



State of Wisconsin
1999 - 2000 LEGISLATURE

RHR

LRB-0198/P2 1
MGG:kmg:jf

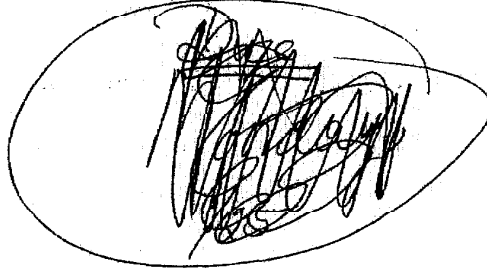
~~1999~~
2000

D-Note

Due
Mon 1/25

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION



1 AN ACT <sup>Don't
Sen Cat.</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau
NATURAL RESOURCES

NAVIGABLE WATERS

INSERT ANL

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 *river ~~classification~~ grants ~~and contracts~~ ; conservation fund*
5 *From the conservation fund, as a continuing*
6 *appropriation, the amounts in the schedule for lake management and classification*
7 *grants and contracts under s. 281.69. All moneys transferred from the appropriation*
8 *account under par. (ar) shall be credited to the appropriation account under this*
paragraph.

*and for river protection grants
under S. 281.70v*

as a continuing appropriation

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

environmental fund

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

2 20.370 (6) (au) *Environmental aids* ~~— (river protection grants)~~ *lake and* From the

3 *environmental 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. 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

12 65 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1)

13 on 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) DEFINITIONS. (intro.) In this section, "qualified;

- lake management and classification grants under s. 281.69 and

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 flowage.

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

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

13 (1r) USES OF GRANTS. Lake management planning grants shall be used to
14 improve water quality assessment and planning and to aid in the selection of
15 activities to abate ~~do any of the following:~~ ^{from entering into}

16 (a) ^{Prevent} ~~Control~~ pollution of lakes or in natural lake ecosystems. ^{into}

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

18 281.68 (1r) (b) Protect or improve the quality of water in lakes or ^{the quality of} in natural
19 lake ecosystems.

20 SECTION 10. 281.68 (2) (title) of the statutes is created to read:

21 281.68 (2) (title) AMOUNT OF GRANTS.

22 SECTION 11. 281.68 (3) (title) of the statutes is created to read:

23 281.68 (3) (title) RULES FOR GRANTS.

24 SECTION 12. 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
25 and amended to read:

1 281.68 (3) (b) (intro.) Eligible activities, which shall include ~~data~~ all of the
2 following for lakes and natural lake ecosystems:

3 1. ~~Data collection, water quality assessment and nonpoint~~

4 4. Nonpoint source pollution evaluation.

5 SECTION 13. 281.68 (3) (b) 2. of the statutes is created to read:

and their habitat

6 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life.

7 SECTION 14. 281.68 (3) (b) 3. of the statutes is created to read:

the uses of a

(and

the lake

8 281.68 (3) (b) 3. Assessments of ~~lake uses~~ and the uses of the ~~(surrounding land)~~

9 SECTION 15. 281.68 (3) (b) 5. of the statutes is created to read:

10 281.68 (3) (b) 5. Informational or educational programs and materials.

11 SECTION 16. 281.68 (4) (title) of the statutes is created to read:

12 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

13 SECTION 17. 281.69 (title) of the statutes is amended to read:

14 **281.69 (title) Lake management and classification grants and**
15 **contracts.**

16 SECTION 18. 281.69 (1) (intro.) of the statutes is renumbered 281.69 (1m)
17 (intro.) and amended to read:

18 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and
19 administer a ~~financial assistance~~ *financial assistance* program to provide grants for all of the following
20 3 types of projects:

21 SECTION 19. 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and
22 amended to read:

23 281.69 (1m) (a) Lake Grants for management projects that will improve or
24 protect the quality of water in lakes or the quality of natural lake ecosystems of lakes.

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

3 281.69 (1m) (b) Lake Grants for classification projects that will classify lakes
4 by use and implement protection activities for the lakes based on their classification.

5 **SECTION 21.** 281.69 (1) (c) of the statutes is renumbered 281.69 (1m) (c) and
6 amended to read:

7 281.69 (1m) (c) Lake Awards of contracts for classification technical assistance
8 projects conducted by nonprofit corporations that will provide educational and
9 technical assistance.

10 **SECTION 22.** 281.69 (1b) of the statutes is created to read:

11 281.69 (1b) In this section, "lake" includes a mill pond or a flowage.

12 **SECTION 23.** 281.69 (2) (title) of the statutes is amended to read:

13 281.69 (2) (title) AMOUNTS OF ^{PLAIN} ~~GRANTS, FINANCIAL ASSISTANCE~~ AND CONTRACTS ✓

14 **SECTION 24.** 281.69 (2) (c) of the statutes is amended to read:

15 281.69 (2) (c) A grant contract for a lake classification technical assistance
16 project may not exceed \$200,000.

17 **SECTION 25.** 281.69 (3) (a) of the statutes is amended to read:

18 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
19 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
20 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary
21 districts, public inland lake protection and rehabilitation districts and other local
22 governmental units, as defined in s. 66.299 (1) (a), that are established for the
23 purpose of lake management.

24 **SECTION 26.** 281.69 (3) (b) 1. of the statutes is amended to read:

1 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
2 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under sub. (4) s.
3 281.71 and if the purchase will substantially contribute to the protection or
4 improvement of a lake's water quality or its natural ecosystem.

5 **SECTION 27.** 281.69 (4) of the statutes is renumbered 281.71, and 281.71 (title),
6 (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended to
7 read:

8 **281.71 (title) Lake management project grants; river protection grants;**
9 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
10 (3) (b) 1. or ^(c) ~~281.70 (5) (1) 1.~~, the recipient shall enter into a contract with the
11 department that contains all of the following provisions:

12 (d) A clause that any subsequent sale or transfer of the property to be acquired
13 is subject to ~~par. (b) and (c)~~ subs. (2) and (3).

14 (2) (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
15 (3) (b) 1. or ^(c) ~~281.70 (5) (1) 1.~~ may subsequently sell or transfer the acquired property
16 to a 3rd party other than a creditor of the recipient if all of the following apply:

17 (b) The party to whom the property is sold or transferred enters into a new
18 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

19 (3) The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
20 1. or ^(c) ~~281.70 (5) (1) 1.~~ may subsequently sell or transfer the acquired property to
21 satisfy a debt or other obligation if the department approves the sale or transfer.

22 (5) The instrument conveying the property to the recipient shall state the
23 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
24 sub. (1) and the instrument of conveyance shall be recorded in the office of the
25 register of deeds of each county in which the property is located.

1 SECTION 28. 281.69 (6) (title) of the statutes is amended to read:

2 281.69 (6) (title) LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS

3 SECTION 29. 281.69 (6) (a) of the statutes is amended to read:

4 281.69 (6) (a) The department ~~shall promulgate rules to administer and~~
5 ~~determine eligibility for~~ may award contracts for lake classification technical
6 assistance ~~grants to be awarded~~ to nonprofit corporations.

7 SECTION 30. 281.69 (6) (b) of the statutes is amended to read:

8 281.69 (6) (b) A nonprofit corporation receiving a lake classification technical
9 assistance ~~grant contract~~ shall provide educational and technical assistance to local
10 units of government and lake management organizations that will participate in a
11 lake classification project.

12 SECTION 31. 281.70 of the statutes is created to read:

13 281.70 River protection grants. (1) DEFINITION. In this section, "river"
14 includes a stream or a flowage.

15 (2) TYPES OF PROJECTS. The department shall develop and administer a
16 financial assistance program to provide grants for ^{planning projects and management} ~~any of the following types of~~ ^{projects.}
17 ~~projects.~~ ^{any of the following}

18 (a) ~~Planning projects to provide information or education on activities that~~
19 ~~protect or improve any of the following:~~

- 20 1. ~~How rivers are used.~~ ^{Protecting or improving the many ways in which}
- 21 2. ~~The quality of water in rivers.~~ ^{Protecting or improving}
- 22 3. ~~The quality of natural riverine ecosystems.~~ ^{Protecting or improving}
- 23 4. ~~Fish populations, aquatic life or fish habitat in rivers.~~ ^{Protecting or improving}

24 (b) ~~Management projects to conduct the activities specified in par. (a).~~

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

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

5 (4) ELIGIBLE RECIPIENTS. (a) All of the following shall be eligible for grants
6 under this section:

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

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

12 (5) ELIGIBLE ACTIVITIES. The department shall promulgate rules to ^{stet} do all of the
13 ^{stet} following: _{rather}

14 (a) Designate activities that are eligible for grants, for planning ^{stet} projects.
15 Eligible activities under the rules for these grants shall include all of the following:

- 16 1. Data collection.
- 17 2. Assessments of water quality and of fish and aquatic life and their habitat.
- 18 3. Assessments of the uses of a river and the uses of the land surrounding the
19 river. *river management organizations or other*
- 20 4. Nonpoint source pollution evaluation. *as specified in par.*
- 21 5. Informational ^{stet} and educational ^{stet} programs and materials. *in par. (b) in 2000*
- 22 6. Programs and materials to assist persons in forming groups to protect or
23 improve rivers and natural riverine ecosystems. *insert 8-23*

24 ^{stet} Designate activities that are eligible for grants for management projects.
25 Eligible activities under the rules for these grants shall include all of the following:

1 1. The purchase of land or of a conservation easement, as defined in s. 700.40
2 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
3 substantially contribute to the protection or improvement of the river's water quality
4 or its natural ecosystem.

5 2. The restoration of in-stream or shoreline habitat.

6 3. The development of local regulations or ordinances that will protect or
7 improve the ^{rivers} water quality ~~of a river~~ or ^{its} natural ecosystem

8 4. An activity that is approved by the department and that is needed to
9 implement a recommendation made as a result of a plan to protect or improve the
10 ^{rivers} water quality of a ~~river~~ or its natural ecosystem

11 5. Installation of pollution control practices.

12 (6) ~~(5)~~ (6) ELIGIBILITY; TYPES OF RIVERS. ^{natural} The department ^{shall promulgate rules} may award a grant for a
13 ~~planning project or a management project under this section for a river only if the~~
14 ~~river has a high-quality natural ecosystem in need of protection.~~ ^{as determined by the department}

15 (b) The department may not award any grant under this section for a river if
16 the department determines that the river has a degraded ecosystem.

17 (7) ~~(6)~~ (7) ELIGIBILITY; OTHER. At the completion of a planning project, upon request
18 of the recipient of the grant for the planning project, the department may approve
19 as eligible activities for a management project grant the recommendations that were
20 made as a result of the project.

21 (END)

u. Amf. (adding...)

Insert ANL

Under current law, the department of natural resources (DNR) administers two grant programs to address water quality problems in lakes. Under the first program, DNR provides grants for planning projects to provide information on the quality of water in lakes. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or their ecosystems.

This bill makes some changes to the lake planning grant program, including the following:

1. The bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes.
2. The bill specifically allows grant recipients to conduct assessments of fish and other aquatic life in a lake.
3. The bill specifically allows grant recipient to conduct assessments of lake uses and the uses of surrounding land.

certain The bill also creates a new grant program for river protection activities for rivers that have high-quality natural ecosystems that are in need of protection. This program includes grants for both planning projects and management projects and is similar to the on the lake planning grant program and the lake management grant program. The activities for which the planning grants may be used include:

1. Assessments of the water quality and uses of a river.
2. Assessments of fish and other aquatic life.
3. Evaluations of nonpoint source pollution.
4. Providing information or education on protecting fish populations and habitat, protecting water quality and improving how rivers are used.

The activities for which the management grants may be used include:

1. Purchase of land or conservation easements in order to protect or improve a river or its ecosystem.
2. Restoration of in-stream or shoreline habitat.
3. Installation of pollution control practices.

DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant. *counties*

Cities, villages, towns, and special purpose districts are eligible for these grants. River management organizations that meet qualifications promulgated by rule by DNR and nonprofit conservation organizations are also eligible.

15 Under current law, the funding for the two grant programs for lakes appropriated from the conservation fund. Under this bill, the funding for these two programs *and* the river protection program is appropriated from the conservation fund and the environmental fund.

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

Under the program, DNR must promulgate rules establishing which types of river river ecosystems are eligible for grants.

Specifically

in

certain

river protection

The

counties

15

and

state and local

~~INFORMATIONAL OR EDUCATIONAL MATERIALS~~

Insert 8-23

(b) ~~(a)~~ For purposes of par. (a) 5. ~~(b)~~ ^{specify} informational or educational materials ^{that} may be provided on any of the following:

1. ~~(a)~~ ~~1~~ Protecting or improving the ways in which rivers are used.
2. ~~(b)~~ ~~2~~ Protecting or improving the quality of water in rivers.
3. ~~(c)~~ ~~3~~ Protecting or improving the quality of natural riverine ecosystems.
4. ~~(d)~~ ~~4~~ Protecting or improving fish populations, aquatic life or fish habitat in rivers.

B. Forming rapids

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0198/1dn
MGG:jif

MGG

1. In reviewing this draft, I felt that s. 281.70 (2) and (5) conflict. I have deleted s. 281.70 (2) (a) and (b) and have incorporated the concepts in s. 281.70 (2) (a) into s. 281.70 (5) (a) 5. See newly drafted s. 281.70 (5) (b). It would be best to have DNR review these changes, especially to see if they want any of the concepts under the newly drafted s. 281.70 (5) (b) to be incorporated into s. 281.70 (5) (c). *in*

2. In redrafting this bill to include an analysis and to make the changes in the funding provisions, I made the following changes to make the language in the draft more consistent:

2. a. I made changes in s. 281.68 (3) (b) 2. and 3. so that they are totally consistent with s. 281.70 (5) (a) 2. and 3. OK? *they*

b. I made changes in s. 281.70 (5) (b) 3. and 4. so that they are totally consistent with s. 281.69 (3) (b) 3. and 4. OK?

c. I made changes in s. 281.68 (1m) regarding ecosystems so that it is consistent with the changes made in s. 281.69 (1m) (a). OK? *is*

3. A. The group of local governmental units that are eligible for river protection grants is more inclusive than the group eligible for lake planning and management groups. For the lake grants, cities, villages, towns, counties and other local governmental units that are established for the purpose of lake management are eligible. For the river protection grants, the local governmental units that are not cities, village, towns or counties do not have to be established for the purpose of "river management". OK? *grants*

5. Re s. 281.70 (6). If a grant can be only awarded for a river with a high-quality natural ecosystem in need of protection, then it is impossible to award a grant for a river with a degraded ecosystem. This makes s. 281.70 (6) (b) redundant, and I have deleted it.

4. I made s. 20.370 (6) (au) a continuing appropriation since s. 20.370 (6) (ar) and (as) are continuing appropriations. OK?

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

5
6. Regarding point item #5 in the e-mail received on January 22 from Elie Ebersburger of DNR, that concept is described in s. 281.70 (5) (a) 6. The ~~addition~~ just adding "organizational" is too vague.

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

LRB-0198/1dn
MGG:kmg:hmh

Sunday, January 24, 1999

1. In reviewing this draft, I felt that s. 281.70 (2) and (5) conflicted. I have deleted s. 281.70 (2) (a) and (b) and have incorporated the concepts in s. 281.70 (2) (a) into s. 281.70 (5) (a) 5. See newly drafted s. 281.70 (5) (b). It would be best to have DNR review these changes, especially to see if they want any of the concepts under the newly drafted s. 281.70 (5) (b) to be incorporated into s. 281.70 (5) (c).

2. I made changes in s. 281.68 (3) (b) 2. and 3. so that they are totally consistent with s. 281.70 (5) (a) 2. and 3. OK?

3. The group of local governmental units that is eligible for river protection grants is more inclusive than the group that is eligible for lake planning and management grants. For the lake grants, cities, villages, towns, counties and other local governmental units that are established for the purpose of lake management are eligible. For the river protection grants, the local governmental units that are not cities, villages, towns or counties do not have to be established for the purpose of "river management". OK?

4. I made s. 20.370 (6) (au) a continuing appropriation since s. 20.370 (6) (ar) and (as) are continuing appropriations. OK?

5. Regarding Item #5 in the e-mail received on January 22 from Eric Ebersberger of DNR, that concept is described in s. 281.70 (5) (a) 6. Just adding "organizational" is too vague.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

Gibson-Glass, Mary

From: EbersE@mail01.dnr.state.wi.us
Sent: Tuesday, January 26, 1999 9:15 AM
To: Gibson-Glass, Mary
Cc: Grinde, Kirsten
Subject: LRB--0198/1dn

Mary,

This draft looks fine. With respect to your questions in the Drafter's Note:

1. I don't think it's necessary to specifically incorporate the concepts under the newly drafted 281.70(5)(b) into 281.70 (5)(c).
2. Fine.
3. Fine.
4. Fine.
5. You're right. I overlooked s. 281.70 (5) (a) 6 when I commented on s. 281.70 (5) (a) 5. I apologize for this and the duplication in items 2 and 4 of my 1/22/99 memo.

Thanks for your work Mary.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

2 RMR
LRB-0198/A
MGG:kmg:hmh

soon (D-Note)

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT...; relating to: the budget.

Don't
Even Call

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, the department of natural resources (DNR) administers two grant programs to address water quality problems specifically in lakes. Under the first program, DNR provides grants for planning projects to provide information on the quality of water in lakes. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill makes some changes to the lake planning grant program, including the following:

1. The bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes.
2. The bill specifically allows grant recipients to conduct assessments of fish and other aquatic life in a lake.
3. The bill specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

The bill also creates a new grant program for river protection activities for certain rivers. Under the program, DNR must promulgate rules establishing which types of river ecosystems are eligible for grants. This program includes grants for

both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. The activities for which the river protection planning grants may be used include:

1. Assessments of the water quality and uses of a river.
2. Assessments of fish and other aquatic life.
3. Evaluations of nonpoint source pollution.
4. Providing information or education on protecting fish populations and habitat, protecting water quality and improving how rivers are used.

The activities for which the river protection management grants may be used include:

1. The purchase of land or conservation easements in order to protect or improve a river or its ecosystem.
2. The restoration of in-stream or shoreline habitat.
3. The installation of pollution control practices.

DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant.

Cities, villages, towns, counties and special purpose districts are eligible for these grants. River management organizations that meet qualifications promulgated by rule by DNR and nonprofit conservation organizations are also eligible.

Under current law, the funding for the two grant programs for lakes is appropriated from the conservation fund. Under this bill, the funding for these two programs and the river protection program is appropriated from the conservation fund and the environmental fund.

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

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

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

2 20.370 (6) (ar) ~~of the~~ *conservation* ~~Environmental aids~~ *— lake management and river grants;*
3 ~~conservation fund.~~ From the conservation fund, as a continuing appropriation, the
4 amounts in the schedule for lake management and classification grants and
5 contracts under s. 281.69 and for river protection grants under s. 281.70.

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

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10 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

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12 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified;~~

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

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18 281.68 (1) (ag) “Lake” includes a flowage.

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20 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
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22 grants for projects to provide information and education on the use of lakes and

1 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
2 in order to and the quality of natural lake ecosystems.

3 (1r) USES OF GRANTS. Lake management planning grants shall be used to
4 improve water quality assessment and planning and to aid in the selection of
5 activities to abate do any of the following:

6 (a) Prevent pollution of from entering into lakes or into natural lake
7 ecosystems.

8 **SECTION 8.** 281.68 (1r) (b) of the statutes is created to read:

9 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
10 of natural lake ecosystems.

11 **SECTION 9.** 281.68 (2) (title) of the statutes is created to read:

12 281.68 (2) (title) AMOUNT OF GRANTS.

13 **SECTION 10.** 281.68 (3) (title) of the statutes is created to read:

14 281.68 (3) (title) RULES FOR GRANTS.

15 **SECTION 11.** 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
16 and amended to read:

17 281.68 (3) (b) (intro.) Eligible activities, which shall include ~~data~~ all of the
18 following for lakes and natural lake ecosystems:

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

20 4. Nonpoint source pollution evaluation.

21 **SECTION 12.** 281.68 (3) (b) 2. of the statutes is created to read:

22 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
23 their habitat.

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

1 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
2 surrounding the lake.

3 **SECTION 14.** 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 15.** 281.68 (4) (title) of the statutes is created to read:

6 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

7 **SECTION 16.** 281.69 (title) of the statutes is amended to read:

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

10 **SECTION 17.** 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 ~~2~~ of the following
14 2 types of projects: *PLAIN*

15 **SECTION 18.** 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 quality of natural lake ecosystems of lakes.

19 **SECTION 19.** 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 20.** 281.69 (1) (c) of the statutes is renumbered 281.69 ~~(1m) (c)~~ and
24 amended to read:

(1r)
(1r)

(B)
(1r)

(CS) CONTRACTS.

The department may take

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

4 SECTION 21. 281.69 (1b) of the statutes is created to read: (CS) DEFINITION.

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

6 SECTION 22. 281.69 (2) (title) of the statutes is amended to read:

7 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

8 SECTION 23. 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 24. 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 25. 281.69 (3) (b) 1. of the statutes is amended to read:

19 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
20 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under sub. (4) s.
21 281.71 and if the purchase will substantially contribute to the protection or
22 improvement of a lake's water quality or its natural ecosystem.

23 SECTION 26. 281.69 (4) of the statutes is renumbered 281.71, and 281.71 (title),
24 (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended to
25 read:

~~CR; 281.69 (1r) (title)~~
~~281.69 (1r) (title)~~ CS CONTRACTS.

1 **281.71** (title) **Lake management project grants; river protection grants;**
2 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
3 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
4 department that contains all of the following provisions:

5 (d) A clause that any subsequent sale or transfer of the property to be acquired
6 is subject to ~~pars. (b) and (c)~~ subs. (2) and (3).

7 **(2)** (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
8 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
9 to a 3rd party other than a creditor of the recipient if all of the following apply:

10 (b) The party to whom the property is sold or transferred enters into a new
11 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

12 **(3)** The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
13 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
14 satisfy a debt or other obligation if the department approves the sale or transfer.

15 **(5)** The instrument conveying the property to the recipient shall state the
16 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
17 sub. (1) and the instrument of conveyance shall be recorded in the office of the
18 register of deeds of each county in which the property is located.

19 ~~SECTION 27. 281.69 (6) (title) of the statutes is amended to read:~~

20 ~~281.69 (6) (title)~~ LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS.

21 **SECTION 28.** 281.69 (6) (a) of the statutes is ~~amended to read:~~ ^{repealed.}

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

25 **SECTION 29.** 281.69 (6) (b) of the statutes is ~~amended to read:~~

move to p. 8
Ins. 8-1
renumbered 281.69(6) and
amended to read:

Ins. 8-1, from p. 7

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 30.** 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 planning projects and management projects.

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

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

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

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

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

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

23 **(a)** Designate activities that are eligible for grants for planning projects.
24 Eligible activities under the rules for these grants shall include all of the following:

- 25 1. Data collection.

- 1 2. Assessments of water quality and of fish and aquatic life and their habitat.
- 2 3. Assessments of the uses of a river and the uses of the land surrounding the
- 3 river.
- 4 4. Nonpoint source pollution evaluation.
- 5 5. Informational or educational programs and materials as specified in par. (b).
- 6 6. Programs and materials to assist persons in forming river management
- 7 organizations or other groups to protect or improve rivers and natural riverine
- 8 ecosystems.

9 (b) For purposes of par. (a) 5., specify informational or educational materials
10 that may be provided on any of the following:

- 11 1. Protecting or improving the ways in which rivers are used.
- 12 2. Protecting or improving the quality of water in rivers.
- 13 3. Protecting or improving the quality of natural riverine ecosystems.
- 14 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

15 (c) Designate activities that are eligible for grants for management projects.
16 Eligible activities under the rules for these grants shall include all of the following:

- 17 1. The purchase of land or of a conservation easement, as defined in s. 700.40
18 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
19 substantially contribute to the protection or improvement of the river's water quality
20 or its natural ecosystem.
- 21 2. The restoration of in-stream or shoreline habitat.
- 22 3. The development of local regulations or ordinances that will protect or
23 improve the river's water quality or its natural ecosystem.

1 4. An activity that is approved by the department and that is needed to
2 implement a recommendation made as a result of a plan to protect or improve the
3 river’s water quality or its natural ecosystem.

4 5. Installation of pollution control practices.

5 (6) ELIGIBILITY; TYPES OF RIVERS. The department shall promulgate rules
6 establishing the types of natural riverine ecosystems that are eligible for grants
7 under this section.

8 (7) ELIGIBILITY; OTHER. At the completion of a planning project, upon request
9 of the recipient of the grant for the planning project, the department may approve
10 as eligible activities for a management project grant the recommendations that were
11 made as a result of the project.

12 (END)

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

LRB-0198/1dn
MGG:kmg:hmh

In response to DNR's desire to make it clear that the awarding of contracts under s. 281.69 is discretionary and to distinguish "grants" under ss. 281.68 and 281.69 from "contracts" under s. 281.69, I did the following:

1. Renumbered and amended s. 281.69 (1) (c) to 281.69 (1r).
2. Repealed s. 281.69 (6) (a) since it and s. 281.69 (1r) are redundant.
3. Restored the language under s. 281.69 (1m) (intro.) to current law, except I changed "3 types of projects" to "2 types of projects".
4. Restored the phrase "financial assistance" in ss. 281.68 (1m) and 281.70 (2).

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0198/2dn
MGG:kmg:hmh

Tuesday, January 27, 1999

In response to DNR's desire to make it clear that the awarding of contracts under s. 281.69 is discretionary and to distinguish "grants" under ss. 281.68 and 281.69 from "contracts" under s. 281.69, I did the following:

1. Renumbered and amended s. 281.69 (1) (c) to be s. 281.69 (1r).
2. Repealed s. 281.69 (6) (a) since it and s. 281.69 (1r) are redundant.
3. Restored the language under s. 281.69 (1m) (intro.) to current law, except that I changed "3 types of projects" to "2 types of projects".
4. Restored the phrase "financial assistance" in ss. 281.68 (1m) and 281.70 (2).

Mary Gibson-Glass
Senior Legislative Attorney
267-3215



State of Wisconsin
1999 - 2000 LEGISLATURE

13 RMR
LRB-0198/2
MGG:kmg:hmh

DOA:.....Grinde – Lake grant program changes and river grant program
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, the department of natural resources (DNR) administers two grant programs to address water quality problems specifically in lakes. Under the first program, DNR provides grants for planning projects to provide information on the quality of water in lakes. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill makes some changes to the lake planning grant program, including the following:

1. The bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes.

2. The bill specifically allows grant recipients to conduct assessments of fish and other aquatic life in a lake.

3. The bill specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

The bill also creates a new grant program for river protection activities for certain rivers. Under the program, DNR must promulgate rules establishing which types of river ecosystems are eligible for grants. This program includes grants for

both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. The activities for which the river protection planning grants may be used include:

1. Assessments of the water quality and uses of a river.
2. Assessments of fish and other aquatic life.
3. Evaluations of nonpoint source pollution.
4. Providing information or education on protecting fish populations and habitat, protecting water quality and improving how rivers are used.

The activities for which the river protection management grants may be used include:

1. The purchase of land or conservation easements in order to protect or improve a river or its ecosystem.
2. The restoration of in-stream or shoreline habitat.
3. The installation of pollution control practices.

DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant.

Cities, villages, towns, counties and special purpose districts are eligible for these grants. River management organizations that meet qualifications promulgated by rule by DNR and nonprofit conservation organizations are also eligible.

Under current law, the funding for the two grant programs for lakes is appropriated from the conservation fund. Under this bill, the funding for these two programs and the river protection program is appropriated from the conservation fund and the environmental fund.

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

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

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

2 20.370 (6) (ar) *Environmental aids — lake management and river grants;*
3 *conservation fund.* From the conservation fund, as a continuing appropriation, the
4 amounts in the schedule for lake management and classification grants and
5 contracts under s. 281.69 and for river protection grants under s. 281.70.

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

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

1 20.370 (6) (au) *Environmental aids — lake and river grants; environmental*
2 *fund.* From the environmental fund, as a continuing appropriation, the amounts in
3 the schedule for lake management and classification grants under s. 281.69 and river
4 protection grants under s. 281.70.

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

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

6 30.77 (3) (dm) 1. In this paragraph, “local entity” means a city, village, town,
7 county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit
8 conservation organization, as defined in s. 23.0955 (1), town sanitary district, public
9 inland lake protection and rehabilitation district or another local governmental unit,
10 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

11 **SECTION 4.** 281.68 (1) (intro.) of the statutes is amended to read:

12 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified;~~

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

15 **SECTION 5.** 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1) (b)
16 1. to 8.

17 **SECTION 6.** 281.68 (1) (ag) of the statutes is created to read:

18 281.68 (1) (ag) “Lake” includes a flowage.

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

20 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
21 administer a financial assistance program to provide lake management planning
22 grants for projects to provide information and education on the use of lakes and

1 natural lake ecosystems and on the quality of water in lakes, ~~including mill ponds,~~
2 ~~in order to~~ and the quality of natural lake ecosystems.

3 (1r) USES OF GRANTS. Lake management planning grants shall be used to
4 improve water quality assessment and planning and to aid in the selection of
5 activities to ~~abate~~ do any of the following:

6 (a) Prevent pollution of from entering into lakes or into natural lake
7 ecosystems.

8 **SECTION 8.** 281.68 (1r) (b) of the statutes is created to read:

9 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
10 of natural lake ecosystems.

11 **SECTION 9.** 281.68 (2) (title) of the statutes is created to read:

12 281.68 (2) (title) AMOUNT OF GRANTS.

13 **SECTION 10.** 281.68 (3) (title) of the statutes is created to read:

14 281.68 (3) (title) RULES FOR GRANTS.

15 **SECTION 11.** 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
16 and amended to read:

17 281.68 (3) (b) (intro.) Eligible activities, which shall include ~~data~~ all of the
18 following for lakes and natural lake ecosystems:

19 1. Data collection, ~~water quality assessment and nonpoint.~~

20 4. Nonpoint source pollution evaluation.

21 **SECTION 12.** 281.68 (3) (b) 2. of the statutes is created to read:

22 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
23 their habitat.

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

1 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
2 surrounding the lake.

3 **SECTION 14.** 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 15.** 281.68 (4) (title) of the statutes is created to read:

6 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

7 **SECTION 16.** 281.69 (title) of the statutes is amended to read:

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

10 **SECTION 17.** 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 the following 3 2
14 types of projects:

15 **SECTION 18.** 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and
16 amended to read:

17 281.69 (1m) (a) Lake management projects that will improve or protect the
18 quality of water in lakes or the quality of natural lake ecosystems of lakes.

Fix
component

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

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

23 **SECTION 20.** 281.69 (1) (c) of the statutes is renumbered 281.69 (1r) and
24 amended to read:

1 281.69 (1r) CONTRACTS. Lake The department may award contracts for lake
2 classification technical assistance projects to be conducted by nonprofit corporations
3 that will provide educational and technical assistance.

4 **SECTION 21.** 281.69 (1b) of the statutes is created to read:

5 281.69 (1b) DEFINITION. In this section, “lake” includes a mill pond or a flowage.

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

7 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

8 **SECTION 23.** 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 24.** 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 25.** 281.69 (3) (b) 1. of the statutes is amended to read:

19 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
20 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub. (4) s.~~
21 281.71 and if the purchase will substantially contribute to the protection or
22 improvement of a lake’s water quality or its natural ecosystem.

23 **SECTION 26.** 281.69 (4) of the statutes is renumbered 281.71, and 281.71 (title),
24 (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended to
25 read:

1 **281.71** (title) **Lake management project grants; river protection grants;**
2 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
3 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
4 department that contains all of the following provisions:

5 (d) A clause that any subsequent sale or transfer of the property to be acquired
6 is subject to ~~pars. (b) and (c)~~ subs. (2) and (3).

7 (2) (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
8 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
9 to a 3rd party other than a creditor of the recipient if all of the following apply:

10 (b) The party to whom the property is sold or transferred enters into a new
11 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

12 (3) The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
13 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
14 satisfy a debt or other obligation if the department approves the sale or transfer.

15 (5) The instrument conveying the property to the recipient shall state the
16 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
17 sub. (1) and the instrument of conveyance shall be recorded in the office of the
18 register of deeds of each county in which the property is located.

19 **SECTION 27.** 281.69 (6) (a) of the statutes is repealed.

20 **SECTION 28.** 281.69 (6) (b) of the statutes is renumbered 281.69 (6) and
21 amended to read:

22 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE ~~GRANTS~~ CONTRACTS. A
23 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
24 contract shall provide educational and technical assistance to local units of

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

3 **SECTION 29.** 281.70 of the statutes is created to read:

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 planning projects and
8 management projects.

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

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

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

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

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

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

22 (a) Designate activities that are eligible for grants for planning projects.
23 Eligible activities under the rules for these grants shall include all of the following:

- 24 1. Data collection.
- 25 2. Assessments of water quality and of fish and aquatic life and their habitat.

1 3. Assessments of the uses of a river and the uses of the land surrounding the
2 river.

3 4. Nonpoint source pollution evaluation.

4 5. Informational or educational programs and materials as specified in par. (b).

5 6. Programs and materials to assist persons in forming river management
6 organizations or other groups to protect or improve rivers and natural riverine
7 ecosystems.

8 (b) For purposes of par. (a) 5., specify informational or educational materials
9 that may be provided on any of the following:

10 1. Protecting or improving the ways in which rivers are used.

11 2. Protecting or improving the quality of water in rivers.

12 3. Protecting or improving the quality of natural riverine ecosystems.

13 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

14 (c) Designate activities that are eligible for grants for management projects.

15 Eligible activities under the rules for these grants shall include all of the following:

16 1. The purchase of land or of a conservation easement, as defined in s. 700.40
17 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
18 substantially contribute to the protection or improvement of the river's water quality
19 or its natural ecosystem.

20 2. The restoration of in-stream or shoreline habitat.

21 3. The development of local regulations or ordinances that will protect or
22 improve the river's water quality or its natural ecosystem.

23 4. An activity that is approved by the department and that is needed to
24 implement a recommendation made as a result of a plan to protect or improve the
25 river's water quality or its natural ecosystem.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0198/3
MGG:kmg:km

DOA:.....Grinde - Lake grant program changes and river grant program
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, the department of natural resources (DNR) administers two grant programs to address water quality problems specifically in lakes. Under the first program, DNR provides grants for planning projects to provide information on the quality of water in lakes. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill makes some changes to the lake planning grant program, including the following:

1. The bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes.

2. The bill specifically allows grant recipients to conduct assessments of fish and other aquatic life in a lake.

3. The bill specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

The bill also creates a new grant program for river protection activities for certain rivers. Under the program, DNR must promulgate rules establishing which types of river ecosystems are eligible for grants. This program includes grants for

both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. The activities for which the river protection planning grants may be used include:

1. Assessments of the water quality and uses of a river.
2. Assessments of fish and other aquatic life.
3. Evaluations of nonpoint source pollution.
4. Providing information or education on protecting fish populations and habitat, protecting water quality and improving how rivers are used.

The activities for which the river protection management grants may be used include:

1. The purchase of land or conservation easements in order to protect or improve a river or its ecosystem.
2. The restoration of in-stream or shoreline habitat.
3. The installation of pollution control practices.

DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant.

Cities, villages, towns, counties and special purpose districts are eligible for these grants. River management organizations that meet qualifications promulgated by rule by DNR and nonprofit conservation organizations are also eligible.

Under current law, the funding for the two grant programs for lakes is appropriated from the conservation fund. Under this bill, the funding for these two programs and the river protection program is appropriated from the conservation fund and the environmental fund.

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

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

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

2 20.370 (6) (ar) *Environmental aids — lake management and river grants;*
3 *conservation fund.* From the conservation fund, as a continuing appropriation, the
4 amounts in the schedule for lake management and classification grants and
5 contracts under s. 281.69 and for river protection grants under s. 281.70.

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

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

1 20.370 (6) (au) *Environmental aids — lake and river grants; environmental*
2 *fund.* From the environmental fund, as a continuing appropriation, the amounts in
3 the schedule for lake management and classification grants under s. 281.69 and river
4 protection grants under s. 281.70.

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

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

6 30.77 (3) (dm) 1. In this paragraph, “local entity” means a city, village, town,
7 county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit
8 conservation organization, as defined in s. 23.0955 (1), town sanitary district, public
9 inland lake protection and rehabilitation district or another local governmental unit,
10 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

11 **SECTION 4.** 281.68 (1) (intro.) of the statutes is amended to read:

12 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified:~~

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

15 **SECTION 5.** 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1) (b)
16 1. to 8.

17 **SECTION 6.** 281.68 (1) (ag) of the statutes is created to read:

18 281.68 (1) (ag) “Lake” includes a flowage.

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

20 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
21 administer a financial assistance program to provide lake management planning
22 grants for projects to provide information and education on the use of lakes and

1 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
2 in order to and the quality of natural lake ecosystems.

3 (1r) USES OF GRANTS. Lake management planning grants shall be used to
4 improve water quality assessment and planning and to aid in the selection of
5 activities to abate do any of the following:

6 (a) Prevent pollution of from entering into lakes or into natural lake
7 ecosystems.

8 **SECTION 8.** 281.68 (1r) (b) of the statutes is created to read:

9 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
10 of natural lake ecosystems.

11 **SECTION 9.** 281.68 (2) (title) of the statutes is created to read:

12 281.68 (2) (title) AMOUNT OF GRANTS.

13 **SECTION 10.** 281.68 (3) (title) of the statutes is created to read:

14 281.68 (3) (title) RULES FOR GRANTS.

15 **SECTION 11.** 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
16 and amended to read:

17 281.68 (3) (b) (intro.) Eligible activities, which shall include ~~data~~ all of the
18 following for lakes and natural lake ecosystems:

19 1. Data collection, ~~water quality assessment and nonpoint.~~

20 4. Nonpoint source pollution evaluation.

21 **SECTION 12.** 281.68 (3) (b) 2. of the statutes is created to read:

22 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
23 their habitat.

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

1 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
2 surrounding the lake.

3 **SECTION 14.** 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 15.** 281.68 (4) (title) of the statutes is created to read:

6 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

7 **SECTION 16.** 281.69 (title) of the statutes is amended to read:

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

10 **SECTION 17.** 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 the following ~~3~~ 2
14 types of projects:

15 **SECTION 18.** 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and
16 amended to read:

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

19 **SECTION 19.** 281.69 (1) (b) of the statutes is renumbered 281.69 (1m) (b).

20 **SECTION 20.** 281.69 (1) (c) of the statutes is renumbered 281.69 (1r) and
21 amended to read:

22 281.69 (1r) CONTRACTS. Lake ~~The department may award contracts for lake~~
23 classification technical assistance projects to be conducted by nonprofit corporations
24 that will provide educational and technical assistance.

25 **SECTION 21.** 281.69 (1b) of the statutes is created to read:

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

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

3 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

4 **SECTION 23.** 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 **SECTION 24.** 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 **SECTION 25.** 281.69 (3) (b) 1. of the statutes is amended to read:

15 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
16 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under sub. (4) s.
17 281.71 and if the purchase will substantially contribute to the protection or
18 improvement of a lake’s water quality or its natural ecosystem.

19 **SECTION 26.** 281.69 (4) of the statutes is renumbered 281.71, and 281.71 (title),
20 (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended to
21 read:

22 **281.71 (title) Lake management project grants; river protection grants;**
23 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
24 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
25 department that contains all of the following provisions:

1 (d) A clause that any subsequent sale or transfer of the property to be acquired
2 is subject to ~~pars. (b) and (c)~~ subs. (2) and (3).

3 (2) (intro.) The recipient of the grant used for a purchase under ~~sub. s. 281.69~~
4 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
5 to a 3rd party other than a creditor of the recipient if all of the following apply:

6 (b) The party to whom the property is sold or transferred enters into a new
7 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

8 (3) The recipient of the grant used for a purchase under ~~sub. s. 281.69~~ (3) (b)
9 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
10 satisfy a debt or other obligation if the department approves the sale or transfer.

11 (5) The instrument conveying the property to the recipient shall state the
12 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
13 sub. (1) and the instrument of conveyance shall be recorded in the office of the
14 register of deeds of each county in which the property is located.

15 **SECTION 27.** 281.69 (6) (a) of the statutes is repealed.

16 **SECTION 28.** 281.69 (6) (b) of the statutes is renumbered 281.69 (6) and
17 amended to read:

18 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE ~~GRANTS~~ CONTRACTS. A
19 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
20 contract shall provide educational and technical assistance to local units of
21 government and lake management organizations that will participate in a lake
22 classification project.

23 **SECTION 29.** 281.70 of the statutes is created to read:

24 **281.70 River protection grants. (1) DEFINITION.** In this section, "river"
25 includes a stream or a flowage.

1 **(2) TYPES OF PROJECTS.** The department shall develop and administer a
2 financial assistance program to provide grants for planning projects and
3 management projects.

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

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

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

10 1. Local governmental units, as defined in s. 66.299 (1) (a).

11 2. River management organizations that meet the qualifications under par. (b).

12 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

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

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

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

18 Eligible activities under the rules for these grants shall include all of the following:

19 1. Data collection.

20 2. Assessments of water quality and of fish and aquatic life and their habitat.

21 3. Assessments of the uses of a river and the uses of the land surrounding the
22 river.

23 4. Nonpoint source pollution evaluation.

24 5. Informational or educational programs and materials as specified in par. (b).

1 6. Programs and materials to assist persons in forming river management
2 organizations or other groups to protect or improve rivers and natural riverine
3 ecosystems.

4 (b) For purposes of par. (a) 5., specify informational or educational materials
5 that may be provided on any of the following:

6 1. Protecting or improving the ways in which rivers are used.

7 2. Protecting or improving the quality of water in rivers.

8 3. Protecting or improving the quality of natural riverine ecosystems.

9 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

10 (c) Designate activities that are eligible for grants for management projects.

11 Eligible activities under the rules for these grants shall include all of the following:

12 1. The purchase of land or of a conservation easement, as defined in s. 700.40
13 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
14 substantially contribute to the protection or improvement of the river's water quality
15 or its natural ecosystem.

16 2. The restoration of in-stream or shoreline habitat.

17 3. The development of local regulations or ordinances that will protect or
18 improve the river's water quality or its natural ecosystem.

19 4. An activity that is approved by the department and that is needed to
20 implement a recommendation made as a result of a plan to protect or improve the
21 river's water quality or its natural ecosystem.

22 5. Installation of pollution control practices.

23 (6) ELIGIBILITY; TYPES OF RIVERS. The department shall promulgate rules
24 establishing the types of natural riverine ecosystems that are eligible for grants
25 under this section.

