) *License fee.* A Christmas tree grower shall pay the following annual license
13 fee, based on annual sales calculated according to par. (d):

14 1. If the Christmas tree grower annually sells no more than \$5,000 worth of
15 Christmas trees, \$20.

16 2. If the Christmas tree grower annually sells more than \$5,000 but not more
17 than \$20,000 worth of Christmas trees, \$55.

18 3. If the Christmas tree grower annually sells more than \$20,000 but not more
19 than \$100,000 worth of Christmas trees, \$90.

20 4. If the Christmas tree grower annually sells more than \$100,000 but not more
21 than \$200,000 worth of Christmas trees, \$150.

22 5. If the Christmas tree grower annually sells more than \$200,000 but not more
23 than \$500,000 worth of Christmas trees, \$250.

24 6. If the Christmas tree grower annually sells more than \$500,000 but not more
25 than \$2,000,000 worth of Christmas trees, \$450.

1 7. If the Christmas tree grower annually sells more than \$2,000,000 worth of
2 Christmas trees, \$900.

3 (d) *Calculating annual sales.* The amount of an applicant's license fee under
4 par. (c) for a license year shall be based on the applicant's sales of Christmas trees
5 during the applicant's preceding fiscal year, except that if the applicant made no
6 sales during the preceding fiscal year the fee shall be based on the applicant's good
7 faith prediction of sales during the license year for which the applicant is applying.

8 (e) *Exemption.* Paragraph (a) does not apply to a Christmas tree grower whose
9 only sales of Christmas trees are retail sales totaling less than \$250 annually.

10 **(3m) NOTICE OF NEW LOCATIONS.** (a) The holder of a nursery dealer license shall
11 notify the department in writing before adding, during a license year, any new
12 location at which the license holder will hold nursery stock for sale. The license
13 holder shall specify the address of the new location in the notice.

14 (b) The holder of a nursery grower license shall notify the department in
15 writing before adding, during the license year, any new location at which the license
16 holder will operate a nursery, grow evergreen trees for eventual sale as Christmas
17 trees or hold Christmas trees or nursery stock for sale. The license holder shall
18 specify the address of the new location in the notice.

19 (c) The holder of a Christmas tree grower license shall notify the department
20 in writing before adding, during the license year, any new location at which the
21 license holder will grow evergreen trees for eventual sale as Christmas trees or hold
22 Christmas trees for sale.

23 **(4) NURSERY GROWERS AND DEALERS; RECORDS.** (a) *Nursery dealers; records of*
24 *nursery stock received.* A nursery dealer shall keep a record of every shipment of

1 nursery stock received by the nursery dealer. The nursery dealer shall include all
2 of the following in the record:

3 1. A description of the types of nursery stock, and the quantity of nursery stock
4 of each type, included in the shipment.

5 2. The name and address of the source from which the nursery dealer received
6 the shipment.

7 (b) *Nursery growers and dealers; records of shipments to other nursery growers*
8 *and dealers.* Each nursery grower and nursery dealer shall record every shipment
9 of nursery stock that the nursery grower or nursery dealer sells or distributes to
10 another nursery grower or nursery dealer. The nursery grower or nursery dealer
11 shall include all of the following in the record:

12 1. A description of the types of nursery stock, and the quantity of nursery stock
13 of each type, included in the shipment.

14 2. The name and address of the nursery grower or nursery dealer receiving the
15 shipment.

16 (c) *Records retained and made available.* A nursery grower or nursery dealer
17 who is required to keep records under par. (a) or (b) shall retain those records for at
18 least 3 years and shall make those records available to the department for inspection
19 and copying upon request.

20 (5) LABELING NURSERY STOCK. (a) *Nursery stock shipped to grower or dealer.* No
21 person may sell or distribute any shipment of nursery stock to a nursery grower or
22 nursery dealer, and no nursery grower or nursery dealer may accept a shipment of
23 nursery stock, unless that shipment is labeled with all of the following:

24 1. The name and address of the person selling or distributing the shipment to
25 the nursery grower or nursery dealer.

1 2. A certification, by the person under subd. 1., that all of the nursery stock
2 included in the shipment is from officially inspected sources.

3 (b) *Growers and dealers to report unlabeled shipments.* Whenever any person
4 tenders to a nursery grower or nursery dealer any shipment of nursery stock that is
5 not fully labeled according to par. (a), the nursery grower or nursery dealer shall
6 promptly report that unlabeled shipment to the department.

7 (c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall
8 ensure that the nursery stock is labeled with the common or botanical name of the
9 nursery stock.

10 (6) CARE OF NURSERY STOCK. (a) *Adequate facilities.* A nursery grower or
11 nursery dealer shall maintain facilities that are reasonably adequate for the care and
12 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer
13 can keep the nursery stock in healthy condition pending sale.

14 (b) *Reasonable examinations.* Nursery growers and nursery dealers shall make
15 reasonable examinations of nursery stock held for sale to determine whether that
16 nursery stock is capable of reasonable growth, is infested with injurious pests or is
17 infected with disease.

18 (7) PROHIBITIONS. (a) *Nursery dealers.* No nursery dealer may do any of the
19 following:

20 1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source
21 other than an officially inspected source.

22 2. Misrepresent that the nursery dealer is a nursery grower.

23 (b) *Nursery growers and dealers.* No nursery grower or nursery dealer may do
24 any of the following:

1 1. Sell, offer to sell or distribute any nursery stock that the nursery grower or
2 nursery dealer knows, or has reason to know, is infested with plant pests or infected
3 with plant diseases that may be spread by the sale or distribution of that nursery
4 stock.

5 2. Sell, offer to sell or distribute any nursery stock that the nursery grower or
6 nursery dealer knows, or has reason to know, will not survive or grow.

7 3. Misrepresent the name, origin, grade, variety, quality or hardiness of any
8 nursery stock offered for sale or make any other false or misleading representation
9 in the advertising or sale of nursery stock.

10 4. Conceal nursery stock to avoid inspection by the department, falsify any
11 record required under this section or make any false or misleading statement to the
12 department.

13 (8) DEPARTMENT INSPECTION. The department may inspect nurseries and
14 premises at which nursery stock is held for sale or distribution. The department may
15 inspect premises at which evergreen trees are grown for eventual sale as Christmas
16 trees and premises at which Christmas trees are held for sale or distribution.

17 (9) DEPARTMENT ORDERS. (a) *Holding orders and remedial orders.* An
18 authorized employe or agent of the department may, by written notice, order a
19 nursery grower or nursery dealer to do any of the following:

20 1. Temporarily hold nursery stock pending inspection by the department.

21 2. Remedy violations of this section.

22 3. Refrain from importing weeds or pests that threaten agricultural production
23 or the environment in this state.

1 4. Permanently withhold nursery stock from sale or distribution, if the sale or
2 distribution would violate this section or an order issued under this section and the
3 violation cannot be adequately remedied in another manner.

4 5. Destroy or return, without compensation from the department, nursery
5 stock that is sold or distributed in violation of this section, or an order issued under
6 this section, if the violation cannot be adequately remedied in another manner.

7 (b) *Hearing*. If the recipient of an order under par. (a) requests a hearing on
8 that order, the department shall hold an informal hearing within 10 days unless the
9 recipient of the order consents to a later date for an informal hearing. The request
10 for a hearing is not a request under s. 227.42 (1). If a contested matter is not resolved
11 at the informal hearing, the recipient of the order is entitled to a class 2 contested
12 case hearing under ch. 227. The department is not required to stay an order under
13 par. (a) pending the outcome of any hearing under this paragraph.

14 (10) **RECIPROCAL AGREEMENTS WITH OTHER STATES.** (a) *General*. The department
15 may enter into reciprocal agreements with other states to facilitate interstate
16 shipments of nursery stock.

17 (b) *Officially inspected sources*. As part of an agreement under par. (a), the
18 department may recognize sources of nursery stock in another state as officially
19 inspected sources.

20 (c) *Inspection and certification standards*. An agreement under par. (a) may
21 specify standards and procedures for all of the following:

- 22 1. Inspecting officially inspected sources of nursery stock.
- 23 2. Inspecting and certifying interstate shipments of nursery stock.

24 **SECTION 1935.** 94.50 (2) of the statutes is amended to read:

1 94.50 (2) GROWERS AND DEALERS; REGISTRATION. No person may act as a grower
2 or a dealer unless he or she is registered with the department. Any person who acts
3 as a dealer and a grower shall register as both. Registrations shall be made annually
4 on a form provided by the department. Registrations expire on December 31 of each
5 year. A dealer shall pay to the department an annual registration fee of \$25. The
6 department shall assign a registration number to each person registered under this
7 subsection. All moneys collected under this subsection shall be credited to the
8 appropriation account under s. 20.115 (7) (ga).

9 **SECTION 1936.** 94.50 (3) (b) of the statutes is amended to read:

10 94.50 (3) (b) The department shall upon request provide each registered grower
11 and dealer with shipment certificates and report forms required under par. (a). The
12 department shall stamp each shipment certificate and report form with the
13 registration number of the grower or dealer. A shipment certificate and report form
14 is valid only if used during the registration period for which the stamp registration
15 number of the grower or dealer was issued. The department may charge a reasonable
16 fee to recover the costs related to providing shipment certificates and report forms.
17 All moneys collected under this paragraph shall be credited to the appropriation
18 account under s. 20.115 (7) (ga).

19 **SECTION 1937.** 94.64 (4) (a) 1. of the statutes is amended to read:

20 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed
21 from July 1, 1997, to June 30, 1999 beginning on the effective date of this subdivision
22 [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for
23 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

24 **SECTION 1938.** 94.64 (4) (a) 6. of the statutes is created to read:

1 94.64 (4) (a) 6. Beginning on the effective date of this subdivision [revisor
2 inserts date], a weights and measures inspection fee of 2 cents per ton, with a
3 minimum fee of \$1.

4 **SECTION 1939.** 94.64 (4) (c) 6. of the statutes is created to read:

5 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the
6 appropriation account under s. 20.115 (1) (j).

7 **SECTION 1940.** 94.681 (2) (a) 1. to 3. of the statutes are amended to read:

8 94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during
9 the preceding year for use in this state, \$265, except that the fee is \$215 for the license
10 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
11 January 1, 2002.

12 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
13 during the preceding year for use in this state, \$750, except that the fee is \$650 for
14 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~
15 1, 2001, and January 1, 2002.

16 3. If the applicant sold at least \$75,000 of the product during the preceding year
17 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that
18 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~
19 2002.

20 **SECTION 1941.** 94.681 (2) (b) 1. to 3. of the statutes are amended to read:

21 94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during
22 the preceding year for use in this state, \$315, except that the fee is \$265 for the license
23 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
24 January 1, 2002.

1 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
2 during the preceding year for use in this state, \$860, except that the fee is \$760 for
3 the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January
4 1, 2001, and January 1, 2002.

5 3. If the applicant sold at least \$75,000 of that product during the preceding
6 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years
7 that begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and
8 January 1, 2002.

9 **SECTION 1942.** 94.681 (2) (c) 1. to 3. of the statutes are amended to read:

10 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during
11 the preceding year for use in this state, \$320, except that the fee is \$270 for the license
12 years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and
13 January 1, 2002.

14 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
15 during the preceding year for use in this state, \$890, except that the fee is \$790 for
16 the license years that begin on January 1, 1999, ~~and on~~ January 1, 2000, January
17 1, 2001, and January 1, 2002.

18 3. If the applicant sold at least \$75,000 of the product during the preceding year
19 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product
20 during the preceding year for use in this state, except that for the license years that
21 begin on January 1, 1999, ~~and on~~ January 1, 2000, January 1, 2001, and January 1,
22 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product
23 during the preceding year for use in this state.

24

25 **SECTION 1942mc.** 94.695 of the statutes is created to read:

1 **94.695 Pesticide sales and use reporting system.** (1) PROPOSAL. The
2 department shall develop a proposal for a pesticide sales and use reporting system
3 and shall, no later than July 1, 2000, submit the proposal to the joint committee on
4 finance for review.

5 (2) FUNDING. If the joint committee on finance approves the proposal under sub.
6 (1), it may, from the appropriation under s. 20.865 (4) (u), supplement the
7 appropriation under s. 20.115 (7) (uc) in an amount not to exceed \$250,000 and the
8 appropriation under s. 20.115 (7) (ue) in an amount not to exceed \$150,000.
9 Notwithstanding s. 13.101 (3) (a), the committee is not required to find that an
10 emergency exists.

11 (3) PILOT PROJECT. If the joint committee on finance approves the proposal
12 under sub. (1), the department shall administer a pilot program to test the pesticide
13 sales and use reporting system.

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17 **SECTION 1943.** 94.704 (3) (a) 1. of the statutes is amended to read:

18 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the
19 license years that begin on January 1, 1999, ~~and on January 1, 2000, January 1,~~
20 2001, and January 1, 2002.

21 **SECTION 1944.** 94.72 (6) (a) 1. and 2. of the statutes are amended to read:

22 94.72 (6) (a) 1. For commercial feeds distributed in this state ~~during the years~~
23 that begin on January 1, 1998, and on January 1, 1999, 15, beginning on the effective
24 date of this subdivision [revisor inserts date], and ending on December 31, 2001.
25 a feed inspection fee of 13 cents per ton.