



State of Wisconsin

2001 - 2002 LEGISLATURE

January 2002 Special Session

Wanted Tues. a.m.

LRBb2741/P#2

RCT:cjs:rs

Stays (M)

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

ANote

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~~ 15.345 (4) (b) 2. shall expire on

10 January 1. The term of the member of the land and water conservation board

1 appointed under s. ~~15.135~~ 15.345 (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.”.

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.”.

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) (df).

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

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)
24 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),

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

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

10 “SECTION 64vg. 20.866 (2) (we) of the statutes, as affected by 2001 Wisconsin
11 Act 16, 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.

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

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

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

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

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

5 30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with
6 rules for the soil and water resource management program promulgated under s.
7 92.14 ~~by the department of agriculture, trade and consumer protection~~ for land in the
8 riverway and that is in agricultural use on October 31, 1989.”.

9 **7.** Page 31, line 17: after that line insert:

10 **“SECTION 93c.** 36.25 (7) of the statutes is amended to read:

11 36.25 (7) SOIL AND WATER CONSERVATION. The board is responsible for research
12 and educational programs regarding soil and water conservation. The board shall
13 cooperate with the land and water conservation board, the department of
14 ~~agriculture, trade and consumer protection~~ natural resources and the counties in
15 carrying out its soil and water conservation programs. The board shall prepare
16 annually a written program of planned educational activities in soil and water
17 conservation.”.

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

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

20 88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~
21 natural resources shall employ an engineer, who shall be the state drainage engineer,
22 to improve district operations. The department shall do all of the following:

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

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

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

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

6 88.11 (1m) The department of ~~agriculture, trade and consumer protection~~
7 natural resources may perform any functions related to drainage districts that the
8 department considers appropriate.

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

10 88.11 (2) The state drainage engineer shall provide technical assistance to
11 improve district operations on the request of the ~~department of natural resources,~~
12 drainage board, landowners in the district or the judge.

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

14 88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single
15 project, the board or the petitioners, before the hearing on the report, under s. 88.34,
16 88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~
17 ~~consumer protection~~ natural resources on all of the following:

18 **SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

19 88.11 (4) The board or the petitioners, with the aid of an engineer having the
20 qualifications specified in s. 88.21 (5), shall make the necessary survey and
21 evaluation as directed by the department of ~~agriculture, trade and consumer~~
22 ~~protection~~ natural resources for its report.

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

24 88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~
25 ~~consumer protection~~ natural resources under sub. (3) also shall include a report of

1 the college of agriculture and life sciences of the University of Wisconsin–Madison
2 on all of the following:

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

4 88.11 (6) A drainage district shall comply with the rules promulgated under
5 this section and any requirements imposed by the department of agriculture, trade
6 ~~and consumer protection~~ natural resources under this section.

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

8 88.11 (7) The department of agriculture, trade and consumer protection
9 natural resources may issue a special order directing the immediate cessation of
10 work regulated under this section until the necessary plan approval is obtained or
11 until the project complies with this section.

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

13 **88.13 Right to enter lands of drainage district.** Whenever necessary for
14 any purpose connected with the organization of a district or the construction,
15 maintenance or repair of drains and other works, members of the board,
16 representatives of the department of agriculture, trade and consumer protection
17 natural resources, and persons intending to bid on or to whom contracts have been
18 let for the construction of the works within a district and their respective agents and
19 employees may go upon any lands proposed for inclusion or included within a district
20 or on adjoining lands, and are not guilty of trespass therefor but are liable for
21 unnecessary damage caused to crops or structures.

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

23 **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115
24 (7)(d) 20.370 (6) (dd), the department of agriculture, trade and consumer protection
25 natural resources shall make grants to boards to assist boards to comply with this

1 chapter and rules promulgated under this chapter. A grant under this section may
2 not exceed 60% of the costs incurred by the board to comply with this chapter and
3 rules promulgated under this chapter.

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

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

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

10 88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and
11 standards under rules that the department of ~~agriculture, trade and consumer~~
12 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

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

14 88.19 (4) (d) Before any records may be destroyed under this subsection, the
15 secretary of the drainage board and the county zoning administrator shall give at
16 least 60 days' prior written notice of the proposed destruction to the state historical
17 society, which may preserve records that it determines to be of historical interest, and
18 shall give at least 60 days' prior written notice to the state drainage engineer, who
19 may preserve records determined to be of interest to the department of ~~agriculture,~~
20 ~~trade and consumer protection~~ natural resources.

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

22 88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer
23 employed by the board shall be selected from a list of professional engineers approved
24 by the department of ~~agriculture, trade and consumer protection~~ natural resources.

25 The department of ~~agriculture, trade and consumer protection~~ natural resources

1 shall furnish each drainage board, upon request, a list of professional engineers
2 whom it considers qualified by training and experience to give competent advice in
3 drainage matters.

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

5 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
6 year the board shall file with the department of agriculture, ~~trade and consumer~~
7 ~~protection~~ natural resources and the county zoning administrator a separate report,
8 for the preceding year ending August 31, on each drainage district under the board's
9 jurisdiction. The reports shall constitute part of the records of the districts reported
10 on, shall be verified by the oath of one or more of the board members, and shall
11 contain:

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

13 88.32 (3m) If the area of the proposed district exceeds 200 acres, the report
14 shall be submitted to the department of agriculture, ~~trade and consumer protection~~
15 natural resources before it is filed with the court. Within 45 days after receipt of the
16 report, the department shall return it with a copy of the report prepared under s.
17 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation
18 of the district.

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

20 88.35 (7) If the area of the district exceeds 200 acres, the report shall be
21 submitted to the department of agriculture, ~~trade and consumer protection~~ natural
22 resources. Within 45 days after its receipt, the department shall return it with a copy
23 of the report prepared under s. 88.11 (3) and (5) and the department's approval or
24 disapproval of the report prepared under sub. (6).

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

1 88.77 (2) If the undrained portion of the area proposed to be annexed to the
2 district exceeds 200 acres, the drainage board shall request the report described
3 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~
4 ~~protection~~ natural resources on the annexation. Within 60 days after the request,
5 the department shall prepare and return a copy of the report and its approval or
6 disapproval, as provided under s. 88.35 (7).

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

8 92.03 (2) “Board” means the land and water conservation board ~~created under~~
9 s. ~~15.135~~ (4).

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

11 92.03 (3) “Department” means the department of ~~agriculture, trade and~~
12 ~~consumer protection~~ natural resources.

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

14 ~~92.04 (2) (b) *Review land and water resource management plans.* The board~~
15 ~~shall review land and water resource management plans prepared under s. 92.10~~
16 ~~and make recommendations to the department University of Wisconsin–Extension~~
17 ~~on approval or disapproval of those plans.~~

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

19 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
20 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
21 recommendations on the plan to the department ~~and to the department of natural~~
22 ~~resources~~.

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

24 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state
25 responsible for setting and implementing statewide soil and water conservation

1 policies and administering the state's soil and water conservation programs. The
2 department shall coordinate its soil and water conservation program with the
3 nonpoint source water pollution abatement program established under s. 281.65, the
4 inland lake protection and rehabilitation program established under ch. 33 and other
5 programs with objectives related to soil and water conservation administered by the
6 department of natural resources or by other state or federal agencies.

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

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

9 92.05 (3) (L) *Technical assistance; performance standards.* The department
10 shall provide technical assistance to county land conservation committees and local
11 units of government for the development of ordinances that implement standards
12 adopted under s. 92.07 (2), 92.105 (1), 92.15 ~~(93.38) (2) or (3)~~ or 281.16 (3). The
13 department's technical assistance shall include preparing model ordinances,
14 providing data concerning the standards and reviewing draft ordinances to
15 determine whether the draft ordinances comply with applicable statutes and rules.

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

PLAIN TEXT

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

17 92.10 (1) CREATION. There is created a land and water resource management
18 planning program. The department ~~University of Wisconsin-Extension~~, board and
19 land conservation committees jointly shall develop and administer this program.

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

21 ~~92.10 (4) (title) IMPLEMENTATION; DEPARTMENT EXPENSION DUTIES.~~

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

23 ~~92.10 (4) (a) *Data.* The department University of Wisconsin-Extension shall~~
24 ~~develop a systematic method of collecting and organizing data related to soil erosion.~~

no 9 The department shall consult with the University of Wisconsin Extension about the administration of this program. mph

1 ~~The department ^{sted.} University of Wisconsin-Extension shall cooperate with the land~~
2 ~~information board under s. 16.967 in developing this methodology or any related~~
3 ~~activities related to land information collection.~~

4 **SECTION 259fgb.** 92.10 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
5 27 and 2001 Wisconsin Act (this act), is repealed and recreated to read:

6 92.10 (4) (a) *Data.* The University of Wisconsin-Extension shall develop a
7 systematic method of collecting and organizing data related to soil erosion.

8 **SECTION 259fi.** 92.10 (4) (c) of the statutes is ^{renumbered 92.10(7) and} amended to read:

9 92.10 ^{92.10(7)} ~~(4) (c)~~ ^{(5) and (7)} *(Plan assistance.)* The department University of
10 Wisconsin-Extension shall assist land conservation committees in preparing land
11 and water resource management plans.

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

13 92.10 (4) (d) *Plan review.* ~~The department University of Wisconsin-Extension~~
14 ~~shall review and approve or disapprove land and water resource management plans~~
15 ~~submitted by the land conservation committees. The department University of~~
16 ~~Wisconsin-Extension may require land conservation committees to indicate specific~~
17 ~~projects to be funded under each plan and the related cost-sharing rates.~~

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

19 92.10 (5) (a) *Plan review.* The board shall review land and water resource
20 management plans submitted by the land conservation committees and make
21 recommendations to the department University of Wisconsin-Extension.

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

23 92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land
24 conservation committee plans from the agencies identified as advisers to the board
25 under s. 15.135 ~~15.345~~ (4).

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component



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

2 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
3 conditions throughout the county, including any assessment available from the
4 department of natural resources.

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

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

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

10 92.10 (8) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES. The department
11 ~~of natural resources~~ shall provide counties with assistance in land and water
12 resource management planning, including providing available water quality data
13 and information, providing training and support for water resource assessments and
14 appraisals and providing related program information.

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

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

17 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their
18 land and water conservation activities, the department shall award an annual grant
19 from the appropriation under s. 20.115 (7) (e) 20.370 (6) (ac) or ~~(qd)~~ (as) or s. 20.866
20 (2) (we) to any county land conservation committee that has a land and water
21 resource management plan approved by the department under s. 92.10 (4) (d), and
22 that, by county board action, has resolved to provide any matching funds required
23 under sub. (5g). The county may use the grant for land and water resource
24 management planning and for any of the following purposes, consistent with the
25 approved land and water resource management plan:

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

2 92.14 (6) (b) The department ~~and the department of natural resources~~ shall
3 prepare an annual grant allocation plan identifying the amounts to be provided to
4 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the
5 ~~departments~~ department shall attempt to provide funding under this section for an
6 average of 3 staff persons per county with full funding for the first staff person, 70%
7 funding for the 2nd staff person and 50% funding for any additional staff persons and
8 to provide an average of \$100,000 per county for cost-sharing grants. The
9 department shall submit that plan to the board.

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

11 92.14 (6) (d) The board shall review the annual allocation plan submitted to
12 it under par. (b) and make recommendations to the department of agriculture, trade
13 ~~and consumer protection and the department of natural resources~~ on approval,
14 modification or disapproval of the plan.

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

16 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
17 department of ~~natural resources~~ to act under ch. 283.

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

19 92.14 (6) (m) The department of agriculture, trade and consumer protection ^{hmp}
20 ~~and the department of natural resources~~ and the University of Wisconsin - Extension shall assist counties in conducting the
21 activities for which grants under sub. (3) may be used.

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

23 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~
24 The department shall promulgate rules to administer this section [↓] ~~and the~~ [↓]
25 department's duties under s. 281.65. [↓] [↓] [↓] [↓]

¶ Section 259hn. CR; 92.14 (6) (n)
¶ 92.14 (6) (n) The University of Wisconsin - Extension shall assist the department in the administration of the program under this section.

1 **SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

2 92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~
3 ~~department of natural resources,~~ shall submit a report on the progress of the
4 program under this section and s. 281.65 to the board.

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

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

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

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

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

23 92.14 (14m) COORDINATION. The department of ~~agriculture, trade and~~
24 ~~consumer protection and the department of natural resources,~~ jointly, shall review
25 applications from counties for grants under sub. (5r) and, for projects and activities

1 selected to receive funding shall determine whether to provide funding under this
2 section or under s. 281.65 or 281.66.

3 **SECTION 259hw.** 92.14 (15) of the statutes is repealed.

✓
Insert 15-4
4 **SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.
5 **9.** Page 154, line 18: after that line insert:

Insert 15-5
6 **SECTION 260h.** 93.70 of the statutes is renumbered 281.52.”

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

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

9 281.16 (3) (b) The department of agriculture, trade and consumer protection,

10 ~~in consultation with the department of natural resources~~ University of

11 Wisconsin Extension, shall promulgate rules prescribing conservation practices to

12 implement the performance standards and prohibitions under par. (a) and specifying
13 a process for the development and dissemination of technical standards to
14 implement the performance standards and prohibitions under par. (a).

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

16 281.16 (3) (c) Using the process specified under par. (b), the department of
17 ~~agriculture, trade and consumer protection~~ in consultation with the University of Wisconsin
Extension shall develop and disseminate technical

18 standards to implement the performance standards and prohibitions under par. (a).
19 The department of ~~agriculture, trade and consumer protection~~ shall disseminate
20 alternative technical standards for situations in which more than one method exists
21 to implement the performance standards and prohibitions.

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

23 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
24 is in existence before October 14, 1997, may not be required by this state or a

1 municipality to comply with the performance standards, prohibitions, conservation
2 practices or technical standards under this subsection unless cost-sharing is
3 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
4 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38
5 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules
6 that specify criteria for determining whether cost-sharing is available under s. 92.14
7 ~~or 281.65 and the department of agriculture, trade and consumer protection shall~~
8 ~~promulgate rules that specify criteria for determining whether cost-sharing is~~
9 ~~available under s. 92.14~~ or from any other source. The rules may not allow a
10 determination that cost-sharing is available to meet local regulations under s. 92.07
11 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance
12 standards, prohibitions, conservation practices or technical standards under this
13 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
14 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
15 rules.

16 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:

17 281.20 (1) (a) Order or cause the abatement of pollution which the department,
18 in consultation with the ~~department of agriculture, trade and consumer protection~~
19 University of Wisconsin-Extension if the source is agricultural, has determined to
20 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),
21 including pollution which causes the violation of a water quality standard, pollution
22 which significantly impairs aquatic habitat or organisms, pollution which restricts
23 navigation due to sedimentation, pollution which is deleterious to human health or
24 pollution which otherwise significantly impairs water quality, except that under this
25 paragraph the department may not order or cause the abatement of any pollution

1 caused primarily by animal waste or of pollution from an agricultural source that is
2 located in a priority watershed or priority lake area unless the source is designated
3 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or
4 a modification to such a plan under s. 281.65 (5s).

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

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

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

24 2. Issue a report to the department within one year after the date of the notice
25 describing the actions taken by the person receiving the notice and a

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

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

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

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

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

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

22 281.65 (4) (as) Consult with the ~~department of agriculture, trade and consumer
23 protection~~ University of Wisconsin–Extension in developing any federal grant
24 application under par. (ar). Every application is subject to s. 16.54 and shall include
25 the proposed expenditures of federal nonpoint source water pollution abatement

1 grant moneys and the allocation of such moneys between the department and the
2 ~~department of agriculture, trade and consumer protection~~ University of
3 Wisconsin-Extension.

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

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

5 281.65 (4) (dr) Appoint a committee for each priority watershed and priority
6 lake, to advise the department, ~~the department of agriculture, trade and consumer~~
7 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint
8 source pollution abatement financial assistance program. Each committee shall
9 include at least 2 farmers as members if the priority watershed or priority lake area
10 includes property in agricultural use. Each committee shall include at least 2
11 representatives of a public inland lake protection and rehabilitation district that is
12 within the priority watershed or priority lake area or, if one does not exist, of riparian
13 property owners. Each committee for a priority watershed or priority lake area with
14 any area in the Milwaukee River basin shall include a member of the county board
15 from each county with any area in that priority watershed or priority lake area.

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

17 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~
18 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension, as
19 are necessary for the proper execution and administration of the program under this
20 section. Before promulgating rules under this paragraph, the department shall
21 submit the rules to the land and water conservation board for review under sub. (3)
22 (at). The rules shall include standards and specifications concerning best
23 management practices which are required for eligibility for cost-sharing grants
24 under this section. The standards and specifications shall be consistent with the

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

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

11 281.65 (4) (g) (intro.) In cooperation with the department of agriculture, trade
12 and consumer protection University of Wisconsin-Extension and the appropriate
13 governmental unit, prepare priority watershed and priority lakes plans to
14 implement nonpoint source water pollution abatement projects in priority
15 watersheds and priority lake areas. In preparing the plans, the department shall:

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

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

17 281.65 (4) (g) 2. Promote significant participation from the department of
18 agriculture, trade and consumer protection University of Wisconsin-Extension and
19 other state agencies, governmental units and other persons located in any priority
20 watershed or in any priority lake area that is the subject of the plan.

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

22 281.65 (4) (g) 4. In cooperation with the department of agriculture, trade and
23 consumer protection University of Wisconsin-Extension, incorporate the
24 appropriate best management practices into the plan.

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

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

3 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~
4 ~~department of agriculture, trade and consumer protection,~~ submit a budget report
5 to the board that includes anticipated expenditures for projects under this section
6 during the next year, criteria for ending projects under this section and, if anticipated
7 expenditures exceed anticipated funding, a plan for reducing expenditures.

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

9 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~
10 ~~trade and consumer protection,~~ submit a report on the progress of the program under
11 this section to the land and water conservation board.

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

13 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~
14 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~
15 ~~shall review and approve or disapprove the plan and shall notify the land and water~~
16 ~~conservation board of its final action on the plan. The department shall implement~~
17 ~~any part of the plan for which the plan gives it responsibility.~~

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

19 281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~
20 ~~protection, develop~~ Develop the forms required and implement the process under s.
21 92.14 (14).

22 **SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001
23 Wisconsin Act 16, is amended to read:

1 281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~
2 ~~agriculture, trade and consumer protection~~, determines that funding provided under
3 s. 92.14 is insufficient to fund the project.

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

5 281.65 (4m) (c) The department shall submit a copy of any plan it completes
6 under this subsection to any county located in or containing any watershed which is
7 a subject of the plan and to the ~~department of agriculture, trade and consumer~~
8 ~~protection~~ University of Wisconsin–Extension. The ~~department of agriculture, trade~~
9 ~~and consumer protection~~ University of Wisconsin–Extension shall review the plan
10 and notify the ~~department of natural resources~~ of its comments on the plan. A county
11 receiving a plan under this subsection shall review the plan, approve or disapprove
12 the plan and notify the ~~department of natural resources~~ of its action on the plan.

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

14 281.65 (4m) (d) After the department considers the comments of the
15 ~~department of agriculture, trade and consumer protection~~ University of
16 Wisconsin–Extension on a plan under par. (c) and receives approval of the plan by
17 every county to which it was sent and by the land and water conservation board, the
18 department shall designate the plan to be an element of the appropriate areawide
19 water quality management plan under P.L. 92–500, section 208.

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

21 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), ~~the~~
22 governmental unit or regional planning commission under sub. (4m) ~~and the~~ ^{and (5) and}
23 ~~department of agriculture, trade and consumer protection~~ ^{strike comma} under sub. (5), [↑] and upon
24 receiving the approval of the land and water conservation board, the department
25 shall prepare and approve the final plan for a priority watershed or priority lake.

✓
Insert
22-19
(21)

↑ ↑
↑ ↑
plain comma

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

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

2 281.65 (7) (a) 2. A county land conservation committee receiving a request
3 under subd. 1. shall provide the owner or operator with a hearing and shall provide
4 reasonable notice of the hearing to the owner or operator, the department and the
5 ~~department of agriculture, trade and consumer protection~~ University of
6 Wisconsin-Extension. The county land conservation committee shall conduct the
7 hearing under this subdivision as an informal hearing. Section 68.11 (2) does not
8 apply to the hearing. The land conservation committee shall hold the hearing in a
9 place convenient to the owner or operator. Within 60 days after the hearing, the
10 department shall, and the ~~department of agriculture, trade and consumer protection~~
11 University of Wisconsin-Extension may, submit a report and recommendation to the
12 land conservation committee concerning the issues at the hearing. The land
13 conservation committee may affirm or reverse the designation of the site as a critical
14 site.

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

16 281.65 (10) To the greatest extent practicable, the department, ~~the department~~
17 ~~of agriculture, trade and consumer protection~~ and the administering and
18 implementing governmental unit shall encourage and utilize the Wisconsin
19 conservation corps for appropriate projects.

20 **SECTION 369qL.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay
23 River is a priority watershed for the period ending on June 30, 2005.
24 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and

1 (e), the department, in consultation with the local units of government involved with
2 the priority watershed project, shall establish guidelines for the types of nonpoint
3 source water pollution abatement practices to be eligible for cost-sharing grants in
4 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
5 the watershed may be based on the amount of pollution reduction achieved rather
6 than on the cost of the practices installed, using guidelines developed by the
7 department, in consultation with the local units of government involved with the
8 priority watershed project. In providing funding under s. 92.14 (3), the department
9 ~~of agriculture, trade and consumer protection~~ shall determine the amount of
10 matching funds required for staff for the priority watershed project as though the
11 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
12 department and the local governmental staff involved with the priority watershed
13 project shall evaluate the cost effectiveness of the project and the reduction in
14 nonpoint source water pollution associated with the project.

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

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

17 281.695 (5) Any municipality may participate in the state financial assistance
18 program for soil and water resources protection established under s. 281.55, 281.57
19 or 281.65 and may enter into agreements with the department of natural resources
20 for that purpose. Any municipality may participate in the clean water fund program
21 under ss. 281.58 and 281.59 and may enter into agreements with the department of
22 administration and the department of natural resources for that purpose. Any
23 county may participate in the state financial assistance program for soil and water
24 resources protection established under s. 92.14 and may enter into agreements with

1 the department of agriculture, trade and consumer protection natural resources for
2 that purpose.”.

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

4 “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN-EXTENSION.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the department of agriculture, trade and consumer protection that are
7 primarily related to the functions of the conservation engineering section in the land
8 and water resources bureau and that are primarily related to the ~~land and water~~
9 ~~resource management planning~~, soil erosion control, and federal and county liaison
10 functions of the conservation management section in the land and water resources
11 bureau, as determined by the secretary of administration, shall become the assets
12 and liabilities of the University of Wisconsin System.

13 (b) *Position transfers.* On the effective date of this paragraph:

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

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

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

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

4 (c) *Employee transfers.* All incumbent employees holding positions in the
5 department of agriculture, trade and consumer protection that are specified in
6 paragraph (b) XXX are transferred on the effective date of this paragraph to the
7 University of Wisconsin System.

8 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
9 same rights and status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the University of Wisconsin System that they enjoyed in the department
11 of agriculture, trade and consumer protection immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (e) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of agriculture, trade
16 and consumer protection that is primarily related to the functions of the conservation
17 engineering section in the land and water resources bureau and that is primarily
18 related to the ~~(land and water resource management planning)~~ soil erosion control
19 and federal and county liaison functions of the conservation management section in
20 the land and water resources bureau, as determined by the secretary of
21 administration, shall be transferred to the University of Wisconsin System.

22 (f) *Contracts.* All contracts entered into by the department agriculture, trade
23 and consumer protection in effect on the effective date of this paragraph that are
24 primarily related to the functions of the conservation engineering section in the land
25 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, remain in effect and are
4 transferred to the University of Wisconsin System. The University of Wisconsin
5 System shall carry out any such contractual obligations except to the extent that the
6 contracts are modified or rescinded by the University of Wisconsin System in a
7 manner allowed under the contracts.

8 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
9 trade and consumer protection that are primarily related to the functions of the
10 conservation engineering section in the land and water resources bureau and that

11 are primarily related to the ~~land and water resource management planning~~, soil

12 erosion control, and federal and county liaison functions of the conservation
13 management section in the land and water resources bureau, as determined by the

14 secretary of administration, and that are in effect on the effective date of this
15 paragraph remain in effect until their specified expiration dates or until amended

16 or repealed by the University of Wisconsin System. All orders issued by the
17 department of agriculture, trade and consumer protection that are primarily related

18 to the functions of the conservation engineering section in the land and water
19 resources bureau and that are primarily related to the ~~land and water resource~~

20 ~~management planning~~, soil erosion control, and federal and county liaison functions
21 of the conservation management section in the land and water resources bureau, as

22 determined by the secretary of administration, and that are in effect on the effective
23 date of this paragraph remain in effect until their specified expiration dates or until

24 modified or rescinded by the University of Wisconsin System.

1 (h) *Pending matters.* Any matter pending with the department of agriculture,
2 trade and consumer protection on the effective date of this paragraph that is
3 primarily related to the functions of the conservation engineering section in the land
4 and water resources bureau or that is primarily related to the land and water
5 resource management planning, soil erosion control, and federal and county liaison
6 functions of the conservation management section in the land and water resources
7 bureau, as determined by the secretary of administration, is transferred to the
8 University of Wisconsin System and all materials submitted to or actions taken by
9 the department of agriculture, trade and consumer protection with respect to the
10 pending matter are considered as having been submitted to or taken by the
11 University of Wisconsin System.

12 (1r) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

13 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
14 liabilities of the department of agriculture, trade and consumer protection that are
15 primarily related to the conservation reserve enhancement program *and land and water resource management planning* functions of the
16 conservation management section in the land and water resources bureau and that
17 are primarily related to the grant administration and drainage district program
18 functions of the resource evaluation and grants section in the land and water
19 resources bureau, as determined by the secretary of administration, shall become the
20 assets and liabilities of the department of natural resources.

21 (b) *Position transfers.* On the effective date of this paragraph:

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

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

4 18. There are authorized for the department of natural resources XXX FTE
5 XXX positions related to XXX to be funded from the appropriation under section
6 20.370 XXX of the statutes, as affected by this act.

7 21. There are authorized for the department of natural resources XXX FTE
8 XXX positions related to XXX to be funded from the appropriation under section
9 20.370 XXX of the statutes, as created by this act.

10 (c) *Employee transfers.* All incumbent employees holding positions in the
11 department of agriculture, trade and consumer protection that are specified in
12 paragraph (b) XXX are transferred on the effective date of this paragraph to the
13 department of natural resources.

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

20 (e) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of agriculture, trade
22 and consumer protection that is primarily related to the conservation reserve
23 enhancement program ^{and land and water resource management planning} functions of the conservation management section in the land
24 and water resources bureau and that is primarily related to the grant administration
25 and drainage district program functions of the resource evaluation and grants

1 section in the land and water resources bureau, as determined by the secretary of
2 administration, shall be transferred to the department of natural resources.

3 (f) *Contracts*. All contracts entered into by the department agriculture, trade
4 and consumer protection in effect on the ^{water} effective date of this paragraph that are
5 primarily related to the ~~conservation reserve enhancement program~~ ^{and land and water resource management planning} functions of the
6 conservation management section in the land and water resources bureau and that
7 are primarily related to the grant administration and drainage district program
8 functions of the resource evaluation and grants section in the land and water
9 resources bureau, as determined by the secretary of administration, remain in effect
10 and are transferred to the department of natural resources. The department of
11 natural resources shall carry out any such contractual obligations except to the
12 extent that the contracts are modified or rescinded by the department of natural
13 resources in a manner allowed under the contracts.

14 (g) *Rules and orders*. All rules promulgated by the department of agriculture,
15 trade and consumer protection that are primarily related to the conservation reserve
16 enhancement program ^{and land and water resource management planning} functions of the conservation management section in the land
17 and water resources bureau and that are primarily related to the grant
18 administration and drainage district program functions of the resource evaluation
19 and grants section in the land and water resources bureau, as determined by the
20 secretary of administration, and that are in effect on the effective date of this
21 paragraph remain in effect until their specified expiration dates or until amended
22 or repealed by the department of natural resources. All orders issued by the
23 department of agriculture, trade and consumer protection that are primarily related
24 to the conservation reserve ^{and land and water resource management planning} enhancement program functions of the conservation
25 management section in the land and water resources bureau and that are primarily

1 related to the grant administration and drainage district program functions of the
2 resource evaluation and grants section in the land and water resources bureau, as
3 determined by the secretary of administration, and that are in effect on the effective
4 date of this paragraph remain in effect until their specified expiration dates or until
5 modified or rescinded by the department of natural resources.

6 (h) *Pending matters.* Any matter pending with the department of agriculture,
7 trade and consumer protection on the effective date of this paragraph that is
8 primarily related to the conservation reserve enhancement program functions of the ^{and land and water resource management}
9 conservation management section in the land and water resources bureau or that is ^{planning}
10 primarily related to the grant administration and drainage district program
11 functions of the resource evaluation and grants section in the land and water
12 resources bureau, as determined by the secretary of administration, is transferred
13 to the department of natural resources and all materials submitted to or actions
14 taken by the department of agriculture, trade and consumer protection with respect
15 to the pending matter are considered as having been submitted to or taken by the
16 department of natural resources.”

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

18 “(3q) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF
19 NATURAL RESOURCES.

20 (a) The treatment of sections 15.07 (1) (cm), 15.135 (4), 20.115 (7) (b), (c), (d),
21 (f), and (qd), 20.866 (1) (u) and (2) (we) and (wf), 30.46 (1) (a) and (2), 36.25 (7), 88.11
22 (1) (intro.), (e), and (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15,
23 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2),
24 92.03 (2) and (3), 92.04 (2) ~~(b) and (e)~~, 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) ~~(intro.)~~

1 (a) (by SECTION 259fg), (c), ~~and (d)~~ (5) ~~(a) and~~ (b), (6) (a) 1. ~~and (e)~~, and (8), 92.14 (2)
2 (j), (3) (intro.), (6) (b), (d), (h) 3., ~~and (m)~~, ^{and (n)} (8), (12), (13), (14), (14m), and (15), 92.15,
3 93.70, 281.16 (3) (b), (c), and (e), 281.20 (1) (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as),
4 (dr), (e), (g) (intro.), 2., and 4., (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) ~~and (d)~~,
5 ^{(5) (intro.)} (5m), (7) (a) 2., (10), and (11), 281.67, and 281.695 (5) of the statutes and SECTION 9104
6 (1q) and (1r) take effect on July 1, 2002. "

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

9 (END)

92.18(4) and (5),
93.38(3m),

O>Note

Insert 15-4

b2741/P2

¶ Section 2591c. RP; 92.18(4)

✓

¶ Section ^{asaid} 92.18 (5) of the statutes is amended to read:

✓

* ¶ 92.18 (5) Any training required under this section may be conducted by the department [↓] or the
* ~~department of natural resources~~ ^{↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓} or by another person with the approval of the department.))

History: 1991 a. 309; 1995 a. 227; 1999 a. 9.

end of insert 15-4

260h 93.38 (3m) created
Section # ~~92.05(3)(L)~~ of the statutes is amended to read:

93.38 (3m) ^(B)

~~92.05(3)(L) Technical assistance; performance standards~~ The department shall provide technical assistance to county land conservation committees and local units of government for the development of ordinances ~~that implement standards adopted under s. 92.07(2), 92.105(1), 92.15(2) or (3) or 281.16(3)~~ ^{under sub. (2) or (3)} The department's technical assistance shall include preparing model ordinances, ^{under s. 281.16(3)} providing data concerning the standards, and reviewing draft ordinances to 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.

end of insert 15-5

369gd

Section 281.65 (5) (intro.) of the statutes is amended to read:

scored comma

in consultation with the University of Wisconsin Extension

huph

281.65 (5) (intro.) The department of agriculture, trade and consumer protection shall:

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.

scored comma

end of insert 22-19

RET cjs

D Note

This is a preliminary version of the draft to transfer land and water resource management responsibilities away from the department of agriculture, trade and consumer protection. It does not yet include position transfers or appropriation increases and decreases.

RET

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

LRBb2741/P2dn
RCT:cjs:pg

April 2, 2002

This is a preliminary version of the draft to transfer land and water resource management responsibilities away from the department of agriculture, trade and consumer protection. It does not yet include position transfers or appropriation increases and decreases.

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

Tradewell, Becky

From: Schug, David
Sent: Tuesday, April 02, 2002 8:21 AM
To: Tradewell, Becky
Subject: NEWEST Bureau Numbers



bureau.xls

I apologize Becky, but my morning eyes caught a little glitch on the totals that I sent you last night. The final column of Total \$ did not match the other entries. It now does.

David

03/29/2002

Land and Water Resource Bureau

	from DATCP Appn. (7) (a)		(7) (k)		(7) (g)		(7) (qd)		FTE Total	Total \$
	FTE	TOTAL 701	FTE	TOTAL 727	FTE	TOTAL 734	FTE	TOTAL 761		
Transfer to DNR Total	3.58	237,600			0.75	40,800	1.50	3,793,200	5.83	4,071,600
Transfer to UW-Extension Total	2.30	205,300	3.00	211,100			9.50	836,700	14.80	1,253,100
TOTAL	5.88	442,900	3.00	211,100	0.75	40,800	11.00	4,629,900	20.63	5,324,700
DELETED from DATCP Bureau Director	1.00	101,800							1.00	101,800
Total Deleted from DATCP	6.88	544,700	3.00	211,100	0.75	40,800	11.00	4,629,900	21.63	5,426,500

Transfer (7)(b) from DATCP to DNR (CREP debt)
 Transfer (7)(c) from DATCP to DNR (SWRM grants)
 Transfer (7)(d) from DATCP to DNR (drainage grants)
 Transfer (7)(f) from DATCP to DNR (SWRM debt)

DATCP Appn 7qd can be deleted, as with prior budget action under 9204 (1) the dollar amount left is \$0.



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

Today

LRBb2741/1 1

RCT:CSpg

CS RMY

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

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 15.345 (4) (b) 2. shall expire on

10 January 1. The term of the member of the land and water conservation board

1 appointed under s. ~~15.135~~ 15.345 (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.”

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.”

INSE
2-11

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).

INSE
2-17

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

18 **SECTION 28L.** 20.115 (7) (qd) of the statutes is ~~renumbered 20.370 (6) (as).~~ *repealed*

FIX
COM
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INSE
2-18

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)
24 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),

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

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

10 “SECTION 64vg. 20.866 (2) (we) of the statutes, as affected by 2001 Wisconsin
11 Act 16, 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.

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

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

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

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

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

5 30.46 (2) Notwithstanding sub. (1) (b), a person is not required to comply with
6 rules for the soil and water resource management program promulgated under s.
7 92.14 by the department of agriculture, trade and consumer protection for land in the
8 riverway and that is in agricultural use on October 31, 1989.”.

9 **7.** Page 31, line 17: after that line insert:

10 **“SECTION 93c.** 36.25 (7) of the statutes is amended to read:

11 36.25 (7) SOIL AND WATER CONSERVATION. The board is responsible for research
12 and educational programs regarding soil and water conservation. The board shall
13 cooperate with the land and water conservation board, the department of
14 agriculture, trade and consumer protection natural resources and the counties in
15 carrying out its soil and water conservation programs. The board shall prepare
16 annually a written program of planned educational activities in soil and water
17 conservation.”.

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

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

20 88.11 (1) (intro.) The department of agriculture, trade and consumer protection
21 natural resources shall employ an engineer, who shall be the state drainage engineer,
22 to improve district operations. The department shall do all of the following:

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

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

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

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

6 88.11 (1m) The department of ~~agriculture, trade and consumer protection~~
7 natural resources may perform any functions related to drainage districts that the
8 department considers appropriate.

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

10 88.11 (2) The state drainage engineer shall provide technical assistance to
11 improve district operations on the request of the ~~department of natural resources,~~
12 drainage board, landowners in the district or the judge.

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

14 88.11 (3) (intro.) If the area proposed for drainage exceeds 200 acres in a single
15 project, the board or the petitioners, before the hearing on the report under s. 88.34,
16 88.36 or 88.77, shall procure a report of the department of ~~agriculture, trade and~~
17 consumer protection natural resources on all of the following:

18 **SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

19 88.11 (4) The board or the petitioners, with the aid of an engineer having the
20 qualifications specified in s. 88.21 (5), shall make the necessary survey and
21 evaluation as directed by the department of ~~agriculture, trade and consumer~~
22 protection natural resources for its report.

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

24 88.11 (5) (intro.) The report of the department of ~~agriculture, trade and~~
25 consumer protection natural resources under sub. (3) also shall include a report of

1 the college of agriculture and life sciences of the University of Wisconsin–Madison
2 on all of the following:

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

4 88.11 (6) A drainage district shall comply with the rules promulgated under
5 this section and any requirements imposed by the department of ~~agriculture, trade~~
6 ~~and consumer protection~~ natural resources under this section.

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

8 88.11 (7) The department of ~~agriculture, trade and consumer protection~~
9 natural resources may issue a special order directing the immediate cessation of
10 work regulated under this section until the necessary plan approval is obtained or
11 until the project complies with this section.

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

13 **88.13 Right to enter lands of drainage district.** Whenever necessary for
14 any purpose connected with the organization of a district or the construction,
15 maintenance or repair of drains and other works, members of the board,
16 representatives of the department of ~~agriculture, trade and consumer protection~~
17 natural resources, and persons intending to bid on or to whom contracts have been
18 let for the construction of the works within a district and their respective agents and
19 employees may go upon any lands proposed for inclusion or included within a district
20 or on adjoining lands, and are not guilty of trespass therefor but are liable for
21 unnecessary damage caused to crops or structures.

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

23 **88.15 Drainage board grants.** (1) From the appropriation under s. ~~20.115~~
24 ~~(7) (d)~~ 20.370 (6) (dd), the department of ~~agriculture, trade and consumer protection~~
25 natural resources shall make grants to boards to assist boards to comply with this

1 chapter and rules promulgated under this chapter. A grant under this section may
2 not exceed 60% of the costs incurred by the board to comply with this chapter and
3 rules promulgated under this chapter.

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

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

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

10 88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and
11 standards under rules that the department of ~~agriculture, trade and consumer~~
12 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

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

14 88.19 (4) (d) Before any records may be destroyed under this subsection, the
15 secretary of the drainage board and the county zoning administrator shall give at
16 least 60 days' prior written notice of the proposed destruction to the state historical
17 society, which may preserve records that it determines to be of historical interest, and
18 shall give at least 60 days' prior written notice to the state drainage engineer, who
19 may preserve records determined to be of interest to the department of ~~agriculture,~~
20 ~~trade and consumer protection~~ natural resources.

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

22 88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer
23 employed by the board shall be selected from a list of professional engineers approved
24 by the department of ~~agriculture, trade and consumer protection~~ natural resources.
25 The department of ~~agriculture, trade and consumer protection~~ natural resources

1 shall furnish each drainage board, upon request, a list of professional engineers
2 whom it considers qualified by training and experience to give competent advice in
3 drainage matters.

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

5 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
6 year the board shall file with the department of ~~agriculture, trade and consumer~~
7 ~~protection~~ natural resources and the county zoning administrator a separate report,
8 for the preceding year ending August 31, on each drainage district under the board's
9 jurisdiction. The reports shall constitute part of the records of the districts reported
10 on, shall be verified by the oath of one or more of the board members, and shall
11 contain:

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

13 **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report
14 shall be submitted to the department of ~~agriculture, trade and consumer protection~~
15 natural resources before it is filed with the court. Within 45 days after receipt of the
16 report, the department shall return it with a copy of the report prepared under s.
17 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation
18 of the district.

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

20 **88.35 (7)** If the area of the district exceeds 200 acres, the report shall be
21 submitted to the department of ~~agriculture, trade and consumer protection~~ natural
22 resources. Within 45 days after its receipt, the department shall return it with a copy
23 of the report prepared under s. 88.11 (3) and (5) and the department's approval or
24 disapproval of the report prepared under sub. (6).

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

1 88.77 (2) If the undrained portion of the area proposed to be annexed to the
2 district exceeds 200 acres, the drainage board shall request the report described
3 under s. 88.11 (3) and (5) from the department of ~~agriculture, trade and consumer~~
4 ~~protection~~ natural resources on the annexation. Within 60 days after the request,
5 the department shall prepare and return a copy of the report and its approval or
6 disapproval, as provided under s. 88.35 (7).

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

8 92.03 (2) “Board” means the land and water conservation board created under
9 ~~s. 15.135 (4)~~.

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

11 92.03 (3) “Department” means the department of ~~agriculture, trade and~~
12 ~~consumer protection~~ natural resources.

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

14 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
15 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
16 recommendations on the plan to the department ~~and to the department of natural~~
17 ~~resources~~.

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

19 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state
20 responsible for setting and implementing statewide soil and water conservation
21 policies and administering the state’s soil and water conservation programs. The
22 department shall coordinate its soil and water conservation program with the
23 nonpoint source water pollution abatement program established under s. 281.65, the
24 inland lake protection and rehabilitation program established under ch. 33 and other

1 programs with objectives related to soil and water conservation administered by the
2 department of ~~natural resources~~ or by other state or federal agencies.

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

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

5 92.05 (3) (L) *Technical assistance; performance standards.* The department
6 shall provide technical assistance to county land conservation committees and local
7 units of government for the development of ordinances that implement standards
8 adopted under s. 92.07 (2), 92.105 (1), ~~92.15 (2) or (3)~~ or 281.16 (3). The department's
9 technical assistance shall include preparing model ordinances, providing data
10 concerning the standards and reviewing draft ordinances to determine whether the
11 draft ordinances comply with applicable statutes and rules.

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

13 92.10 (1) **CREATION.** There is created a land and water resource management
14 planning program. The department, board and land conservation committees jointly
15 shall develop and administer this program. The department shall consult with the
16 University of Wisconsin–Extension about the administration of this program.

17 **SECTION 259fi.** 92.10 (4) (c) of the statutes is renumbered 92.10 (7) and
18 amended to read:

19 92.10 (7) **PLAN ASSISTANCE.** The department University of
20 Wisconsin–Extension shall assist land conservation committees in preparing land
21 and water resource management plans.

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

23 92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land
24 conservation committee plans from the agencies identified as advisers to the board
25 under s. ~~15.135~~ 15.345 (4).

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

2 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
3 conditions throughout the county, including any assessment available from the
4 department of ~~natural resources~~.

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

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

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

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

13 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their
14 land and water conservation activities, the department shall award an annual grant
15 from the appropriation under s. 20.215 (7) (e) ~~20.370 (6) (ac) or (ad) (as)~~ or s. 20.866
16 (2) (we) to any county land conservation committee that has a land and water
17 resource management plan approved by the department under s. 92.10 (4) (d), and
18 that, by county board action, has resolved to provide any matching funds required
19 under sub. (5g). The county may use the grant for land and water resource
20 management planning and for any of the following purposes, consistent with the
21 approved land and water resource management plan:

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

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

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~~20.370 (6) (ac) or (ad) (as)~~

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.

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.

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.

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~~ and the University of Wisconsin-Extension
17 shall assist counties in conducting the activities for which grants under sub. (3) may
18 be used.

19 **SECTION 259hn.** 92.14 (6) (n) of the statutes is created to read:

20 92.14 (6) (n) The University of Wisconsin-Extension shall assist the
21 department in the administration of the program under this section.

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

23 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~
24 The department shall promulgate rules to administer this section and the
25 department's duties under s. 281.65.

1 **SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

2 92.14 (12) ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~
3 ~~department of natural resources,~~ shall submit a report on the progress of the
4 program under this section and s. 281.65 to the board.

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

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

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

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

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

23 92.14 (14m) COORDINATION. The department of ~~agriculture, trade and~~
24 ~~consumer protection and the department of natural resources,~~ jointly, shall review
25 applications from counties for grants under sub. (5r) and, for projects and activities

1 selected to receive funding shall determine whether to provide funding under this
2 section or under s. 281.65 or 281.66.

3 **SECTION 259hw.** 92.14 (15) of the statutes is repealed.

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

5 **SECTION 259ic.** 92.18 (4) of the statutes is repealed.

6 **SECTION 259id.** 92.18 (5) of the statutes is amended to read:

7 92.18 (5) Any training required under this section may be conducted by the
8 department ~~or the department of natural resources~~ or by another person with the
9 approval of the department.”

10 **9.** Page 154, line 18: after that line insert:

11 “**SECTION 260h.** 93.38 (3m) of the statutes is created to read:

12 93.38 (3m) The department shall provide technical assistance to county land
13 conservation committees and local units of government for the development of
14 ordinances under sub. (2) or (3). The department’s technical assistance shall include
15 preparing model ordinances, providing data concerning the standards under s.
16 281.16 (3) and reviewing draft ordinances to determine whether the draft ordinances
17 comply with applicable statutes and rules.

18 **SECTION 260hp.** 93.70 of the statutes is renumbered 281.52.”

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

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

21 281.16 (3) (b) The department of agriculture, trade and consumer protection,
22 ~~in consultation with the department of natural resources~~, shall promulgate rules
23 prescribing conservation practices to implement the performance standards and
24 prohibitions under par. (a) and specifying a process for the development and

1 dissemination of technical standards to implement the performance standards and
2 prohibitions under par. (a).

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

4 281.16 (3) (c) Using the process specified under par. (b), the department of
5 ~~agriculture, trade and consumer protection, in consultation with the University of~~
6 ~~Wisconsin-Extension,~~ shall develop and disseminate technical standards to
7 implement the performance standards and prohibitions under par. (a). The
8 department of ~~agriculture, trade and consumer protection~~ shall disseminate
9 alternative technical standards for situations in which more than one method exists
10 to implement the performance standards and prohibitions.

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

12 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
13 is in existence before October 14, 1997, may not be required by this state or a
14 municipality to comply with the performance standards, prohibitions, conservation
15 practices or technical standards under this subsection unless cost-sharing is
16 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
17 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38
18 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules
19 that specify criteria for determining whether cost-sharing is available under s. 92.14
20 ~~or 281.65 and the department of agriculture, trade and consumer protection shall~~
21 ~~promulgate rules that specify criteria for determining whether cost-sharing is~~
22 ~~available under s. 92.14 or from any other source.~~ The rules may not allow a
23 determination that cost-sharing is available to meet local regulations under s. 92.07
24 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance
25 standards, prohibitions, conservation practices or technical standards under this

1 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
2 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
3 rules.

4 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:

5 281.20 (1) (a) Order or cause the abatement of pollution which the department,
6 in consultation with the ~~department of agriculture, trade and consumer protection~~
7 University of Wisconsin-Extension if the source is agricultural, has determined to
8 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),
9 including pollution which causes the violation of a water quality standard, pollution
10 which significantly impairs aquatic habitat or organisms, pollution which restricts
11 navigation due to sedimentation, pollution which is deleterious to human health or
12 pollution which otherwise significantly impairs water quality, except that under this
13 paragraph the department may not order or cause the abatement of any pollution
14 caused primarily by animal waste or of pollution from an agricultural source that is
15 located in a priority watershed or priority lake area unless the source is designated
16 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or
17 a modification to such a plan under s. 281.65 (5s).

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

19 281.20 (3) (c) If the nonpoint source which is the subject of a notice under par.
20 (a) is agricultural, the department shall send the notice to the ~~department of~~
21 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension. The
22 ~~department of agriculture, trade and consumer protection~~ University of
23 Wisconsin-Extension shall do all of the following:

24 1. Upon receipt of the notice and in cooperation with the land conservation
25 committee, provide to the person whom the department has determined to be

1 responsible for the nonpoint source under sub. (1) (a) a listing of management
2 practices which, if followed, would reduce pollution to an amount determined to be
3 acceptable by the department, in consultation with either the ~~department of~~
4 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension or
5 the land conservation committee. The list shall, with reasonable limits, set forth all
6 of the options which are available to the person to reduce pollution to that amount
7 of pollution. The ~~department of agriculture, trade and consumer protection~~ shall
8 provide to each person receiving a notice an explanation of financial aids and
9 technical assistance which may be available to the person for the abatement of
10 pollution or the implementation of best management practices from the department
11 ~~of agriculture, trade and consumer protection~~ under s. 92.14 and from other sources.

12 2. Issue a report to the department within one year after the date of the notice
13 describing the actions taken by the person receiving the notice and a
14 recommendation as to whether the department should issue an order to abate the
15 pollution or implement the best management practices. Notwithstanding par. (a),
16 the department may not issue an order until the department receives that report
17 unless the department determines that the pollution is causing or will cause severe
18 water quality degradation which could be mitigated or prevented by abatement
19 action taken in less than one year and unless the ~~department of agriculture, trade~~
20 ~~and consumer protection~~ University of Wisconsin-Extension files a concurring
21 determination in writing with the department within 30 days after receiving notice
22 of the department's determination.

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

24 281.20 (3) (d) 3. If the nonpoint source is agricultural, the department provides
25 a copy of the temporary emergency order to the ~~department of agriculture, trade and~~

1 ~~consumer protection~~ University of Wisconsin-Extension and to the land
2 conservation committee created under s. 92.06 in every county in which the nonpoint
3 source is located.

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

5 281.65 (3) (f) Require the department ~~and the department of agriculture, trade~~
6 ~~and consumer protection~~ to conduct or contract for another person to conduct any
7 evaluation or audit of the program under this section and of individual priority
8 watershed or priority lake projects that the board determines is necessary.

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

10 281.65 (4) (as) Consult with the ~~department of agriculture, trade and consumer~~
11 ~~protection~~ University of Wisconsin-Extension in developing any federal grant
12 application under par. (ar). Every application is subject to s. 16.54 and shall include
13 the proposed expenditures of federal nonpoint source water pollution abatement
14 grant moneys and the allocation of such moneys between the department and the
15 ~~department of agriculture, trade and consumer protection~~ University of
16 Wisconsin-Extension.

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

18 281.65 (4) (dr) Appoint a committee for each priority watershed and priority
19 lake, to advise the department, ~~the department of agriculture, trade and consumer~~
20 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint
21 source pollution abatement financial assistance program. Each committee shall
22 include at least 2 farmers as members if the priority watershed or priority lake area
23 includes property in agricultural use. Each committee shall include at least 2
24 representatives of a public inland lake protection and rehabilitation district that is
25 within the priority watershed or priority lake area or, if one does not exist, of riparian

1 property owners. Each committee for a priority watershed or priority lake area with
2 any area in the Milwaukee River basin shall include a member of the county board
3 from each county with any area in that priority watershed or priority lake area.

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

5 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~
6 ~~agriculture, trade and consumer protection~~ University of Wisconsin-Extension, as
7 are necessary for the proper execution and administration of the program under this
8 section. Before promulgating rules under this paragraph, the department shall
9 submit the rules to the land and water conservation board for review under sub. (3)
10 (at). The rules shall include standards and specifications concerning best
11 management practices which are required for eligibility for cost-sharing grants
12 under this section. The standards and specifications shall be consistent with the
13 performance standards, prohibitions, conservation practices and technical
14 standards under s. 281.16. The department may waive the standards and
15 specifications in exceptional cases. The rules shall specify which best management
16 practices are cost-effective best management practices. Only persons involved in the
17 administration of the program under this section, persons who are grant recipients
18 or applicants and persons who receive notices of intent to issue orders under s. 281.20
19 (1) (b) are subject to the rules promulgated under this paragraph. Any rule
20 promulgated under this paragraph which relates or pertains to agricultural
21 practices relating to animal waste handling and treatment is subject to s. 13.565.

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

23 281.65 (4) (g) (intro.) In cooperation with the ~~department of agriculture, trade~~
24 ~~and consumer protection~~ and the appropriate governmental unit, prepare priority
25 watershed and priority lakes plans to implement nonpoint source water pollution

1 abatement projects in priority watersheds and priority lake areas. In preparing the
2 plans, the department shall:

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

4 281.65 (4) (g) 2. Promote significant participation from ~~the department of~~
5 ~~agriculture, trade and consumer protection and~~ other state agencies, governmental
6 units and other persons located in any priority watershed or in any priority lake area
7 that is the subject of the plan.

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

9 281.65 (4) (g) 4. In cooperation with the ~~department of agriculture, trade and~~
10 ~~consumer protection~~ University of Wisconsin-Extension, incorporate the
11 appropriate best management practices into the plan.

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

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

14 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~
15 ~~department of agriculture, trade and consumer protection,~~ submit a budget report
16 to the board that includes anticipated expenditures for projects under this section
17 during the next year, criteria for ending projects under this section and, if anticipated
18 expenditures exceed anticipated funding, a plan for reducing expenditures.

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

20 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~
21 ~~trade and consumer protection,~~ submit a report on the progress of the program under
22 this section to the land and water conservation board.

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

24 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~
25 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~

1 shall ~~review and approve or disapprove the plan~~ and shall notify the land and water
2 conservation board of its final action on the plan. The department shall implement
3 ~~any part of the plan for which the plan gives it responsibility.~~

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

5 281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~
6 ~~protection, develop~~ Develop the forms required and implement the process under s.
7 92.14 (14).

8 **SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001
9 Wisconsin Act 16, is amended to read:

10 281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~
11 ~~agriculture, trade and consumer protection,~~ determines that funding provided under
12 s. 92.14 is insufficient to fund the project.

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

14 281.65 (4m) (c) The department shall submit a copy of any plan it completes
15 under this subsection to any county located in or containing any watershed which is
16 a subject of the plan and to the ~~department of agriculture, trade and consumer~~
17 ~~protection~~ University of Wisconsin–Extension. ~~The department of agriculture, trade~~
18 ~~and consumer protection~~ University of Wisconsin–Extension shall review the plan
19 and notify the department of ~~natural resources~~ of its comments on the plan. A county
20 receiving a plan under this subsection shall review the plan, approve or disapprove
21 the plan and notify the department of ~~natural resources~~ of its action on the plan.

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

23 281.65 (4m) (d) After the department considers the comments of the
24 ~~department of agriculture, trade and consumer protection~~ University of
25 Wisconsin–Extension on a plan under par. (c) and receives approval of the plan by

1 every county to which it was sent and by the land and water conservation board, the
2 department shall designate the plan to be an element of the appropriate areawide
3 water quality management plan under P.L. 92–500, section 208.

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

5 281.65 (5) (intro.) The department of ~~agriculture, trade and consumer~~
6 ~~protection, in consultation with the University of Wisconsin–Extension,~~ shall:

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

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

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

1 conservation committee may affirm or reverse the designation of the site as a critical
2 site.

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

4 281.65 (10) To the greatest extent practicable, the department, ~~the department~~
5 ~~of agriculture, trade and consumer protection~~ and the administering and
6 implementing governmental unit shall encourage and utilize the Wisconsin
7 conservation corps for appropriate projects.

8 **SECTION 369qL.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act
9 16, is amended to read:

10 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay
11 River is a priority watershed for the period ending on June 30, 2005.
12 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
13 (e), the department, in consultation with the local units of government involved with
14 the priority watershed project, shall establish guidelines for the types of nonpoint
15 source water pollution abatement practices to be eligible for cost-sharing grants in
16 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
17 the watershed may be based on the amount of pollution reduction achieved rather
18 than on the cost of the practices installed, using guidelines developed by the
19 department, in consultation with the local units of government involved with the
20 priority watershed project. In providing funding under s. 92.14 (3), the department
21 ~~of agriculture, trade and consumer protection~~ shall determine the amount of
22 matching funds required for staff for the priority watershed project as though the
23 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
24 department and the local governmental staff involved with the priority watershed

1 project shall evaluate the cost effectiveness of the project and the reduction in
2 nonpoint source water pollution associated with the project.

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

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

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

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

16 “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN-EXTENSION.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
18 liabilities of the department of agriculture, trade and consumer protection that are
19 primarily related to the functions of the conservation engineering section in the land
20 and water resources bureau and that are primarily related to the soil erosion control
21 and federal and county liaison functions of the conservation management section in
22 the land and water resources bureau, as determined by the secretary of
23 administration, shall become the assets and liabilities of the University of Wisconsin
24 System.

1 (b) *Position transfers.* On the effective date of this paragraph:

2 1. The authorized FTE positions for the department of agriculture, trade and
3 consumer protection are decreased by ^{Insert 25-3} ~~XXX XXX~~ positions related to ~~XXX~~ funded
4 from the appropriation under section 20.115 ^{(7)(a)} ~~XXX~~ of the statutes.

5 2. The authorized FTE positions for the department of agriculture, trade and
6 consumer protection are decreased by ^{Insert 25-6} ~~XXX XXX~~ positions related to ~~XXX~~ funded
7 from the appropriation under section 20.115 ^{(7)(k)} ~~XXX~~ of the statutes.

^{Insert 25-7} 8 ⁴ There are authorized for the University of Wisconsin System ~~XXX FTE XXX~~
9 ~~positions related to XXX~~ to be funded from the appropriation under section 20.285
10 ~~XXX~~ of the statutes, as ^{(1)(g)} ~~affected~~ ^{created} by this act.

^{Insert 25-8} 11 ⁵ There are authorized for the University of Wisconsin System ~~XXX FTE XXX~~
12 ~~positions related to XXX~~ to be funded from the appropriation under section 20.285
13 ~~XXX~~ of the statutes, as ^{(1)(k)} ~~affected~~ ^{created} by this act.

^{Insert 25-13} 14 (c) *Employee transfers.* All incumbent employees holding positions in the
15 department of agriculture, trade and consumer protection that are specified in
16 paragraph (b) ^{1 to 3.} ~~XXX~~ are transferred on the effective date of this paragraph to the
17 University of Wisconsin System.

18 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
19 same rights and status under subchapter V of chapter 111 and chapter 230 of the
20 statutes in the University of Wisconsin System that they enjoyed in the department
21 of agriculture, trade and consumer protection immediately before the transfer.
22 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
23 has attained permanent status in class is required to serve a probationary period.

24 (e) *Tangible personal property.* On the effective date of this paragraph, all
25 tangible personal property, including records, of the department of agriculture, trade

1 and consumer protection that is primarily related to the functions of the conservation
2 engineering section in the land and water resources bureau and that is primarily
3 related to the soil erosion control and federal and county liaison functions of the
4 conservation management section in the land and water resources bureau, as
5 determined by the secretary of administration, shall be transferred to the University
6 of Wisconsin System.

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

17 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
18 trade and consumer protection that are primarily related to the functions of the
19 conservation engineering section in the land and water resources bureau and that
20 are primarily related to the soil erosion control and federal and county liaison
21 functions of the conservation management section in the land and water resources
22 bureau, as determined by the secretary of administration, and that are in effect on
23 the effective date of this paragraph remain in effect until their specified expiration
24 dates or until amended or repealed by the University of Wisconsin System. All orders
25 issued by the department of agriculture, trade and consumer protection that are

1 primarily related to the functions of the conservation engineering section in the land
2 and water resources bureau and that are primarily related to the soil erosion control
3 and federal and county liaison functions of the conservation management section in
4 the land and water resources bureau, as determined by the secretary of
5 administration, and that are in effect on the effective date of this paragraph remain
6 in effect until their specified expiration dates or until modified or rescinded by the
7 University of Wisconsin System.

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

18 (1r) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the department of agriculture, trade and consumer protection that are
21 primarily related to the conservation reserve enhancement program and land and
22 water resource management planning functions of the conservation management
23 section in the land and water resources bureau and that are primarily related to the
24 grant administration and drainage district program functions of the resource
25 evaluation and grants section in the land and water resources bureau, as determined

1 by the secretary of administration, shall become the assets and liabilities of the
2 department of natural resources.

3 (b) *Position transfers.* On the effective date of this paragraph:

4 1. The authorized FTE positions for the department of agriculture, trade and
5 consumer protection are decreased by ^{Insert 28-5} ~~XXX XXX~~ positions related to ~~XXX~~ funded
6 from the appropriation under section 20.115 ^{(7)(a)} ~~XXX~~ of the statutes.

7 2. The authorized FTE positions for the department of agriculture, trade and
8 consumer protection are decreased by ^{0.75 PR} ~~XXX XXX~~ positions related to ^{the conservation reserve enhancement program} ~~XXX~~ funded
9 from the appropriation under section 20.115 ^{(7)(g)} ~~XXX~~ of the statutes.

10 ^{Insert 28-9} 4.18. There are authorized for the department of natural resources ^{Insert 28-10} ~~XXX FTE~~
11 ~~XXX~~ positions related to ~~XXX~~ to be funded from the appropriation under section
12 20.370 ^{(4)(ma)} ~~XXX~~ of the statutes, ~~as affected by this act.~~

13 ^{5.21} There are authorized for the department of natural resources ^{0.75} ~~XXX~~ FTE
14 ^{PR} ~~XXX~~ position related to ^{the conservation reserve enhancement program} ~~XXX~~ to be funded from the appropriation under section
15 20.370 ^{(4)(cg)} ~~XXX~~ of the statutes, as created by this act.

16 ^{Insert 28-15} (c) *Employee transfers.* All incumbent employees holding positions in the
17 department of agriculture, trade and consumer protection that are specified in
18 paragraph (b) ^{1. to 3.} ~~XXX~~ are transferred on the effective date of this paragraph to the
19 department of natural resources. ✓

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

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

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

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

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

1 considered as having been submitted to or taken by the department of natural
2 resources.

Insert
21-2

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

4 "(3q) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF
5 NATURAL RESOURCES. (1)

6 (a) The treatment of sections 15.07 (1) (cm), 15.135 (4), 20.115 (7) (b), (c), (d),
7 (f), and (qd), 20.285 (cg) and (rm), 20.370 (4) (cg) and (mr) and (6) (as) and
8 (1) (intro.), (e), and (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.11, 88.15,
9 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2),
10 92.03 (2) and (3), 92.04 (2) (e), 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) (c), (5) (b),
11 (6) (a) 1., and (8), 92.14 (2) (j), (3) (intro.), (6) (b), (d), (h) 3., (m), and (n), (8), (12), (13),
12 (14), (14m), and (15), 92.15, 92.18 (4) and (5), 93.38 (3m), 93.70, 281.16 (3) (b), (c), and
13 (e), 281.20 (1) (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as), (dr), (e), (g) (intro.), 2., and
14 4., (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2.,
15 (10), and (11), 281.67, and 281.695 (5) of the statutes and SECTION 9104 (1q) and (1r) and (1s)
16 take effect on July 1, 2002."

17

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2741/lins
RCT:.....

Insert 2-11

1. Page 11, line 24: after that line insert:

→ (eq) Soil and water resource manage-
ment; ~~environmental fund~~ GPR A -0- 205,300

(rm) Soil and water resource manage-
ment; environmental fund SEG A -0- 836,700".

2. Page 12, line 3: after that line insert:

→ (4) WATER
(cg) ~~(Title)~~ Conservation reserve enhancement program
PR A -0- 40,800".

3. Page 12, line 4: after that line insert:

→ ((as) Environmental aids - soil and
water resource management
grants SEG A -0- 3,725,100".

Insert 2-~~11~~17

SECTION 28ku. 20.115 (7) (g) of the statutes is amended to read:

20.115 (7) (g) *Agricultural impact statements.* All moneys received by the
department under s. 32.035 from the preparation of agricultural impact statements,
except moneys appropriated under s. 20.370 (4) (cg), for general program operations.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 25b; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38.

Insert 2-18

4. Page 14, line 6: after that line insert:

"SECTION 32pd. 20.285 (1) (eq) of the statutes is created to read:

I

Soil and water resource management.

*

20.285 (1) (eq) ^{Title:} The amounts in the schedule for University of Wisconsin—Extension ^{activities related to} soil and water resource management.

SECTION 32vd. 20.285 (1) (rm) of the statutes is created to read:

20.285 (1) (rm) *Soil and water resource management; environmental fund.*

From the environmental fund, the amounts in the schedule for University of Wisconsin—Extension activities related to soil and water resource management.”

5. Page 15, line 24: after that line insert:

“SECTION 36ft. 20.370 (4) (cg) of the statutes is created to read:

20.370 (4) (cg) *Conservation reserve enhancement program.* From the general fund, from the moneys received under s. 32.035, the amounts in the schedule for administering the conservation reserve enhancement program under s. 281.52.

SECTION 36fx. 20.370 (4) (mr) of the statutes is amended to read:

20.370 (4) (mr) *General program operations — nonpoint source and conservation reserve enhancement.* From the environmental fund, the amounts in the schedule for performing the duties of the department under ~~s.~~ ss. 92.14, 281.52, and 281.65.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22an to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

SECTION 36jv. 20.370 (6) (as) of the statutes is created to read:

I
grants

20.370 (6) (as) *Environmental aids – soil and water resource management.*

From the environmental fund, the amounts in the schedule for soil and water resource management grants under s. 92.14.”

Insert 25-3

no P 0.2 GPR position related to land and water resource management planning, 0.1 GPR position related to soil erosion, 1.0 GPR position related to certification, 0.5 GPR position related to engineering design, and 0.5 GPR position related to computer design programming

Insert 25-6

no P 1.75 PR positions related to land and water resource management planning, 0.25 PR position related to soil erosion, 0.5 PR position related to certification, and 0.5 PR position related to engineering design

Insert 25-7

~~3.0~~ The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 0.5 SEG position related to performance standard evaluation, 1.0 SEG position related to county liaison, 4.0 SEG positions related to certification, and 4.0 SEG positions related to engineering design funded from the appropriation under section 20.115 (7) (qd) of the statutes.

Insert 25-8

no P 0.2 FTE GPR position related to land and water resource management planning, 0.1 FTE GPR position related to soil erosion, 1.0 FTE GPR position related to certification, 0.5 FTE GPR position related to engineering design, and 0.5 FTE GPR position related to computer design programming

Insert 25-11

no P 1.75 FTE PR positions related to land and water resource management planning, 0.25 FTE PR position related to soil erosion, 0.5 FTE PR position related to certification, and 0.5 FTE PR position related to engineering design

NEW STAT

PR

PR

Insert 25-13

6. There are authorized for the University of Wisconsin System 0.5 FTE SEG position related to performance standard evaluation, 1.0 FTE SEG position related to county liaison, 4.0 FTE SEG positions related to certification, and 4.0 FTE SEG positions related to engineering design to be funded from the appropriation under section 20.285 (1) (rm) of the statutes, as created by this act. ✓

Insert 28-5

no ff

1.25 GPR positions related to soil and water resource management grants, 1.2 GPR positions related to drainage districts, and 1.13 GPR positions related to the conservation reserve enhancement program

Insert 28-9

*

3. The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 1.0 SEG position related to soil and water resource management grants and 0.5 SEG position related to the conservation reserve enhancement program funded from the appropriation under section 20.115 (7) (qd) of the statutes.

Insert 28-10

no ff

1.25 FTE GPR positions related to soil and water resource management grants, 1.2 FTE GPR positions related to drainage districts, and 1.13 FTE GPR positions related to the conservation reserve enhancement program

Insert 28-15

6. There are authorized for the department of natural resources 1.0 FTE SEG position related to soil and water resource management grants and 0.5 FTE SEG position related to the conservation reserve enhancement program to be funded from the appropriation under section 20.370 (4) (mr) of the statutes, as created by this act. ✓

Insert 31-2

(1)⁵ ELIMINATION OF BUREAU DIRECTOR POSITION. The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 1.0 GPR position funded from the appropriation under section 20.115 (7)⁷ (a) of the statutes to eliminate the position of director of the land and water resources bureau.”

6. Page 372, line 23: delete the material beginning with that line and ending with page 373, line 4.

7. Page 375, line 19: delete the material beginning with “and” and ending with “2002-03” on line 20.

8. Page 375, line 24: delete the material beginning with “and” and ending with “2002-03” on page 376, line 1.

9. Page 376, line 8: after that line insert:

(14)⁹ LAND AND WATER RESOURCE MANAGEMENT TRANSFER. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$544,700 for fiscal year 2002-03 to reflect the transfer of responsibilities related to land and water resource management, drainage districts, and the conservation reserve enhancement program away from the department.”

10. Page 409, line 16: after that line insert:

(37)^{38a} LAND AND WATER RESOURCE MANAGEMENT GENERAL PURPOSE REVENUE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (ma) of the statutes, as

affected by the acts of 2001, the dollar amount is increased by \$237,600 for fiscal year 2002-03 to provide funding for administration of the soil and water resource management grant program and the conservation reserve enhancement program and for activities related to drainage districts. ✓

³⁸
(~~36~~) LAND AND WATER RESOURCE MANAGEMENT GENERAL PURPOSE REVENUE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mr) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$68,100 for fiscal year 2002-03 to provide funding for administration of the soil and water resource management grant program and the conservation reserve enhancement program. ✓



1 ~~acts of 2001, the dollar amount is decreased by \$900 for fiscal year 2001-02 and the~~
2 ~~dollar amount is decreased by \$1,300 for fiscal year 2002-03 to decrease funding for~~
3 ~~the purpose for which the appropriation is made.~~

4 (10) AGRICULTURAL RESOURCE MANAGEMENT. In the schedule under section
5 20.005 (3) of the statutes for the appropriation to the department of agriculture,
6 trade and consumer protection under section 20.115 (7) (a) of the statutes, as affected
7 by the acts of 2001, the dollar amount is decreased by \$22,400 for fiscal year 2001-02
8 and the dollar amount is decreased by \$36,400 for fiscal year 2002-03 to decrease
9 funding for the purpose for which the appropriation is made.

10 ^{38s} (10) SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. In the schedule under
11 section 20.005 (3) of the statutes for the appropriation to the department of
12 ~~agriculture, trade and consumer protection~~ ^{natural resources} under section 20.115 (7) (c) ^{20-370(6)(cc)} of the
13 ~~statutes,~~ ^{as renumbered by this act and} as affected by the acts of 2001, ~~the dollar amount is decreased by \$205,600~~
14 ~~for fiscal year 2001-02 and the dollar amount is decreased by \$293,800 for fiscal year~~
15 ~~2002-03 to decrease funding for the purpose for which the appropriation is made.~~

16 ³⁸⁺ (10) DRAINAGE BOARD GRANTS. In the schedule under section 20.005 (3) of the
17 statutes for the appropriation to the department of agriculture, trade and consumer
18 ~~protection~~ ^{natural resources} under section 20.115 (7) (d) ^{20-370(6)(dd)} of the statutes, ^{as renumbered by this act and} as affected by the acts of 2001,
19 ~~the dollar amount is decreased by \$17,500 for fiscal year 2001-02 and the dollar~~
20 ~~amount is decreased by \$25,000 for fiscal year 2002-03 to decrease funding for the~~
21 ~~purpose for which the appropriation is made.~~ " end of insert 31-2

22 (13) CENTRAL ADMINISTRATIVE SERVICES. In the schedule under section 20.005 (3)
23 of the statutes for the appropriation to the department of agriculture, trade and
24 consumer protection under section 20.115 (8) (a) of the statutes, as affected by the
25 acts of 2001, the dollar amount is decreased by \$83,200 for fiscal year 2001-02 and

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

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RCT./.....

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This redraft makes technical corrections.

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