



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0309/3  
RCT:wlj&jlg:mrc

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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3 **"SECTION 1f.** 13.101 (4g) of the statutes is repealed.

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

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

1 (b) The committee may transfer funds as provided in the schedule under par.  
2 (a). If the committee transfers funds from the appropriation account under s. 20.370  
3 (6) (aa) to the appropriation account under s. 20.115 (7) (c) in a fiscal year, the  
4 amounts in the schedule under s. 20.005 for the appropriation under s. 20.370 (6) (aa)  
5 for that fiscal year are decreased by the amount of the transfer. If the committee  
6 transfers funds from the appropriation account under s. 20.370 (6) (aq) to the  
7 appropriation account under s. 20.115 (7) (qd) in a fiscal year, the amounts in the  
8 schedule under s. 20.005 for the appropriation under s. 20.370 (6) (aq) for that fiscal  
9 year are decreased by the amount of the transfer and the amounts in the schedule  
10 under s. 20.005 for the appropriation under s. 20.115 (7) (qd) for that fiscal year are  
11 increased by the amount of the transfer.”.

12 **2.** Page 121, line 1: delete “SECTION 1” and substitute “SECTION 1m”.

13 **3.** Page 375, line 14: after that line insert:

14 “SECTION 188f. 20.115 (7) (km) of the statutes is repealed.”.

15 **4.** Page 405, line 16: after that line insert:

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

17 20.370 (6) (aa) *Environmental aids; nonpoint source.* Biennially, the amounts  
18 in the schedule for grants and assistance under the nonpoint source water pollution  
19 abatement program under s. 281.65 ~~and for transfers to the appropriation account~~  
20 ~~under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t).~~ Beginning in fiscal year  
21 ~~1999-2000, the department may not expend more than 50% of the funds~~  
22 ~~appropriated under this paragraph in each fiscal year for local assistance.~~ The  
23 department shall allocate \$300,000 in each fiscal year from this appropriation for  
24 grants under s. 281.65 (8) (cm).”.

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

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

3           20.370 (6) (aq) *Environmental aids — nonpoint source program.* Biennially,  
4 from the environmental fund, the amounts in the schedule for nonpoint source  
5 grants and assistance under s. 281.65 and for transfers to the appropriation account  
6 under s. 20.115 (7) (km) as provided in s. 281.65 (4) (t).”

7           **6.** Page 407, line 9: after that line insert:

8           “**SECTION 331d.** 20.370 (6) (dq) of the statutes is created to read:

9           20.370 (6) (dq) *Environmental aids – urban nonpoint source.* From the  
10 environmental fund, the amounts in the schedule to provide financial assistance for  
11 urban nonpoint source water pollution abatement and storm water management  
12 under s. 281.66.

13           **SECTION 331e.** 20.370 (6) (dr) of the statutes is created to read:

14           20.370 (6) (dr) *Environmental aids – municipal flood control and riparian*  
15 *restoration.* From the environmental fund, the amounts in the schedule to provide  
16 financial assistance for municipal flood control and riparian restoration under s.  
17 281.665.”

18           **7.** Page 407, line 18: after that line insert:

19           “**SECTION 333n.** 20.370 (7) (ce) of the statutes is amended to read:

20           20.370 (7) (ce) *Principal repayment and interest — nonpoint source compliance.*  
21 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and  
22 interest costs incurred in financing nonpoint source compliance projects under s.  
23 20.866 (2) (tf) and to make the payments determined by the building commission

1 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred  
2 in financing those projects.

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

4 20.370 (7) (cf) *Principal repayment and interest — urban nonpoint source*  
5 *cost-sharing.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
6 principal and interest costs incurred in financing cost-sharing grants for urban  
7 nonpoint source water pollution abatement and storm water management projects  
8 under s. 20.866 (2) (th) and to make the payments determined by the building  
9 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
10 obligations incurred in financing those grants.

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

12 20.370 (7) (da) *Principal repayment and interest — municipal flood control and*  
13 *riparian restoration cost-sharing.* A sum sufficient to reimburse s. 20.866 (1) (u) for  
14 the payment of principal and interest costs incurred in financing cost-sharing grants  
15 for municipal flood control and riparian restoration projects under s. 20.866 (2) (ti)  
16 and to make the payments determined by the building commission under s. 13.488  
17 (1) (m) that are attributable to the proceeds of obligations incurred in financing those  
18 grants.”

19 **8.** Page 474, line 6: after “(ce),” insert “(cf), (da).”

20 **9.** Page 475, line 1: delete lines 1 to 16 and substitute:

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

22 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital  
23 improvement fund, a sum sufficient for the department of natural resources to  
24 provide funds for nonpoint source water pollution abatement projects under ~~ss. s.~~

1 ~~281.16 (5) and 281.65. The state may contract public debt in an amount not to exceed~~  
2 ~~\$34,363,600 \$56,763,600 for this purpose. Of this amount, \$2,000,000 may only be~~  
3 ~~used for projects selected under s. 281.65 (4e) (e) after July 1, 1998.~~

4 **SECTION 632b.** 20.866 (2) (tf) of the statutes is amended to read:

5 20.866 (2) (tf) *Natural resources; nonpoint source ~~compliance~~*. From the capital  
6 improvement fund, a sum sufficient for the department of natural resources to fund  
7 ~~cost-sharing grants under s. 281.16 (5) for projects to assist agricultural facilities to~~  
8 ~~comply with the performance standards, prohibitions, conservation practices and~~  
9 ~~technical standards under s. 281.16 (3) and, before any rules promulgated under s.~~  
10 ~~281.16 (3) take effect, to fund nonpoint source water pollution abatement projects~~  
11 under s. 281.65. The state may contract public debt in an amount not to exceed  
12 \$2,000,000 for this purpose.

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  
23 cost-sharing grants under s. 281.665. The state may contract public debt in an  
24 amount not to exceed \$3,000,000 for this purpose.”.

1           **10.** Page 932, line 21: delete the material beginning with that line and ending  
2 with page 934, line 19 and substitute:

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

4           **92.07 (2) STANDARDS.** Each land conservation committee may develop and  
5 adopt standards and specifications for management practices to control erosion,  
6 sedimentation and nonpoint source water pollution. The standards and  
7 specifications for agricultural facilities and practices that are constructed or begun  
8 on or after October 14, 1997, and, if cost-sharing is available to the owner or operator  
9 under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source, for agricultural facilities  
10 and practices that are constructed or begun before that date shall be consistent with  
11 the performance standards, prohibitions, conservation practices and technical  
12 standards under s. 281.16 (3). The land conservation committee shall use the rules  
13 promulgated under s. 281.16 (3) (e) to determine whether cost-sharing is available.

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

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

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

17           **92.10 (4) (c) *Plan assistance.*** The department shall assist land conservation  
18 committees in preparing land and water resource management plans. The  
19 ~~department may allocate funds appropriated under s. 20.115 (7) (c) to land~~  
20 ~~conservation committees in identified priority counties to cover up to 50% of the cost~~  
21 ~~of preparing land and water resource management plans.~~

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

1           92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare  
2 a land and water resource management plan that, at a minimum, does all of the  
3 following:

4           1. Includes an assessment of water quality and soil erosion conditions  
5 throughout the county, including any assessment available from the department of  
6 natural resources.

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

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

11           4. Identifies applicable performance standards and prohibitions related to the  
12 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil  
13 erosion control, including those under this chapter and chs. 281 and 283 and ss.  
14 59.692 and 59.693.

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

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

20           7. Includes a strategy to provide information and education related to soil and  
21 water resource management.

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

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

1           92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES. The department  
2 of natural resources shall provide counties with assistance in land and water  
3 resource management planning, including providing available water quality data  
4 and information, providing training and support for water resource assessments and  
5 appraisals and providing related program information.”.

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

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

9           92.105 (1) ESTABLISHMENT. A land conservation committee shall establish soil  
10 and water conservation standards. The standards and specifications for agricultural  
11 facilities and practices that are constructed or begun on or after October 14, 1997,  
12 and, if cost-sharing is available to the farmer under s. 92.14, ~~281.16 (5)~~ or 281.65 or  
13 from any other source, for agricultural facilities and practices that are constructed  
14 or begun before that date shall be consistent with the performance standards,  
15 prohibitions, conservation practices and technical standards under s. 281.16 (3). It  
16 shall submit these standards to the board for review.”.

17           **12.** Page 936, line 23: delete the material beginning with that line and ending  
18 with page 937, line 17 and substitute:

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

20           92.14 (2) (c) Providing statewide financial and technical assistance for land  
21 and water conservation activities at the county level.

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

23           92.14 (2) (j) Enhancing the administration and coordination of state nonpoint  
24 source water pollution abatement activities by the department and the department



1 of natural resources, including providing a single process for grant application,  
2 funding allocation, reporting and evaluation.

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

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

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

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

18 (a) 1. and 2.

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

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

21 (a) 4. and 5.

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

23 92.14 (3) (f) Training required under s. 92.18 or any other training necessary  
24 to prepare personnel to perform job duties related to this section or s. 281.65.

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

1           92.14 (3) (g) Technical assistance, education and training, ordinance  
2 development or administration related to this chapter or s. 281.65.

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

4           **SECTION 1924n.** 92.14 (3m) of the statutes is renumbered 92.14 (3) (b) and  
5 92.14 (3) (b) (intro.), as renumbered, is amended to read:

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

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

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

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

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

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

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

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

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

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

5           92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for  
6 salary and fringe benefits for more than one county staff person, a county shall  
7 provide matching funds equal to 30% of the cost of salary and fringe benefits for the  
8 2nd staff person and 50% of the cost of salary and fringe benefits for any additional  
9 staff persons for whom the grant provides funding.

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

11          92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall  
12 prepare annually a grant request that describes the land and water resource staffing  
13 needs and activities to be undertaken or funded by the county under this chapter and  
14 ss. 281.65 and 281.66 and the funding needed for those purposes. The grant request  
15 shall be consistent with the county's plan under s. 92.10. The land conservation  
16 committee shall submit the grant request to the department.

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

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

19          92.14 (6) (b) The department, ~~in cooperation with~~ and the department of  
20 natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~  
21 ~~with the spending levels approved under par. (a), identifying the amounts to be spent~~  
22 ~~annually for land and water resource management projects to be funded~~ provided to  
23 counties under this section and the general purposes of those projects, which it shall  
24 specify ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt  
25 to provide funding under this section for an average of 3 staff persons per county with

1 full funding for the first staff person, 70% funding for the 2nd staff person and 50%  
2 funding for any additional staff persons and to provide an average of \$100,000 per  
3 county for cost-sharing grants. The department shall submit that plan to the board.

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

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

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

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

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

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

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

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

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

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

23 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not ~~make a grant under~~  
24 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:

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

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

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

6 **SECTION 1926q.** 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.

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

13 **SECTION 1926t.** 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.

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

20 92.14 (6) (m) The department of agriculture, trade and consumer protection  
21 and the department of natural resources shall assist counties in conducting the  
22 activities for which grants under sub. (3) may be used.

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

24 92.14 (10) TRAINING. ~~The county may use a grant under this section for training~~  
25 ~~required under s. 92.18 or for any other training necessary to prepare personnel to~~

1 ~~perform job duties related to this section.~~ The department may contract with any  
2 person for services to administer or implement this chapter, including information  
3 and education and training.

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

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

6 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION FORMS. The  
7 department, jointly with the department of natural resources, shall develop a single  
8 set of grant application, reporting and evaluation forms for use by counties receiving  
9 grants under this section and s. ss. 281.65 and 281.66. The department, jointly with  
10 the department of natural resources, shall implement a single process for grant  
11 application, funding allocation, reporting and evaluation for counties receiving  
12 grants under this section and ss. 281.65 and 281.66.

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

14 92.14 (14m) COORDINATION. The department of agriculture, trade and  
15 consumer protection and the department of natural resources, jointly, shall review  
16 applications from counties for grants under sub. (5r) and, for projects and activities  
17 selected to receive funding shall determine whether to provide funding under this  
18 section or under s. 281.65 or 281.66.

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

20 92.15 (4) A local governmental unit may not apply a regulation under sub. (2)  
21 or (3) to a livestock operation that exists on October 14, 1997, unless the local  
22 governmental unit determines, using the rules promulgated under s. 281.16 (3) (e),  
23 that cost-sharing is available to the owner or operator of the livestock operation  
24 under s. ~~92.14, 281.16 (5)~~ or 281.65 or from any other source.

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

1           92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, ~~city, village or town~~  
2 may not enforce a shoreland management ordinance unless the county uses funds  
3 ~~have been appropriated provided under s. 92.14 (3) for grants for the purposes under~~  
4 s. 92.14 (3m) (3) (b). A city, village or town may not enforce a shoreland management  
5 ordinance unless the county in which the city, village or town is located uses funds  
6 provided under s. 92.14 (3) for grants for the purposes under s. 92.14 (3) (b).”

7           **13.** Page 1150, line 16: after that line insert:

8           “**SECTION 2487p.** 281.16 (3) (e) of the statutes is amended to read:

9           281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
10 is in existence before October 14, 1997, may not be required by this state or a  
11 municipality to comply with the performance standards, prohibitions, conservation  
12 practices or technical standards under this subsection unless cost-sharing is  
13 available, under ~~sub. (5) or~~ s. 92.14 or 281.65 or from any other source, to the owner  
14 or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1),  
15 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate  
16 rules that specify criteria for determining whether cost-sharing is available under  
17 ~~sub. (5) or~~ s. 281.65 and the department of agriculture, trade and consumer  
18 protection shall promulgate rules that specify criteria for determining whether  
19 cost-sharing is available under s. 92.14 or from any other source. The rules may not  
20 allow a determination that cost-sharing is available to meet local regulations under  
21 s. 92.07 (2), 92.105 (1) or 92.15 that are consistent with or that exceed the  
22 performance standards, prohibitions, conservation practices or technical standards  
23 under this subsection unless the cost-sharing is at least 70% of the cost of compliance

1 or is from 70% to 90% of the cost of compliance in cases of economic hardship, as  
2 defined in the rules.

3 **SECTION 2487r.** 281.16 (4) of the statutes is amended to read:

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

12 **SECTION 2487t.** 281.16 (5) of the statutes is repealed.”.

13 **14.** Page 1157, line 16: after that line insert:

14 “**SECTION 2521e.** 281.65 (1) (d) of the statutes is amended to read:

15 281.65 (1) (d) Focus limited technical and financial resources in critical  
16 geographic locations ~~through the selection of priority lakes and priority watersheds~~  
17 where nonpoint source related water quality problems and threats are the most  
18 severe and control is most feasible.

19 **SECTION 2521f.** 281.65 (4) (f) of the statutes is amended to read:

20 281.65 (4) (f) Administer the distribution of grants and aids to governmental  
21 units for local administration and implementation of the program under this section.  
22 A grant awarded under this section may be used for ~~technical assistance, educational~~  
23 ~~and training assistance, ordinance development and administration,~~ cost-sharing  
24 for management practices and capital improvements, ~~plan preparation under par.~~



1 (g), easements or other activities determined by the department to satisfy the  
2 requirements of this section. A grant may not be used for promotional items, except  
3 for promotional items that are used for informational purposes, such as brochures  
4 or videos.

5 **SECTION 2521g.** 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:

12 **SECTION 2521i.** 281.65 (4) (j) of the statutes is repealed.

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

14 281.65 (4) (pm) Jointly with the department of agriculture, trade and consumer  
15 protection, develop the forms required and implement the process under s. 92.14  
16 (14).

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

18 **SECTION 2521n.** 281.65 (4c) (a) of the statutes is amended to read:

19 281.65 (4c) (a) ~~Beginning on July 1, 1998, a~~ A governmental unit may request  
20 funding under this subsection for a project that is in a priority watershed ~~project, a~~  
21 or priority lake project area or a ~~nonpoint source water pollution abatement~~ project  
22 that is not in a priority watershed or a priority lake area by submitting an application  
23 to the ~~board~~ department. An application shall be submitted before July 15 to be  
24 considered for initial funding in the following year.

25 **SECTION 2521ne.** 281.65 (4c) (ae) of the statutes is created to read:

1           281.65 (4c) (ae) The department shall administer this subsection in a manner  
2 that promotes the accelerated implementation of nonpoint source water pollution  
3 control that cannot be conducted with funding under s. 92.14 in target areas  
4 described in par. (am) 1. that are of the highest priority.

5           **SECTION 2521nm.** 281.65 (4c) (am) of the statutes is created to read:

6           281.65 (4c) (am) The department may select a project for funding under this  
7 subsection only if all of the following apply:

8           1. The project will implement nonpoint source pollution control in an area that  
9 is a target area based on any of the following:

10           a. The need for compliance with performance standards established by the  
11 department under s. 281.16 (2).

12           b. The existence of impaired water bodies that the department has identified  
13 to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

14           c. The existence of outstanding or exceptional resource waters, as designated  
15 by the department under s. 281.15.

16           d. The existence of threats to public health.

17           e. The existence of an animal feeding operation that has received a notice of  
18 discharge under ch. 283 or a notice of intent to issue a notice of discharge.

19           f. Other water quality concerns of national or statewide importance.

20           2. The project cannot be conducted with funding provided under s. 92.14.

21           3. The project is consistent with priorities identified by the department on a  
22 watershed or other geographic basis.

23           4. The project is consistent with approved land and water resource  
24 management plans under s. 92.10.

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

3           **SECTION 2521np.** 281.65 (4c) (b) of the statutes is amended to read:

4           281.65 (4c) (b) The department, ~~in consultation with the department of~~  
5 ~~agriculture, trade and consumer protection,~~ shall use the system approved under  
6 par. ~~(e)~~ (d) to determine the score of each project for which ~~the board~~ it receives an  
7 application under par. (a) and shall inform the land and water conservation board  
8 of the scores no later than September 1 of each year.

9           **SECTION 2521nr.** 281.65 (4c) (c) of the statutes is amended to read:

10           281.65 (4c) (c) After ~~receiving~~ determining project scores under par. (b) ~~and~~  
11 ~~before,~~ the department shall notify the land and water conservation board of the  
12 projects that the department proposes to select for funding in the following year. The  
13 board shall review the proposal and make recommendations to the department.  
14 Before November 1 of each year, the ~~board~~ department shall select projects for  
15 funding under this ~~section~~ subsection in the following year. To the extent practicable,  
16 within the requirements of this section, the ~~board~~ department shall select projects  
17 so that projects are distributed evenly around this state.

18           **SECTION 2521nt.** 281.65 (4c) (d) (intro.) of the statutes is amended to read:

19           281.65 (4c) (d) (intro.) ~~No later than April 1, 1998, the~~ The department, ~~in~~  
20 ~~consultation with the department of agriculture, trade and consumer protection,~~  
21 ~~shall propose to the board~~ adopt a scoring system for ranking nonpoint source water  
22 pollution abatement projects for which applications are submitted under par. (a).  
23 The criteria on which the scoring system is based shall include all of the following:

24           **SECTION 2521nv.** 281.65 (4c) (e) of the statutes is repealed.

25           **SECTION 2521p.** 281.65 (4c) (f) of the statutes is created to read:

1           281.65 (4c) (f) A project funded under this subsection may be conducted over  
2 a period of one to 3 years, except that the department may approve an extension for  
3 one year.

4           **SECTION 2521q.** 281.65 (4e) of the statutes is repealed.”.

5           **15.** Page 1158, line 10: after that line insert:

6           “**SECTION 2524m.** 281.65 (8) (e) of the statutes is amended to read:

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

15           **SECTION 2524s.** 281.65 (8) (k) of the statutes is repealed.”.

16           **16.** Page 1158, line 18: after that line insert:

17           “**SECTION 2525e.** 281.65 (8c) of the statutes is repealed.

18           **SECTION 2525f.** 281.65 (8d) of the statutes is renumbered 281.66 (6) and  
19 amended to read:

20           281.66 (6) GRANTS FOR CAMPUSES. The Notwithstanding subs. (3) and (4), the  
21 department may distribute a grant to the board of regents of the University of  
22 Wisconsin System for practices, techniques or measures to control storm water  
23 discharges on a University of Wisconsin System campus that is located in a  
24 municipality that is required to obtain a permit under s. 283.33 and that is located

1 in a priority watershed area, as defined in s. 281.65 (2) (c), a priority lake area, as  
2 defined in s. 281.65 (2) (bs), or an area that is identified as an area of concern by the  
3 International Joint Commission, as defined in s. 281.35 (1) (h), under the Great  
4 Lakes Water Quality Agreement.

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

6 **281.66 Urban nonpoint source water pollution abatement and storm**  
7 **water management program. (1) DEFINITIONS.** In this section:

8 (a) “Governmental unit” has the meaning given in s. 281.65 (2) (am).

9 (b) “Nonpoint source” has the meaning given in s. 281.65 (2) (b).

10 (c) “Population” means population shown by the last federal census or by any  
11 subsequent population estimate under s. 16.96.

12 (d) “Structural urban best management practices” has the meaning given in s.  
13 281.65 (2) (d).

14 (e) “Urban area” means any of the following:

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

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

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

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

20 (a) Management of urban storm water and runoff from existing and developing  
21 urban areas to achieve water quality standards, to minimize flooding and to protect  
22 groundwater.

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

1 (c) Implementation of nonpoint source performance standards under s. 281.16  
2 (2).

3 (3) ELIGIBILITY. (a) The department may provide a cost-sharing grant for a  
4 project under this section only if all of the following apply:

5 1. The project is in an urban area.

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

10 3. The project is consistent with nonpoint source performance standards under  
11 s. 281.16 (2).

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

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

16 (b) The department may provide financial assistance under this section for a  
17 project in a governmental unit either to that governmental unit or to another  
18 governmental unit that is required to control storm water discharges under s. 283.33.

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

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

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

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

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

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

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

8           (c) The department may award a cost-sharing grant for any of the following  
9 types of projects:

10           1. Structural urban best management practices, including necessary land  
11 acquisition, storm sewer rerouting and removal of structures, and associated flood  
12 management, except that the department may not award a grant for structural  
13 urban best management practices associated with new construction or new  
14 development.

15           2. Stream bank or shoreland stabilization necessary to control pollution.

16           3. Other nonpoint source water pollution abatement or storm water  
17 management practices identified by the department by rule.

18           (5) SCORING SYSTEM. The department shall use a scoring system for ranking  
19 nonpoint source water pollution abatement and storm water management projects  
20 for which applications are submitted under this section. The criteria on which the  
21 scoring system is based shall include all of the following:

22           (a) The extent to which the application proposes to use the cost-effective and  
23 appropriate practices to achieve water quality goals.

1 (b) The existence in the project area of an impaired water body that the  
2 department has identified to the federal environmental protection agency under 33  
3 USC 1313 (d) (1) (A).

4 (c) The extent to which the project will result in the attainment of established  
5 water quality objectives.

6 (d) The local interest in and commitment to the project.

7 (e) The inclusion of a strategy to evaluate the progress toward reaching project  
8 goals, including the monitoring of water quality improvements resulting from  
9 project activities.

10 (f). The extent to which the application proposes to use available federal  
11 funding.

12 (g). The extent to which the project is necessary to enable the city of Racine to  
13 control storm water discharges as required under 33 USC 1342 (p).

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

15 **281.665 Municipal flood control and riparian restoration program. (1)**

16 **DEFINITIONS.** In this section:

17 (a) “Conservation easement” has the meaning given in s. 700.40 (1) (a).

18 (b) “Local governmental unit” means a city, village, town or metropolitan  
19 sewerage district.

20 **(2) ADMINISTRATION.** The department shall administer the program under this  
21 section to provide financial assistance to local governmental units for facilities and  
22 structures for the collection and transmission of storm water and groundwater,  
23 including the purchase of perpetual flowage and conservation easement rights on  
24 land within floodways, and for the floodproofing of public and private structures that  
25 remain in the 100–year floodplain.



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

3           1. One of the affected local governmental units upon application by all of the  
4 affected local governmental units.

5           2. A local governmental unit that has jurisdiction over the provision of storm  
6 water collection facilities for all of the affected local governmental units.

7           (c) The department may provide a cost-sharing grant for a project that affects  
8 one local governmental unit to that local governmental unit.

9           **(4) FINANCIAL ASSISTANCE.** (a) The department may provide local assistance  
10 grants and cost-sharing grants under this section. A local assistance grant may not  
11 exceed 70% of eligible costs, including planning and design costs. A cost-sharing  
12 grant may not exceed 70% of eligible costs for construction and real estate  
13 acquisition.

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

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

19           (b) The department may not provide a cost-sharing grant for a project under  
20 this section if any of the following applies:

21           1. The project would transfer flooding downstream.

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

24           3. The project would accelerate upstream runoff.

1 (c) The department shall include all of the following in the criteria for  
2 determining which eligible projects will receive cost-sharing grants under this  
3 section:

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

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

7 3. The extent to which a project uses storm water retention and detention  
8 structures and natural storage.

9 4. The extent to which a project provides opportunity for public access to water  
10 bodies and to the floodway.”.

11 **17.** Page 1318, line 19: after that line insert:

12 “**SECTION 3101m.** 823.08 (3) (c) 2. of the statutes is amended to read:

13 823.08 (3) (c) 2. If the agricultural use or agricultural practice alleged to be a  
14 nuisance was begun before October 14, 1997, a department may advise the court  
15 under subd. 1. only if the department determines that cost-sharing is available to  
16 the defendant under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.”.

17 (END)