

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

**Topic:**

DOA:.....Grinde - Lake grant program changes and river grant program

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>	
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/2	gibsom 01/26/99	gilfokm 01/26/99	hhagen 01/27/99	_____	lrb_docadmin 01/27/99		S&L

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*12-1-26-99 KMG*  
*1/27 1/27*

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	01/22/99		01/24/99	_____			

FE Sent For:

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1999 DRAFTING REQUEST

Bill

Received: 09/16/98

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Administration-Budget 67973

By/Representing: Grinde

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact: See attached

Alt. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies: 1 - DNR

Topic:

DOA:.....Grinde - Lake grant program changes and river grant program

Instructions:

See Attached

Drafting History:

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		1-1-23-99 Kmg	1/24	1/24			

FE Sent For:

<END>

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**Bill**

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies: **1/END**

**Topic:**

DOA:.....Grinde - Lake grant program changes and river grant program

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gibsom 09/21/98	gilfokm 11/7/98	<del>lpaasch</del> <del>11/9/98</del>	_____	lrb_docadmin <del>11/10/98</del>		
		<i>p2-12-31 KMG</i>	<del>lpaasch</del> <del>11/10/98</del>	_____	lrb_docadmin 11/11/98		
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FE Sent For:

*10/14*      *10/14*  
**<END>**



**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **gibson**

Wanted: **As time permits**

Identical to LRB:

For: **Natural Resources 72769**

By/Representing: **Susan Felker-Donsing**

This file may be shown to any legislator: **NO**

Drafter: **gibson**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

**Topic:**

Lake grant program changes

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	gibson	1/11-11-97 Kmg	Jb 11/11	Jb 11/11	<u>Yes</u>		

FE Sent For:

<END>

Statutory Language Proposals

Division: Water

Subprograms: Fisheries Management and Habitat Protection

Issue/Topic: Lake Planning, Management, and Classification Grants

Proposed Change: The Department proposes to amend Wis. Stat. s. 281.68(1m) related to lake management planning grants as follows:

**(1m)** The department shall develop and administer a financial assistance program to provide lake management planning grants for projects to provide information and education on the use of lakes and the quality of water in lakes or the natural ecosystem of lakes, including mill ponds, in order to improve water quality assessment and planning and aid in the selection of activities to abate pollution of lakes or to improve or protect the quality of water in lakes or the natural ecosystem of lakes.

Additionally, the Department proposes to amend Wis. Stat. s. 281.68(3)(b) to include as eligible activities the assessment of water quality, habitat, fish and aquatic life, lake and land use, the assessment of educational and organizational needs, and the provision of informational and educational materials and programs. For example:

**(3) (b)** Eligible activities, which shall include data collection, and assessment of water quality, habitat, fish and aquatic life, lake and land use, and educational and organizational needs assessment and nonpoint source pollution evaluation and provision of informational and educational materials and programs.

Further, the Department proposes to amend Wis. Stat. s. 281.69(6) regarding lake classification technical assistance grants, to change it from a grants program to a contractual agreement program for awarding funds to nonprofit corporations for lake classification technical assistance projects.

Explanatory Note: Under Wis. Stat. s. 281.68(4); at the completion of a lake management planning project, upon request of the grant recipient, the Department may approve recommendations made in the project as eligible activities for a Lake Management and Classification Grant under s. 281.69. The recommended amendments to s. 281.69(1m) reflect the more recently promulgated statutory language under s. 281.69(1) for the 3 types of projects listed as eligible. This statutory language amendment would update the eligible activities under the Lake Management Planning Grants program to be consistent with the eligible activities under the Lake Management and Classification Grants program.

✓ Lake classification technical assistance projects provide educational and technical assistance to local units of government and lake management organizations participating in lake classification projects. This is a service-oriented, consultation activity to be provided by nonprofit corporations without a cost-share requirement. The Department and the nonprofit corporations interested in providing this assistance agree that these activities can be more effectively administered under a request for proposals (RFP) process with annual contract agreement awards

Desired Effective Date: Upon Publication.

Contact Person: Eric Ebersberger, MB/5, 266-0818; Jeff Bode, FH/2, 266-0502

0

Statutory Language Proposals

Division: Water

R+S  
\$500,000      \$700,000 R+S

Subprograms: Fisheries Management & Habitat Protection

[From gas tax revenue]

Issue/Topic: River and Stream Protection Grant Program

Proposed Change: The Department proposes to create a River and Stream Protection Grants program under Wis. Stat. Ch. 281 which would direct the Department to develop and administer a financial assistance program to provide river and stream protection grants for planning and protection activities to local units of government, qualified river and stream management organizations, and nonprofit corporations for the purpose of river and stream protection, including flowages.

Explanatory Note: The river and stream protection grants program will be designed to promote protection of high quality riverine ecosystems, as opposed to restoration of degraded systems. The program would require that the Department promulgate rules to determine eligibility for and administer river and stream planning and management grants. The Department has recently completed a unified watershed assessment of all the state's watersheds as part of the Federal Clean Water Action Plan. Only projects in watersheds designated by the Department as in need of protection or having insufficient information shall be eligible for river and stream planning and management grants.

River and stream planning project grants will provide information and education on river and stream use, water quality, habitat and natural ecosystem features, or shoreland development characteristics in order to aid in the selection of activities to protect, improve or enhance the waterway. The Department may provide a grant of 75% of the cost of a river and stream planning project up to a total cost of \$10,000 per grant. Eligible activities should include data collection and assessment of water quality, habitat, fish and aquatic life, water and land use, and educational and organizational needs and the provision of informational and educational materials and programs. At the completion of a river and stream planning project, upon the request of the grant recipient, the Department may approve recommendations made as a result of the project as eligible for a river and stream management grant.

River and stream management project grants will provide for activities that will enhance, improve or protect rivers or streams. A grant may be made for up to 75% of the cost of the project but may not exceed \$50,000 per grant. Eligible activities shall include the purchase of land or of a conservation easement, the restoration of in-stream and shoreline habitat or wetlands, the installation of pollution abatement practices, the development of local regulations or ordinances, and activities approved by the Department as a result of a plan that will substantially contribute to the protection, improvement or enhancement of a river or stream's water quality or its natural ecosystem.

Desired Effective Date: Upon Publication.

Contact Person: Eric Ebersberger, MB/5, 266-0818; Mary Ellen Vollbrecht, FH/6, 264-8554; Jeff Bode, FH/2, 266-0502

*at the end of each fiscal year  
what was not spent goes to lake  
management + classification grants (281.69)  
increase the multiplier 1.4 to 1.6*



State of Wisconsin  
1999 - 2000 LEGISLATURE

budget soon

D-Note

LRB-0198

MGG: /:....

P RMR

King

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

head  
subhead  
natural resources  
CS  
NAVIGABLE WATERS

Don't  
even cat.

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

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

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

2 SECTION 1. 20.370 (6) (ar) of the statutes is amended to read:

3 20.370 (6) (ar) (title) Environmental aids — lake management and  
4 classification grants. From the conservation fund, as a continuing appropriation, the

5 amounts in the schedule for lake management and classification grants and  
6 contracts under s. 281.69 ~~and~~ contracts under s. 281.69

plain  
space

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 437; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22n to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 257 ss. 33 to 38d, 727g; 1997 a. 248.

7 SECTION 2. 20.370 (6) (au) of the statutes is created to read:

~~account under par. (au) shall be credited to this approp-  
uation account under par. (au). this paragraph~~

S.

1 20.370 (6) (au) *Environmental aids — river protection grants.* From the  
 2 conservation fund, the amounts in the schedule for river protection grants under  
 3 281.70. Notwithstanding, 20.001 (3) (a), on June 30 of each fiscal year the  
 4 unencumbered balance in this appropriation account shall be transferred to the  
 5 appropriation account under sub. (6) (ar).

note: bud

SECTION 3. 25.29 (1) (c) of the statutes is amended to read:

7 25.29 (1) (c) For fiscal year 1992-93, and for each fiscal year thereafter, an  
 8 amount equal to the estimated motorboat gas tax payment multiplied by ~~1.4~~ 1.6. The  
 9 estimated motorboat gas tax payment is calculated by multiplying the number of  
 10 motorboats registered under s. 30.52 on January 1 of the previous fiscal year by 50  
 11 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on  
 12 April 1 of the previous fiscal year.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

SECTION 4. 30.77 (3) (dm) 1. of the statutes is amended to read:

14 30.77 (3) (dm) 1. In this paragraph, "local entity" means a city, village, town,  
 15 county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit  
 16 conservation organization, as defined in s. 23.0955 (1), town sanitary district, public  
 17 inland lake protection and rehabilitation district or another local governmental unit,  
 18 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

History: 1973 c. 302; 1987 a. 99; 1989 a. 159, 324, 359; 1993 a. 167; 1995 a. 152, 349; 1997 a. 35.

SECTION 5. 281.68 (1) (intro.) of the statutes is ~~renumbered 281.68 (1) (intro.)~~

~~281.68 (1) (intro.)~~ amended to read:

281.68 (1) ~~(intro.)~~ In this section, "qualified:

(b) "Qualified lake association" means a group incorporated under ch. 181 that  
 meets all of the following conditions:

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79.

WSP: change component

1 SECTION 6. 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1) (b)  
2 1. to 8.

3 SECTION 7. 281.68 (1) (ag) of the statutes is created to read:  
4 281.68 (1) (ag) "Lake" includes a mill pond and excludes a flowage.

5 SECTION 8. 281.68 (1m) of the statutes is amended to read:  
6 281.68 (1m) The department shall develop and administer a financial  
7 assistance program to provide lake management planning grants for projects to  
8 provide information and education on the use of lakes and natural lake ecosystems  
9 and on the quality of water in lakes, including mill ponds, in order to and in natural  
10 lake ecosystems.

11 ~~(1r) The purposes of the lake management planning grants shall be to improve~~  
12 ~~water quality assessment and planning and aid in the selection of activities to abate~~  
13 ~~do any of the following:~~  
14 (a) Abate pollution of in lakes or in natural lake ecosystems.  
*Handwritten notes: "stet" circled, "used" written, "plain space" written with arrows pointing to "in lakes or in natural lake ecosystems" and "do any of the following:".*

15 History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79.

16 SECTION 9. 281.68 (1a) (b) of the statutes is created to read:

17 281.68 (1a) (b) Protect or improve the quality of water in lakes or in natural  
18 lake ecosystems.

19 SECTION 10. 281.68 (3) (b) of the statutes is amended to read:

20 281.68 (3) (b) Eligible activities, which shall include data all of the following  
for lakes and natural lake ecosystems:  
*Handwritten notes: "renumbered 281.68 (3)(b) (intro.)" and "and" written.*

- 21 1. Data collection, water quality assessment and nonpoint
- 22 4. Nonpoint source pollution evaluation.

23 History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79.

24 SECTION 11. 281.68 (3) (b) 2. of the statutes is created to read:

281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life.

*Fix component*

1 SECTION 12. 281.68 (3) (b) 3. of the statutes is created to read:  
2 281.68 (3) (b) 3. Assessments of lake uses and the uses of the surrounding land.

3 SECTION 13. 281.68 (3) (b) 5. of the statutes is created to read:  
4 281.68 (3) (b) 5. Informational or educational programs and materials.

5 SECTION 14. 281.69 (title) of the statutes is amended to read:

6 281.69 (title) Lake management and classification grants and  
7 contracts. *renumbered 281.69(1m)(intro.) and*

*F.C. 12*

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

8 SECTION 15. 281.69 (1) (intro.) of the statutes is amended to read:  
9 281.69 (1) (intro.) TYPES OF PROJECTS. (intro.) The department shall develop and

10 administer a financial assistance program to provide grants for all of the following  
11 3 types of projects:

*F.C. 12*

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

~~SECTION 16. 281.69 (1) of the statutes is renumbered 281.69 (1m)~~

*F.C. 13*

13 SECTION 17. 281.69 (1) (a) of the statutes is amended to read:  
14 281.69 (1) (a) Lake Grants for management projects that will improve or

15 protect the quality of water in lakes or the natural ecosystems of lakes.

*F.C. 16*

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

16 SECTION 18. 281.69 (1) (b) of the statutes is amended to read:  
17 281.69 (1) (b) Lake Grants for classification projects that will classify lakes by

18 use and implement protection activities for the lakes based on their classification.

*F.C. 19*

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

19 SECTION 19. 281.69 (1) (c) of the statutes is amended to read:  
20 281.69 (1) (c) Lake Awards of contracts for classification technical assistance

21 projects conducted by nonprofit corporations that will provide educational and  
22 technical assistance.

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

23 SECTION 20. 281.69 (1b) of the statutes is created to read:

1           281.69 (1b) In this section, “lake” includes a mill pond and excludes a flowage.

2           **SECTION 21.** 281.69 (2) (title) of the statutes is amended to read:

3           281.69 (2) (title) AMOUNTS OF GRANTS FINANCIAL ASSISTANCE.

4           History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

4           **SECTION 22.** 281.69 (2) (c) of the statutes is amended to read:

5           281.69 (2) (c) A ~~grant~~ contract for a lake classification technical assistance  
6           project may not exceed \$200,000.

7           History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

7           **SECTION 23.** 281.69 (3) (a) of the statutes is amended to read:

8           281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit  
9           conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,  
10          villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary  
11          districts, public inland lake protection and rehabilitation districts and other local  
12          governmental units, as defined in s. 66.299 (1) (a), that are established for the  
13          purpose of lake management.

14          History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

14          **SECTION 24.** 281.69 (6) (title) of the statutes is amended to read:

15          281.69 (6) (title) LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS.

16          History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

16          **SECTION 25.** 281.69 (6) (a) of the statutes is amended to read:

17          281.69 (6) (a) The department ~~shall promulgate rules to administer and~~  
18          ~~determine eligibility for~~ may award contracts for lake classification technical  
19          assistance ~~grants to be awarded~~ to nonprofit corporations.

20          History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

20          **SECTION 26.** 281.69 (6) (b) of the statutes is amended to read:

21          281.69 (6) (b) A nonprofit corporation receiving a lake classification technical  
22          assistance ~~grant~~ contract shall provide educational and technical assistance to local



1 units of government and lake management organizations that will participate in a  
2 lake classification project.

3 History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

**SECTION 27. 281.70 of the statutes is created to read:** *Bold*

4 **281.70 River protection grants** (1) DEFINITION. In this section "river"  
5 includes a stream or a flowage.

6 (2) TYPES OF PROJECTS. The department shall develop and administer a  
7 financial assistance program to provide grants for the following types of projects:

8 (a) Planning projects to provide information or education on the use of rivers  
9 or on the quality of water in rivers.

10 (b) Management projects to protect or improve the quality of water in rivers.

11 (3) AMOUNTS OF GRANTS. (a) A grant for a planning project may be made for up  
12 to 75% of the cost of the project but may not exceed \$10,000 per grant.

13 (b) A grant for a management project may be made for up to 75% of the cost of  
14 the project but may not exceed \$50,000 per grant.

15 (4) ELIGIBLE RECIPIENTS. The following shall be eligible for grants under this  
16 section:

- 17 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 18 2. River management organizations that meet the qualifications under par. (b).
- 19 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

20 (b) The department shall promulgate rules to establish the qualifications that  
21 a river management organization must meet to qualify for a grant under this section.

22 (5) ELIGIBLE ACTIVITIES. The department shall promulgate rules to do all of the  
23 following:

1 (a) Designate activities that are eligible for grants for planning projects.

2 Eligible activities for these grants shall include all of the following:

3 1. Data collection.

4 2. Assessments of water quality and of fish and aquatic life.

5 3. Assessments of the uses of a river and the uses of the land surrounding the  
6 river.

7 4. Nonpoint source pollution evaluation.

8 5. Informational or educational programs and materials.

9 (b) Designate activities that are eligible for grants for management projects.

10 Eligible activities for these grants shall include the following:

11 1. The purchase of land or of a conservation easement, as defined in s. 700.40

12 (1) (a).

13 2. The restoration of an in-stream or shoreline habitat or wetland, as defined  
14 in s. 23.32 (1).

15 3. The development of local regulations or ordinances that will protect or  
16 improve the water quality of a river.

17 4. An activity that is approved by the department and that is needed to  
18 implement a recommendation made as a result of a plan to protect or improve the  
19 water quality of a river.

20 5. Installation of pollution abatement practices.

21 (4) ELIGIBILITY; TYPES OF RIVERS. (a) The department may award a grant for a  
22 planning project only for a river with a high-quality ecosystem or for a river for which  
23 there is insufficient information as to the quality of the river's ecosystem.

24 (b) The department may award a grant for a management project only for a

25 river with a high-quality ecosystem.

1 (c) The department may not award any grant under this section to restore a  
2 river with a degraded ecosystem. ~~(c)~~ ✓

3 (d) For purposes of pars. (a) to (c), the department shall determine whether a  
4 river has a high-quality or a degraded ecosystem. ✓

5 (§) ELIGIBILITY; OTHER. At the completion of a planning project, upon request  
6 of the recipient of the grant for the planning project, the department may approve  
7 as eligible activities for a management grant the recommendations that were made  
8 as a result of the project. <sup>project</sup> ✓

9 (END)

7

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

LRB-0198/P1dn

MGG/.....

*kmg*

*Three*

1. I have merged two items: the one creating the rivers and stream management grant program and the changes to s. 281.68. Please review this draft carefully, not only the changes in the draft but how all § sections (ss. 281.68, 281.69 and 281.70) work together. Sections 281.68 and 281.69 were both originally created during hurried days of the budget process. This would be a good opportunity to improve the language in these sections, and I welcome any discussion along those lines.

2. I deleted the references to habitats for now because they are just too vague. Habitats of what? Let's discuss and then I can redraft this.

3. I did not use the word "enhance" in the rivers and streams program. I omitted it to be consistent with ss. 281.68 and 281.69 and to avoid redundancy with the word "improve". OK?

4. Do you want any language in s. 281.70 that is similar to the language found in s. 281.69 (4)?

5. I included nonpoint source pollution evaluation under s. 281.70 <sup>(5)</sup> <sup>(a)</sup> ~~(3)~~ ~~(c)~~ since it is included under current law under s. 281.68 (3) (b). OK?

6. Note that s. 281.70 (5) is more tightly drafted than the existing language in s. 281.68 ~~(4)~~. Do you want to change the language in either or in both?

(7)

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

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

LRB-0198/P1dn  
MGG:kmg:jf

November 11, 1998

1. I have merged two items: the one creating the rivers and stream management grant program and the changes to s. 281.68. Please review this draft carefully, not only the changes in the draft but how all three sections (ss. 281.68, 281.69 and 281.70) work together. Sections 281.68 and 281.69 were both originally created during hurried days of the budget process. This would be a good opportunity to improve the language in these sections, and I welcome any discussion along those lines.

2. I deleted the references to habitats for now because they are just too vague. Habitats of what? Let's discuss and then I can redraft this.

3. I did not use the word "enhance" in the rivers and streams program. I omitted it to be consistent with ss. 281.68 and 281.69 and to avoid redundancy with the word "improve". OK?

4. Do you want any language in s. 281.70 that is similar to the language found in s. 281.69 (4)?

5. I included nonpoint source pollution evaluation under s. 281.70 (5) (a) since it is included under current law under s. 281.68 (3) (b). OK?

6. Note that s. 281.70 (5) is more tightly drafted than the existing language in s. 281.68 (7). Do you want to change the language in either or in both?

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

# Memorandum

**To:** Mary Gibson-Glass, Legislative Reference Bureau

**CC:** Kirsten Grinde, DOA Executive Budget Office; Chuck Hammer, LS/5; Jeff Bode, FH/2; Carroll Schaal, FH/7; Mary Ellen Vollbrecht, FH/6; Jim Baumann, WT/2; Jeff Soellner, CF/8; Elizabeth Kluesner, AD/5.

**From:** Eric Ebersberger, MB/5

**Date:** December 7, 1998

**Re:** LRB 0198/P1dn (Lakes and Rivers Grants Programs)

Mary:

Program and Legal staff have offered the following comments on the draft.

1.  Page 2, Section 3, lines 7-13, s. 25.29 (1) (c): The Department has changed its approach to revising the motorboat gas tax payment formula. Rather than increasing the multiplier from 1.4 to 1.6, the Department is now proposing to increase to 65 the number of gallons of gas used for the calculation. So the multiplier remains 1.4 on line 9, but the gallons increases to 65 on line 11.

2.  Page 3, Section 7, line 6, s. 281.68 (1) (ag): The definition of "Lake" should include, not exclude flowages. Also, the Department does not see a reason to specifically mention millponds. Mill ponds are really impounded flowages. Further, because some flowages are more riverine and some more lake-like, the Department would prefer that flowages fit both within the definition of "lake" for lakes grants and "river" for rivers grants. The Department would prefer that line 6 read as follows: ?

3.  Page 3, Section 8, lines 11-12, s. 281.68 (1m): The Department would prefer that this language parallel an amended s. 281.69 (1) (a) so that what we allow for in projects we allow for in plans. Specifically, on lines 11 and 12 of the draft rather than referring to "the quality of water in lakes, including mill ponds, in order to and in natural lake ecosystems" the language should read "the quality of water in lakes or the quality of natural lake ecosystems"—which would encompass tributaries, wetlands, fish and aquatic life habitat, and get more at habitat and use issues. The Department therefore suggests amending s. 281.69 (1) (a) so that it reads as follows: s. 281.69 (1) (a) Lake management projects that will improve or protect the quality of water in lakes or the quality of natural lake ecosystems.

*done*

*which one*

4.  Page 3, Sections 8 and 9, lines 13-19, ss. 281.68 (1r) and (1r) (b): In this section, the Department would like to include a reference to protecting or improving beneficial uses in lakes or natural lake ecosystems. There were two alternative suggestions for changes: *1) amend s.*

*draft this*

D-Note  
re:  
enhance

Do not  
mess with  
it

281.68 (1r) (a) to read "Protect or improve the quality of water in lakes or the quality of natural lake ecosystems"—which arguably would include pollution abatement—and amend s. 281.69 (1r) (b) to refer to protecting or improving the beneficial uses and fish and aquatic life and habitat in lakes or natural lake ecosystems (There is some concern that use of the term "abatement" indicates a restoration focus as opposed to a protection focus); or *ii*) leaving 281.68 (1r) (a) as is, amending 281.68 (1r) (b) to refer to protecting or improving the quality of water in lakes or the quality of natural lake ecosystems, and creating a 281.68 (1r) (c) which would refer to protecting or improving the beneficial uses and fish and aquatic life and habitat in lakes or natural lake ecosystems.

5. ✓ Page 4, Section 16, lines 17-18, s 281.69 (1m) (a): Per the discussion above, the Department would like this to reference management projects that will improve or protect the quality of water in lakes or the quality of natural lake ecosystems.

6. As a general comment for the river protection grants language, the Department wants the language to consistently refer to rivers, the ecosystems of rivers, the fish and aquatic life in rivers, and aquatic habitat in rivers. For example, on page 6, Section 26, lines 8-12, s. 281.70 (2) (a) and (b), the Department wants planning projects to provide information or education on—and management grants to protect, enhance, or improve—the use of rivers or the quality of water in rivers, the quality of a riverine ecosystem, and the fish and aquatic life and habitat in rivers. (The Department can distinguish between *enhancing*—which may mean stocking a river with fish, and *improving*—which may mean improving water quality.)

7. Page 7, Section 26, line 4, s. 281.70 (5) (a) 2.: This should refer to fish and aquatic life and their habitat.

8. Page 7, Section 26, line 8, s. 281.70 (5) (a) 5.: This should include informational, organizational, or educational programs and materials. This would allow the Department to help the formation of rivers protection groups.

D-Note  
Doesn't  
this do  
this?

9. Page 7, Section 26, line 10, s. 281.70 (5) (b): If it is essential to state here that eligible activities for these grants "shall" include the specified activities, the Department prefers that the language be amended to make it clear that eligible activities are not limited to only those specified in 281.70 (5) (b) 1-5. The Department wants to maintain the flexibility to include other activities as well.

10. Page 7, Section 26, lines 13-14, s. 281.70 (5) (b) 2.: The Department does not think its necessary to specifically mention "wetland" since wetlands would be included in "in-stream or shoreline habitat". The Department recommends the following change: The restoration of an in-stream or shoreline habitat, ~~or wetland as defined in s. 23.32 (1)~~.

11. Page 7, Section 26, lines 15-16, s. 281.70 (5) (b) 3.: As discussed in point 6 above, the Department prefers that this reference not only the water quality of a river, but the quality of the ecosystems of a river, the fish and aquatic life in the river, and aquatic habitat in the river. This same comment applies to lines 17-19, s. 281.70 (5) (b) 4.

12. Page 7, Section 26, line 20, s. 281.70 (5) (b) 5.: The Department wants to ensure that pollution prevention practices are included as eligible activities, therefore we suggest that this section refer to pollution control practices rather than pollution abatement practices. Pollution control would include both prevention and abatement.

Control in (1r) ?

*December 7, 1998*

13. Page 7, Section 26, lines 21 - 25 and page 8, lines 1-4, s. 281.70 (6): With respect to defining eligible rivers, the Department now prefers that this section specify that the grants are targeted toward "high quality rivers in need of protection" rather than referring to rivers with high-quality ecosystems or rivers for which there is insufficient information as to the quality of the river's ecosystem. Subsections (b) and (d) should also reflect this change.

Thank you.



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**Gibson-Glass, Mary**

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**From:** EbersE@mail01.dnr.state.wi.us  
**Sent:** Monday, December 07, 1998 5:44 PM  
**To:** Gibson-Glass, Mary  
**Cc:** kirsten.grinde@doa.state.wi.us  
**Subject:** Additional Comment on LRB-0198/P1dn

Mary:  
In your memo accompanying the above-mentioned draft, you asked whether we want any language in s. 281.70 that is similar to the language found in s. 281.69(4). The short answer is "yes".

Thank you.  
Eric  
Eric Ebersberger, MB/5  
eberse@dnr.state.wi.us  
608/266-0818



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0198/D1  
MGG:kmg:jf

1P2 RMR

Due Tues

~~Now~~

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DOA - Bud tag line

Do not GENLHT  
~~Genlht~~

1 AN ACT <sup>A</sup>; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**NAVIGABLE WATERS**

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

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

2 SECTION 1. 20.370 (6) (ar) of the statutes is amended to read:

3 20.370 (6) (ar) (title) *Environmental aids — lake management and*

4 *classification grants and contracts.* From the conservation fund, as a continuing

5 appropriation, the amounts in the schedule for lake management and classification

6 grants and contracts under s. 281.69. All moneys transferred from the appropriation

7 account under par. (au) shall be credited to the appropriation account under this

8 paragraph.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 2. 20.370 (6) (au) of the statutes is created to read:

2 20.370 (6) (au) *Environmental aids — river protection grants.* From the  
3 conservation fund, the amounts in the schedule for river protection grants under s.  
4 281.70. Notwithstanding, s. 20.001 (3) (a), on June 30 of each fiscal year the  
5 unencumbered balance in this appropriation account shall be transferred to the  
6 appropriation account under sub. (6) (ar).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 SECTION 3. 25.29 (1) (c) of the statutes is amended to read:

8 25.29 (1) (c) For fiscal year 1992-93, and for each fiscal year thereafter, an  
9 amount equal to the estimated motorboat gas tax payment multiplied by ~~1.4~~ <sup>PLAIN</sup> ~~1.6~~. The  
10 estimated motorboat gas tax payment is calculated by multiplying the number of  
11 motorboats registered under s. 30.52 on January 1 of the previous fiscal year by ~~50~~ <sup>65</sup>  
12 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on  
13 April 1 of the previous fiscal year.

14 SECTION 4. 30.77 (3) (dm) 1. of the statutes is amended to read:

15 30.77 (3) (dm) 1. In this paragraph, "local entity" means a city, village, town,  
16 county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit  
17 conservation organization, as defined in s. 23.0955 (1), town sanitary district, public  
18 inland lake protection and rehabilitation district or another local governmental unit,  
19 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

20 SECTION 5. 281.68 (1) (intro.) of the statutes is amended to read:

21 281.68 (1) (intro.) In this section, "qualified:

~~SECTION 5. 281.68 (1) (intro.) of the statutes is amended to read:~~  
~~281.68 (1) (intro.) In this section, "qualified:~~  
~~SECTION 5. 281.68 (1) (intro.) of the statutes is amended to read:~~  
~~281.68 (1) (intro.) In this section, "qualified:~~  
DEFINITIONS.  
§

<sup>(CS)</sup>  
~~(AM)~~ PURPOSES OF GRANTS.

1 (b) "Qualified lake association" means a group incorporated under ch. 181 that  
2 meets all of the following conditions:

3 SECTION 6. 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1) (b)  
4 1. to 8.

5 SECTION 7. 281.68 (1) (ag) of the statutes is created to read:

6 281.68 (1) (ag) "Lake" includes a mill pond and excludes a flowage.

7 SECTION 8. 281.68 (1m) of the statutes is amended to read:

8 281.68 (1m) The department shall develop and administer a financial  
9 assistance program to provide lake management planning grants for projects to  
10 provide information and education on the use of lakes and natural lake ecosystems  
11 and on the quality of water in lakes, including mill ponds, in order to and in natural  
12 lake ecosystems.

*Plain  
space*

*the  
quality  
of water*

13 <sup>(CS)</sup>  
USES OF GRANTS.  
14 (1r) Lake management planning grants shall be used to improve water quality  
15 assessment and planning and to aid in the selection of activities to abate do any of  
16 the following:

17 (a) ~~Abate~~ <sup>Control</sup> pollution of in lakes or in natural lake ecosystems.

18 SECTION 9. 281.68 (1r) (b) of the statutes is created to read:

19 281.68 (1r) (b) Protect or improve the quality of water in lakes or in natural  
20 lake ecosystems.

21 SECTION 10. 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)  
22 and amended to read:

23 281.68 (3) (b) (intro.) Eligible activities, which shall include data all of the  
24 following for lakes and natural lake ecosystems:

25 1. Data collection, water quality assessment and nonpoint.

4. Nonpoint source pollution evaluation.

\*SECTION #. CR; 281.68 (2) (title)  
#281.68 (2) (title) <sup>(CS)</sup> AMOUNT OF GRANTS.  
\*SECTION #. CR; 281.68 (3) (title)  
#281.68 (3) (title) <sup>(CS)</sup> RULES FOR GRANTS.

1 SECTION 11. 281.68 (3) (b) 2. of the statutes is created to read:

2 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life.

3 SECTION 12. 281.68 (3) (b) 3. of the statutes is created to read:

4 281.68 (3) (b) 3. Assessments of lake uses and the uses of the surrounding land.

5 SECTION 13. 281.68 (3) (b) 5. of the statutes is created to read:

6 281.68 (3) (b) 5. Informational or educational programs and materials.

7 SECTION 14. 281.69 (title) of the statutes is amended to read:

8 281.69 (title) **Lake management and classification grants and**  
9 **contracts.**

10 SECTION 15. 281.69 (1) (intro.) of the statutes is renumbered 281.69 (1m)  
11 (intro.) and amended to read:

12 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and  
13 administer a financial assistance program to provide grants for all of the following  
14 ~~3 types of projects:~~

15 SECTION 16. 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and  
16 amended to read:

17 281.69 (1m) (a) Lake Grants for management projects that will improve or  
18 protect the quality of water in lakes or the <sup>quality of</sup> ~~natural~~ ecosystems <sup>lake</sup> ~~of lakes.~~

*strike; do not delete*

19 SECTION 17. 281.69 (1) (b) of the statutes is renumbered 281.69 (1m) (b) and  
20 amended to read:

21 281.69 (1m) (b) Lake Grants for classification projects that will classify lakes  
22 by use and implement protection activities for the lakes based on their classification.

23 SECTION 18. 281.69 (1) (c) of the statutes is renumbered 281.69 (1m) (c) and  
24 amended to read:

PLANNING

LRB-0198/P1  
MGG:kmg:jf  
SECTION 18

A SEC # 281.68 (4) (title)  
281.68 (4) (title)

ELIGIBILITY FOR LAKE MANAGEMENT GRANTS!

1 281.69 (1m) (c) Lake Awards of contracts for classification technical assistance  
2 projects conducted by nonprofit corporations that will provide educational and  
3 technical assistance.

4 SECTION 19. 281.69 (1b) of the statutes is created to read:

5 281.69 (1b) In this section, "lake" includes a mill pond and ~~excludes~~ a flowage.

6 SECTION 20. 281.69 (2) (title) of the statutes is amended to read:

7 281.69 (2) (title) AMOUNTS OF GRANTS FINANCIAL ASSISTANCE.

8 SECTION 21. 281.69 (2) (c) of the statutes is amended to read:

9 281.69 (2) (c) A ~~grant contract~~ for a lake classification technical assistance  
10 project may not exceed \$200,000.

11 SECTION 22. 281.69 (3) (a) of the statutes is amended to read:

12 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit  
13 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,  
14 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary  
15 districts, public inland lake protection and rehabilitation districts and other local  
16 governmental units, as defined in s. 66.299 (1) (a), that are established for the  
17 purpose of lake management.

18 SECTION 23. 281.69 (6) (title) of the statutes is amended to read:

19 281.69 (6) (title) LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS.

20 SECTION 24. 281.69 (6) (a) of the statutes is amended to read:

21 281.69 (6) (a) The department ~~shall promulgate rules to administer and~~  
22 ~~determine eligibility for~~ may award contracts for lake classification technical  
23 assistance ~~grants to be awarded~~ to nonprofit corporations.

24 SECTION 25. 281.69 (6) (b) of the statutes is amended to read:

wpo:  
don't add  
this in the  
middle  
of SEC. 18.  
when added,  
not draft so  
that it is  
in order.

INS 5-17

1           281.69 (6) (b) A nonprofit corporation receiving a lake classification technical  
2 assistance ~~grant contract~~ shall provide educational and technical assistance to local  
3 units of government and lake management organizations that will participate in a  
4 lake classification project.

5           **SECTION 26.** 281.70 of the statutes is created to read:

6           **281.70 River protection grants. (1) DEFINITION.** In this section, "river"  
7 includes a stream or a flowage.

8           **(2) TYPES OF PROJECTS.** The department shall develop and administer a  
9 financial assistance program to provide grants for <sup>any of</sup> the following types of projects:

10           (a) Planning projects to provide information or education on <sup>activities that</sup> the use of rivers  
11 <sup>to protect or improve any of the following:</sup> of on the quality of water in rivers.

12           (b) Management projects <sup>to conduct the activities specified in par. (a).</sup> to protect or improve the quality of water in rivers. ↑ ↑

13           **(3) AMOUNTS OF GRANTS. (a)** A grant for a planning project may be made for up  
14 to 75% of the cost of the project but may not exceed \$10,000 per grant.

15           (b) A grant for a management project may be made for up to 75% of the cost of  
16 the project but may not exceed \$50,000 per grant.

17           **(4) ELIGIBLE RECIPIENTS. (a)** <sup>All of</sup> The following shall be eligible for grants under this  
18 section:

- 19           1. Local governmental units, as defined in s. 66.299 (1) (a).
- 20           2. River management organizations that meet the qualifications under par. (b).
- 21           3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

22           (b) The department shall promulgate rules to establish the qualifications that  
23 a river management organization must meet to qualify for a grant under this section.

24           **(5) ELIGIBLE ACTIVITIES.** The department shall promulgate rules to do all of the  
25 following:

- 1. <sup>rivers</sup> ~~waters~~ are used.
- 2. The quality of water in <sup>rivers</sup> riverine
- 3. The quality of natural ~~ecosystems~~ ecosystems.
- 4. Fish populations, aquatic life or fish habitat in <sup>rivers</sup> ~~waters~~.

1 (a) Designate activities that are eligible for grants for planning projects.

2 Eligible activities for these grants shall include all of the following:

- 3 1. Data collection.
- 4 2. Assessments of water quality and of fish and aquatic life
- 5 3. Assessments of the uses of a river and the uses of the land surrounding the
- 6 river.
- 7 4. Nonpoint source pollution evaluation.

8 5. ~~Informational~~ educational programs and materials.

9 (b) Designate activities that are eligible for grants for management projects.

10 Eligible activities for these grants shall include the following:

11 1. The purchase of land or of a conservation easement, as defined in s. 700.40

12 (1) (a) if the recipient enters a contract under 281.710 and

13 2. The restoration of in-stream or shoreline habitat, or wetland, as defined

14 in s. 23.32(1).

15 3. The development of local regulations or ordinances that will protect or

16 improve the water quality of a river.

17 4. An activity that is approved by the department and that is needed to

18 implement a recommendation made as a result of a plan to protect or improve the

19 water quality of a river.

20 5. Installation of pollution abatement practices.

21 (6) ELIGIBILITY, TYPES OF RIVERS. (a) The department may award a grant for a

22 planning project only for a river with a high-quality ecosystem or for a river for which

23 there is insufficient information as to the quality of the river's ecosystem.

24 (b) The department may award a grant for a management project only for a

25 river with a high-quality ecosystem.

Stat

rivers  
riverine  
and their habitat  
forming groups to protect  
or improve rivers and  
natural resources  
ecosystems

materials

forming groups to protect  
or improve rivers and  
natural resources  
ecosystems

department  
of the river's water quality or its  
natural ecosystem

river  
only if the river has (a)



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9

(b) <sup>for a river</sup> The department may not award any grant under this section to restore a <sup>river</sup> ~~river with a degraded ecosystem~~ <sup>if the department determines that it has</sup> ~~restored~~ a degraded ecosystem.

(d) For purposes of pars. (a) to (c), the department shall determine whether a river has a high-quality or a degraded ecosystem.

~~(5)~~ <sup>STET</sup> ELIGIBILITY, OTHER. At the completion of a planning project, upon request of the recipient of the grant for the planning project, the department may approve as eligible activities for a management project grant the recommendations that were made as a result of the project.

(END)

*INS 8-8*

*D-N*

Please review the ~~new~~ language in 5.281.70 (5)(b)1. <sup>lies</sup> to make sure it complies with your intent.

*that*

*MGG*

INS 5-17

Section #. 281.69 (3) (b) 1. of the statutes is amended to read:

S. 281.71

281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined in s. 700.40 (1) (a), if the eligible recipient enters into a contract under sub. (4) and if the purchase will substantially contribute to the protection or improvement of a lake's water quality or its natural ecosystem.

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

Ins. 5-17-cont.

~~INS 8 8~~

Section #. 281.69 (4) of the statutes is (amended to read: <sup>renumbered 281.71 (and)</sup> 281.71 (title), (1) (intro.) and (d),

<sup>(B)</sup> 281.71 (title) <sup>(B)</sup> <sup>NO CS</sup> RIVER PROTECTION GRANTS; <sup>(1) (B)</sup> (2) (intro.) and (b), (3) and (5), as <sup>renumbered, one</sup>  
~~281.69~~ <sup>(4)</sup> (LAKE MANAGEMENT PROJECT GRANTS; PURCHASES). <sup>(1) (B)</sup> In order to receive a grant for <sup>(intro.)</sup>  
a purchase under <sup>S. 281.69</sup> sub. (3) (b) 1, the recipient shall enter into a contract with the department that contains all of the following provisions: <sup>or 281.70 (5) (b) 1.</sup>

1. Standards for the management of the property to be acquired.
2. A prohibition against using the property to be acquired as security for any debt unless the department approves the incurring of the debt.
3. A prohibition against the property being closed to the public unless the department determines it is necessary to protect wild animals, plants or other natural features.

~~(d)~~ A clause that any subsequent sale or transfer of the property to be acquired is subject to ~~par.~~

<sup>(b) and (c)</sup> sub. (2) and (3)

<sup>(B)</sup> <sup>(intro.)</sup> <sup>(2) (b)</sup> The recipient of the grant used for a purchase under <sup>S. 281.69</sup> sub. (3) (b) 1, may subsequently sell or transfer the acquired property to a 3rd party other than a creditor of the recipient if all of the following apply:

~~(a)~~ The department approves the subsequent sale or transfer.

<sup>(b)</sup> ~~(b)~~ The party to whom the property is sold or transferred enters into a new contract with the department that contains the provisions under <sup>sub. (1)</sup> par. <sup>S. 281.69</sup> (a).

<sup>(B)</sup> <sup>(3)</sup> ~~(c)~~ The recipient of the grant used for a purchase under <sup>sub. (1)</sup> sub. (3) (b) 1, may subsequently sell or transfer the acquired property to satisfy a debt or other obligation if the department approves the sale or transfer.

<sup>(d)</sup> If the recipient violates any essential provision of the contract, title to the acquired property shall vest in the state.

or 281.70(5)(b) 1

(B)

9A (5) (a) The instrument conveying the property to the recipient shall state the interest of the state under par. (d) <sup>sub(4)</sup> The contract entered into under par. (a) <sup>sub(1)</sup> and the instrument of conveyance shall be recorded in the office of the register of deeds of each county in which the property is located.

History: 1991 a. 39; 1993 a. 343; 1995 a. 27; 1995 a. 227 s. 431; Stats. 1995 s. 281.69; 1997 a. 27.

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

LRB-0198/P2dn  
MGG:kmg:jf

January 4, 1999

Please review the language in s. 281.70 (5) (b) 1. to make sure that it complies with your intent.

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

**Gibson-Glass, Mary**

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**From:** Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]  
**Sent:** Tuesday, December 22, 1998 1:27 PM  
**To:** Gibson-Glass, Mary  
**Subject:** LRB 0198/P1

Mary,

In addition to the changes DNR sent over, please make the following modifications to LRB 0198/P1:

- modify Section 1 [20.370(6)(ar)] to allow this appropriation to be used for the river protection grants as well.
- modify Section 2 [20.370(6)(au)] to have the appropriation be from the environmental fund and to allow the appropriation to be used for the lake management and classification grants and contracts.
- delete Section 3.
- delete the end of the fiscal year transfers in Sections 1 and 2.

These changes would allow the creation of the river protection grant program but not create a separate pot of money for it. The department would have to decide each grant cycle how it wants to split the money up. These changes would also allow the spending of nonpoint source funds for these activities and not increase the motorboat fuel tax transfer.

These changes did not come from DNR. Please make them after you've completed discussions with the department on this draft.

Let me know if you have any questions.

Thanks,

Kirsten

*Changes made  
when taking  
P12 to 11*

# Memorandum

**To:** Mary Gibson-Glass, Legislative Reference Bureau

**CC:** Kirsten Grinde, DOA Executive Budget Office; Chuck Hammer, LS/5; Jeff Bode, FH/2; Carroll Schaal, FH/7; Mary Ellen Vollbrecht, FH/6; Jim Baumann, WT/2; Jeff Soellner, CF/8; Elizabeth Kluesner, AD/5.

**From:** Eric Ebersberger, MB/5

**Date:** January 22, 1999

**Re:** LRB 0198/P2 (Lakes and Rivers Grants Programs)

Mary:

The Department has the following comments on the second draft.

1. ✓ Page 3, Section 8, line 12, s. 281.68 (1m): The Department prefers that the language encompass more than water quality. Therefore, rather than just referring to the quality *of water* in natural lake ecosystems, the Department would prefer that the language refer to "the quality of natural lake ecosystems." This would encompass tributaries, wetlands, fish and aquatic life habitat, and get more at habitat and use issues.
2. Similarly @ Page 3, Section 9, lines 18 - 19, ss. 281.68 (1r) (b): The Department prefers that this section refer to both water quality and natural lake ecosystem quality. To that end, (1r) (b) could be amended to read "Protect or improve the quality of water in lakes or the quality of natural lake ecosystems."
3. ✓ Page 3, Section 8, line 16, s. 281.68 (1r) (a): Staff have recommended that this section reference "control of pollution ~~to~~ <sup>into</sup> lakes or ~~to~~ <sup>into</sup> natural lake ecosystems".
4. ✓ Page 3, Section 9, lines 18 and 19, s. 281.68 (1r) (b): Per the discussion above, the Department would like this to refer to activities that will improve or protect the quality of water in lakes or the quality of natural lake ecosystems.
5. No, This is unsub. Page 8, Section 31, line 21, s. 281.70 (5) (a) 5.: This should refer to Informational, organizational, or educational programs and materials. This would allow the Department to help the formation of rivers protection groups.
6. ✓ Page 9, Section 31, line 8, s. 281.70 (5) (b) 3 and 4: With respect to the activities eligible for river management grants, the Department prefers that s. 281.70 (5) (b) 3 and 4 refer to more than water quality and include a reference to the quality of a river's ecosystem.

January 22, 1999

7. Page 9, Section 31, line <sup>12</sup> 8, s. 281.70 (6): The Department would prefer to describe eligibility in rules, so that this section would just refer to the Department's obligation to promulgate rules regarding eligibility.
- ✓ 8. Page 4, Section 18, lines 18 - 20, s. 281.69 (1m) and Page 5, Section 21, lines 7 - 9, s. 281.69 (1m) (c): Community Financial Assistance staff have pointed out that contracts are not technically a form of financial assistance. As drafted, s. 281.69 seems to lump contract awards into the category of a financial assistance program. The Department prefers that s. 281.69 clearly distinguish grants from contracts. *delete "financial assistance"*

Thank you. Please call if you have any questions.

Eric

*Eric*  
*H 246-2592*