

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/13/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Schug**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

**Pre Topic:**

LFB:.....Schug -

**Topic:**

Nonpoint source water pollution abatement program redesign

**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	traderc 05/21/99	wjackson 05/24/99	martykr 05/24/99	_____	lrb_docadmin 05/24/99		
/1	traderc 05/26/99	wjackson 05/27/99	mclark 05/28/99	_____	lrb_docadmin 05/28/99		
/2	traderc 06/8/99	wjackson 06/9/99	mclark 06/10/99	_____	gretskl 06/10/99		
/3	traderc 06/13/99	jgeller 06/13/99	mclark 06/13/99	_____	lrb_docadmin 06/13/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 05/13/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Schug

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - water quality

Extra Copies:

**Pre Topic:**

LFB:.....Schug -

**Topic:**

Nonpoint source water pollution abatement program redesign

**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	traderc 05/21/99	wjackson 05/24/99	martykr 05/24/99	_____	lrb_docadmin 05/24/99		
/1	traderc 05/26/99	wjackson 05/27/99	mclark 05/28/99	_____	lrb_docadmin 05/28/99		
/2	traderc 06/8/99	wjackson 06/9/99	mclark 06/10/99	_____	gretskl 06/10/99		

FE Sent For:

13 6/12/99 MRE MRC/FS  
6/13 6/13  
<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/13/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Schug**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

**Pre Topic:**

LFB:.....Schug -

**Topic:**

Nonpoint source water pollution abatement program redesign

**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	traderc 05/21/99	wjackson 05/24/99	martykr 05/24/99	_____	lrb_docadmin 05/24/99		
/1	traderc 05/26/99	wjackson 05/27/99	mclark 05/28/99	_____	lrb_docadmin 05/28/99		
FE Sent For:		1/2 wlj 6/9	6/9 MRC	MRC/JF 6/10 <END>			

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 05/13/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Schug

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - water quality

Extra Copies:

**Pre Topic:**

LFB:.....Schug -

**Topic:**

Nonpoint source water pollution abatement program redesign

**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	traderc 05/21/99	wjackson 05/24/99 ll wij 5/26	martykr 05/24/99 MRC 5/27	_____ _____ MRC/JF 5/27	lrb_docadmin 05/24/99		
FE Sent For:				<END>			

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/13/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Schug

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - water quality

Extra Copies:

Pre Topic:

LFB:.....Schug -

Topic:

Nonpoint source water pollution abatement program redesign

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?	traderc	1/1 5/24 WJ	2/24	2/24	2/24		

*Please submit 1/1*

FE Sent For:

<END>

Senator Burke  
Representative Gard

**NATURAL RESOURCES -- WATER QUALITY**

**Nonpoint Source Water Pollution Abatement Program Redesign  
[Paper #705]**

**Motion:**

Move the following:

- 1. Governor's Recommendation.** Approve the Governor's recommendation to provide an increase in general obligation bonding authority of \$16,400,000 for nonpoint source water pollution activities. In addition, delete \$294,000 SEG annually from the nonpoint account of the environmental fund for nonpoint source grants and assistance to maintain expenditures within available revenues.
- 2. Unified Grant Submission.** Require that county land conservation committees (LCC) annually prepare a single grant request describing staffing needs and land and water resource management (LWRM) plan activities for all county activities under Chapter 92 (Soil and Water Conservation and Animal Waste Management) and s. 281.65 (Financial assistance; nonpoint source water pollution abatement), including priority watershed projects, and urban nonpoint grant requests submitted by counties. Require that DATCP review and approve or disapprove any LWRM plan submitted by an LCC. Require DATCP and DNR to create a single grant application process and set of forms for soil and water resource and nonpoint source management program grants, funding allocations and reporting and evaluations, and to prepare a single grant to counties. Require the agencies to form an interagency clearinghouse to review the applications, determine if projects should be considered for funding through basic allocation or competitive funding and to submit a coordinated grant allocation plan to the Land and Water Conservation Board (LWCB) for Board review and recommendation to the agency Secretaries.
- 3. Basic Allocation Funding to Counties for Staff and Cost Sharing.** Provide basic allocation funding through DATCP to counties to (a) annually provide funding with a goal of funding an average of 3.0 employees per county at up to 100% of salary and fringe benefits for the first position, 70% for a second position and 50% for any additional staff and (b) cost shares of up to \$100,000 (or more if funds are available) per county to fund up to 70%, except in cases of economic hardship, of soil conservation and nonpoint pollution abatement practices of landowners. Require that funding be awarded to any LCC with a LWRM plan as long as the county board has resolved to match state funds granted for staff funding under (a) above with county funds. Allocate

funds based on approved LWRM plans. Allow the LCC to use the grant for activities to meet compliance with farmland preservation credit requirements, and, consistent with approved LWRM plans, activities related to animal waste management and ordinances, LWRM plans, nonpoint source pollution abatement and other conservation practices determined by the county to be necessary for conservation and resource management in that county. Further, allow the LCC to use the grant for shoreland management projects, including reimbursement for the cost of fencing that a landowner installs to comply with a DATCP-approved shoreland management ordinance or the cost of providing a well for livestock, if as a result of complying with such an ordinance, the livestock does not have adequate access to drinking water. Require DATCP and DNR to work with counties to implement the above provisions.

**4. Land and Water Resource Management Plans.** Require each LCC to prepare a LWRM plan that at a minimum includes: (a) a county-wide assessment of soil erosion conditions and water quality, including information available from DNR; (b) water quality objectives identified for each water basin, priority watershed and priority lake, and identifying the best management practices to achieve the water quality objectives and to reach current state soil erosion control goals; (c) nonpoint source and soil erosion performance standards and prohibitions required under soil and water resource management and water quality protection provisions; (d) a multiyear strategy for implementing LWRM plan-related activities and priorities, including those identified in the plan and those necessary to ensure compliance with federal laws and regulations and state animal waste and other applicable performance standards and prohibitions; (e) a system to track progress of activities identified in the plan; (f) an information and education strategy; and (g) methods for coordinating plan implementation activities with other applicable local, state or federal agencies and organizations. Require DNR to assist counties in LWRM plan activities, to include providing: (a) available water quality data and information; (b) training and support for water resource assessments and appraisals; and (c) related program information.

**5. Competitive Nonpoint Source Projects.** Allow DNR to provide grants for competitive nonpoint source projects. Identify that the purpose of competitive nonpoint grants is to accelerate the implementation of nonpoint source pollution control to target areas that: (a) are of highest priority, including targeted performance standards, impaired waters, outstanding and exceptional resource waters, public health threat situations and other issues of state and national importance; and (b) cannot be achieved through implementation of county soil and water resource and nonpoint source management programs and activities funded under basic allocation cost shares. Identify that targeted projects include projects for managing pollutants from animal feeding operations receiving a notice of discharge or notice of intent to issue a notice of discharge. Allow competitive projects to last for one to three years, unless DNR approves a one-year extension. Require that competitive grant projects selected are: (a) consistent with priorities identified by DNR on a geographic or watershed basis; (b) consistent with approved LWRM plans; (c) targeted towards areas that are of the highest priority, including targeted performance standards, impaired waters, outstanding and exceptional resource waters, public health threat situations and other issues of state and national importance; and (d) from the geographic area of a watershed, subwatershed or of a single site, including animal feeding operations receiving a notice of discharge or notice of intent to issue a notice of discharge.



**6. Urban Nonpoint Program.** Allocate \$15 million in general obligation bonding and create a statutory urban nonpoint program under DNR. Remove all oversight and project selection powers from the LWCB for the urban nonpoint program. Define that an urban area is one that: (a) serves a population of 1,000 or more per square mile within its boundary according to the most recent population estimate made by the Department of Administration; (b) an area that consists of industrial or commercial land uses; or (c) an area that is surrounded by either (a) or (b) above. Identify that the purposes of the urban nonpoint program are to: (a) manage urban storm water discharge of pollutants and runoff from existing and developing urban areas to achieve water quality standards, minimize flooding and protect groundwater; (b) coordinate urban nonpoint source management activities and municipal storm water discharge permits; and (c) provide for implementation of urban nonpoint source performance standards that are being promulgated by administrative rule.

Require that the governmental unit with jurisdiction for the project area must ensure adequate implementation of the construction site pollutant control and post-development storm water management for new development and redevelopment for sites of one or more acres in order to receive an urban nonpoint grant. The project must also be consistent with the urban nonpoint source performance standards that are being promulgated by administrative rule under 1997 Act 27. Allow DNR to distribute a grant to a governmental unit or for activities within that governmental unit to be carried out by another governmental unit that is required to control storm water discharges relating to s. 283.33 (cities with populations over 100,000, discharge associated with an industrial activity or other discharge that DNR determines either contributes to a violation of a water quality standard or is a significant contributor of pollutants).

Provide local assistance grants for technical staff and administration of up to 70% of eligible costs with a grant recipient match of at least 30%. Define eligible local assistance activities as: (a) storm water management planning within an urban area and within a 20-year projected growth area; (b) informational and educational activities; (c) ordinance development, administration and enforcement; (d) staff training; and (e) other activities identified by DNR rule. Provide cost share grants for up to 50% of eligible costs with a grant recipient match of at least 50%. Define eligible cost share activities as: (a) structural urban best management practices, including necessary land acquisition, storm sewer rerouting, removal of structures and associated flood management, but excluding new construction activities and new development; and (b) nonstructural best management practices, such as improved street sweeping or stream bank and shoreland stabilization necessary to control pollutants and other practices identified by DNR rule.

Require that DNR select projects for urban nonpoint grants based on the same criteria currently used for competitive rural grants under 1997 Act 27. Namely, that statutorily, the scoring criteria must include the following: (a) the extent to which the application proposes to use cost-effective and appropriate best management practices to achieve water quality goals; (b) the existence in the project area of an impaired water body that the DNR has identified to EPA; (c) the extent to which the project will result in the attainment of established water quality objectives; (d) the local interest in and commitment to the projects; (e) the inclusion of a strategy to evaluate the

progress toward reaching project goals; (f) the extent to which the application proposes to use available federal funding; and (g) the extent to which the project is necessary to enable the City of Racine to control storm water discharges as required under federal and state requirements. In addition, the motion would require that projects must specify the geographic area of a significant site, subwatershed or watershed and be consistent with priorities identified by DNR on a geographic or watershed basis.

**7. Municipal Flood Control and Riparian Restoration Program.** Create a municipal flood control and riparian restoration program within the urban nonpoint program to provide financial assistance to cities, villages, towns or metropolitan sewerage districts for facilities and structures, including the purchase of perpetual flowage and conservation easement rights on land within the flood way and flood proofing of public or private structures remaining in the 100 year flood plain, for the collection and transmission of storm water and ground water. Allocate \$3 million in general obligation bonding authority to fund up to 70% of eligible costs for construction and real estate acquisition for a DNR approved project. Require that \$1 million SEG annually from the nonpoint account of the environmental fund that is currently being used for nonpoint source grants and local assistance annually be used by DNR for municipal flood control and riparian restoration program local assistance grants for up to 70% of eligible costs, including planning and design costs.

Allow DNR to provide grants (a) for projects affecting two or more municipalities or metropolitan sewerage districts, to one of the applicant municipalities or metropolitan sewerage districts upon application by two or more municipalities or metropolitan sewerage districts affected by the project; (b) to a municipality or metropolitan sewerage district with jurisdiction for the provision of storm water collection facilities to two or more municipalities or metropolitan sewerage districts affected by the project; or (c) for projects affecting only one municipality or metropolitan sewerage district to the applicant municipality or metropolitan sewerage district.

Require that DNR specify criteria for determining the eligibility and priority ranking of projects which include requiring: (a) no transfer of flooding down stream; (b) to the extent practical, no harm of existing beneficial functions of waterbodies and wetlands; (c) the maintenance of aquatic and riparian environments; (d) to the extent practical, the use of storm water retention and detention structures and the use of natural storage; (e) adequate opportunity for public use access for the stream and flood way; and (f) no channelization, acceleration of upstream runoff or concrete lining of natural stream beds.

*In sp. draft.*

**8. Environmental Improvement Fund Urban Storm Water Loan Program.** Create an urban storm water loan program funded from the clean water fund within the environmental improvement fund to provide financial assistance for nonpoint source pollution and urban storm water runoff projects (rather than under the general clean water fund program). Provide a present value subsidy limit for the urban storm water loan program of \$4.5 million during 1999-01 to fund project costs of approximately \$20 million. The subsidy limit represents the estimated state cost, in 1998 dollars, to provide 20 years of subsidy for the projects that would be funded in the 1999-01 biennium. Decrease the present value subsidy limit for the clean water fund program by \$2.1 million from \$87.4 million to \$85.2 million, to reflect a decrease in clean water fund demand of approximately \$11 million. (Funding for nonpoint and storm water projects would increase by \$9

million, from \$11 million under AB 133 to \$20 million under the motion.)

Provide that urban storm water loans would have an interest rate of 55% of the market interest rate, or approximately 2.64% (instead of 65% of market, or 3.12%, currently under the clean water fund program). Provide \$4,100,000 in additional general obligation bonding authority for the clean water fund program to fund the increased subsidy and project funding under the urban storm water loan program. Provide that the funding source, types of financial assistance and program and application requirements for the clean water fund program would be used for the urban storm water loan program.

Direct that eligible activities under the urban storm water loan program would be practices that are eligible for urban cost share grants and other activities that are specified in administrative rules promulgated by DNR. Direct DNR to promulgate final administrative rules for the program by December 31, 2000. Municipalities could not use low-interest loans to meet municipal match requirements for state cost share grants for nonpoint and storm water projects.

9. **Legislative Intent.** In addition to current legislative intentions, identify that the intent of the Legislature is to enact the soil and water conservation law and the nonpoint source water pollution program to: (a) provide for basic allocation programs to conserve soil and water resources and to manage nonpoint sources of water pollution; (b) provide a mechanism for statewide coverage of soil and water conservation needs at the county level; and (c) provide for a statewide clearinghouse for county applications for state soil and water and nonpoint source local assistance. Further, clarify that the intent of the nonpoint source pollution abatement financial assistance program is to focus resources where nonpoint source related water quality problems and threats are the most severe and control is most feasible.

10. **Grant Funding.** Provide an increase in general obligation bonding authority of \$6 million for existing priority watershed projects under the nonpoint source water pollution abatement grant program. Delete the allocation of bonding revenue for competitive nonpoint source projects and the appropriation for bonding currently authorized for meeting nonpoint source water quality standards and transfer those amounts (\$4 million in bonding under AB 133) to the general obligation bonding authority for existing priority watershed projects. Provide \$15 million in general obligation bonding authority in a new appropriation for urban nonpoint cost share grants. Provide \$3 million in general obligation bonding authority in a new appropriation for municipal flood control and riparian restoration cost share grants. Require that \$2 million SEG from the nonpoint account of the environmental fund that is currently being used for nonpoint source grants and local assistance annually would be used by DNR for urban local assistance (staffing) grants and \$1 million of nonpoint SEG annually be used for municipal flood control and riparian restoration local assistance grants. Require DNR and DATCP to develop a schedule for the transfer of funds from the DNR GPR appropriation for nonpoint source grants and/or the DNR SEG appropriation from the nonpoint account of the environmental fund for nonpoint source grants to the DATCP soil and water resource management GPR appropriation or soil and water resource management SEG appropriation to be used for county basic allocation staffing in priority watershed projects and allow the agencies to request the transfer of funds for this purpose under s. 13.10 without the finding of an

emergency. Require that DATCP provide local assistance grants for county technical staff and administration and DNR provide cost share grants to landowners for installation of pollution abatement projects for original priority watershed projects. DNR would also provide cost share and local assistance grants to urban nonpoint projects. Allow DNR to expend more than 50% of the agency's GPR funds appropriated for nonpoint source grants on local assistance. Delete the authority for DNR to transfer funds to DATCP for funding animal waste management practices. (Under the motion, DNR would directly fund regulatory animal waste management practices under the competitive component of the nonpoint program.)

Note:

The effect of this motion would be to increase bonding over AB 133 levels for rural priority watershed projects by \$6 million, urban projects by \$15 million, urban flood control by \$3 million and clean water fund bonding by \$4.1 million, for a total of \$28.1 million in additional general obligation bonding in the biennium. Debt service would increase by about \$2.3 million GPR annually after all bonds were issued. AB 133 provides DNR with \$43.7 million, DATCP with \$11.2 million and at least \$4 million in federal funds for local assistance (staffing) and local cost share grants. Thus, under the proposal, at least \$87 million would be available for local grants. The proposal also expands the program to include providing funding for threatened waters and outstanding resource waters. The DNR competitive nonpoint grants program is expanded, but no funding is designated for the program. (Under the funding plan devised by the Departments, funding would be expected to be available beginning in 2003.) Further, the motion deletes \$294,000 in nonpoint SEG annually to maintain expenditures within available revenues.

[Change to Bill]: \$28,100,000 BR and -\$588,000 SEG]

MO# 10-277, 329  
 Burke  
 Decker  
 Jauch  
 Moore  
 Shbilski  
 Plache  
 Cowles  
 Panzer  
 Gard  
 Porter  
 Kaufert  
 Albers  
 Duff  
 Ward  
 Huber  
 Riley

Senator Burke

NATURAL RESOURCES -- WATER QUALITY

Municipal Flood Control and Riparian Restoration Program

Motion:

Move to amend Motion 277 to require that no single applicant may be awarded more than 20% of the total funding allocated under the municipal flood control and riparian restoration program.

4. Provide a more modest increase in funding for local nonpoint grants to priority watersheds over the amount provided in 1997 Act 27 by deleting the following amount:

a. \$2,630,000 GPR annually (for a 10% increase in funds).

<b>Alternative 4a</b>	<b>GPR</b>
1999-01 FUNDING (Change to Bill)	- \$5,260,000

b. \$5,260,000 bonding (for a 10% increase in funds).

<b>Alternative 4b</b>	<b>GPR</b>
1999-01 FUNDING (Change to Bill)	- \$5,260,000

c. \$1,860,000 GPR annually (for a 15% increase in funds).

<b>Alternative 4c</b>	<b>GPR</b>
1999-01 FUNDING (Change to Bill)	- \$3,720,000

d. \$3,720,000 bonding (for a 15% increase in funds).

<b>Alternative 4d</b>	<b>BR</b>
1999-01 FUNDING (Change to Bill)	- \$3,720,000

5. Delete \$1,000,000 GPR annually (this alternative would provide the amount of funding requested by DNR).

<b>Alternative 5</b>	<b>GPR</b>
1999-01 FUNDING (Change to Bill)	- \$2,000,000

6. Delete \$2,000,000 bonding (this alternative would provide the amount of funds requested by DNR).

<b>Alternative 6</b>	<b>BR</b>
1999-01 FUNDING (Change to Bill)	- \$2,000,000



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0309/P1  
RCT:.....  
WLJ

Very soon  
Monday

WPO: Please fix topic line.

LFB:.....Schug - Nonpoint source water pollution abatement program redesign

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

DNote

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

WPOs-  
The content of this is not in the correct template. it is in "99b0309/P1 RCT", which should also be in the folder. You will need to paste the content into the draft template. Sorry about that.  
Becky

Eds-There are a couple of references to s. 291.XX, which I will credit in a later version of this draft.   
with a real number

1 At the locations indicated, amend the bill as follows:

2 1. Page 121, line 1: before that line insert:

3 "SECTION 1f. 13.101 (4g) of the statutes is repealed."

4 2. Page 121, line 1: delete "SECTION 1" and substitute "SECTION 1m".

5 3. Page 375, line 14: after that line insert:

6 "SECTION 188f. 20.115 (7) (km) of the statutes is repealed."

7 4. Page 405, line 16: after that line insert:

8 "SECTION 322p. 20.370 (6) (aa) of the statutes is amended to read:

9 20.370 (6) (aa) *Environmental aids; nonpoint source.* Biennially, the amounts

10 in the schedule for grants and assistance under the nonpoint source water pollution

1 abatement program under s. 281.65 and for transfers to the appropriation account  
 2 under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t). Beginning in fiscal year  
 3 1999-2000, the department may not expend more than 50% of the funds  
 4 appropriated under this paragraph in each fiscal year for local assistance. The  
 5 department shall allocate \$300,000 in each fiscal year from this appropriation for  
 6 grants under s. 281.65 (8) (cm).”

**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, 432; 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. 22nn 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. 237 ss. 33 to 38d, 727g; 1997 a. 248.

7 **5.** Page 405, line 21: after that line insert:

8 “SECTION 323v. 20.370 (6) (aq) of the statutes is amended to read:

9 20.370 (6) (aq) *Environmental aids — nonpoint source program.* Biennially,  
 10 from the environmental fund, the amounts in the schedule for nonpoint source  
 11 grants and assistance under s. 281.65 and for transfers to the appropriation account  
 12 under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t).”

**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, 432; 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. 22nn 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. 237 ss. 33 to 38d, 727g; 1997 a. 248.

13 **6.** Page 932, line 21: delete the material beginning with that line and ending  
 14 with page 934, line 19 and substitute:

15 “SECTION 92. 92.08 of the statutes is repealed.

16 SECTION 92. 92.10 (8) of the statutes is created to read:

17 92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES. The department  
 18 of natural resources shall provide counties with assistance in land and water  
 19 resource management planning, including providing available water quality data

15  
16  
17  
18  
19

932 21  
933  
1909w  
1913m



1 and information, providing training and support for water resource assessments and  
2 appraisals and providing related program information.”.

3 7. Page 936, line 22: delete the material beginning with that line and ending  
4 with page 937, line 17 and substitute:

5 SECTION <sup>1923w</sup> 92.14 (3) (intro.) of the statutes is amended to read:

6 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties meet  
7 ~~administrative and technical operating costs in fund~~ their land and water  
8 conservation activities, the department shall award ~~grants~~ an annual grant from the  
9 appropriation under s. 20.115 (7) (c) or (qd) or s. 20.866 (2) (we) to any county land  
10 conservation committee ~~which~~ <sup>that</sup> has a ~~workload allocation~~ land and water resource  
11 management plan approved by the department under s. ~~92.08 (2)~~ 92.10 (4) (d), and  
12 ~~which~~ <sup>that</sup> by county board action, has resolved to ~~match any moneys granted under this~~  
13 ~~subsection with an equal amount of county moneys~~ provide any matching funds  
14 required under sub. (5g). The county shall may use the grant for county land and  
15 water resource management planning and for any of the following purposes,  
16 consistent with the approved land and water resource management plan:

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

19 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
20 SECTION <sup>1924b</sup> 92.14 (3) (a) to (e) of the statutes are renumbered 92.14 (3) (a) 1.

21 to <sup>5</sup> and 92.14 (3) (a) <sup>3</sup>, as renumbered, is amended to read:

22 92.14 (3) (a) 3. Soil erosion control activities ~~in accordance with plans approved~~  
~~under s. 92.10~~ and construction site ordinances.

23 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
SECTION <sup>1924m</sup> 92.14 (3m) (title) of the statutes is repealed.

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

3 92.14 (3) (b) (intro.) ~~From the appropriation under s. 20.115 (7) (e) or (qd) or~~  
 4 ~~20.866 (2) (we), the department shall award grants to counties or Grants to farmers~~  
 5 for implementing best management practices required under a shoreland  
 6 management ordinance enacted under s. 92.17, including reimbursement for all of  
 7 the following:

1924g  
 8 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
 9 SECTION 92.14 (4) (intro.) of the statutes is repealed.

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

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

1925e  
 12 SECTION 92.14 (4) (c) of the statutes is renumbered 92.14 (3) (e) and  
 13 amended to read:

14 92.14 (3) (e) Construction of a facility or system related to animal waste  
 15 management by a farmer who has received a notice of discharge under ch. 283 or  
 16 management practices required under a notice to a farmer under s. 281.20 (3)  In  
 17 ~~awarding grants under this paragraph, the department shall give preference to~~  
 18 ~~farmers who have received a notice of discharge under s. 281.20 (3) or ch. 283.~~ The  
 19 amount of a grant for management practices required under a notice to a farmer  
 20 under s. 281.20 (3) shall be based on the cost of the method of controlling nonpoint  
 21 source pollution <sup>that</sup> ~~which~~ the department determines to be the most cost-effective and  
 22 ~~may not exceed 70% of the total cost of that method. The department may issue~~  
 23 ~~grants directly to farmers under this paragraph.~~

1925g  
 24 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
 25 SECTION 92.14 (4m) of the statutes is repealed.

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

1

<sup>1925k</sup>  
SECTION 92.14 (5) of the statutes is repealed.

2

<sup>1925m</sup>  
SECTION 92.14 (5g) of the statutes is created to read:

3

92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for

4

salary and fringe benefits for more than one county staff person, a county shall

5

provide matching funds equal to 30% of the cost of salary and fringe benefits for the

6

2nd staff person and 50% of the cost of salary and fringe benefits for any additional

7

staff persons for whom the grant provides funding.

8

<sup>1925p</sup>  
SECTION 92.14 (5r) of the statutes is created to read:

9

92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall

10

prepare annually a grant request that describes the land and water resource staffing

11

needs and activities to be undertaken or funded by the county under this chapter and

12

ss. 281.65 and 281.XX and the funding needed for those purposes. The grant request

13

shall be consistent with the county's plan under s. 92.10. The land conservation

14

committee shall submit the grant request to the department.

15

<sup>1925r</sup>  
SECTION 92.14 (6) (a) of the statutes is repealed.

16

<sup>1925t</sup>  
SECTION 92.14 (6) (b) of the statutes is amended to read:

17

92.14 (6) (b) The department, ~~in cooperation with~~ and the department of

18

natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~

19

~~with the spending levels approved under par. (a), identifying the amounts to be spent~~

20

~~annually for land and water resource management projects to be funded provided to~~

21

~~counties under this section and the general purposes of these projects, which it shall~~

22

~~specify~~ ss. 281.65 and 281.XX. In the allocation plan, the departments shall attempt

23

to provide funding under this section for an average of 3 staff persons per county with

24

full funding for the first staff person, 70% funding for the 2nd staff person and 50%

1 funding for any additional staff persons and to provide an average of \$100,000 per  
2 county for cost-sharing grants. The department shall submit that plan to the board.

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

3 SECTION 92.14 (6) (c) of the statutes is repealed.

4 SECTION 92.14 (6) (d) of the statutes is amended to read:

5 92.14 (6) (d) The board shall review the annual allocation plan submitted to  
6 it under par. (b) and make recommendations to the department of agriculture, trade  
7 and consumer protection and the department of natural resources on approval,  
8 modification or disapproval of the plan. ~~The department shall review and approve~~  
9 ~~or disapprove the plan and shall notify the board of the department's final action on~~  
10 ~~the plan.~~

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

11 SECTION 92.14 (6) (e) of the statutes is repealed.

12 SECTION 92.14 (6) (f) of the statutes is repealed.

13 SECTION 92.14 (6) (g) of the statutes is amended to read:

14 92.14 (6) (g) Every project grant awarded ~~a grant to a county~~ under this section  
15 and s. 281.65 shall be consistent with the plans under s. 92.15, 1985 stats., and under  
16 this section and ~~ss. 92.08, 92.10 and 281.65.~~

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

17 SECTION 92.14 (6) (gm) of the statutes is created to read:

18 92.14 (6) (gm) A county may not provide cost-sharing funds using funds  
19 provided under this section in an amount that exceeds <sup>s</sup> 70% of the cost of a project,  
20 except in cases of economic hardship, as defined by the department by rule.

21 SECTION 92.14 (6) (h) 1. (intro.) of the statutes is amended to read:

22 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not ~~make a grant under~~  
23 ~~this section~~ provide cost-sharing funds using funds provided under this section for

1 the construction of any facility or system related to animal waste management  
2 unless all of the following conditions are met:

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

3 SECTION 92.14 (6) (h) 1. e. of the statutes is repealed.

4 SECTION 92.14 (6) (h) 2. of the statutes is repealed.

5 SECTION 92.14 (6) (h) 4. of the statutes is repealed.

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

7 92.14 (6) (i) 2. Conduct all land management and pollutant management  
8 activities in substantial accordance with the performance standards, prohibitions,  
9 conservation practices and technical standards under s. 281.16 and with plans  
10 approved under this section, under s. 92.15, 1985 stats., and under ss. 92.08, 92.10  
11 and 281.65, or to repay the cost-sharing funds.

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

12 SECTION 92.14 (6) (j) of the statutes is repealed.

13 SECTION 92.14 (6) (L) of the statutes is amended to read:

14 92.14 (6) (L) ~~The department may make a~~ A county may provide cost-sharing  
15 funds from a grant under this section to replace a structure or facility at a new  
16 location, rather than to repair or reconstruct the structure or facility, if the relocation  
17 reduces water pollution and replacement is cost-effective compared to repairing or  
18 reconstructing the structure or facility.

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

19 SECTION 92.14 (10) of the statutes is amended to read:

20 92.14 (10) TRAINING. ~~The county may use a grant under this section for training~~  
21 ~~required under s. 92.18 or for any other training necessary to prepare personnel to~~  
22 ~~perform job duties related to this section.~~ The department may contract with any

1 person for services to administer or implement this chapter, including information  
2 and education and training.

3 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
SECTION 92.14 (11) of the statutes is repealed.

4 SECTION 92.14 (14) of the statutes is amended to read:

5 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION FORMS. The  
6 department, jointly with the department of natural resources, shall develop a single  
7 set of grant application, reporting and evaluation forms for use by counties receiving  
8 grants under this section and ~~s. 281.65~~ <sup>ss. and 281.XX</sup>. The department, jointly with the  
9 department of natural resources, shall implement a single process for grant  
10 application, funding allocation, reporting and evaluation for counties receiving  
11 grants under this section and ss. 281.65 and 281.XX.

12 History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.  
SECTION 92.14 (14m) of the statutes is created to read:

13 92.14 (14m) COORDINATION. The department of agriculture, trade and  
14 consumer protection and the department of natural resources, jointly, shall review  
15 application<sup>s</sup> from counties for grants under sub. (5r)<sup>v</sup> and determine whether to  
16 provide funding for projects and activities under this section or under s. 281.65<sup>v</sup> or

17 281.XX.<sup>v</sup>  
Insert  
8-187

8. Page 1157, line 16: after that line insert:

19 "SECTION 2521k. 281.65 (4) (pm)<sup>v</sup> of the statutes is amended to read:  
20 281.65 (4) (pm) Jointly with the department of agriculture, trade and consumer  
21 protection, develop the forms required and implement the process under s. 92.14  
22 (14).

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

1

**SECTION 2521m.** 281.65 (4) (t) of the statutes is repealed.”

2

(END)

Inert 2-15  
1p.1

SECTION 1

SECTION 1. 92.04 (2) (b) of the statutes is amended to read:

92.04 (2) (b) *Review and approve land and water resource management plans.*

The board shall review and approve or disapprove land and water resource management plans prepared under s. 92.10 and ~~make recommendations to the department on approval or disapproval of those plans.~~

SECTION 2. 92.10 (4) (d) of the statutes is amended to read:

92.10 (4) (d) *Plan review.* The department, in consultation with the department of natural resources, shall review ~~and approve or disapprove~~ land and water resource management plans submitted by the land conservation committees, summarize the plans and make recommendations to the board on approval or disapproval of the plans. The department may require land conservation committees to indicate specific projects to be funded under each plan and the related cost-sharing rates.

SECTION 3. 92.10 (5) (a) of the statutes is amended to read:

92.10 (5) (a) *Plan review.* The board shall review and approve or disapprove land and water resource management plans submitted by the land conservation committees and ~~make recommendations to the department.~~

SECTION 4. 92.10 (6) (a) of the statutes is repealed and recreated to read:

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

- 1. ~~Assesses~~ water quality and soil erosion conditions throughout the county.
- 2. Specifies water quality and soil erosion control goals and identifies the areas

~~that may not be meeting those goals~~

objectives for each water basin, priority watershed, as defined in s. 281.65 (2) (c), and priority lake, as defined in s. 281.65 (2) (b)

*Includes an assessment of*  
*, including any assessment available from the department of natural resources*





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

- 1 4. ~~3~~ Identifies applicable performance standards and prohibitions related to the
- 2 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil
- 3 erosion control, including those under this chapter and chs. 281 and 283 and ss.
- 4 59.692 and 59.693.
- 5 5. ~~4~~ Includes a multiyear description of planned county activities, and priorities
- 6 for those activities, related to land and water resources, including those designed to
- 7 meet the ~~goals~~ <sup>objectives</sup> specified under subd. 2 and to ensure compliance with the standards
- 8 and prohibitions identified under subd. ~~1~~ <sup>4</sup>.
- 9 6. ~~5~~ Describes a system to monitor the progress of activities described in the plan.
- 10 7. ~~6~~ Includes a strategy to provide information and education related to soil and
- 11 water resource management.
- 12 8. ~~7~~ Describes methods for coordinating activities described in the plan with
- 13 programs of other local, state and federal agencies.

(END)  
of inset 2-15

60309/P1

Insert 8-17

1926 ym ✓

Section # 92.17 (2m) of the statutes is amended to read:

92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, city, village or town may not enforce a shoreland management ordinance unless funds have been appropriated for grants under s. 92.14

(3m) (3) (b) "

History: 1991 a. 309; 1993 a. 213.

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

LRBb0309/P1dn

RCT./:....

Wlj

David Schug:

This is a preliminary draft of part of the nonpoint redesign. It is intended to include most of the changes that would be required in ch. 92. I thought that it might be helpful to get you part of the proposal now while I work on the rest of it.

It is possible that the draft should make more changes in s. 92.10, such as repealing s. 92.10 (3) or eliminating the language in s. 92.10 (4) (d) about funding for preparing plans in priority counties (since that funding would probably be provided under s. 92.14 (3)).

Currently, under s. 92.14 (3m) (intro.) and (4) (intro.), DATCP may provide funding from the appropriation under s. 20.866 (2) (we). I was not sure what to do with that appropriation. I added a cross-reference to s. 20.866 (2) (we) in s. 92.14 (3) (intro.). Let me know if that is not intended. If that funding is used up, I think that we still may need to do something with that appropriation.

I am not certain whether the motion contemplates keeping current s. 92.14 (3) (c). If it should be repealed, please let me know. Similarly, I was not certain whether to retain or repeal current s. 92.14 (4) (c). The draft renumbers it to be s. 92.14 (3) (e) and amends it.

This draft repeals some provisions in s. 92.14 that do not seem to be consistent with the motion. However, I am not sure repealing them is appropriate. Please look carefully especially at s. 92.14 (6) (a), (c), (e), (f) and (j). As to par. (j), if any of the content of that is still needed, it should probably be moved to s. 92.14 (3). That is also probably true of the language in s. 92.14 (10) that is stricken in this draft. Do you think that s. 92.14 (7) should be treated in some way?

Let me know if you have any questions or want to discuss this.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us

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

LRBb0309/P1dn  
RCT:wlj:km

May 24, 1999

David Schug:

This is a preliminary draft of part of the nonpoint redesign. It is intended to include most of the changes that would be required in ch. 92. I thought that it might be helpful to get you part of the proposal now while I work on the rest of it.

It is possible that the draft should make more changes in s. 92.10, such as repealing s. 92.10 (3) or eliminating the language in s. 92.10 (4) (d) about funding for preparing plans in priority counties (since that funding would probably be provided under s. 92.14 (3)).

Currently, under s. 92.14 (3m) (intro.) and (4) (intro.), DATCP may provide funding from the appropriation under s. 20.866 (2) (we). I was not sure what to do with that appropriation. I added a cross-reference to s. 20.866 (2) (we) in s. 92.14 (3) (intro.). Let me know if that is not intended. If that funding is used up, I think that we still may need to do something with that appropriation.

I am not certain whether the motion contemplates keeping current s. 92.14 (3) (c). If it should be repealed, please let me know. Similarly, I was not certain whether to retain or repeal current s. 92.14 (4) (c). The draft renumbers it to be s. 92.14 (3) (e) and amends it.

This draft repeals some provisions in s. 92.14 that do not seem to be consistent with the motion. However, I am not sure repealing them is appropriate. Please look carefully at s. 92.14 (6) (a), (c), (e), (f) and (j). As to par. (j), if any of the content of that is still needed, it should probably be moved to s. 92.14 (3). That is also probably true of the language in s. 92.14 (10) that is stricken in this draft. Do you think that s. 92.14 (7) should be treated in some way?

Let me know if you have any questions or want to discuss this.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0309/1  
RCT:wlj:km

Thurs, if possible

redraft  
make  
run

LFB:.....Schug - Nonpoint source water pollution abatement program  
redesign

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Note

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 121, line 1: before that line insert:

3 "SECTION 1f. 13.101 (4g) of the statutes is repealed."

↓ Insert  
1-3 →

4 2. Page 121, line 1: delete "SECTION 1" and substitute "SECTION 1m".

5 3. Page 375, line 14: after that line insert:

6 "SECTION 188f. 20.115 (7) (km) of the statutes is repealed."

7 4. Page 405, line 16: after that line insert:

8 "SECTION 322p. 20.370 (6) (aa) of the statutes is amended to read:

9 20.370 (6) (aa) *Environmental aids; nonpoint source.* Biennially, the amounts

10 in the schedule for grants and assistance under the nonpoint source water pollution

1 abatement program under s. 281.65 and for transfers to the appropriation account  
 2 ~~under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t). Beginning in fiscal year~~  
 3 ~~1999=2000, the department may not expend more than 50% of the funds~~  
 4 ~~appropriated under this paragraph in each fiscal year for local assistance.~~ The  
 5 department shall allocate \$300,000 in each fiscal year from this appropriation for  
 6 grants under s. 281.65 (8) (cm).”

7 **5.** Page 405, line 21: after that line insert:

8 “SECTION 323v. 20.370 (6) (aq) of the statutes is amended to read:

9 20.370 (6) (aq) *Environmental aids — nonpoint source program.* Biennially,  
 10 from the environmental fund, the amounts in the schedule for nonpoint source  
 11 grants and assistance under s. 281.65 and for transfers to the appropriation account  
 12 ~~under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t).”~~

*Insert*  
 2-1213

13 **6.** Page 932, line 21: delete the material beginning with that line and ending  
 14 with page 934, line 19 and substitute:

*Insert*  
 2-1415

15 SECTION 1909w. 92.08 of the statutes is repealed.

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

17 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare  
 18 a land and water resource management plan that, at a minimum, does all of the  
 19 following:

20 1. Includes an assessment of water quality and soil erosion conditions  
 21 throughout the county, including any assessment available from the department of  
 22 natural resources.

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

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

3           4. Identifies applicable performance standards and prohibitions related to the  
4           control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil  
5           erosion control, including those under this chapter and chs. 281 and 283 and ss.  
6           59.692 and 59.693.

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

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

12          7. Includes a strategy to provide information and education related to soil and  
13          water resource management.

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

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

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

Insert  
3-21 (22)

22          7. Page 936, line <sup>23</sup>22: delete the material beginning with that line and ending  
23          with page 937, line 17 and substitute:

Insert (24)  
3-23 J

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

1           92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties ~~meet~~  
2 ~~administrative and technical operating costs in fund~~ their land and water  
3 conservation activities, the department shall award ~~grants~~ an annual grant from the  
4 appropriation under s. 20.115 (7) (c) or (qd) or s. 20.866 (2) (we) to any county land  
5 conservation committee ~~which~~ that has a ~~workload allocation~~ land and water  
6 resource management plan approved by the department under s. ~~92.08 (2)~~ 92.10 (4)  
7 (d), and ~~which~~ that, by county board action, has resolved to ~~match any moneys~~  
8 ~~granted under this subsection with an equal amount of county moneys~~ provide any  
9 matching funds required under sub. (5g). The county ~~shall~~ may use the grant for  
10 county land and water resource management planning and for any of the following  
11 purposes, consistent with the approved land and water resource management plan:

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

14           **SECTION 1924b.** 92.14 (3) (a) to (e) of the statutes are renumbered 92.14 (3) (a)  
15 1. to 5. and 92.14 (3) (a) 3., as renumbered, is amended to read:

16           92.14 (3) (a) 3. Soil erosion control activities ~~in accordance with plans approved~~  
17 ~~under s. 92.10~~ and construction site ordinances.

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

19           **SECTION 1924n.** 92.14 (3m) of the statutes is renumbered 92.14 (3) (b) and  
20 92.14 (3) (b) (intro.), as renumbered, is amended to read:

21           92.14 (3) (b) (intro.) ~~From the appropriation under s. 20.115 (7) (c) or (qd) or~~  
22 ~~20.866 (2) (we), the department shall award grants to counties or~~ Grants to farmers  
23 for implementing best management practices required under a shoreland  
24 management ordinance enacted under s. 92.17, including reimbursement for all of  
25 the following:



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

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

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

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

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

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

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

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

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

20           92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for  
21 salary and fringe benefits for more than one county staff person, a county shall  
22 provide matching funds equal to 30% of the cost of salary and fringe benefits for the  
23 2nd staff person and 50% of the cost of salary and fringe benefits for any additional  
24 staff persons for whom the grant provides funding.

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

1           92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall  
2 prepare annually a grant request that describes the land and water resource staffing  
3 needs and activities to be undertaken or funded by the county under this chapter and  
4 ss. 281.65 and 281<sup>66</sup>~~XX~~ and the funding needed for those purposes. The grant request  
5 shall be consistent with the county's plan under s. 92.10. The land conservation  
6 committee shall submit the grant request to the department.

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

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

9           92.14 (6) (b) The department, ~~in cooperation with~~ and the department of  
10 natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~  
11 ~~with the spending levels approved under par. (a), identifying the amounts to be spent~~  
12 ~~annually for land and water resource management projects to be funded~~ provided to  
13 counties under this section and the general purposes of those projects, which it shall  
14 specify ss. 281.65 and 281<sup>66</sup>~~XX~~. In the allocation plan, the departments shall attempt  
15 to provide funding under this section for an average of 3 staff persons per county with  
16 full funding for the first staff person, 70% funding for the 2nd staff person and 50%  
17 funding for any additional staff persons and to provide an average of \$100,000 per  
18 county for cost-sharing grants. The department shall submit that plan to the board.

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

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

21           92.14 (6) (d) The board shall review the annual allocation plan submitted to  
22 it under par. (b) and make recommendations to the department of agriculture, trade  
23 and consumer protection and the department of natural resources on approval,  
24 modification or disapproval of the plan. ~~The department shall review and approve~~

1 ~~or disapprove the plan and shall notify the board of the department's final action on~~  
2 ~~the plan.~~

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

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

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

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

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

10 92.14 (6) (gm) A county may not provide cost-sharing funds using funds  
11 provided under this section in an amount that exceeds 70% of the cost of a project,  
12 except in cases of economic hardship, as defined by the department by rule.

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

14 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not ~~make a grant under~~  
15 ~~this section~~ provide cost-sharing funds using funds provided under this section for  
16 the construction of any facility or system related to animal waste management  
17 unless all of the following conditions are met:

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

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

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

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

22 92.14 (6) (i) 2. Conduct all land management and pollutant management  
23 activities in substantial accordance with the performance standards, prohibitions,  
24 conservation practices and technical standards under s. 281.16 and with plans

1 approved under this section, under s. 92.15, 1985 stats., and under ss. ~~92.08~~, 92.10  
2 and 281.65, or to repay the cost-sharing funds.

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

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

5 92.14 (6) (L) ~~The department may make a~~ A county may provide cost-sharing  
6 funds from a grant under this section to replace a structure or facility at a new  
7 location, rather than to repair or reconstruct the structure or facility, if the relocation  
8 reduces water pollution and replacement is cost-effective compared to repairing or  
9 reconstructing the structure or facility.

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

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

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

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

18 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION ~~FORMS~~. The  
19 department, jointly with the department of natural resources, shall develop a single  
20 set of grant application, reporting and evaluation forms for use by counties receiving  
21 grants under this section and s. ss. 281.65 and 281. ~~XX~~ <sup>66 95121</sup> The department, jointly with  
22 the department of natural resources, shall implement a single process for grant  
23 application, funding allocation, reporting and evaluation for counties receiving  
24 grants under this section and ss. 281.65 and 281. ~~XX~~ <sup>66</sup> <sub>Plain</sub>

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

1 92.14 (14m) COORDINATION. The department of agriculture, trade and  
2 consumer protection and the department of natural resources, jointly, shall review  
3 applications from counties for grants under sub. (5r) and determine whether to  
4 provide funding for projects and activities under this section or under s. 281.65 or  
5 281.XX.<sup>66</sup>

Insert  
9-5 ↓

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

7 92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, city, village or town  
8 may not enforce a shoreland management ordinance unless funds have been  
9 appropriated for grants under s. 92.14 (3m) (3) (b).".

Insert  
9-9

10 8. Page 1157, line 16: after that line insert:

Insert  
9-10

11 \*SECTION 2521k. 281.65 (4) (pm) of the statutes is amended to read:

12 281.65 (4) (pm) Jointly with the department of agriculture, trade and consumer  
13 protection, develop the forms required and implement the process under s. 92.14  
14 (14).

Insert  
7-15

15 SECTION 2521m. 281.65 (4) (t) of the statutes is repealed.  
16

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0309/ins  
RCT.....

Insert 1-3

1 SECTION 1h. 13.101 (4i) of the statutes is created to read:

2 13.101 (4i) (a) The department of natural resources and the department of  
3 agriculture, trade and consumer protection shall present to the committee a schedule  
4 for transferring funds from the appropriation account under s. 20.370 (6) (aa) to the  
5 appropriation account under s. 20.115 (7) (c) or from the appropriation account under  
6 s. 20.370 (6) (aq) to the appropriation account under s. 20.115 (7) (qd), or both, for the  
7 purpose of providing funding under s. 92.14 (3) (a).

8 (b) The committee may transfer funds as provided in the schedule under par.  
9 (a). If the committee transfers funds from the appropriation account under s. 20.370  
10 (6) (aa) to the appropriation account under s. 20.115 (7) (c) in a fiscal year, the  
11 amounts in the schedule under s. 20.005 for the appropriation under s. 20.370 (6) (aa)  
12 for that fiscal year are decreased by the amount of the transfer. If the committee  
13 transfers funds from the appropriation account under s. 20.370 (6) (aq) to the  
14 appropriation account under s. 20.115 (7) (qd) in a fiscal year, the amounts in the  
15 schedule under s. 20.005 for the appropriation under s. 20.370 (6) (aq) for that fiscal  
16 year are decreased by the amount of the transfer and the amounts in the schedule  
17 under s. 20.005 for the appropriation under s. 20.115 (7) (qd) for that fiscal year are  
18 increased by the amount of the transfer. "

19 # 4. Page 406, line 2: after that line insert:

20 "SECTION 24e. 20.370 (6) (av) of the statutes is created to read:

21 20.370 (6) (av) *Environmental aids - urban nonpoint source.* From the  
22 environmental fund, the amounts in the schedule to provide financial assistance for

Insert  
2-12

↓

Insert 2-12, continued

1 urban nonpoint source water pollution abatement and storm water management  
2 under s. 281.66.

3 ~~§ 12.~~ Page 406, line 7: after that line insert:

4 ~~§~~ SECTION 325e. 20.370 (6) (aw) of the statutes is created to read:

5 20.370 (6) (aw) *Environmental aids – municipal flood control and riparian*  
6 *restoration*. From the environmental fund, the amounts in the schedule to provide  
7 financial assistance for municipal flood control and riparian restoration under s.  
8 281.665.”.

9 ~~§ 13.~~ Page 407, line 18: after that line insert:

10 “SECTION 333n. 20.370 (7) (ce) of the statutes is repealed.

11 SECTION 333p. 20.370 (7) (cf) of the statutes is created to read:

12 (12) 20.370 (7) (c) *Principal repayment and interest — urban nonpoint source*  
13 *cost-sharing*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
14 principal and interest costs incurred in financing cost-sharing grants for urban  
15 nonpoint source water pollution abatement and storm water management projects  
16 under s. 20.866 (2) (th) and to make the payments determined by the building  
17 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
18 obligations incurred in financing those grants.

19 SECTION 333r. 20.370 (7) (da) of the statutes is created to read:

20 20.370 (7) (da) *Principal repayment and interest — municipal flood control and*  
21 *riparian restoration cost-sharing*. A sum sufficient to reimburse s. 20.866 (1) (u) for  
22 the payment of principal and interest costs incurred in financing cost-sharing grants  
23 for municipal flood control and riparian restoration projects under s. 20.866 (2) (ti)  
24 and to make the payments determined by the building commission under s. 13.488

J

1 (1) (m) that are attributable to the proceeds of obligations incurred in financing those  
2 grants.”.

3 ~~11~~ Page 474, line 6: delete “(ce),” and substitute “(ee), (cf), (da).”.

4 ~~12~~ Page 475, line 1: delete lines 1 to 16 and substitute:

5 “SECTION 631b. 20.866 (2) (te) of the statutes is amended to read:

6 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital  
7 improvement fund, a sum sufficient for the department of natural resources to  
8 provide funds for nonpoint source water pollution abatement projects under ss. s.  
9 281.16(5) and 281.65. The state may contract public debt in an amount not to exceed  
10 \$34,363,600 \$56,763,600 for this purpose. ~~Of this amount, \$2,000,000 may only be~~  
11 ~~used for projects selected under s. 281.65 (4e) (e) after July 1, 1998.~~

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 282.

12 SECTION 632b. 20.866 (2) (tf) of the statutes is repealed.

13 SECTION 632f. 20.866 (2) (th) of the statutes is created to read:

14 20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From  
15 the capital improvement fund, a sum sufficient for the department of natural  
16 resources to provide cost-sharing grants for urban nonpoint source water pollution  
17 abatement and storm water management projects under s. 281.66. The state may  
18 contract public debt in an amount not to exceed \$15,000,000 for this purpose.

19 SECTION 632h. 20.866 (2) (ti) of the statutes is created to read:

20 20.866 (2) (ti) *Natural resources; municipal flood control and riparian*  
21 *restoration.* From the capital improvement fund, a sum sufficient for the department  
22 of natural resources to provide municipal flood control and riparian restoration





1 cost-sharing grants under s. 281.665. The state may contract public debt in an  
2 amount not to exceed \$3,000,000 for this purpose." *end of insert 2-12*

3 **6.** Page 932, line 25: after that line insert:

4 "SECTION 1909~~00~~. 92.07 (2) of the statutes is amended to read:

*Insert 2-14*

5 92.07 (2) STANDARDS. Each land conservation committee may develop and  
6 adopt standards and specifications for management practices to control erosion,  
7 sedimentation and nonpoint source water pollution. The standards and  
8 specifications for agricultural facilities and practices that are constructed or begun  
9 on or after October 14, 1997, and, if cost-sharing is available to the owner or operator  
10 under s. 92.14, 281.16 (5) or 281.65 or from any other source, for agricultural facilities  
11 and practices that are constructed or begun before that date shall be consistent with  
12 the performance standards, prohibitions, conservation practices and technical  
13 standards under s. 281.16 (3). The land conservation committee shall use the rules  
14 promulgated under s. 281.16 (3) (e) to determine whether cost-sharing is available. *MM*

*END OF INSERT 2-14*

History: 1981 c. 346; 1983 a. 440 s. 2200 (2); 1985 a. 332 s. 251 (8); 1991 a. 309; 1993 a. 16; 1995 a. 201; 1997 a. 27.

15 **7.** Page 934, line 21: delete the material beginning with that line and ending  
16 with page 935, line 7 and substitute:

*Insert 3-21*

17 "SECTION 1915<sup>15</sup> 15<sup>15</sup> 15<sup>15</sup> (1) of the statutes is amended to read:

18 92.105 (1) ESTABLISHMENT. A land conservation committee shall establish soil  
19 and water conservation standards. The standards and specifications for agricultural  
20 facilities and practices that are constructed or begun on or after October 14, 1997,  
21 and, if cost-sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or  
22 from any other source, for agricultural facilities and practices that are constructed  
23 or begun before that date shall be consistent with the performance standards,

*↓*

1 prohibitions, conservation practices and technical standards under s. 281.16 (3). It  
 2 shall submit these standards to the board for review. <sup>CS</sup> end of insert 3-21

History: 1985 a. 29, 332; 1987 a. 312 s. 17, 1997 a. 27

Insert  
3-23

3 "SECTION 92.14 (2) (c) of the statutes is amended to read:  
 4 92.14 (2) (c) Providing statewide financial and technical assistance for land  
 5 and water conservation activities at the county level.

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

6

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

History: 1987 a. 27, 297; 1989 a. 56; 1991 a. 39, 309; 1993 a. 16, 166, 213; 1995 a. 27, 225, 227; 1997 a. 27.

Insert  
9-5

11

11 "SECTION 192623 92.15 (4) of the statutes is amended to read:  
 12 92.15 (4) A local governmental unit may not apply a regulation under sub. (2)  
 13 or (3) to a livestock operation that exists on October 14, 1997, unless the local  
 14 governmental unit determines, using the rules promulgated under s. 281.16 (3) (e),  
 15 that cost-sharing is available to the owner or operator of the livestock operation  
 16 under s. 92.14, 281.16 (5) or 281.65 or from any other source.

History: 1997 a. 27

Insert  
9-9

17

17 ~~19~~. Page 1150, line 16: after that line insert:

18

18 "SECTION 248723 281.16 (3) (e) of the statutes is amended to read:  
 19 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
 20 is in existence before October 14, 1997, may not be required by this state or a  
 21 municipality to comply with the performance standards, prohibitions, conservation  
 22 practices or technical standards under this subsection unless cost-sharing is  
 23 available, under sub. (5) or s. 92.14 or 281.65 or from any other source, to the owner

↓



1 or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1),  
 2 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate  
 3 rules that specify criteria for determining whether cost-sharing is available under  
 4 sub. (5) or s. 281.65 and the department of agriculture, trade and consumer  
 5 protection shall promulgate rules that specify criteria for determining whether  
 6 cost-sharing is available under s. 92.14 or from any other source. The rules may not  
 7 allow a determination that cost-sharing is available to meet local regulations under  
 8 s. 92.07 (2), 92.105 (1) or 92.15 that are consistent with or that exceed the  
 9 performance standards, prohibitions, conservation practices or technical standards  
 10 under this subsection unless the cost-sharing is at least 70% of the cost of compliance  
 11 or is from 70% to 90% of the cost of compliance in cases of economic hardship, as  
 12 defined in the rules.

13

History: 1997 a. 27.

~~SECTION 248772~~. 281.16 (4) of the statutes is amended to read:

14 281.16 (4) APPLICATION TO ANIMAL FEEDING OPERATIONS. If the department issues  
 15 a notice of discharge under ch. 283 for an animal feeding operation, the performance  
 16 standards, prohibitions, conservation practices and technical standards under sub.  
 17 (3) apply to the animal feeding operation, except that if the animal feeding operation  
 18 is in existence before October 14, 1997, the performance standards, prohibitions,  
 19 conservation practices and technical standards only apply if the department  
 20 determines that cost-sharing is available to the owner or operator of the animal  
 21 feeding operation under sub. (5), s. 92.14 or 281.65 or from any other source.

22

History: 1997 a. 27.

~~SECTION 248772~~. 281.16 (5) of the statutes is repealed." 9-9

end of insert

23 9. Page 1157, line 16. after that line insert.

Insert  
24  
9-10

"SECTION 281.65 (1) (d) of the statutes is amended to read:

25212



1 281.65 (1) (d) Focus limited technical and financial resources in critical  
 2 geographic locations ~~through the selection of priority lakes and priority watersheds~~  
 3 where nonpoint source related water quality problems and threats are the most  
 4 severe and control is most feasible.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

5 SECTION 22. 281.65 (4) (g) (intro.) of the statutes is amended to read:

6 281.65 (4) (g) (intro.) In cooperation with the department of agriculture, trade  
 7 and consumer protection and the appropriate governmental unit, prepare priority  
 8 watershed and priority lakes plans to implement nonpoint source water pollution  
 9 abatement projects ~~and storm water control activities described in sub. (8e) in~~  
 10 priority watersheds and priority lake areas. In preparing the plans, the department  
 11 shall:

end of insert  
9-10

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

12 SECTION 22. 281.65 (4c) (a) of the statutes is amended to read:

Insert  
7-15

13 281.65 (4c) (a) Beginning on July 1, 1998, a governmental unit may request  
 14 funding under this subsection for a project that is in a priority watershed project, a  
 15 or priority lake project area or a ~~nonpoint source water pollution abatement project~~  
 16 that is not in a priority watershed or a priority lake area by submitting an application  
 17 to the board. An application shall be submitted before July 15 to be considered for  
 18 initial funding in the following year.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

19 SECTION 22. 281.65 (4c) (am) of the statutes is created to read:

20 281.65 (4c) (am) The board may select a project for funding under this  
 21 subsection only if all of the following apply:  
 22 1. The project will implement nonpoint source pollution control in an area that  
 23 is a target area based on any of the following:



Insert 9-15, continued

- 1 a. Targeted performance standards established by the department.
- 2 b. The existence of impaired water bodies that the department has identified
- 3 to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).
- 4 c. The existence of outstanding or exceptional resource waters, as designated
- 5 by the department under s. 281.15. ✓
- 6 d. The existence of threats to public health.
- 7 e. The existence of an animal feeding operation that has received a notice of
- 8 discharge under ch. 283 or a notice of intent to issue a notice of discharge.
- 9 f. Other water quality concerns of national or statewide importance.
- 10 2. The project cannot be conducted with funding provided under s. 92.14. ✓
- 11 3. The project is consistent with priorities identified by the department on a
- 12 watershed or other geographic basis.
- 13 4. The project is consistent with approved land and water resource
- 14 management plans under s. 92.10.
- 15 5. The application for the project specifies the watershed, subwatershed or
- 16 specific site that will be served by the project.

17 SECTION <sup>2521p</sup> 281.65 (4c) (f) of the statutes is created to read:

18 281.65 (4c) (f) A project funded under this subsection may be conducted over

19 a period of from one to 3 years, except that the department may approve an extension

20 for one year.

21 SECTION <sup>2521q</sup> 281.65 (4e) of the statutes is repealed. "

22 \* 10. Page 1158, line 10: after that line insert:

23 " SECTION <sup>2524m</sup> 281.65 (8) (e) of the statutes is amended to read:

↓

1           281.65 (8) (e) ~~Except as provided in sub. (8c),~~ grants Grants may only be used  
 2 for implementing best management practices. Grants for implementing best  
 3 management practices may only be used for implementing cost-effective best  
 4 management practices specified under sub. (4) (e) unless an applicant demonstrates  
 5 that the use of a cost-effective best management practice will not contribute to water  
 6 quality improvement or will cause a water body to continue to be impaired as  
 7 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)

8 (A). "

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

9 # ~~17~~. Page 1158, line 18: after that line insert:

10 "SECTION 2525c. 281.65 (8c) of the statutes is repealed.

11 SECTION 2525g. 281.66 of the statutes is created to read:

12 **281.66 Urban nonpoint source water pollution abatement and storm**  
 13 **water management program. (1) DEFINITIONS. In this section:**

14 (a) "Governmental unit" has the meaning given in s. 281.65 (2) (am). ✓

15 (b) "Nonpoint source" has the meaning given in s. 281.65 (2) (b). ✓

16 (c) "Population" means population shown by the last federal census or by any  
 17 subsequent population estimate under s. 16.96. ✓

18 (d) "Structural urban best management practices" has the meaning given in s.  
 19 281.65 (2) (d). ✓

20 (e) "Urban area" means any of the following:

21 1. An area with a population of 1,000 or more per square mile.

22 2. An area in which the land is used for industrial or commercial land uses.

23 3. An area that is surrounded by an area described in subd. 1. or 2. ✓ ✓



*Insert 9-15, continued*

1           (2) ADMINISTRATION. The department shall administer the program under this  
2 section in a manner that promotes all of the following:

3           (a) Management of urban storm water and runoff from existing and developing  
4 urban areas to achieve water quality standards, <sup>to</sup> minimize flooding and <sup>to</sup> protect  
5 groundwater.

6           (b) Coordination of urban nonpoint source management activities and the  
7 municipal storm sewer discharge permit program under s. 283.33.√

8           (c) Implementation of nonpoint source performance standards under s. 281.16  
9 (2).√

10          (3) ELIGIBILITY. (a) The department may provide financial assistance for a  
11 project under this section only if all of the following apply:

12           1. The project is in an urban area.

13           2. The governmental unit with jurisdiction over the project area ensures  
14 adequate implementation of construction site pollution control, and of storm water  
15 management after development, for development and redevelopment of sites of one  
16 or more acres.

17           3. The project is consistent with nonpoint source performance standards under  
18 s. 281.16 (2).√

19           4. The project is consistent with priorities identified by the department on a  
20 watershed or other geographic basis.

21           5. The application for the project specifies the watershed, subwatershed or  
22 specific site that will be served by the project.

23          <sup>b</sup>  
~~(19)~~ The department may provide financial assistance under this section for a  
24 project in a governmental unit either to that governmental unit or to another  
25 governmental unit that is required to control storm water discharges under s. 283.33.



Insert 9-15, continued  
AKD

1 (A) FINANCIAL ASSISTANCE. (a) The department may provide local assistance  
2 grants and cost-sharing grants under this section. A local assistance grant may not  
3 exceed 70% of eligible costs. A cost-sharing grant may not exceed 50% of eligible  
4 costs.

5 (b) The department may award a local assistance grant for any of the following:

6 1. Storm water management for urban areas and for areas that are expected  
7 to become urban areas within 20 years.

8 2. Informational and educational activities related to nonpoint source water  
9 pollution control, construction site erosion control or storm water management.

10 3. Development, administration and enforcement of a construction site erosion  
11 control or storm water management ordinance.

12 4. Training of staff concerning nonpoint source water pollution control,  
13 construction site erosion control or storm water management.

14 5. Other activities identified by the department by rule.

15 (c) The department may award a cost-sharing grant for any of the following:

16 1. Structural urban best management practices, including necessary land  
17 acquisition, storm sewer rerouting and removal of structures, and associated flood  
18 management, except that the department may not award a grant for structural  
19 urban best management practices associated with new construction or new  
20 development.

21 2. Nonstructural best management practices, such as improved street  
22 sweeping.

23 3. Stream bank or shoreland stabilization necessary to control pollution.

24 4. Other practices identified by the department by rule.

25 ~~SECTION ??, 281.65 (4c) (d) of the statutes is amended to read:~~





Insert 9-15, continued

4 (b) (5) (c) Scoring system.

- 1 From 281.65 (4c) (d) No later than April 1, 1998, the department, in consultation
- 2 with the department of agriculture, trade and consumer protection, shall propose to
- 3 the board <sup>use</sup> a scoring system for ranking nonpoint source water pollution abatement
- 4 projects for which applications are submitted under <sup>this section</sup> par. (a). The criteria on which
- 5 the scoring system is based shall include all of the following:
- 6 (a) ~~4~~ The extent to which the application proposes to use the cost-effective and
- 7 appropriate best management practices to achieve water quality goals.
- 8 (b) ~~2~~ The existence in the project area of an impaired water body that the
- 9 department has identified to the federal environmental protection agency under 33
- 10 USC 1313 (d) (1) (A).
- 11 (c) ~~3~~ The extent to which the project will result in the attainment of established
- 12 water quality objectives.
- 13 (d) ~~4~~ The local interest in and commitment to the project.
- 14 (e) ~~5~~ The inclusion of a strategy to evaluate the progress toward reaching project
- 15 goals, including the monitoring of water quality improvements resulting from
- 16 project activities.
- 17 (f) ~~6~~ The extent to which the application proposes to use available federal
- 18 funding.
- 19 (g) ~~7~~ The extent to which the project is necessary to enable the city of Racine to
- 20 control storm water discharges as required under 33 USC 1342 (p).

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

21 SECTION 2525r. 281.665 of the statutes is created to read:

22 281.665 Municipal flood control and riparian restoration program. (1)

23 DEFINITIONS. In <sup>this</sup> ~~the~~ section:

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



*Insert 9-15, continued*

1 (b) "Local governmental unit" means a city, village, town or metropolitan  
2 sewerage district.

3 (2) ADMINISTRATION. The department shall administer the program under this  
4 section to provide financial assistance to local governmental units for facilities and  
5 structures for the collection and transmission of storm water and groundwater,  
6 including the purchase of perpetual flowage and conservation easement rights on  
7 land within floodways, and for the floodproofing of public and private structures that  
8 remain in the 100<sup>0</sup>year floodplain.

9 (3) ELIGIBLE APPLICANTS. (a) The department may provide a grant for a project  
10 that affects 2 or more local governmental units to one of the following:

11 1. One of the affected local governmental units upon application by 2 or more  
12 of the affected local governmental units.

13 2. A local governmental unit that has jurisdiction over the provision of storm  
14 water collection facilities for 2 or more of the affected local governmental units.

15 (b) The department may provide a grant for a project that affects one local  
16 governmental unit to that local governmental unit.

17 (4) FINANCIAL ASSISTANCE. (a) The department may provide local assistance  
18 grants and cost-sharing grants under this section. A local assistance grant may not  
19 exceed 70% of eligible costs, including planning and design costs. A cost-sharing  
20 grant may not exceed 70% of eligible costs for construction and real estate  
21 acquisition.

22 (b) In any fiscal year, the department may not provide to any applicant more  
23 than 20% of the funding available under this section in the fiscal year.



1 (5) ELIGIBILITY AND SCORING CRITERIA. (a) The department shall promulgate  
2 rules specifying eligibility criteria for projects under this section and for determining  
3 which eligible projects will receive financial assistance under this section.

4 (b) The department may not provide financial assistance for a project under  
5 this section if any of the following applies:

6 1. The project would transfer flooding downstream.

7 2. The project provides for the channelization of a stream or for lining a natural  
8 stream bed with concrete.

9 3. The project would accelerate upstream runoff.

10 <sup>c</sup>  
~~(b)~~ The department shall include all of the following in the criteria for  
11 determining which eligible projects will receive financial assistance under this  
12 section:

13 1. The extent to which a project minimizes harm to existing beneficial functions  
14 of water bodies and wetlands.

15 2. The extent to which a project maintains aquatic and riparian environments.

16 3. The extent to which a project provides opportunity for public access to water  
17 bodies and to the floodway.”

18 \* ~~112~~. Page 1318, line 19: after that line insert:

19 “SECTION 310<sup>m</sup>. 823.08 (3) (c) 2<sup>o</sup> of the statutes is amended to read:

20 823.08 (3) (c) 2. If the agricultural use or agricultural practice alleged to be a  
21 nuisance was begun before October 14, 1997, a department may advise the court  
22 under subd. 1. only if the department determines that cost-sharing is available to  
23 the defendant under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.”

end of inset 9-15

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

LRBb0309/P1dn  
RCT:wlj:km

May 24, 1999

*Inset A*

David Schug:

This is a <sup>draft</sup> preliminary draft of part of the nonpoint redesign. It is intended to include most of the changes that would be required in ch. 92. I thought that it might be helpful to get you part of the proposal now while I work on the rest of it.

It is possible that the draft should make more changes in s. 92.10, such as repealing s. 92.10 (3) or eliminating the language in s. 92.10 (4) (d) about funding for preparing plans in priority counties (since that funding would probably be provided under s. 92.14 (3)).

Currently, under s. 92.14 (3m) (intro.) and (4) (intro.), DATCP may provide funding from the appropriation under s. 20.866 (2) (we). I was not sure what to do with that appropriation. I added a cross-reference to s. 20.866 (2) (we) in s. 92.14 (3) (intro.). Let me know if that is not intended. If that funding is used up, I think that we still may need to do something with that appropriation.

I am not certain whether the motion contemplates keeping current s. 92.14 (3) (c). If it should be repealed, please let me know. Similarly, I was not certain whether to retain or repeal current s. 92.14 (4) (c). The draft renumbers it to be s. 92.14 (3) (e) and amends it.

This draft repeals some provisions in s. 92.14 that do not seem to be consistent with the motion. However, I am not sure repealing them is appropriate. Please look carefully at s. 92.14 (6) (a), (c), (e), (f) and (j). As to par. (j), if any of the content of that is still needed, it should probably be moved to s. 92.14 (3). That is also probably true of the language in s. 92.14 (10) that is stricken in this draft. Do you think that s. 92.14 (7) should be treated in some way?

Let me know if you have any questions or want to discuss this.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us

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

LRBb0309/1dn

RCT: /:....

Wlj

Insert A ✓  
→

If the transfers from DNR to DATCP are to be completed during the 1999–2001 biennium, the transfer provision should be done in a nonstatutory provision rather than in s. 13.101. Please let me know if I should change this.

I assume that no bonds have been issued under s. 20.866 (2) (tf). If any have been issued, I think that the appropriation should not be repealed.

↓ Insert B →  
Do you think that any changes should be made in s. 281.65 (4) (f) ✓ or (j) ✓ or (7m) ✓?

I do not understand the reference to “targeted performance standards” in point 5 of the motion. It does not seem to be the same sort of consideration as the other reasons for targeting an area. Do you have any suggestions about how this can be clarified?

Should s. 281.65 (4c) be changed so that DNR selects the projects and so that there are no references to the LWCB and DATCP?

I was going to define “best management practices” for the urban nonpoint program to have the same meaning as in s. 281.65, but I decided not to because I think that some storm water management practices might not fit within that definition. It would probably be better to have a definition because the term is used in s. 281.66 (4) (c) 2., but I do not know what the definition should be. 4

This draft makes the same entities eligible for the urban nonpoint program as for the current program under s. 281.65. Is that OK?

Section 281.66 includes a definition of “urban area”. I am not certain that the definition of of is very clear. For a “surrounded area”, must the area be surrounded by either a high density area or an industrial or commercial area or could it be surrounded by a combination of those areas? What if there is a large body of water on one side of the area? Also, it seems to me that some quite rural areas could be included in an “urban area” if creative line drawing is used. Note that this same issue arises in the draft for the environmental improvement fund urban storm water loan program.

I am not certain about the relationship between local assistance grants and cost-sharing grants in both the urban nonpoint program and the flood control and riparian restoration program. Should local assistance grants only go to recipients of cost-sharing grants or will the decisions about who gets which kind of grant be made independently? There are references to “project” in both programs. Does “project” refer to something that will be funded with a cost-sharing grant or does it also refer to

activities that will be funded with a local assistance grant? Some of the requirements that a project must meet do not seem applicable to the kinds of activities that may be funded with a local assistance grant. Also, is the scoring system in s. 281.66 to be used to select recipients of local assistance grants as well as cost-sharing grants?

In the ~~first~~<sup>second</sup> paragraph under point 6, the motion discusses to whom DNR may distribute grants. I am not certain about the intent of this part of the motion. I was not sure whether it means that a grant may be given to a governmental unit other than the governmental unit in which the project will be conducted only if the recipient governmental unit is required to control storm water under s. 281.33 or whether it means that only governmental units that are required to get storm water permits are eligible for grants. If the latter, or if it means something else, I will need to change the draft. See s. 281.66 (3) (b) for the language on this issue.

In the discussion of structural urban best management practices eligible for cost-sharing grants in the ~~first~~<sup>third</sup> paragraph under point 6, the motion says "excluding new construction activities and new development". Please review s. 281.66 (b) (c) 1. to see whether the draft captures the intent of this language. 4

For the flood control and riparian restoration program, I was not sure whether s. 281.665 (3) (a) 1. should require all of the affected municipalities to apply. If so, I will need to change the draft. Also, should s. 281.665 (3) (a) 2. require the local governmental unit to have jurisdiction over the provisions of storm water collection facilities for **all** of the affected local governmental units?

The draft applies the restriction in s. 281.665 (4) (b) on a fiscal year basis. Is that OK?

Please let me know if you think that any other changes should be made in s. 92.14 or 281.65 so that the programs will be consistent with the motion. Also, let me know if you think that any provisions similar to those in s. 281.65 should be added to s. 281.66. Let me know if you have questions or want to discuss this draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us

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

LRBb0309/1dn

RCT:wlj:mrc

May 27, 1999

David Schug:

This is a draft of the nonpoint redesign.

If the transfers from DNR to DATCP are to be completed during the 1999-2001 biennium, the transfer provision should be done in a nonstatutory provision rather than in s. 13.101. Please let me know if I should change this.

I assume that no bonds have been issued under s. 20.866 (2) (tf). If any have been issued, I think that the appropriation should not be repealed.

It is possible that the draft should make more changes in s. 92.10, such as repealing s. 92.10 (3) or eliminating the language in s. 92.10 (4) (d) about funding for preparing plans in priority counties (since that funding would probably be provided under s. 92.14 (3)).

Currently, under s. 92.14 (3m) (intro.) and (4) (intro.), DATCP may provide funding from the appropriation under s. 20.866 (2) (we). I was not sure what to do with that appropriation. I added a cross-reference to s. 20.866 (2) (we) in s. 92.14 (3) (intro.). Let me know if that is not intended. If that funding is used up, I think that we still may need to do something with that appropriation.

I am not certain whether the motion contemplates keeping current s. 92.14 (3) (c). If it should be repealed, please let me know. Similarly, I was not certain whether to retain or repeal current s. 92.14 (4) (c). The draft renumbers it to be s. 92.14 (3) (e) and amends it.

This draft repeals some provisions in s. 92.14 that do not seem to be consistent with the motion. However, I am not sure repealing them is appropriate. Please look carefully at s. 92.14 (6) (a), (c), (e), (f) and (j). As to par. (j), if any of the content of that is still needed, it should probably be moved to s. 92.14 (3). That is also probably true of the language in s. 92.14 (10) that is stricken in this draft. Do you think that s. 92.14 (7) should be treated in some way?

Do you think that any changes should be made in s. 281.65 (4) (f) or (j) or (7m)?

I do not understand the reference to "targeted performance standards" in point 5 of the motion. It does not seem to be the same sort of consideration as the other reasons for targeting an area. Do you have any suggestions about how this can be clarified?

Should s. 281.65 (4c) be changed so that DNR selects the projects and so that there are no references to the LWCB and DATCP?

I was going to define "best management practices" for the urban nonpoint program to have the same meaning as in s. 281.65, but I decided not to because I think that some storm water management practices might not fit within that definition. It would probably be better to have a definition because the term is used in s. 281.66 (4) (c) 2., but I do not know what the definition should be.

This draft makes the same entities eligible for the urban nonpoint program as for the current program under s. 281.65. Is that OK?

Section 281.66 includes a definition of "urban area". I am not certain that the definition is very clear. For a "surrounded area", must the area be surrounded by either a high density area or an industrial or commercial area or could it be surrounded by a combination of those areas? What if there is a large body of water on one side of the area? Also, it seems to me that some quite rural areas could be included in an "urban area" if creative line drawing is used. Note that this same issue arises in the draft for the environmental improvement fund urban storm water loan program.

I am not certain about the relationship between local assistance grants and cost-sharing grants in both the urban nonpoint program and the flood control and riparian restoration program. Should local assistance grants only go to recipients of cost-sharing grants or will the decisions about who gets which kind of grant be made independently? There are references to "project" in both programs. Does "project" refer to something that will be funded with a cost-sharing grant or does it also refer to activities that will be funded with a local assistance grant? Some of the requirements that a project must meet do not seem applicable to the kinds of activities that may be funded with a local assistance grant. Also, is the scoring system in s. 281.66 to be used to select recipients of local assistance grants as well as cost-sharing grants?

In the second paragraph under point 6, the motion discusses to whom DNR may distribute grants. I am not certain about the intent of this part of the motion. I was not sure whether it means that a grant may be given to a governmental unit other than the governmental unit in which the project will be conducted only if the recipient governmental unit is required to control storm water under s. 281.33 or whether it means that only governmental units that are required to get storm water permits are eligible for grants. If the latter, or if it means something else, I will need to change the draft. See s. 281.66 (3) (b) for the language on this issue.

In the discussion of structural urban best management practices eligible for cost-sharing grants in the third paragraph under point 6, the motion says "excluding new construction activities and new development". Please review s. 281.66 (4) (c) 1. to see whether the draft captures the intent of this language.

For the flood control and riparian restoration program, I was not sure whether s. 281.665 (3) (a) 1. should require all of the affected municipalities to apply. If so, I will need to change the draft. Also, should s. 281.665 (3) (a) 2. require the local governmental unit to have jurisdiction over the provisions of storm water collection facilities for **all** of the affected local governmental units?

The draft applies the restriction in s. 281.665 (4) (b) on a fiscal year basis. Is that OK?



Please let me know if you think that any other changes should be made in s. 92.14 or 281.65 so that the programs will be consistent with the motion. Also, let me know if you think that any provisions similar to those in s. 281.65 should be added to s. 281.66. Let me know if you have questions or want to discuss this draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)

Per David Schuy <sup>20 586 (1) (f) +</sup> Bonds have been issued  
under <sup>20 586 (2) (a) +</sup> s. 20.376 (b) (cc) - so change purpose  
instead of repealing it.

✓2. S. 92.18 - repeal (3) and (4) (c), but make sure  
that planning is covered under s. 92.14 (3)

✓3. Repeal 92.14 (3) (c)

✓4. Make sure that grants under s. 92.14 can be  
used for training

✓5. Repeal s. 92.14 (14m) so that it doesn't sound as  
though they have to fund projects - if they're going to fund  
them, Dept. decide which source of funding to use

✓6. s. 92.17 (2m) - Funds aren't really going to be appropriated  
for the various purposes. Instead say that county must  
be using some of its grants for this purpose

✓7. Add to s. 92.14 that DNR & DATCP must assist counties

✓8. Delete local admin. from 281.65 (4) (f) & make sure  
those purposes are covered in 92.14 (3)

✓9. Repeal s. 281.65 (4) (j)

✓10. Repeal 281.65 (8) (k)

✓11. DNR should select projects under s. 281.65 (4c), LWIB  
reviews & makes recommendations to DNR & DATCP has no role.

✓12. "Targeted performance standards" refers to s. 281.16.

✓13. Move s. 281.65 (Fd) to 281.66

✓14. In ss. 281.66 & 281.665, "project" refers to something that cost-sharing is provided for

✓15. P. 19, lines 24-25  
Nonstructural best management practices means - segmented urban program activities - which is defined in NR 120.01(1)(b) Combine that subd. w. subd. 4

✓16. P. 20, line 8 - delete "best management"

✓17. P. 21, line 11 - all of the affected units  
P. 21, line 14 - " " "

✓18. Motion - Point 7, 3rd par - I missed (d) - add to draft