

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: **03/26/2002**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **traderc**

May Contact: **LFB**

Addl. Drafters:

Subject: **Agriculture - soil and water**

Extra Copies:

Submit via email: **NO**

---

**Pre Topic:**

SCC:.....Engel - CN5501,

---

**Topic:**

Transfer land and water programs from DATCP

---

**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 03/30/2002	csicilia 04/01/2002	rschluet 04/01/2002	_____			
/P2	traderc 04/01/2002	csicilia 04/02/2002	pgreensl 04/02/2002	_____		lrb_docadmin 04/02/2002	
/1	traderc 04/02/2002	csicilia 04/02/2002	rschluet 04/02/2002	_____		lrb_docadmin 04/02/2002	
/2	traderc 04/03/2002	csicilia 04/03/2002	jfrantze 04/03/2002	_____		lrb_docadmin 04/03/2002	

FE Sent For:

**<END>**

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 03/26/2002

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Addl. Drafters:

Subject: Agriculture - soil and water

Extra Copies:

Submit via email: NO

---

**Pre Topic:**

SCC:.....Engel - CN5501,

---

**Topic:**

Transfer land and water programs from DATCP

---

**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 03/30/2002	csicilia 04/01/2002	rschluet 04/01/2002	_____			
/P2	traderc 04/01/2002	csicilia 04/02/2002	pgreensl 04/02/2002	_____	lrb_docadmin 04/02/2002		
/1	traderc 04/02/2002	csicilia 04/02/2002	rschluet 04/02/2002	_____	lrb_docadmin 04/02/2002		

FE Sent For:

1/2 cjs 4/3  
02  
Jo/Re  
<END>  
4/3

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 03/26/2002

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Addl. Drafters:

Subject: Agriculture - soil and water

Extra Copies:

Submit via email: NO

---

**Pre Topic:**

SCC:.....Engel - CN5501,

---

**Topic:**

Transfer land and water programs from DATCP

---

**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 03/30/2002	csicilia 04/01/2002	rschluet 04/01/2002	_____	_____	_____	_____
/P2	traderc 04/01/2002	csicilia 04/02/2002	pgreensl 04/02/2002	_____	lrb_docadmin 04/02/2002	_____	_____

FE Sent For:

1 cjs 4/2  
02



4-2-2 <END>

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: 03/26/2002

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Addl. Drafters:

Subject: Agriculture - soil and water

Extra Copies:

Submit via email: NO

Pre Topic:

SCC:.....Engel - CN5501,

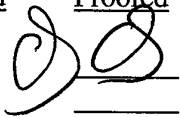
Topic:

Transfer land and water programs from DATCP

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>
/?	traderc	1/01 gjs 4/1 02		 4-1-2			

FE Sent For:

<END>

1/02 gjs 4/2  
02  
4/02 ps

4/2  
ps

## BUDGET REDUCTION RECOMMENDATION

### Summary of Recommendation

Reassign the tasks and programs in the Land and Water Resources Bureau in the Department of Agriculture, Trade, and Consumer Protection (DATCP) to other agencies performing the same or similar work. This restructure would reduce state expenditures by eliminating duplication of systems, by reducing overhead and supervision levels, and by taking advantage of economies of scale. An additional benefit gained would be to provide more consistency to stakeholders on land and water resource issues.

### Background

The Land and Water Resources Bureau resides within the Division of Agricultural Resource Management in the DATCP. The bureau has approximately 28 positions and consists of three sections:

1. Conservation Engineering Section: 9 field positions and 2 central office positions  
Engineers and engineering specialists provide direct assistance and training to counties and landowners in the design of best management practices (BMPs). Staff also inspect completed BMPs prior to fund disbursements.
2. Conservation Management Section: 9.5 positions  
Programs and functions in this section include:
  - Farmland Preservation - 4 positions
  - Conservation Reserve Enhancement Program (CREP) – 1.5 positions
  - Land and water resource management plans – 1 position
  - Soil erosion control – 1 position
  - Federal liaison and state/county liaison – 2 positions
3. Resource Evaluation and Grants Section: 7.5 positions  
Programs and functions in this section include:
  - Grant administration (grants to counties for staffing and for BMP construction) – 3.5 positions
  - Drainage district program – 1 position
  - Agricultural impact statements – 2 positions
  - Livestock ordinances – 1 position

### Relocations of Programs and Functions

The following details where each program and function currently managed in the DATCP Land and Water Resources Bureau would be relocated.

1. Eliminate the Land and Water Resources Bureau Director Position
2. University of Wisconsin Extension  
The UW-Extension currently has a network of education specialists stationed throughout the state working with counties and landowners on land and water resource management

issues. In addition, significant resources for soil erosion and for resource planning exist within both the Extension and the University of Wisconsin.

It is recommended that the following programs and functions be transferred to UW-Extension:

- Conservation Engineering Section
- Land and water resource management plans
- Soil erosion control
- Federal liaison and state/county liaison

3. Wisconsin Department of Natural Resources (DNR)

- Grant management functions  
to the Bureau of Community Financial Assistance. DNR has the same customer base for these grants and makes the same types of grants for BMP construction. In addition, prior to 2001, DNR managed the staffing grants to the counties.
- Drainage district program  
Transfer to the DNR Water Division. DNR already manages similar functions and this transfer would provide the customer with one agency to work with for all drainage issues.
- Conservation Reserve Enhancement Program (CREP)  
DNR manages the Stewardship program which involves purchase of land directly by DNR and by other entities via grants issued by DNR. The land issues are the same and processes are very similar for the CREP program. The original CREP legislation housed this program at DNR.

4. Programs and Functions to Remain at DATCP, transferred to the Office of Policy and Program Analysis:

- Livestock ordinance
- Agricultural impact statements
- Farmland Preservation



SA /  
K-refs U

State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2741/P1  
RCT.../....  
y's

SCC:.....Engel - CN5501, Transfer land and water programs from DATCP

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

INSERTS

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 8, line 21: after that line insert:
- 3 "SECTION 13g. 15.07 (1) (cm) of the statutes is amended to read:
- 4 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
- 5 May 1. The terms of 3 members of the development finance board appointed under
- 6 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
- 7 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
- 8 every odd-numbered year. The terms of the 3 members of the land and water
- 9 conservation board appointed under s. 15.135 15.435 (4) (b) 2. shall expire on
- 10 January 1. The term of the member of the land and water conservation board



345

1 appointed under s. 15.135 15.435 (4) (b) 2m. shall expire on May 1 of an  
2 even-numbered year. The terms of members of the real estate board shall expire on  
3 July 1. The terms of the appraiser members of the real estate appraisers board and  
4 the terms of the auctioneer and auction company representative members of the  
5 auctioneer board shall expire on May 1 in an even-numbered year.”

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27; 1999 a. 9, 44, 181, 197; 2001 a. 16.

6 **2.** Page 10, line 6: after that line insert:

7 “SECTION 14cg. 15.135 (4) of the statutes is renumbered 15.345 (4) and 15.345  
8 (4) (am), as renumbered, is amended to read:

9 15.345 (4) (am) *Creation.* There is created a land and water conservation board  
10 which is attached to the department of ~~agriculture, trade and consumer protection~~  
11 natural resources under s. 15.03.”

History: 1971 c. 125; 1973 c. 299; 1977 c. 29 ss. 32d, 33, 1650m (2), (4); 1979 c. 361 s. 112; 1981 c. 305, 346; 1983 a. 27; 1985 a. 20, 29, 153; 1987 a. 27, 281; 1989 a. 31, 219; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27, 111.

12 **3.** Page 13, line 11: after that line insert:

13 “SECTION 28j. 20.115 (7) (b) of the statutes is renumbered 20.370 (7) (bb).

14 SECTION 28jg. 20.115 (7) (c) of the statutes is renumbered 20.370 (6) (ac).

15 SECTION 28km. 20.115 (7) (d) of the statutes, as affected by 2001 Wisconsin Act  
16 16, is renumbered 20.370 (6) (dd).

17 SECTION 28ks. 20.115 (7) (f) of the statutes is renumbered 20.370 (7) (hh).

18 SECTION 28L. 20.115 (7) (qd) of the statutes is renumbered 20.370 (6) (dd).”

19 **4.** Page 21, line 25: after that line insert:

20 “SECTION 64h. 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act  
21 16, is amended to read:

22 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
23 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and ~~(7) (b) and (f)~~, 20.190 (1)

STET: leave as originally typed

as

1 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
2 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and  
3 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),  
4 (at), (au), (ba), (bb), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (df), (ea), (eq), and (er), 20.395 ✓  
5 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6)  
6 (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and  
7 (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (bt), (g),  
8 (h), (i), and (q) for the payment of principal and interest on public debt contracted  
9 under subchs. I and IV of ch. 18.” ✓

**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, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16.

10 **5.** Page 22, line 9: after that line insert:

as affected by 2001 Wisconsin Act 16,

11 “SECTION 64vg. 20.866 (2) (we) of the statutes is amended to read:

12 20.866 (2) (we) *Agriculture Natural resources; soil and water.* From the capital  
13 improvement fund, a sum sufficient for the department of agriculture, trade and  
14 consumer protection natural resources to provide for soil and water resource  
15 management under s. 92.14. The state may contract public debt in an amount not  
16 to exceed \$13,575,000 for this purpose. ✓

**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, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16.

17 **SECTION 64vm. 20.866 (2) (wf) of the statutes is amended to read:**

18 20.866 (2) (wf) *Agriculture Natural resources; conservation reserve*  
19 *enhancement.* From the capital improvement fund, a sum sufficient for the  
20 department of agriculture, trade and consumer protection natural resources to fund

1 the conservation reserve enhancement program under s. ~~93.70~~ 281.52. The state  
2 may contract public debt in an amount not to exceed \$40,000,000 for this purpose.”

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, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16.

3 **6.** Page 30, line 17: after that line insert:

4 “SECTION 88p. 30.46 (1) (a) of the statutes is amended to read:

5 30.46 (1) (a) The development and use comply with the rules for the soil and  
6 water resource management program promulgated by ~~the department of~~  
7 ~~agriculture, trade and consumer protection~~ under s. 92.14; and

History: 1989 a. 31; 1991 a. 189.

8 **SECTION 88pm.** 30.46 (2) of the statutes is amended to read:

9 30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with  
10 rules for the soil and water resource management program promulgated under s.  
11 92.14 ~~by the department of agriculture, trade and consumer protection~~ for land in the  
12 riverway and that is in agricultural use on October 31, 1989.”

History: 1989 a. 31; 1991 a. 189.

13 **7.** Page 31, line <sup>(17)</sup> 9: after that line insert:

14 “SECTION <sup>(93c)</sup> ~~92v.~~ 36.25 (7) of the statutes is amended to read:

15 36.25 (7) SOIL AND WATER CONSERVATION. The board is responsible for research  
16 and educational programs regarding soil and water conservation. The board shall  
17 cooperate with the land and water conservation board, the department of  
18 ~~agriculture, trade and consumer protection~~ natural resources and the counties in  
19 carrying out its soil and water conservation programs. The board shall prepare  
20 annually a written program of planned educational activities in soil and water  
21 conservation.”

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332

s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27, 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283; 1999 a. 9; 2001 a. 16.

1           **8.** Page 154, line 4: after that line insert:

2           “**SECTION 259cd.** 88.11 (1) (intro.) of the statutes is amended to read:

3           88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~  
4           natural resources shall employ an engineer, who shall be the state drainage engineer,  
5           to improve district operations. The department shall do all of the following:

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

6           **SECTION 259ce.** 88.11 (1) (e) of the statutes is repealed.

7           **SECTION 259cf.** 88.11 (1) (i) of the statutes is amended to read:

8           88.11 (1) (i) Establish, by rule, performance standards for drainage district  
9           structures, ditches, maintenance and operations, in order to minimize adverse  
10          effects on water quality. The performance standards shall be consistent with any  
11          requirements imposed by ~~the department of natural resources~~ under s. 88.31.

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

12          **SECTION 259cg.** 88.11 (1m) of the statutes is amended to read:

13          88.11 (1m) The department of ~~agriculture, trade and consumer protection~~  
14          natural resources may perform any functions related to drainage districts that the  
15          department considers appropriate.

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

16          **SECTION 259ch.** 88.11 (2) of the statutes is amended to read:

17          88.11 (2) The state drainage engineer shall provide technical assistance to  
18          improve district operations on the request of the ~~department of natural resources,~~  
19          drainage board, landowners in the district or the judge.

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

20          **SECTION 259ci.** 88.11 (3) (intro.) of the statutes is amended to read:

21          88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single  
22          project, the board or the petitioners, before the hearing on the report under s. 88.34,

1 88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~  
2 ~~consumer protection~~ natural resources on all of the following:

Insert  
6-2

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

3 **SECTION 259cj.** 88.11 (5) (intro.) of the statutes is amended to read:

4 88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~  
5 ~~consumer protection~~ natural resources under sub. (3) also shall include a report of  
6 the college of agriculture and life sciences of the University of Wisconsin-Madison  
7 on all of the following:

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

8 **SECTION 259ck.** 88.11 (6) of the statutes is amended to read:

9 88.11 (6) A drainage district shall comply with the rules promulgated under  
10 this section and any requirements imposed by the department of ~~agriculture, trade~~  
11 ~~and consumer protection~~ natural resources under this section.

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

12 **SECTION 259cL.** 88.11 (7) of the statutes is amended to read:

13 88.11 (7) The department of ~~agriculture, trade and consumer protection~~  
14 natural resources may issue a special order directing the immediate cessation of  
15 work regulated under this section until the necessary plan approval is obtained or  
16 until the project complies with this section.

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

17 **SECTION 259cn.** 88.13 of the statutes is amended to read:

18 **88.13 Right to enter lands of drainage district.** Whenever necessary for  
19 any purpose connected with the organization of a district or the construction,  
20 maintenance or repair of drains and other works, members of the board,  
21 representatives of the department of ~~agriculture, trade and consumer protection~~  
22 natural resources, and persons intending to bid on or to whom contracts have been  
23 let for the construction of the works within a district and their respective agents and

1 employees may go upon any lands proposed for inclusion or included within a district  
2 or on adjoining lands, and are not guilty of trespass therefor but are liable for  
3 unnecessary damage caused to crops or structures.

History: 1989 a. 31.

4 **SECTION 259cp.** 88.15 of the statutes is amended to read:

5 **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115  
6 ~~(7) (d) 20.370 (6) (dd)~~, the department of ~~agriculture, trade and consumer protection~~  
7 natural resources shall make grants to boards to assist boards to comply with this  
8 chapter and rules promulgated under this chapter. A grant under this section may  
9 not exceed 60% of the costs incurred by the board to comply with this chapter and  
10 rules promulgated under this chapter.

11 (2) The department of ~~agriculture, trade and consumer protection~~ natural  
12 resources shall promulgate rules for the administration of the program under this  
13 section.

14 (3) The department of ~~agriculture, trade and consumer protection~~ natural  
15 resources may not make grants under this section after June 30, 2006.

History: 1999 a. 9.

16 **SECTION 259cq.** 88.19 (4) (a) (intro.) of the statutes is amended to read:

17 88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and  
18 standards under rules that the department of ~~agriculture, trade and consumer~~  
19 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

History: 1991 a. 316; 1993 a. 456.

20 **SECTION 259cr.** 88.19 (4) (d) of the statutes is amended to read:

21 88.19 (4) (d) Before any records may be destroyed under this subsection, the  
22 secretary of the drainage board and the county zoning administrator shall give at  
23 least 60 days' prior written notice of the proposed destruction to the state historical  
24 society, which may preserve records that it determines to be of historical interest, and

1 shall give at least 60 days' prior written notice to the state drainage engineer, who  
2 may preserve records determined to be of interest to the department of ~~agriculture,~~  
3 ~~trade and consumer protection~~ natural resources.

History: 1991 a. 316; 1993 a. 456.

4 **SECTION 259cs.** 88.21 (5) of the statutes is amended to read:

5 **88.21 (5)** Employ legal counsel, engineers and other assistants. Any engineer  
6 employed by the board shall be selected from a list of professional engineers approved  
7 by the department of ~~agriculture, trade and consumer protection~~ natural resources.  
8 The department of ~~agriculture, trade and consumer protection~~ natural resources  
9 shall furnish each drainage board, upon request, a list of professional engineers  
10 whom it considers qualified by training and experience to give competent advice in  
11 drainage matters.

History: 1989 a. 31; 1993 a. 456.

12 **SECTION 259ct.** 88.24 (intro.) of the statutes is amended to read:

13 **88.24 Board to file annual report.** (intro.) On or before December 1 of each  
14 year the board shall file with the department of ~~agriculture, trade and consumer~~  
15 ~~protection~~ natural resources and the county zoning administrator a separate report,  
16 for the preceding year ending August 31, on each drainage district under the board's  
17 jurisdiction. The reports shall constitute part of the records of the districts reported  
18 on, shall be verified by the oath of one or more of the board members, and shall  
19 contain:

History: 1993 a. 456.

20 **SECTION 259cu.** 88.32 (3m) of the statutes is amended to read:

21 **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report  
22 shall be submitted to the department of ~~agriculture, trade and consumer protection~~  
23 natural resources before it is filed with the court. Within 45 days after receipt of the  
24 report, the department shall return it with a copy of the report prepared under s.

1 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation  
2 of the district.

History: 1993 a. 246, 456.

3 **SECTION 259cv.** 88.35 (7) of the statutes is amended to read:

4 88.35 (7) If the area of the district exceeds 200 acres, the report shall be  
5 submitted to the department of ~~agriculture, trade and consumer protection~~ natural  
6 resources. Within 45 days after its receipt, the department shall return it with a copy  
7 of the report prepared under s. 88.11 (3) and (5) and the department's approval or  
8 disapproval of the report prepared under sub. (6).

History: 1979 c. 110; 1989 a. 31; 1993 a. 456; 1999 a. 9.

9 **SECTION 259cw.** 88.77 (2) of the statutes is amended to read:

10 88.77 (2) If the undrained portion of the area proposed to be annexed to the  
11 district exceeds 200 acres, the drainage board shall request the report described  
12 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~  
13 ~~protection~~ natural resources on the annexation. Within 60 days after the request,  
14 the department shall prepare and return a copy of the report and its approval or  
15 disapproval, as provided under s. 88.35 (7).

History: 1993 a. 456.

16 **SECTION 259ec.** 92.03 (2) of the statutes is amended to read:

17 92.03 (2) "Board" means the land and water conservation board ~~created under~~  
18 ~~s. 15.135 (4)~~.

History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1993 a. 16, 112.

19 **SECTION 259ee.** 92.03 (3) of the statutes is amended to read:

20 92.03 (3) "Department" means the department of ~~agriculture, trade and~~  
21 ~~consumer protection~~ natural resources.

History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1993 a. 16, 112.

22 **SECTION 259eg.** 92.04 (2) (b) of the statutes is amended to read:



1           92.04 (2) (b) *Review land and water resource management plans.* The board  
2 shall review land and water resource management plans prepared under s. 92.10  
3 and make recommendations to the department University of Wisconsin–Extension  
4 on approval or disapproval of those plans.

5 History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1983 a. 416; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (8); 1987 a. 27; 1993 a. 16, 166; 1995 a. 227; 1997 a. 27.

**SECTION 259ei.** 92.04 (2) (e) of the statutes is amended to read:

6           92.04 (2) (e) *Review joint evaluation plan.* The board shall review the  
7 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make  
8 recommendations on the plan to the department and to ~~the department of natural~~  
9 ~~resources.~~

10 History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1983 a. 416; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (8); 1987 a. 27; 1993 a. 16, 166; 1995 a. 227; 1997 a. 27.

**SECTION 259ek.** 92.05 (1) of the statutes is amended to read:

11           92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state  
12 responsible for setting and implementing statewide soil and water conservation  
13 policies and administering the state's soil and water conservation programs. The  
14 department shall coordinate its soil and water conservation program with the  
15 nonpoint source water pollution abatement program established under s. 281.65, the  
16 inland lake protection and rehabilitation program established under ch. 33 and other  
17 programs with objectives related to soil and water conservation administered by the  
18 ~~department of natural resources~~ or by other state or federal agencies.

19 History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1987 a. 27; 1991 a. 309; 1995 a. 227; 1997 a. 27; 1999 a. 9.

**SECTION 259en.** 92.05 (3) (f) of the statutes is repealed.

20           **SECTION 259ep.** 92.05 (3) (L) of the statutes is amended to read:

21           92.05 (3) (L) *Technical assistance; performance standards.* The department  
22 shall provide technical assistance to county land conservation committees and local  
23 units of government for the development of ordinances that implement standards  
24 adopted under s. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38 (2) or (3) or 281.16 (3). The

1 department's technical assistance shall include preparing model ordinances,  
2 providing data concerning the standards and reviewing draft ordinances to  
3 determine whether the draft ordinances comply with applicable statutes and rules.

History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1987 a. 27; 1991 a. 309; 1995 a. 227; 1997 a. 27; 1999 a. 9.

\*\*\*\*NOTE: What to do with this?

4 **SECTION 259fd.** 92.10 (1) of the statutes is amended to read:

5 92.10 (1) CREATION. There is created a land and water resource management  
6 planning program. The department University of Wisconsin-Extension, board and  
7 land conservation committees jointly shall develop and administer this program.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

8 **SECTION 259ff.** 92.10 (4) (title) of the statutes is amended to read:

9 92.10 (4) (title) IMPLEMENTATION; ~~DEPARTMENT~~ EXTENSION DUTIES.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

10 **SECTION 259fg.** 92.10 (4) (a) of the statutes is amended to read:

11 92.10 (4) (a) *Data*. The department University of Wisconsin-Extension shall  
12 develop a systematic method of collecting and organizing data related to soil erosion.  
13 The department University of Wisconsin-Extension shall cooperate with the land  
14 information board under s. 16.967 in developing this methodology or any related  
15 activities related to land information collection.

NOTE: NOTE: Par. (a) is amended eff. 9-1-03 by 1997 Wis. Act 27 to read:NOTE:

16 **SECTION 259gb.** 92.10 (4) (a) of the statutes, as affected by 1997 Wisconsin Act  
17 27 and 2001 Wisconsin Act ... (this act), is repealed and recreated to read:

18 (a) *Data*. The University of Wisconsin-Extension shall develop a systematic  
19 method of collecting and organizing data related to soil erosion.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

20 **SECTION 259fi.** 92.10 (4) (c) of the statutes is amended to read:

92.10 (4)

1           92.10 (4) (c) *Plan assistance.* The department University of  
2 Wisconsin-Extension shall assist land conservation committees in preparing land  
3 and water resource management plans.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

4           **SECTION 259fj.** 92.10 (4) (d) of the statutes is amended to read:

5           92.10 (4) (d) *Plan review.* The department University of Wisconsin-Extension  
6 shall review and approve or disapprove land and water resource management plans  
7 submitted by the land conservation committees. The department University of  
8 Wisconsin-Extension may require land conservation committees to indicate specific  
9 projects to be funded under each plan and the related cost-sharing rates.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

10          **SECTION 259fl.** 92.10 (5) (a) of the statutes is amended to read:

11          92.10 (5) (a) *Plan review.* The board shall review land and water resource  
12 management plans submitted by the land conservation committees and make  
13 recommendations to the department University of Wisconsin-Extension.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

14          **SECTION 259fn.** 92.10 (5) (b) of the statutes is amended to read:

15          92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land  
16 conservation committee plans from the agencies identified as advisers to the board  
17 under s. ~~15.135~~ 15.435 (4). 345

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

18          **SECTION 259fp.** 92.10 (6) (a) 1. of the statutes is amended to read:

19          92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion  
20 conditions throughout the county, including any assessment available from the  
21 department of ~~natural resources~~.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

22          **SECTION 259fr.** 92.10 (6) (d) of the statutes is amended to read:

1           **92.10 (6) (d) *Plan submission.*** A land conservation committee shall submit the  
2 land and water resource management plan to the board and ~~department~~ University  
3 of Wisconsin–Extension.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

4           **SECTION 259ft.** 92.10 (8) of the statutes is amended to read:

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

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9.

10           **SECTION 259hc.** 92.14 (2) (j) of the statutes is repealed.

11           **SECTION 259he.** 92.14 (3) (intro.) of the statutes is amended to read:

12           **92.14 (3) BASIC ALLOCATIONS TO COUNTIES.** (intro.) To help counties fund their  
13 land and water conservation activities, the department shall award an annual grant  
14 from the appropriation under s. ~~20.115 (7) (e)~~ 20.370 (6) (ac) or ~~(ed)~~ <sup>(as)</sup> for s. 20.866 (2)  
15 (we) to any county land conservation committee that has a land and water resource  
16 management plan approved by the department under s. 92.10 (4) (d), and that, by  
17 county board action, has resolved to provide any matching funds required under sub.  
18 (5g). The county may use the grant for land and water resource management  
19 planning and for any of the following purposes, consistent with the approved land  
20 and water resource management 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; 1999 a. 9, 185; 2001 a. 16.

21           **SECTION 259hg.** 92.14 (6) (b) of the statutes is amended to read:

22           **92.14 (6) (b)** The department ~~and the department of natural resources~~ shall  
23 prepare an annual grant allocation plan identifying the amounts to be provided to  
24 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the

1 ~~departments~~ department shall attempt to provide funding under this section for an  
2 average of 3 staff persons per county with full funding for the first staff person, 70%  
3 funding for the 2nd staff person and 50% funding for any additional staff persons and  
4 to provide an average of \$100,000 per county for cost-sharing grants. The  
5 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; 1999 a. 9, 185; 2001 a. 16.

6 **SECTION 259hi.** 92.14 (6) (d) of the statutes is amended to read:

7 92.14 (6) (d) The board shall review the annual allocation plan submitted to  
8 it under par. (b) and make recommendations to the department of ~~agriculture, trade~~  
9 ~~and consumer protection and the department of natural resources~~ on approval,  
10 modification or disapproval of 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; 1999 a. 9, 185; 2001 a. 16.

11 **SECTION 259hk.** 92.14 (6) (h) 3. of the statutes is amended to read:

12 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the  
13 department of ~~natural resources~~ to act under ch. 283.

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; 1999 a. 9, 185; 2001 a. 16.

14 **SECTION 259hm.** 92.14 (6) (m) of the statutes is amended to read:

15 92.14 (6) (m) The department of ~~agriculture, trade and consumer protection~~  
16 ~~and the department of natural resources~~ shall assist counties in conducting the  
17 activities for which grants under sub. (3) may be used.

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; 1999 a. 9, 185; 2001 a. 16.

18 **SECTION 259hp.** 92.14 (8) of the statutes is amended to read:

19 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~  
20 The department shall promulgate rules to administer this section and the  
21 department's duties under s. 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; 1999 a. 9, 185; 2001 a. 16.

22 **SECTION 259hr.** 92.14 (13) of the statutes is amended to read:

Insert  
14-21

1            92.14 (13) EVALUATION PLAN. ~~The department, jointly with the department of~~  
2 ~~natural resources,~~ shall prepare a plan, which includes water quality monitoring and  
3 analysis, for evaluating the program administered under this section and s. 281.65  
4 and submit the plan to the board. The board shall make recommendations to the  
5 department ~~and the department of natural resources~~ on the plan. The department  
6 shall review and ~~approve or disapprove~~ decide whether to modify the plan and shall  
7 notify the board of its final action on the plan. The department shall implement ~~any~~  
8 ~~part of the plan for which the plan gives it responsibility.~~

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; 1999 a. 9, 185; 2001 a. 16.

9            **SECTION 259ht.** 92.14 (14) of the statutes is amended to read:

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

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; 1999 a. 9, 185; 2001 a. 16.

17           **SECTION 259hv.** 92.14 (14m) of the statutes is amended to read:

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

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; 1999 a. 9, 185; 2001 a. 16.

23           **SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.”

24           9. Page 154, line 18: after that line insert:

259hw  
§ Section 259hw, RP; 92.14 (15)

1           “SECTION 260h. 93.70 of the statutes is renumbered 281.52.”

2           **10.** Page 182, line 16: after that line insert:

3           “SECTION 369jd. 281.16 (3) (b) of the statutes is amended to read:

4           281.16 (3) (b) The department of ~~agriculture, trade and consumer protection,~~  
5           in consultation with the department of natural resources University of  
6           Wisconsin-Extension, shall promulgate rules prescribing conservation practices to  
7           implement the performance standards and prohibitions under par. (a) and specifying  
8           a process for the development and dissemination of technical standards to  
9           implement the performance standards and prohibitions under par. (a).

History: 1997 a. 27; 1999 a. 9.

10          SECTION 369je. 281.16 (3) (c) of the statutes is amended to read:

11          281.16 (3) (c) Using the process specified under par. (b), the department of  
12          ~~agriculture, trade and consumer protection~~ shall develop and disseminate technical  
13          standards to implement the performance standards and prohibitions under par. (a).  
14          The department of ~~agriculture, trade and consumer protection~~ shall disseminate  
15          alternative technical standards for situations in which more than one method exists  
16          to implement the performance standards and prohibitions.

History: 1997 a. 27; 1999 a. 9.

17          SECTION 369jg. 281.16 (3) (e) of the statutes is amended to read:

18          281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
19          is in existence before October 14, 1997, may not be required by this state or a  
20          municipality to comply with the performance standards, prohibitions, conservation  
21          practices or technical standards under this subsection unless cost-sharing is  
22          available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
23          For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38  
24          (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules

92.14 or

1 that specify criteria for determining whether cost-sharing is available under s.  
2 281.65 and the department of agriculture, trade and consumer protection shall  
3 promulgate rules that specify criteria for determining whether cost sharing is  
4 available under s. ~~92.14~~ or from any other source. The rules may not allow a  
5 determination that cost-sharing is available to meet local regulations under s. 92.07  
6 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance ✓  
7 standards, prohibitions, conservation practices or technical standards under this  
8 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from  
9 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the  
10 rules.

History: 1997 a. 27; 1999 a. 9.

11 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:  
12 281.20 (1) (a) Order or cause the abatement of pollution which the department,  
13 in consultation with the ~~department of agriculture, trade and consumer protection~~  
14 University of Wisconsin-Extension if the source is agricultural, has determined to  
15 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),  
16 including pollution which causes the violation of a water quality standard, pollution  
17 which significantly impairs aquatic habitat or organisms, pollution which restricts  
18 navigation due to sedimentation, pollution which is deleterious to human health or  
19 pollution which otherwise significantly impairs water quality, except that under this  
20 paragraph the department may not order or cause the abatement of any pollution  
21 caused primarily by animal waste or of pollution from an agricultural source that is  
22 located in a priority watershed or priority lake area unless the source is designated



1 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or  
2 a modification to such a plan under s. 281.65 (5s).

3 History: 1995 a. 227 ss. 393, 394, 395.

3 **SECTION 369kh.** 281.20 (3) (c) of the statutes is amended to read:

4 281.20 (3) (c) If the nonpoint source which is the subject of a notice under par.  
5 (a) is agricultural, the department shall send the notice to the ~~department of~~  
6 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension. The  
7 ~~department of agriculture, trade and consumer protection~~ University of  
8 Wisconsin-Extension shall do all of the following:

9 1. Upon receipt of the notice and in cooperation with the land conservation  
10 committee, provide to the person whom the department has determined to be  
11 responsible for the nonpoint source under sub. (1) (a) a listing of management  
12 practices which, if followed, would reduce pollution to an amount determined to be  
13 acceptable by the department, in consultation with either the ~~department of~~  
14 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension or  
15 the land conservation committee. The list shall, with reasonable limits, set forth all  
16 of the options which are available to the person to reduce pollution to that amount  
17 of pollution. The ~~department of agriculture, trade and consumer protection~~ shall  
18 provide to each person receiving a notice an explanation of financial aids and  
19 technical assistance which may be available to the person for the abatement of  
20 pollution or the implementation of best management practices from the department  
21 ~~of agriculture, trade and consumer protection~~ under s. 92.14 and from other sources.

22 2. Issue a report to the department within one year after the date of the notice  
23 describing the actions taken by the person receiving the notice and a  
24 recommendation as to whether the department should issue an order to abate the

1 pollution or implement the best management practices. Notwithstanding par. (a),  
2 the department may not issue an order until the department receives that report  
3 unless the department determines that the pollution is causing or will cause severe  
4 water quality degradation which could be mitigated or prevented by abatement  
5 action taken in less than one year and unless the ~~department of agriculture, trade~~  
6 ~~and consumer protection~~ University of Wisconsin-Extension files a concurring  
7 determination in writing with the department within 30 days after receiving notice  
8 of the department's determination.

History: 1995 a. 227 ss. 393, 394, 395.

9 **SECTION 369kk.** 281.20 (3) (d) 3. of the statutes is amended to read:

10 281.20 (3) (d) 3. If the nonpoint source is agricultural, the department provides  
11 a copy of the temporary emergency order to the ~~department of agriculture, trade and~~  
12 ~~consumer protection~~ University of Wisconsin-Extension and to the land  
13 conservation committee created under s. 92.06 in every county in which the nonpoint  
14 source is located.

History: 1995 a. 227 ss. 393, 394, 395.

15 **SECTION 369pc.** 281.65 (3) (f) of the statutes is amended to read:

16 281.65 (3) (f) Require the department ~~and the department of agriculture, trade~~  
17 ~~and consumer protection~~ to conduct or contract for another person to conduct any  
18 evaluation or audit of the program under this section and of individual priority  
19 watershed or priority lake projects that the board determines is necessary.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

20 **SECTION 369pf.** 281.65 (4) (as) of the statutes is amended to read:

21 281.65 (4) (as) Consult with the <sup>Plain Space</sup> ~~department of agriculture, trade and consumer~~  
22 ~~protection~~ University of Wisconsin-Extension in developing any federal grant  
23 application under par. (ar). Every application is subject to s. 16.54 and shall include

1 the proposed expenditures of federal nonpoint source water pollution abatement  
2 grant moneys and the allocation of such moneys between the department and the  
3 department of agriculture, trade and consumer protection University of  
4 Wisconsin-Extension.

\*\*\*\*NOTE: I'm not certain about the treatment of this provision.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

5 **SECTION 369ph.** 281.65 (4) (dr) of the statutes is amended to read:

6 281.65 (4) (dr) Appoint a committee for each priority watershed and priority  
7 lake, to advise the department, ~~the department of agriculture, trade and consumer~~  
8 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint  
9 source pollution abatement financial assistance program. Each committee shall  
10 include at least 2 farmers as members if the priority watershed or priority lake area  
11 includes property in agricultural use. Each committee shall include at least 2  
12 representatives of a public inland lake protection and rehabilitation district that is  
13 within the priority watershed or priority lake area or, if one does not exist, of riparian  
14 property owners. Each committee for a priority watershed or priority lake area with  
15 any area in the Milwaukee River basin shall include a member of the county board  
16 from each county with any area in that priority watershed or priority lake area.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

17 **SECTION 369pi.** 281.65 (4) (e) of the statutes is amended to read:

18 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~  
19 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension, as  
20 are necessary for the proper execution and administration of the program under this  
21 section. Before promulgating rules under this paragraph, the department shall  
22 submit the rules to the land and water conservation board for review under sub. (3)

1 (at). The rules shall include standards and specifications concerning best  
2 management practices which are required for eligibility for cost-sharing grants  
3 under this section. The standards and specifications shall be consistent with the  
4 performance standards, prohibitions, conservation practices and technical  
5 standards under s. 281.16. The department may waive the standards and  
6 specifications in exceptional cases. The rules shall specify which best management  
7 practices are cost-effective best management practices. Only persons involved in the  
8 administration of the program under this section, persons who are grant recipients  
9 or applicants and persons who receive notices of intent to issue orders under s. 281.20  
10 (1) (b) are subject to the rules promulgated under this paragraph. Any rule  
11 promulgated under this paragraph which relates or pertains to agricultural  
12 practices relating to animal waste handling and treatment is subject to s. 13.565.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

13 **SECTION 369pk.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

14 281.65 (4) (g) (intro.) In cooperation with the ~~department of agriculture, trade~~  
15 ~~and consumer protection~~ University of Wisconsin-Extension and the appropriate  
16 governmental unit, prepare priority watershed and priority lakes plans to  
17 implement nonpoint source water pollution abatement projects in priority  
18 watersheds and priority lake areas. In preparing the plans, the department shall:

\*\*\*\*NOTE: Is it appropriate to include UW-Extension here?

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

19 **SECTION 369pL.** 281.65 (4) (g) 2. of the statutes is amended to read:

20 281.65 (4) (g) 2. Promote significant participation from the ~~department of~~  
21 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension and

1 other state agencies, governmental units and other persons located in any priority  
2 watershed or in any priority lake area that is the subject of the plan.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

3 **SECTION 369pn.** 281.65 (4) (g) 4. of the statutes is amended to read:

4 281.65 (4) (g) 4. In cooperation with the ~~department of agriculture, trade and~~  
5 ~~consumer protection~~ University of Wisconsin-Extension, incorporate the  
6 appropriate best management practices into the plan.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

7 **SECTION 369pp.** 281.65 (4) (i) of the statutes is repealed.

8 **SECTION 369pr.** 281.65 (4) (L) of the statutes is amended to read:

9 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~  
10 ~~department of agriculture, trade and consumer protection~~, submit a budget report  
11 to the board that includes anticipated expenditures for projects under this section  
12 during the next year, criteria for ending projects under this section and, if anticipated  
13 expenditures exceed anticipated funding, a plan for reducing expenditures.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

14 **SECTION 369pt.** 281.65 (4) (o) of the statutes is amended to read:

15 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~  
16 ~~trade and consumer protection~~, submit a report on the progress of the program under  
17 this section to the land and water conservation board.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

18 **SECTION 369pu.** 281.65 (4) (p) of the statutes is amended to read:

19 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~  
20 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~  
21 ~~shall review and approve or disapprove the plan and shall notify the land and water~~

1

conservation board of its final action on the plan. The department shall implement

2

any part of the plan for which the plan gives it responsibility. *plain period*

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

3

**SECTION 369pv.** 281.65 (4) (pm) of the statutes is amended to read:

4

281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~

5

~~protection, develop~~ Develop the forms required and implement the process under s.

6

92.14 (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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

7

**SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001

8

Wisconsin Act 16, is amended to read:

9

281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~

10

~~agriculture, trade and consumer protection,~~ determines that funding provided under

11

s. 92.14 is insufficient to fund the project.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

12

**SECTION 369pz.** 281.65 (4m) (c) of the statutes is amended to read:

13

281.65 (4m) (c) The department shall submit a copy of any plan it completes

14

under this subsection to any county located in or containing any watershed which is

15

a subject of the plan and to the ~~department of agriculture, trade and consumer~~

16

~~protection~~ University of Wisconsin-Extension. *plain space* The ~~department of agriculture, trade~~

17

~~and consumer protection~~ University of Wisconsin-Extension shall review the plan

18

and notify the department ~~of natural resources~~ of its comments on the plan. A county

19

receiving a plan under this subsection shall review the plan, approve or disapprove

20

the plan and notify the department ~~of natural resources~~ of its action on the plan.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

21

**SECTION 369qc.** 281.65 (4m) (d) of the statutes is amended to read:

1           281.65 (4m) (d) After the department considers the comments of the  
2 ~~department of agriculture, trade and consumer protection~~ University of  
3 Wisconsin-Extension on a plan under par. (c) and receives approval of the plan by  
4 every county to which it was sent and by the land and water conservation board, the  
5 department shall designate the plan to be an element of the appropriate areawide  
6 water quality management plan under P.L. 92–500, section 208.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

7           **SECTION 369qe.** 281.65 (5m) of the statutes is amended to read:

8           281.65 (5m) Upon completion of plans by the department under sub. (4) (g), the  
9 governmental unit or regional planning commission under sub. (4m) and the  
10 department of agriculture, trade and consumer protection under sub. (5), and upon  
11 receiving the approval of the land and water conservation board, the department  
12 shall prepare and approve the final plan for a priority watershed or priority lake.

\*\*\*NOTE: Need to figure out what to do with this.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

13           **SECTION 369qh.** 281.65 (7) (a) 2. of the statutes is amended to read:

14           281.65 (7) (a) 2. A county land conservation committee receiving a request  
15 under subd. 1. shall provide the owner or operator with a hearing and shall provide  
16 reasonable notice of the hearing to the owner or operator, the department and the  
17 ~~department of agriculture, trade and consumer protection~~ University of  
18 Wisconsin-Extension. The county land conservation committee shall conduct the  
19 hearing under this subdivision as an informal hearing. Section 68.11 (2) does not  
20 apply to the hearing. The land conservation committee shall hold the hearing in a  
21 place convenient to the owner or operator. Within 60 days after the hearing, the  
22 department shall, and the ~~department of agriculture, trade and consumer protection~~

1 University of Wisconsin–Extension may, submit a report and recommendation to the  
2 land conservation committee concerning the issues at the hearing. The land  
3 conservation committee may affirm or reverse the designation of the site as a critical  
4 site.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

5 **SECTION 369qj.** 281.65 (10) of the statutes is amended to read:

6 281.65 (10) To the greatest extent practicable, the department, ~~the department~~  
7 ~~of agriculture, trade and consumer protection~~ and the administering and  
8 implementing governmental unit shall encourage and utilize the Wisconsin  
9 conservation corps for appropriate projects.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

10 **SECTION 369qL.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act  
11 16, is amended to read:

12 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay  
13 River is a priority watershed for the period ending on June 30, 2005.  
14 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and  
15 (e), the department, in consultation with the local units of government involved with  
16 the priority watershed project, shall establish guidelines for the types of nonpoint  
17 source water pollution abatement practices to be eligible for cost-sharing grants in  
18 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in  
19 the watershed may be based on the amount of pollution reduction achieved rather  
20 than on the cost of the practices installed, using guidelines developed by the  
21 department, in consultation with the local units of government involved with the  
22 priority watershed project. In providing funding under s. 92.14 (3), the department  
23 ~~of agriculture, trade and consumer protection~~ shall determine the amount of



1 matching funds required for staff for the priority watershed project as though the  
2 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The  
3 department and the local governmental staff involved with the priority watershed  
4 project shall evaluate the cost effectiveness of the project and the reduction in  
5 nonpoint source water pollution associated with the project.

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; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

6 **SECTION 369sc.** 281.67 of the statutes is repealed.

7 **SECTION 369tc.** 281.695 (5) of the statutes is amended to read:

8 281.695 (5) Any municipality may participate in the state financial assistance  
9 program for soil and water resources protection established under s. 281.55, 281.57  
10 or 281.65 and may enter into agreements with the department of natural resources  
11 for that purpose. Any municipality may participate in the clean water fund program  
12 under ss. 281.58 and 281.59 and may enter into agreements with the department of  
13 administration and the department of natural resources for that purpose. Any  
14 county may participate in the state financial assistance program for soil and water  
15 resources protection established under s. 92.14 and may enter into agreements with  
16 the department of ~~agriculture, trade and consumer protection~~ natural resources for  
17 that purpose.”

History: 1975 c. 197; 1979 c. 34 s. 2102 (39) (d); 1983 a. 532 s. 36; 1987 a. 27, 197, 399, 403; 1989 a. 56, 366; 1995 a. 227; 1999 a. 150 s. 370; Stats. 1999 s. 281.695.

18 **11.** Page 352, line 18: after that line insert:

19 “(1<sup>9</sup>) TRANSFER TO THE UNIVERSITY OF WISCONSIN-EXTENSION.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
21 liabilities of the department of agriculture, trade and consumer protection that are  
22 primarily related to the functions of the conservation engineering section in the land  
23 and water resources bureau and that are primarily related to the land and water

1 resource management planning, soil erosion control, and federal and county liaison  
2 functions of the conservation management section in the land and water resources  
3 bureau, as determined by the secretary of administration, shall become the assets  
4 and liabilities of the University of Wisconsin System

5

(b) *Position transfers.*

On the effective date of this paragraph:  
Δ XXX Δ

6

1. The authorized FTE positions for the department of agriculture, trade and  
7 consumer protection are decreased by XXX positions related to XXX funded from the  
8 appropriation under section 20.115 XXX of the statutes.

9

2. The authorized FTE positions for the department of agriculture, trade and  
10 consumer protection are decreased by XXX positions related to XXX funded from the  
11 appropriation under section 20.115 XXX of the statutes.

12

18. There are authorized for the University of Wisconsin System XXX FTE XXX  
13 positions related to XXX to be funded from the appropriation under section 20.285 XXX of the  
14 statutes, as affected by this act.

15

21. There are authorized for the University of Wisconsin System XXX FTE XXX  
16 positions related to XXX to be funded from the appropriation under section 20.285 XXX of the  
17 statutes, as created by this act.

18

(c) *Employee transfers.* All incumbent employees holding positions in the  
19 department of agriculture, trade and consumer protection that are specified in (par.

20

(b) XXX are transferred on the effective date of this subdivision to the University of  
21 Wisconsin System.

paragraph paragraph

22

(d) *Employee status.* Employees transferred under paragraph (c) shall have the  
23 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
24 statutes in the University of Wisconsin System that they enjoyed in the department  
25 of agriculture, trade and consumer protection immediately before the transfer.

1 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
2 has attained permanent status in class is required to serve a probationary period.

3 (e) *Tangible personal property.* On the effective date of this paragraph, all  
4 tangible personal property, including records, of the department of agriculture, trade  
5 and consumer protection that is primarily related to the functions of the conservation  
6 engineering section in the land and water resources bureau and that is primarily  
7 related to the land and water resource management planning, soil erosion control,  
8 and federal and county liaison functions of the conservation management section in  
9 the land and water resources bureau, as determined by the secretary of  
10 administration, shall be transferred to the University of Wisconsin System.

11 (f) *Contracts.* All contracts entered into by the department agriculture, trade  
12 and consumer protection in effect on the effective date of this paragraph that are  
13 primarily related to the functions of the conservation engineering section in the land  
14 and water resources bureau and that are primarily related to the land and water  
15 resource management planning, soil erosion control, and federal and county liaison  
16 functions of the conservation management section in the land and water resources  
17 bureau, as determined by the secretary of administration, remain in effect and are  
18 transferred to the University of Wisconsin System. The University of Wisconsin  
19 System shall carry out any such contractual obligations except to the extent that the  
20 contracts are modified or rescinded by the University of Wisconsin System in a  
21 manner allowed under the contracts. ✓

22 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
23 trade and consumer protection that are primarily related to the functions of the  
24 conservation engineering section in the land and water resources bureau and that  
25 are primarily related to the land and water resource management planning, soil

1 erosion control, and federal and county liaison functions of the conservation  
2 management section in the land and water resources bureau, as determined by the  
3 secretary of administration, and that are in effect on the effective date of this  
4 paragraph remain in effect until their specified expiration dates or until amended  
5 or repealed by the University of Wisconsin System. All orders issued by the  
6 department of agriculture, trade and consumer protection that are primarily related  
7 to the functions of the conservation engineering section in the land and water  
8 resources bureau and that are primarily related to the land and water resource  
9 management planning, soil erosion control, and federal and county liaison functions  
10 of the conservation management section in the land and water resources bureau, as  
11 determined by the secretary of administration, and that are in effect on the effective  
12 date of this paragraph remain in effect until their specified expiration dates or until  
13 modified or rescinded by the University of Wisconsin System.

14 (h) *Pending matters.* Any matter pending with the department of agriculture,  
15 trade and consumer protection on the effective date of this paragraph that is  
16 primarily related to the functions of the conservation engineering section in the land  
17 and water resources bureau or that is primarily related to the land and water  
18 resource management planning, soil erosion control, and federal and county liaison  
19 functions of the conservation management section in the land and water resources  
20 bureau, as determined by the secretary of administration, is transferred to the  
21 University of Wisconsin System and all materials submitted to or actions taken by  
22 the department of agriculture, trade and consumer protection with respect to the  
23 pending matter are considered as having been submitted to or taken by the  
24 University of Wisconsin System.

25 (1) <sup>r</sup> TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of agriculture, trade and consumer protection that are  
3 primarily related to the conservation reserve enhancement program functions of the  
4 conservation management section in the land and water resources bureau and that  
5 are primarily related to the grant administration and drainage district program  
6 functions of the resource evaluation and grants section in the land and water  
7 resources bureau, as determined by the secretary of administration, shall become the  
8 assets and liabilities of the department of natural resources.

9 (b) *Position transfers.* <sup>On the effective</sup> ~~the~~ <sup>date of this paragraph</sup> ~~is~~ <sup>XXX</sup> ~~XXX~~ <sup>XXX</sup> ~~XXX~~

10 1. The authorized FTE positions for the department of agriculture, trade and  
11 consumer protection are decreased by XXX positions related to XXX funded from the  
12 appropriation under section 20.115 XXX of the statutes.

13 2. The authorized FTE positions for the department of agriculture, trade and  
14 consumer protection are decreased by XXX positions related to XXX funded from the  
15 appropriation under section 20.115 XXX of the statutes.

16 18. There are authorized for the department of natural resources XXX FTE  
17 XXX positions <sup>related to XXX</sup> to be funded from the appropriation under section 20.370 XXX of the  
18 statutes, as affected by this act.

19 21. There are authorized for the department of natural resources XXX FTE ~~XX~~  
20 positions <sup>related to XXX</sup> to be funded from the appropriation under section 20.370 XXX of the  
21 statutes, as created by this act.

22 (c) *Employee transfers.* All incumbent employees holding positions in the  
23 department of agriculture, trade and consumer protection that are specified in par. <sup>paragraph</sup>

24 (b) XXX are transferred on the effective date of this subdivision to the department  
25 of natural resources.

paragraph

1           (d) *Employee status.* Employees transferred under paragraph (c) shall have the  
2 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
3 statutes in the department of natural resources that they enjoyed in the department  
4 of agriculture, trade and consumer protection immediately before the transfer.  
5 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
6 has attained permanent status in class is required to serve a probationary period. ✓

7           (e) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the department of agriculture, trade  
9 and consumer protection that is primarily related to the conservation reserve  
10 enhancement program functions of the conservation management section in the land  
11 and water resources bureau and that is primarily related to the grant administration  
12 and drainage district program functions of the resource evaluation and grants  
13 section in the land and water resources bureau, as determined by the secretary of  
14 administration, shall be transferred to the department of natural resources.

15           (f) *Contracts.* All contracts entered into by the department agriculture, trade  
16 and consumer protection in effect on the effective date of this paragraph that are  
17 primarily related to the conservation reserve enhancement program functions of the  
18 conservation management section in the land and water resources bureau and that  
19 are primarily related to the grant administration and drainage district program  
20 functions of the resource evaluation and grants section in the land and water  
21 resources bureau, as determined by the secretary of administration, remain in effect  
22 and are transferred to the department of natural resources. The department of  
23 natural resources shall carry out any such contractual obligations except to the  
24 extent that the contracts are modified or rescinded by the department of natural  
25 resources in a manner allowed under the contracts.

1           (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
2 trade and consumer protection that are primarily related to the conservation reserve  
3 enhancement program functions of the conservation management section in the land  
4 and water resources bureau and that are primarily related to the grant  
5 administration and drainage district program functions of the resource evaluation  
6 and grants section in the land and water resources bureau, as determined by the  
7 secretary of administration, and that are in effect on the effective date of this  
8 paragraph remain in effect until their specified expiration dates or until amended  
9 or repealed by the department of natural resources. All orders issued by the  
10 department of agriculture, trade and consumer protection that are primarily related  
11 to the conservation reserve enhancement program functions of the conservation  
12 management section in the land and water resources bureau and that are primarily  
13 related to the grant administration and drainage district program functions of the  
14 resource evaluation and grants section in the land and water resources bureau, as  
15 determined by the secretary of administration, and that are in effect on the effective  
16 date of this paragraph remain in effect until their specified expiration dates or until  
17 modified or rescinded by the department of natural resources.

18           (h) *Pending matters.* Any matter pending with the department of agriculture,  
19 trade and consumer protection on the effective date of this paragraph that is  
20 primarily related to the conservation reserve enhancement program functions of the  
21 conservation management section in the land and water resources bureau or that is  
22 primarily related to the grant administration and drainage district program  
23 functions of the resource evaluation and grants section in the land and water  
24 resources bureau, as determined by the secretary of administration, is transferred  
25 to the department of natural resources and all materials submitted to or actions

1 taken by the department of agriculture, trade and consumer protection with respect  
2 to the pending matter are considered as having been submitted to or taken by the  
3 department of natural resources.”

4 **12.** Page 445, line 5: after that line insert:

5 “(39) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF  
6 NATURAL RESOURCES.

7 (a) The treatment of sections 15.07 (1) (cm), 15.145 (4), 20.115 (7) (b), (c), (d), (f),  
8 and (qd), 20.866 (1) (u) and (2) (we) and (wf), 30.46 (1) (a) and (2), 36.25 (7), 88.11 (1)  
9 (intro.), (e), and (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19  
10 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m) and (7), 88.77 (2), 92.03 (2)  
11 and (3), 92.04 (2) (b) and (e), 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) (title), (a) (by  
12 SECTION 259fg), (c), and (d), (5) (a) and (b), (6) (a) 1 and (d), and (8), 92.14 (2) (j), (3)  
13 (intro.), (6) (b), (d), (h) 3., and (m), (8), (12) (13), (14) and (15), 92.15, 93.70, 281.16 (3) (b),  
14 (c), and (e), 281.20 (1) (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as), (dr), (e), (g) (intro.),  
15 2., and 4., (i), (L), (o), (p), and (pm), (4c) (am) 2., (c), and (d), (5m), (7) (a) 2., (10), and  
16 (11), 281.67, and 281.695 (5) of the statutes and SECTION 2404 take effect on July  
17 1, 2002.

18 (b) The treatment of section 92.10 (4) (a) (by SECTION 259fgb) of the statutes  
19 takes effect on September 1, 2003.”

20 (END)

*I'm not  
sure whether  
these are  
supposed  
to be auto refs.*

*9104(19) and (1r)*

*135*

*88.35*

*39*

*145*

*(4)*

*(12)*

*(14m)*

*(4m)*

*2404*



Insert 6-2

62741/P1

Section #. 88.11 (4) of the statutes is amended to read:

259 c.m. (B)

88.11 (4) The board or the petitioners, with the aid of an engineer having the qualifications specified in s. 88.21 (5), shall make the necessary survey and evaluation as directed by the department of agriculture, trade and consumer protection for its report.

natural resources

History: 1989 a. 31 ss. 2200d, 2200k; 1991 a. 309; 1993 a. 456.

Insert 14-21

62741/P

Section 92.14 (12) of the statutes is amended to read:

259hq (B)

strike comma

\*  
\*

92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the department of natural resources,~~ shall submit a report on the progress of the program under this section and s. 281.65 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; 1999 a. 9, 185; 2001 a. 16.

LRB Number: 6 2771 /P1

*Wesley Masley*

---

## Nonsubmittal Form

---

**WPOs: DO NOT FORWARD THIS DRAFT FOR SUBMITTAL,  
UNLESS INSTRUCTED TO DO SO BY THE DRAFTING  
ATTORNEY.**

*Do not forward this draft to the primary drafting attorney.*



**Return everything to the primary drafting attorney.**

After you have completed typing this draft, return the camera-ready copy to the primary drafting attorney, along with the drafting file. Also, forward the electronic file to the primary drafting attorney for the task of drafting.



**Return only the camera-ready copy to the primary drafting attorney.**

After you have completed typing this draft, clip this form to the camera-ready copy and return these materials to the primary drafting attorney. Place the drafting file in the HOLD basket in the WPO room. Forward the electronic file to Typing -- lrb\_wpo, so that the electronic file can be viewed by all WPOs.

When the attorney finishes reviewing the draft, the attorney will bring the camera-ready copy back to the WPO room. If the attorney has found any typos or minor corrections, correct the draft as indicated and print out a new camera-ready copy. Take the final camera-ready copy, retrieve the drafting file from the HOLD basket in the WPO room, discard this form, place the camera-ready copy and the drafting file in the PA submit basket and forward the electronic file to the PAs for submitting. (If, after reviewing the draft, the attorney decides to redraft it, give the attorney the drafting file and forward the electronic file to the attorney for drafting.)

## Tradewell, Becky

---

**From:** Burnett, Douglas  
**Sent:** Monday, April 01, 2002 3:04 PM  
**To:** Tradewell, Becky  
**Cc:** Engel, Andy; Tierney, Michael  
**Subject:** FW: CN5501, transfers away form DATCP

Becky-- generally all should go to DNR.--SEE MY NOTES BELOW.

-----Original Message-----

**From:** Engel, Andy  
**Sent:** Friday, March 29, 2002 12:38 PM  
**To:** Burnett, Douglas  
**Subject:** FW: CN5501, transfers away form DATCP

-----Original Message-----

**From:** Tradewell, Becky  
**Sent:** Friday, March 29, 2002 11:49 AM  
**To:** Engel, Andy  
**Cc:** Schug, David  
**Subject:** CN5501, transfers away form DATCP

Andy,

There are several aspects of the draft about transferring land and water resources responsibilities away from DATCP that I am unsure about. Here are some of them. I would appreciate any guidance about these items.

Which agency should be responsible for the agricultural nutrient management rules under s. 92.05 (3) (k)? DNR

Which agency should deal with the manure storage facility ordinances? DNR

Which agency should be responsible for the shoreland management ordinances under s. 92.17? DNR

Which agency should be responsible for the training and certification under s. 92.18? DNR

Given that the conservation engineering section staff is going to UW-Extension and that UW-Extension will be in charge of land and water resource management plans (s. 92.10), should UW-Extension have some responsibilities under the soil and water resource management grant program. 92.14? DNR If so, any ideas on what the responsibilities should be? Am I correct in assuming that the UW-Extension would be reviewing and approving county land and water resource management plans? DNR WOULD BE RESPONSIBLE FOR THIS.

Section 281.65 (5) of the statutes give responsibilities to DATCP under DNR's nonpoint grant program and I am unsure how to deal with that provision. THESE CEASE TO EXIST UNDER THE NEW NONPOINT RULES, SO JUST PUT IT IN DNR FOR NOW.

If you are not able to provide guidance on these specific issues, please let me know and I will do my best to resolve them in a way that seems consistent with the rest of the request.

Thank-you,

Becky Tradewell  
LRB  
266-7290

*Telephone conv. with Doug - require UW-Ex to provide technical assistance and require DNR to consult with UW-Ex on soil and water grant program.*

*RET*