



State of Wisconsin  
2001 - 2002 LEGISLATURE

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/P2  
LRB-3345/01  
RNK:wj:fm

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

eligible activities for lake management project grants requiring certain persons to receive floodplain, shoreland, and wetland zoning training;

for issuing permits or other approvals for navigable waters activities

REGEN

1 AN ACT to repeal 23.235 (4) and 30.125; to renumber 30.725 (1), 30.725 (2)  
2 (intro.), 30.725 (2) (a) and 30.725 (2) (b); to renumber and amend 30.725  
3 (title) and 30.725 (3); to amend 20.866 (2) (TL), 23.235 (2), 23.322, 25.29 (1) (c),  
4 29.741 (2), 30.124 (1) (intro.), 30.124 (1) (a), 30.92 (4) (b) 8. b. and 281.17 (2); and  
5 to create 23.09 (15), 23.09 (20r), 23.24, 23.43, 30.715 (1), 30.715 (2), 30.715 (4)  
6 (a), 30.715 (4) (b), 30.715 (5), 30.92 (4) (b) 8. bp., 36.25 (29g), 59.694 (3m), 60.65  
7 (2m), 62.23 (7) (e) 2m. and 281.69 (3) (b) 2m. of the statutes, relating to: the  
8 formula used for calculating the estimated motorboat gas tax payment; bonding  
9 for dam safety projects; grants for cooperative ~~permitting~~ projects; computer  
10 accessible water resource management information; establishing a watershed  
11 management center; programs for aquatic plant management; and funding for  
12 engineer positions to perform water regulation and zoning functions, for a river  
13 coordinator position, for wetlands mitigation activities, for resource  
14 management activities along the Lower St. Croix national scenic riverway, for  
15 the payment of dues to the Upper Mississippi River Basin Association, for

placement and use of boats and boating equipment, and placement of boat trailers, in navigable waters; taking, removing, selling, and transporting certain wild plants;

granting rule-making authority

1 feasibility studies related to aquatic ecosystem restoration, for training local  
2 boards of adjustment and appeals and for lake management and river  
3 protection grants. and making appropriations

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

Insert  
2-4 →

**SECTION 1.** 20.866 (2) (tL) of the statutes is amended to read:

20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed \$6,350,000 \$9,350,000 for this purpose.

**SECTION 2.** 23.09 (15) of the statutes is created to read:

**23.09 (15) TRAINING FOR BOARDS OF ADJUSTMENT.** The department shall contract with a 3rd party to provide floodplain ~~and shoreland~~ and wetland zoning training ~~to~~ members of county boards of adjustment under ~~s. 56.624 (3) and~~ <sup>SS. 59.69 (2)(a) 1m, 61.35, and</sup> ~~s. 60.65 (2m) and~~ members of town boards of adjustment under ~~s. 60.65 (2m) and~~ <sup>62.23 (7) (e) 2m</sup> and to members of city boards of appeals ~~under s. 62.23 (7) (e) 2m.~~ The department shall provide the training at no cost to the person receiving the training. The department shall promulgate rules establishing minimum training requirements under this subsection.

**SECTION 3.** ~~23.09 (20)~~ <sup>30.209</sup> of the statutes is created to read:

and to provide floodplain and shoreland zoning training under 55.59.694 and 60.65(2m)

MOVE TO 9-11  
HSE

30.209

No. 29

(1)

(1)

~~23.09 (2007)~~ GRANTS FOR COOPERATIVE ~~PERMITTING~~ PROJECTS.

(4)

In this

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subsection, "governmental unit" means a city, village, town, or county.

(2)

The department shall establish a program under which a governmental unit may enter into a cooperative agreement with the department to perform functions that facilitate the issuance of permits <sup>or other approvals</sup> (under ~~ch. 30~~). The department shall award grants to governmental units for this purpose from the appropriation under s. 20.370

(4) (aq).

this chapter

or approvals

\*\*\*NOTE: I am not certain that this provision captures the intent of this part of the drafting request. I have assumed that the intent was for DNR to provide grants to cities, villages, towns, or counties. Is my assumption correct? Also, I could not determine exactly which permits under ch. 30 would fall within the scope of this provision. Consequently, without more information, I think that, as drafted, this provision is too vague. Finally, is it the intent of the request to allow DNR to delegate some of its permitting responsibilities to local governments? If so, this should be made more specific given that there may be some question as to whether DNR has the authority to delegate its functions to a local governmental unit, especially where the delegation touches on the public trust doctrine.

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SECTION 4. 23.235 (2) of the statutes is amended to read:

23.235 (2) Except as provided in sub. (3), no person may sell, offer for sale, distribute, plant, or cultivate any nuisance weed multiflora rose or seeds thereof.

SECTION 5. 23.235 (4) of the statutes is repealed.

SECTION 6. 23.24 of the statutes is created to read:

23.24 Aquatic plants. (1) DEFINITIONS. In this section:

- (a) "Aquaculture" has the meaning given in s. 98.01 (1d).
- (b) "Aquatic plant" means a planktonic, submergent, emergent, or floating-leaf plant or any part thereof.
- (c) "Control" means to cut, remove, destroy, or suppress.
- (d) "Cultivate" means to intentionally maintain the growth or existence of.
- (e) "Distribute" means to sell, offer to sell, distribute for no consideration, or offer to distribute for no consideration.

1 (f) "Introduce" means to plant, cultivate, stock, or release.

2 (g) "Invasive aquatic plant" means an aquatic plant that is designated under  
3 sub. (2) (b) 1.

4 (h) "Manage" means to introduce or control.

5 (i) "Native" means indigenous to the waters of this state.

6 (j) "Nonnative" means not indigenous to the waters of this state.

7 (k) "Waters of this state" means any surface waters within the territorial limits  
8 of this state.

9 (2) PROGRAM ESTABLISHED. (a) The department shall establish a program for  
10 the waters of this state to do all of the following:

- 11 1. Protect and develop diverse and stable communities of native aquatic plants.  
12 2. Regulate how aquatic plants are managed.  
13 3. Provide education and conduct research concerning invasive aquatic plants.

14 (b) Under the program implemented under par. (a), the department shall do all  
15 of the following:

16 1. Designate by rule which aquatic plants are invasive aquatic plants for  
17 purposes of this section. The department shall designate Eurasian water milfoil,  
18 curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may  
19 designate any other aquatic plant as an invasive aquatic plant if it has the ability to  
20 cause significant adverse change to desirable aquatic habitat, to significantly  
21 displace desirable aquatic vegetation, or to reduce the yield of products produced by  
22 aquaculture.

23 2. Administer and establish by rule procedures and requirements for the  
24 issuing of aquatic plants management permits required under sub. (3).

1 (c) The requirements promulgated under par. (b) 2. may specify any of the  
2 following:

3 1. The quantity of aquatic plants that may be managed under an aquatic plant  
4 management permit.

5 2. The species of aquatic plants that may be managed under an aquatic plant  
6 management permit.

7 3. The areas in which aquatic plants may be managed under an aquatic plant  
8 management permit.

9 4. The methods that may be used to manage aquatic plants under an aquatic  
10 plant management permit.

11 5. The times during which aquatic plants may be managed under an aquatic  
12 plant management permit.

13 6. The allowable methods for disposing or using aquatic plants that are  
14 removed or controlled under an aquatic plant management permit.

15 7. The requirements for plans that the department may require under sub. (3)  
16 (b).

17 **(3) PERMITS.** (a) Unless a person has a valid aquatic plant management permit  
18 issued under the program established under sub. (2), no person may do any of the  
19 following:

20 1. Introduce nonnative aquatic plants into waters of this state.

21 2. Manually remove aquatic plants from navigable waters.

22 3. Control aquatic plants in waters of this state by the use of chemicals.

23 4. Control aquatic plants in navigable waters by introducing biological agents,  
24 by using a process that involves dewatering, desiccation, burning, or freezing, or by  
25 using mechanical means.

1 (b) The department may require that an application for an aquatic plant  
2 management permit contain a plan for the department's approval as to how the  
3 aquatic plants will be introduced, removed, or controlled.

4 (c) The department may establish fees for aquatic plant management permits.  
5 The department may establish a different fee for an aquatic plant management  
6 permit to manage aquatic plants that are located in a body of water that is entirely  
7 confined on the property of one property owner.

8 (4) EXEMPTIONS FROM PERMITS. (a) In this subsection:

9 1. "Local governmental unit" means a political subdivision of this state, a  
10 special purpose district in this state, an instrumentality or corporation of the  
11 political subdivision or special purpose district, or a combination or subunit of any  
12 of the foregoing.

13 2. "State agency" means any office, department, independent agency, or  
14 attached board or commission within the executive branch of state government, or  
15 any special purpose authority created by statute.

16 (b) The permit requirement under sub. (3) does not apply to any of the following:

17 1. A person who manually removes aquatic plants from privately owned stream  
18 beds with the permission of the landowner.

19 2. A person who engages in an activity listed under sub. (3) (a) in the course of  
20 harvesting wild rice as authorized under s. 29.607.

21 3. A person who engages in an activity listed under sub. (3) (a) in the course of  
22 operating a fish farm as authorized under s. 95.60.

23 (c) The department may promulgate a rule to waive the permit requirement  
24 under sub. (3) (a) 2. for any of the following:

1           1. A person who owns property on which there is a body of water that is entirely  
2 confined on the property of that person.

3           2. A riparian owner who manually removes aquatic plants from a body of water  
4 that abuts the owner's property provided that the removal does not interfere with the  
5 rights of other riparian owners.

6           3. A person who is controlling purple loosestrife.

7           4. A person who uses chemicals in a body of water for the purpose of controlling  
8 bacteria on bathing beaches.

9           5. A person who uses chemicals on plants to prevent the plants from interfering  
10 with the use of water for drinking purposes.

11          6. A state agency or a local governmental unit that uses a chemical treatment  
12 in a body of water for the purpose of protecting the public health.

13          (5) DISTRIBUTION PROHIBITED. No person may distribute an invasive aquatic  
14 plant.

15          (6) PENALTIES. (a) Except as provided in par. (b), any person who violates sub.  
16 (3) shall forfeit not more than \$200.

17           (b) A person who violates sub. (3) and who, within 5 years before the arrest of  
18 the current conviction, was previously convicted of a violation of sub. (3) shall forfeit  
19 not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6  
20 months nor more than 9 months or both.

21           (c) The court may order a person who is convicted under par. (b) to abate any  
22 nuisance caused by the violation, restore any natural resource damaged by the  
23 violation, or take other appropriate action to eliminate or minimize any  
24 environmental damage caused by the violation.

25           (d) A person who violates sub. (5) shall forfeit not more than \$100.

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1 SECTION 7. 23.322 of the statutes is amended to read:

2 23.322 ~~Fees for computer~~ **Computer accessible water resource**  
3 **management information.** The department ~~may charge a fee for providing any~~  
4 shall provide information that that it maintains in a format that may be accessed by  
5 ~~computer~~ concerning the waters of this state, including maps and other water  
6 resource management information, in a manner that may be accessed by computer  
7 by any person interested in obtaining the information. The department may charge  
8 a fee for providing this information.

9 SECTION 8. 23.43 of the statutes is created to read:

10 23.43 **Watershed management center.** From the appropriation under s.  
11 20.370 (4) (aq), the department shall provide funding to the board of regents of the  
12 University of Wisconsin System to establish and operate the watershed management  
13 center under s. 36.25 (29g).

14 SECTION 9. 25.29 (1) (c) of the statutes is amended to read:

15 25.29 (1) (c) For fiscal year ~~1992-93~~ 2001-2002, and for each fiscal year  
16 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied  
17 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the  
18 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal  
19 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under  
20 s. 78.01 (1) on April 1 of the previous fiscal year. may, from the public waters  
of this state

21 SECTION 10. 29.741 (2) of the statutes is amended to read:

22 29.741 (2) No person shall take, remove, sell, or transport ~~from the public~~  
23 ~~waters of this state to any place beyond the borders of the state,~~ any duck potato, wild  
24 celery, or any other plant or plant product except wild rice that is native in said waters and  
25 commonly known to furnish food for game birds. to these

that is



1           **SECTION 11.** 30.124 (1) (intro.) of the statutes is amended to read:

2           30.124 (1) (intro.) Notwithstanding ss. 30.12, ~~30.125~~, 30.20, 30.44, and 30.45,  
3 and if the department finds that the activity will not adversely affect public or private  
4 rights or interests in fish and wildlife populations, navigation, or waterway flood  
5 flow capacity and will not result in environmental pollution, as defined in s. 299.01  
6 (4), the department may do all of the following on public lands or waters:

7           **SECTION 12.** 30.124 (1) (a) of the statutes is amended to read:

8           30.124 (1) (a) Cut aquatic ~~vegetation~~ plants, as defined in s. 30.715 (1) (a),  
9 without removing ~~the vegetation~~ them from the water, for the purpose of improving  
10 waterfowl nesting, brood, and migration habitat.

11           **SECTION 13.** 30.125 of the statutes is repealed.

12           **SECTION 14.** 30.715 (1) of the statutes is created to read:

13           30.715 (1) In this section:

14           (a) "Aquatic plant" means a submergent, emergent, or floating-leaf plant or  
15 any part thereof. "Aquatic plant" does not mean wild rice.

16           (b) "Public boat access site" means a site that provides access to a navigable  
17 water for boats and that is open to the general public for free or for a charge or that  
18 is open only to certain groups of persons for a charge.

19           **SECTION 15.** 30.715 (2) of the statutes is created to read:

20           30.715 (2) No person may place or use a boat or boating equipment or place a  
21 boat trailer in a navigable water if the person has reason to believe that the boat, boat  
22 trailer, or boating equipment has any aquatic plants attached.

23           **SECTION 16.** 30.715 (4) (a) of the statutes is created to read:

24           30.715 (4) (a) Remove aquatic plants from a boat, boat trailer, or boating  
25 equipment before placing it in a navigable water

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1           **SECTION 17.** 30.715 (4) (b) of the statutes is created to read:

2           30.715 (4) (b) Remove or not place a boat, boat trailer, or boating equipment  
3 in a navigable water if the law enforcement officer has reason to believe that the boat,  
4 boat trailer, or boating equipment has aquatic plants attached.

5           **SECTION 18.** 30.715 (5) of the statutes is created to read:

6           30.715 (5) (a) The department shall prepare a notice that contains a summary  
7 of the provisions under this section and shall make copies of the notice available to  
8 owners required to post the notice under par. (b).

9           (b) Each owner of a public boat access site shall post and maintain the notice  
10 described in par. (a).

11           **SECTION 19.** 30.725 (title) of the statutes is renumbered 30.715 (title) and  
12 amended to read:

13           **30.715 (title) Placement of boats, trailers, and equipment; Lower St.**  
14 **Croix River in navigable waters.**

15           **SECTION 20.** 30.725 (1) of the statutes is renumbered 30.715 (3).

16           **SECTION 21.** 30.725 (2) (intro.) of the statutes is renumbered 30.715 (4) (intro.).

17           **SECTION 22.** 30.725 (2) (a) of the statutes is renumbered 30.715 (4) (c).

18           **SECTION 23.** 30.725 (2) (b) of the statutes is renumbered 30.715 (4) (d).

19           **SECTION 24.** 30.725 (3) of the statutes is renumbered 30.715 (6) and amended  
20 to read:

21           30.715 (6) No person may refuse to obey the order of a law enforcement officer  
22 who is acting under sub. ~~(2)~~ (4).

23           **SECTION 25.** 30.92 (4) (b) 8. b. of the statutes is amended to read:

24           30.92 (4) (b) 8. b. Acquisition of capital equipment that is necessary to cut and  
25 remove aquatic plants ~~that are aquatic nuisances or that are detrimental to fish~~

1 habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that  
2 is approved by the department.

3 SECTION 26. 30.92 (4) (b) 8. bp. of the statutes is created to read:

4 30.92 (4) (b) 8. bp. Acquisition of capital equipment that is necessary to control  
5 and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment  
6 will be used to control and remove them as authorized by an aquatic plant  
7 management permit issued under s. 23.24 (3).

8 SECTION 27. 36.25 (29g) of the statutes is created to read:

9 36.25 (29g) WATERSHED MANAGEMENT CENTER. The board shall establish in the  
10 college of natural resources at the University of Wisconsin-Stevens Point a center  
11 to conduct studies and research relating to watershed management.

Insert  
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12 SECTION 28. 59.694 (3m) of the statutes is created to read:

13 59.694 (3m) TRAINING. <sup>The zoning of</sup> No member or alternate member of the board of  
14 adjustment may participate in any hearing <sup>or</sup> ~~decision~~ <sup>or other activity</sup> under this  
15 ~~section~~ that concerns <sup>or a</sup> a floodplain, <sup>or a</sup> shoreland, <sup>or</sup> ~~wetland~~ unless the member or  
16 alternate member has completed a program of training concerning floodplain  
17 <sup>and</sup> ~~shoreland and wetland~~ zoning conducted by the department of natural resources.

18 SECTION 29. 60.65 (2m) of the statutes is created to read:

19 60.65 (2m) TRAINING. No member ~~or alternate member~~ of the board of  
20 adjustment may participate in any hearing <sup>or</sup> ~~decision~~ <sup>or other activity</sup> under this  
21 ~~section~~ that concerns <sup>the zoning of</sup> a floodplain, <sup>or a</sup> shoreland, <sup>or</sup> ~~wetland~~ unless the member ~~or~~  
22 ~~alternate member~~ has completed a program of training concerning floodplain  
23 <sup>and</sup> ~~shoreland and wetland~~ zoning conducted by the department of natural resources.

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24 SECTION 30. 62.23 (7) (e) 2m. of the statutes is created to read:

*the zoning of*  
1           62.23 (7) (e) 2m. No member or alternate member of the board of appeals may  
2 participate in any hearing <sup>or</sup> decision ~~or other activity~~ ~~under this paragraph~~ that  
3 concerns a floodplain ~~shoreland~~ <sup>or</sup> wetland unless the member or alternate member  
4 has completed a program of training concerning floodplain ~~shoreland~~ and wetland  
5 zoning conducted by the department of natural resources.

6           **SECTION 31.** 281.17 (2) of the statutes is amended to read:

7           281.17 (2) The department shall supervise chemical treatment of waters for the  
8 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing  
9 plants and organisms that are not regulated by the program established under s.  
10 23.24 (2). It may purchase equipment and may make a charge for the use of the same  
11 and for materials furnished, together with a per diem charge for any services  
12 performed in such work. The charge shall be sufficient to reimburse the department  
13 for the use of the equipment, the actual cost of materials furnished, and the actual  
14 cost of the services rendered.

15           **SECTION 32.** 281.69 (3) (b) 2m. of the statutes is created to read:

16           281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along  
17 its shoreline if the restoration will protect or improve the lake's water quality or its  
18 natural ecosystem.

19           **SECTION 33. Appropriation changes.**

20           (1) DAM SAFETY. In the schedule under section 20.005 (3) of the statutes for the  
21 appropriation to the department of natural resources under section 20.370 (4) (br)  
22 of the statutes, as affected by the acts of 2001, the dollar amount is increased by  
23 \$244,500 for fiscal year 2001-02 and the dollar amount is increased by \$256,800 for  
24 fiscal year 2002-03 to increase the authorized FTE positions for the department of

1 natural resources by 3.0 SEG engineer positions to perform water regulation and  
2 zoning functions.

3 (2) RIVER COORDINATOR POSITION. In the schedule under section 20.005 (3) of the  
4 statutes for the appropriation to the department of natural resources under section  
5 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is  
6 increased by \$50,200 for fiscal year 2001–02 and the dollar amount is increased by  
7 \$57,000 for fiscal year 2002–03 to increase the authorized FTE positions for the  
8 department of natural resources by 1.0 SEG river coordinator position to coordinate  
9 river related functions and to provide technical support for the river protection grant  
10 program under section 281.70 of the statutes.

11 (3) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the  
12 statutes for the appropriation to the department of natural resources under section  
13 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is  
14 increased by \$498,000 for fiscal year 2001–02 and the dollar amount is increased by  
15 \$730,000 for fiscal year 2002–03 for wetlands regulation activities relating to  
16 wetlands mitigation under section 23.321 of the statutes.

17 (4) LOWER ST. CROIX NATIONAL SCENIC RIVERWAY MANAGEMENT. In the schedule  
18 under section 20.005 (3) of the statutes for the appropriation to the department of  
19 natural resources under section 20.370 (4) (aq) of the statutes, as affected by the acts  
20 of 2001, the dollar amount is increased by \$101,900 for fiscal year 2001–02 and the  
21 dollar amount is increased by \$109,200 for fiscal year 2002–03 to conduct resource  
22 management activities along the Lower St. Croix national scenic riverway.

23 (5) DUES PAYMENTS. In the schedule under section 20.005 (3) of the statutes for  
24 the appropriation to the department of natural resources under section 20.370 (4)  
25 (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by

1 \$13,000 for fiscal year 2001–02 and the dollar amount is increased by \$13,000 for  
2 fiscal year 2002–03 to provide funding for annual dues to the Upper Mississippi  
3 River Basin Association.

4 (6) AQUATIC PLANT MANAGEMENT. In the schedule under section 20.005 (3) of the  
5 statutes for the appropriation to the department of natural resources under section  
6 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is  
7 increased by \$300,000 for fiscal year 2001–02 and the dollar amount is increased by  
8 \$500,000 for fiscal year 2002–03 for the purpose of funding the aquatic plant  
9 management program under section 23.24 of the statutes and the prevention of the  
10 introduction of certain aquatic plants into navigable waters under section 30.715 of  
11 the statutes.

12 (7) COST SHARING FOR AQUATIC RESTORATION PROJECTS. In the schedule under  
13 section 20.005 (3) of the statutes for the appropriation to the department of natural  
14 resources under section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001,  
15 the dollar amount is increased by \$200,000 for fiscal year 2001–02 and the dollar  
16 amount is increased by \$200,000 for fiscal year 2002–03 to provide funding for the  
17 department of natural resources' share of the cost of performing feasibility studies  
18 with the U.S. Army Corps of Engineers related to aquatic ecosystem restoration  
19 projects.

20 (8) WATER RESOURCES PROGRAMS. In the schedule under section 20.005 (3) of the  
21 statutes for the appropriation to the department of natural resources under section  
22 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is  
23 increased by \$969,400 for fiscal year 2001–02 and the dollar amount is increased by  
24 \$1,413,100 for fiscal year 2002–03 to provide computer accessible water resource  
25 management information under section 23.322 of the statutes, to provide funding to

*floodplain, shoreland, and wetland training*

1 local governments to implement cooperative agreements related to permitting  
2 projects under section <sup>20.209</sup> 23.09 (20r) of the statutes, and to provide funding for ~~the~~  
3 training of ~~boards of adjustment and appeals~~ under section 23.09 (15).

\*\*\*\*NOTE: This appropriation increase relates to three separate programs, but the amount of the increase is not allocated between these programs. Is this consistent with your intent?

4 (9) LAKE MANAGEMENT GRANTS. In the schedule under section 20.005 (3) of the  
5 statutes for the appropriation to the department of natural resources under section  
6 20.370 (6) (ar) of the statutes, as affected by the acts of 2001, the dollar amount is  
7 increased by \$1,400,000 for fiscal year 2001-02 and the dollar amount is increased  
8 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is  
9 made.

10 (10) RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the  
11 statutes for the appropriation to the department of natural resources under section  
12 20.370 (6) (av) of the statutes, as affected by the acts of 2001, the dollar amount is  
13 increased by \$1,400,000 for fiscal year 2001-02 and the dollar amount is increased  
14 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is  
15 made.

16 **SECTION 34. Initial applicability.**

17 (1) AQUATIC PLANT REMOVAL EQUIPMENT. The treatment of section 30.92 (4) (b)  
18 8. b. and bp. of the statutes first applies to the acquisition of capital equipment for  
19 which an application for financial assistance for the acquisition is submitted to the  
20 department of natural resources on the effective date of this subsection.

21 **SECTION 35. Effective date.**

① (1) This act takes effect on the day after publication of the 2001-<sup>g</sup>~~2003~~ biennial  
2 budget act.

3 (END)



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3345/P2ins.  
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SECTION ~~20.370~~<sup>#</sup> 20.370 (4) (aq)<sup>↓</sup> of the statutes is amended to read:

20.370 (4) (aq) *Water resources management — ~~lake and river management activities~~*. The amounts in the schedule for lake and river management and other water resource management activities.

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

INSERT 11-12

SECTION ~~59.69~~<sup>#</sup> 59.69 (2) (a) 1m.<sup>↓</sup> of the statutes is created to read:

59.69 (2) (a) 1m. No member of a planning and zoning committee, a planning and zoning commission, or a county zoning agency may participate in any hearing or decision that concerns the zoning of a floodplain or a wetland unless the member has completed a program of training concerning floodplain and wetland zoning conducted by the department of natural resources.

INSERT 11-23

SECTION ~~61.35~~<sup>#</sup> 61.35<sup>↓</sup> of the statutes is amended to read:

**61.35 Village planning.** Section 62.23 applies to villages, and the powers and duties conferred and imposed by s. 62.23 upon mayors, councils, and specified city officials are hereby conferred upon presidents, village boards, and village officials performing duties similar to the duties of such specified city officials, respectively. Any ordinance or resolution passed prior to May 30, 1925, by any village board under

s. 61.35, 1923 stats., shall remain in effect until repealed or amended by such village board. No village official may participate in any hearing or decision that concerns the zoning of a floodplain or a wetland unless the official has completed a program of training concerning floodplain and wetland zoning conducted by the department of natural resources.

History: 1981 c. 390.

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

LRB-3345/P2dn

RNK...../.....

Wlj

As requested, this draft, among other things, requires local government zoning officials who make decisions regarding floodplain, shoreland, and wetland zoning to complete a program of training concerning such zoning. I have attempted to make sure that the training requirement applies to all applicable local zoning authorities, but I would suggest that you have the appropriate person at DNR who deals with these issues review this draft to ensure that all such authorities are covered by the draft. Furthermore, not all of these authorities have zoning responsibilities for floodplain, shoreland, and wetland zoning. Consequently, I have attempted to tailor the training requirements to the responsibilities of the respective local zoning authorities. Again, I suggest that the appropriate person at DNR look at this issue as well.

Because you may want these issues and others that are addressed in the draft to be reviewed by DNR before finalizing this draft, I have prepared this version of the draft in preliminary form. Please feel free to contact me if you have any questions concerning this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

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

LRB-3345/P2dn  
RNK:wlj:rs

June 5, 2001

As requested, this draft, among other things, requires local government zoning officials who make decisions regarding floodplain, shoreland, and wetland zoning to complete a program of training concerning such zoning. I have attempted to make sure that the training requirement applies to all applicable local zoning authorities, but I would suggest that you have the appropriate person at DNR who deals with these issues review this draft to ensure that all such authorities are covered by the draft. Furthermore, not all of these authorities have zoning responsibilities for floodplain, shoreland, and wetland zoning. Consequently, I have attempted to tailor the training requirements to the responsibilities of the respective local zoning authorities. Again, I suggest that the appropriate person at DNR look at this issue as well.

Because you may want these issues and others that are addressed in the draft to be reviewed by DNR before finalizing this draft, I have prepared this version of the draft in preliminary form. Please feel free to contact me if you have any questions concerning this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us



# ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

August 29, 2001

To: Robin Kite

From: Jennifer Halbur

Re: Changes to LRB 3345/P2 relating to the Motor Fuel Gas Tax Transfer.

Several changes need to be made to LRB 3345/P2. Most of the changes are a result of the state budget.

Rob has made this bill a priority and would like the changes made as soon as you are able.

If you have any questions please contact me at 266-0484.

The following lines need to be deleted from the draft because they have been included in the 2001-03 state budget:

- ✓ ■ Page 2, lines 9-13
- ✓ ■ Page 3, lines 8-25
- ✓ ■ Page 4, lines 1-25
- ✓ ■ Page 5, lines 1-24
- ✓ ■ Page 6, lines 1-25
- ✓ ■ Page 7, lines 1-20
- ✓ ■ Page 8, lines 3-7 and lines 15-24
- ✓ ■ Page 9, lines 1-7 and lines 16-19
- ✓ ■ Page 10, lines 1-25
- 7, ✓ ■ Page 11, lines 1-21 - 15-21 vetoed
- ✓ ■ Page 13, lines 6-18

*7 vetoed*  
*Jennifer will call me*

The following amendments relating to appropriations need to be made to the draft (I have attached a chart which also indicates the funding level of each program):

- ✓ ■ **Section 2:** Delete \$9,350,000 and replace with \$9,600,000.
  - ✓ ■ **Section 8:** \$150,000 needs to be added for 2002-03.
- Jennifer to talk to Eric & call back*      *added to (4)(ag)*  
*increase approp.?*

Section 36:

- ✓  (1) Dam Safety
  - ✓ -Delete the reference to \$244,500 for fiscal year 2001-02 and \$256,800 for FY 2002-03.
  - ✓ -Replace this amount with \$361,300 for FY 2002-03.
  - ✓ -Add \$270,000 in FY 2002-03 for dam safety bonding debt service. (Assumes 9% annually over 20 years for \$3.0 in bonding.
- ✓  (2) River Coordinator Position
  - Delete \$50,200 for FY 2001-02.
- ✓  (3) Wetlands Mitigation
  - Delete \$498,000 for fiscal year 2001-02 and \$730,000 for fiscal year 2002-03.
  - Insert \$479,800 for FY 2002-03.
- ✓  (4) Lower St. Croix National Scenic Riverway Management
  - Delete \$101,900 for FY 2001-02.
- ✓  (5) Dues Payments
  - Delete \$13,000 for FY 2001-02.
- ✓  (6) Aquatic Plant Management
  - Delete \$200,000 for fiscal year 2001-02 and \$500,000 for fiscal year 2002-03.
  - Insert \$200,000 for FY 2002-03.
- ✓  (7) Cost Sharing for Aquatic Restoration Projects
  - Delete \$200,00 for FY 2001-02.
- ✓  (8) Water Resources Programs
  - Delete \$969,400 for FY 2001-02.
- ✓  (9) Lake Management Grants
  - Delete \$1.4 million for FY 2001-02.
- ✓  (10) River Protection Grants
  - Delete \$1.4 million for FY 2001-02.

amend 20.866  
(2)(+L)

Additions to the Draft:

- ✓  **River Protection Grants Increase:** Increase by \$75,000 in FY 2002-03. This increase in spending can be referenced in the "Appropriation Changes" section of the bill as increasing the appropriation under 20.370 (9) (mu). This would increase (to \$150,000 annually) the amount available to help establish and provide technical assistance to river management organizations.
- 7  **Community Financial Assistance Grant Admin. Staff:** Includes 4.0 FTE and \$20,000 LTE annually to administer Lakes, Rivers, and Dam grants.
- 7  **Section 7:** Add, " as it becomes technically available," after the word information on line 23 of Page 7 in 3345/P2.
- ✓  **Changes to 23.09 (15):** See attached memo to Eric Ebersberger from Linda Meyer and Tom Steidl. **Please make the changes detailed on page 2 of the memo as well.**
- ✓  **Changes relating to 30.209:** Please make the changes suggested by the DNR in the attached e-mail sent from Eric Ebersberger to myself.

talk to  
Eric  
Ebersberger

delay date  
9/0

## Halbur, Jennifer

---

**From:** Ebersberger, Eric K  
**Sent:** Wednesday, August 29, 2001 12:48 PM  
**To:** Halbur, Jennifer  
**Subject:** RE: motor fuel gas tax

Hi Jennifer:

I'm attaching a memo from DNR attorneys Tom Steidl (6-0235); and Linda Meyer (6-7588) regarding the proposed language dealing with training requirements for local zoning authorities.



Zoning Training  
Legislation\_d...

Additionally, DNR water division staff and legal counsel have the following comments re: the proposed s. 30.209 on page 9 of draft LRB-3345/P2. Mary Ellen Vollbrecht (4-8554) is the program contact on this issue.

1. Overall, the section should be titled and phrased as "agreements and contracts (as opposed to grants) for cooperative regulatory projects". Some projects may involve paying for work to be done by local government (contracting) - others may involve eliminating duplication or redistributing labor so that both parties reduce effort (agreements). Page 9 line 14 should read "The department shall may award contracts..."

In an MOA, with no money involved, the parties must bind each other in order to be sure they are getting the benefit.

Contracts would provide the same level of specificity on tasks and standards as an MOA, but the state is paying for work to be done rather than exchanging state work for local work. The state's part of the commitment is to pay the bill when the work gets done. Presumably, the local government doesn't need the state to take workload because it is getting money to expand its capacity.

2. We would like to limit this to municipalities as defined in chapter 30 [s. 30.01 (4)].

3. We would propose to also amend section 30.02 (4) so that the municipality can publish the notice where provided by an agreement or contract. The current 30.02 (4) reads as follows:

- (4) (a) If a public hearing is ordered, the division of hearings and appeals shall mail a written notice at least 10 days before the hearing to each person given notice under sub. (3) and in the case of an application for a permit, to any person who submitted a substantive written objection to issuance of the permit.

- (b) The applicant shall publish a class 1 notice under ch. 985 of the hearing in a newspaper designated by the department that is likely to give notice in the area affected. The applicant shall file proof of publication under this paragraph with the hearing examiner at or prior to the hearing.

4. Re: which permits or approvals would fall within the scope of these proposed agreements or contracts: We would prefer that these agreements or contracts can cover steps in decision making under ss. 30.12, 30.121, 30.123, 30.126, 30.18, 30.193, 195, 30.20. (We are not including 30.11 or 30.125 - authorizations available only to munis).

6. We would also like to provide that neither the state nor local government may delegate its final decision or affect the availability of appeal provisions through an agreement or contract under this section.

Thanks again for your interest in this. Let me, or any of the above listed contacts, know if you need additional information.

Eric  
Eric Ebersberger  
DNR Bureau of Management & Budget  
608/266-0818  
eberse@dnr.state.wi.us

Proposed Additional Water Resources Account Spending

Annual increase as a result of going from 50-80 gallons: \$ 6,453,600

Proposed Spending:

River Protection Grants Increase	\$ (1,400,000)
Lake Protection Grants Increase	\$ (1,400,000)
River Protection Capacity Building Contracts	\$ (75,000)
Community Financial Assistance Grant Admin. Staff	\$ (198,200)
Dam Safety Staffing	\$ (361,300)
Dam Safety Bonding Debt Service	\$ (270,000)
Wetlands Compensatory Mitigation	\$ (479,800)
River Coordinator	\$ (57,000)
Invasive Species Management	\$ (200,000)
Wisconsin Waters Initiative (Part 2)	\$ (1,413,100)
Army Corps of Engrs. feasibility study matching funds	\$ (200,000)
Lower St. Croix Riverway Manager	\$ (109,200)
Wisconsin Watersheds Partnership Center	\$ (250,000)
Upper Miss. River Basin Assoc. (UMRBA) dues	\$ (13,000)
Total proposed additional spending	\$ (6,426,600)
Remainder	\$ 27,000

This would increase (to \$150,000 annually) the amount available to help establish and provide technical assistance to river management organizations.

Includes 4.0 FTE and \$20,000 LTE annually to administer Lakes, Rivers, and Dam grants.

Represents 5 FTE to allow the Dept. to adhere to the statutory 10-yr inspection requirement for large dams (w/abbreviated inspection follow-up procedures) ... and \$100,000 annually for emergency safety actions.

Assumes 9% annually over 20 years for \$3,000,000 in bonding.

Represents the remainder of the Dept's budget request after deducting 2.5 FTE and \$170,000/yr for wetland mapping.

The budget bill as presented to the Governor includes \$300,000 of the \$500,000 requested annually by the Dept.

Includes continuation of the WWI project, plus permit consolidation projects; and floodplain, wetland, and shoreland zoning training.

The budget as presented to the Governor proposes \$150,000 annually for a Watershed Center. This represents the balance of the request from the Dept's budget submittal.



DATE: August 29, 2001

FILE REF: LRB-3345/P2dn

TO: Eric Ebersberger – MB/5

FROM: Linda Meyer – LS/5  
Tom Steidl – LS/5

SUBJECT: Suggested Changes to the LRB Draft to Require Zoning Training for Local Zoning Officials

We have reviewed the draft bill that you gave us (LRB-3345/P2dn) and have several changes to suggest:

(1) At the top of page 2, we'd suggest that the description of what the bill relates to be revised to read:

MD  
“... management project grants; requiring certain persons who make to receive flood plain, shoreland, and shoreland-wetland zoning decisions to receive zoning training; and funding for ...”

(2) At the top of page 3, we'd suggest that s. 23.09 (15) should be created to read:

✓  
“23.09 (15) TRAINING FOR BOARDS OF ADJUSTMENT, BOARDS OF APPEALS AND OTHER LOCAL ZONING OFFICIALS. The department shall may contract with a 3<sup>rd</sup> party to provide training on zoning law and procedures as required by ss. 59.69 (2)(a) 1m, 59.694 (3m), 60.65 (2m), 61.35 and 62.23 (7)(e) 2m. From the appropriation under s. 20.370 (4)(aq), the department shall provide the training at no cost to the person receiving the training.”

✓  
We think that rule making to establish the minimum training requirements is unnecessary, since only the department will be able to hire a contractor to provide the training. The basics of zoning law are well known to people experienced in the field of zoning, and Department oversight will ensure that the training is appropriate. Our major concern with requiring rule making is that it has the potential to make the training less effective than it would otherwise be. It takes a year or more to amend rules, which will not allow the training to keep pace with new case law, new statutes or other new developments in zoning that should be covered in the training sessions as soon as they occur. We would also suggest that contracting with a 3<sup>rd</sup> party for the training be “authorized”, but not required by the legislation. The Department should have the option of conducting the training itself, if for example, the Department could not negotiate a contract with a qualified 3<sup>rd</sup> party to conduct the training.

✓  
(3) We recommend that a delayed effective date be included in the draft to apply to the provisions that require zoning training for those who participate in zoning decisions relating to a floodplain, a shoreland or a wetland in a shoreland (e.g., ss. 59.69 (2)(a) 1m, 59.694 (3m), 60.65 (2m), 61.35, and 62.23 (7)(e) 2m, Stats.) We would suggest a delay of one year (from the effective date of the legislation) to allow the Department one year to conduct training prior to the “training” qualification being applicable to those who participate in zoning decisions. We don't want this legislation to bring flood plain, shoreland and shoreland-wetland decisions to a halt as soon as the legislation is published, because local zoning officials haven't yet had the opportunity to attend the required training.



(4) At the bottom of page 11 and top of page 12, we'd suggest that s. 59.69 (2)(a) 1m be created to read:

✓ "59.69 (2)(a) 1m. No member of a planning and zoning committee, a planning and zoning commission, or a county zoning agency may participate in any hearing or decision that concerns the zoning of a flood plain, a shoreland, or a wetland in a shoreland unless the member has completed a program of training, conducted by the department of natural resources, concerning zoning law and procedure as applied to floodplain, shoreland and shoreland-wetland cases."

County planning and zoning committees and commissions, and county zoning agencies play a role in administering all three types of zoning: flood plain, shoreland and shoreland-wetland, if there are mapped flood plains and wetlands within their boundaries. The same is true of county and town boards of adjustment and city and village boards of appeal.

(5) On page 12, ss. 59.694 (3m) and 60.65 (2m) that are being created should be revised as follows:

✓ "59.694 (3m) TRAINING. No member or alternate member of the board of adjustment may participate in any hearing or decision that concerns the zoning of a flood plain, a shoreland, or a wetland in a shoreland unless the member or alternate member has completed a program of training, conducted by the department of natural resources, concerning zoning law and procedure as applied to flood plain, shoreland, and shoreland-wetland cases."

✓ "60.65 (2m) TRAINING. No member of the board of adjustment may participate in any hearing or decision that concerns the zoning of a flood plain, a shoreland, or a wetland in a shoreland unless the member has completed a program of training, conducted by the department of natural resources, concerning zoning law and procedure as applied to flood plain, shoreland, and shoreland-wetland cases."

✓ (6) Also on page 12, the sentence that is proposed to be added to s. 61.35 should be revised to read:

"No village official may participate in any hearing or decision that concerns the zoning of a flood plain, a shoreland, or a wetland in a shoreland unless the official has completed a program of training, conducted by the department of natural resources, concerning zoning law and procedure as applied to flood plain, shoreland, and shoreland-wetland cases."

✓ (7) On page 13, s. 62.23 (7)(e) 2m should be revised to read:

62.23 (7)(e) 2m. No member or alternate member of the board of appeals may participate in any hearing or decision that concerns the zoning of a flood plain, a shoreland, or a wetland in a shoreland unless the member or alternate member has completed a program of training, conducted by the department of natural resources, concerning zoning law and procedure as applied to flood plain, shoreland, and shoreland-wetland cases."

Per Linda Meyer at DNR -  
It is important to refer to shoreland, wetland +  
floodplain zoning per all local bodies because  
they may have this zoning authority by  
reason of annexation

Per Jennifer -

Keep vetoed items in the draft  
waters initiative - \$ 250,000

Per Eric Ebersberger

re: training -

contact Tom Steidl 266-0235 or

Linda Meyer 266-7588

re: cooperative permitting

contact Mary Ellen Volbrecht



(soon)  
State of Wisconsin  
2001 - 2002 LEGISLATURE

RME  
/P3  
LRB-3345/P2  
RNK&MGG:wlj:rs

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*regenerate*

1 AN ACT *to repeal* <sup>regenerate</sup> 23.235 (4) and 30.125; *to renumber* 30.725 (1), 30.725 (2)

2 (intro.), 30.725 (2) (a) and 30.725 (2) (b); *to renumber and amend* 30.725

3 (title) and 30.725 (3); *to amend* 20.370 (4) (aq), 20.866 (2) (tL), 23.235 (2),

4 23.322, 25.29 (1) (c), 29.741 (2), 30.124 (1) (intro.), 30.124 (1) (a), 30.92 (4) (b)

5 8. b., 61.35 and 281.17 (2); and *to create* 23.09 (15), 23.24, 23.43, 30.209, 30.715

6 (1), 30.715 (2), 30.715 (4) (a), 30.715 (4) (b), 30.715 (5), 30.92 (4) (b) 8. bp., 36.25

7 (29g), 59.69 (2) (a) 1m., 59.694 (3m), 60.65 (2m), 62.23 (7) (e) 2m. and 281.69 (3)

8 (b) 2m. of the statutes; **relating to:** the formula used for calculating the

9 estimated motorboat gas tax payment; bonding for dam safety projects; ~~the~~

10 ~~the~~ <sup>establishing a</sup> cooperative ~~projects~~ <sup>program</sup> for issuing permits or other approvals for navigable

11 <sup>11</sup> waters activities; computer <sup>accessible</sup> water resource management

12 information; establishing a watershed management center; ~~placement and use~~

13 ~~of boats and boating equipment, and placement of boat trailers, in navigable~~

14 ~~waters, taking, removing, selling, and transporting certain wild plants;~~

15 ~~programs for aquatic plant management, eligible activities for lake~~

1 ~~management project grants~~ requiring certain persons to receive flood plain,  
 2 shoreland, and wetland zoning training; and funding for engineer positions to  
 3 perform water regulation and zoning functions, for a river coordinator position,  
 4 for wetlands mitigation activities, for resource management activities along  
 5 the Lower St. Croix national scenic riverway, for the payment of dues to the  
 6 Upper Mississippi River Basin Association, for feasibility studies related to  
 7 aquatic ecosystem restoration, and for lake management and river protection  
 8 grants; granting rule-making authority; and making appropriations.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

9 **SECTION 1.** 20.370 (4) (aq) of the statutes is amended to read:

10 20.370 (4) (aq) ~~Water resources management — lake and river management~~  
 11 ~~activities.~~ The amounts in the schedule for lake and river management ~~and other~~  
 12 ~~water resource management~~ activities.

13 **SECTION 2.** 20.866 (2) (tL) of the statutes is amended to read:

14 20.866 (2) (tL) ~~Natural resources; segregated revenue supported dam safety~~  
 15 ~~projects.~~ From the capital improvement fund, a sum sufficient for the department  
 16 of natural resources to provide financial assistance to counties, cities, villages,  
 17 towns, and public inland lake protection and rehabilitation districts for dam safety  
 18 projects under s. 31.385. The state may contract public debt in an amount not to  
 exceed \$6,350,000 ~~\$9,350,000~~ <sup>\$9,600,000</sup> for this purpose.

19 **SECTION 3.** 23.09 (15) of the statutes is created to read:

Insert  
2-19-20

*The department may contract with a 3rd party to provide the training.*

1           23.09 (15) TRAINING FOR BOARDS OF ADJUSTMENT. The department shall ~~contract~~  
 2 ~~with a 3rd party to~~ provide floodplain <sup>shoreland</sup> and wetland zoning training under ss. 59.69  
 3 (2) (a) 1m., 61.35, and 62.23 (7) (e) 2m. ~~and provide floodplain and shoreland zoning~~  
 4 ~~training under ss. 59.694, 60.65 (2m).~~ From the appropriation under s. 20.370  
 5 (4) (aq), the department shall provide the training at no cost to the person receiving  
 6 the training. ~~The department shall promulgate rules establishing minimum~~  
 7 ~~training requirements under this subsection.~~

8           **SECTION 4.** 23.235 (2) of the statutes is amended to read:

9           23.235 (2) Except as provided in sub. (3), no person may sell, offer for sale,  
10 distribute, plant, or cultivate any nuisance weed multiflora rose or seeds thereof.

11           **SECTION 5.** 23.235 (4) of the statutes is repealed.

12           **SECTION 6.** 23.24 of the statutes is created to read:

13           **23.24 Aquatic plants. (1) DEFINITIONS.** In this section:

14           (a) "Aquaculture" has the meaning given in s. 93.01 (1d).

15           (b) "Aquatic plant" means a planktonic, submergent, emergent, or floating-leaf  
16 plant or any part thereof.

17           (c) "Control" means to cut, remove, destroy, or suppress.

18           (d) "Cultivate" means to intentionally maintain the growth or existence of.

19           (e) "Distribute" means to sell, offer to sell, distribute for no consideration, or  
20 offer to distribute for no consideration.

21           (f) "Introduce" means to plant, cultivate, stock, or release.

22           (g) "Invasive aquatic plant" means an aquatic plant that is designated under  
23 sub. (2) (b) 1.

24           (h) "Manage" means to introduce or control.

25           (i) "Native" means indigenous to the waters of this state.

1 (j) "Nonnative" means not indigenous to the waters of this state.

2 (k) "Waters of this state" means any surface waters within the territorial limits  
3 of this state.

4 (2) PROGRAM ESTABLISHED. (a) The department shall establish a program for  
5 the waters of this state to do all of the following:

- 6 1. Protect and develop diverse and stable communities of native aquatic plants.
- 7 2. Regulate how aquatic plants are managed.
- 8 3. Provide education and conduct research concerning invasive aquatic plants.

9 (b) Under the program implemented under par. (a), the department shall do all  
10 of the following:

11 1. Designate by rule which aquatic plants are invasive aquatic plants for  
12 purposes of this section. The department shall designate Eurasian water milfoil,  
13 curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may  
14 designate any other aquatic plant as an invasive aquatic plant if it has the ability to  
15 cause significant adverse change to desirable aquatic habitat, to significantly  
16 displace desirable aquatic vegetation, or to reduce the yield of products produced by  
17 aquaculture.

18 2. Administer and establish by rule procedures and requirements for the  
19 issuing of aquatic plants management permits required under sub. (3).

20 (c) The requirements promulgated under par. (b) 2. may specify any of the  
21 following:

22 1. The quantity of aquatic plants that may be managed under an aquatic plant  
23 management permit.

24 2. The species of aquatic plants that may be managed under an aquatic plant  
25 management permit.

1       3. The areas in which aquatic plants may be managed under an aquatic plant  
2 management permit.

3       4. The methods that may be used to manage aquatic plants under an aquatic  
4 plant management permit.

5       5. The times during which aquatic plants may be managed under an aquatic  
6 plant management permit.

7       6. The allowable methods for disposing or using aquatic plants that are  
8 removed or controlled under an aquatic plant management permit.

9       7. The requirements for plans that the department may require under sub. (3)  
10 (b).

11       **(3) PERMITS.** (a) Unless a person has a valid aquatic plant management permit  
12 issued under the program established under sub. (2), no person may do any of the  
13 following:

14           1. Introduce nonnative aquatic plants into waters of this state.

15           2. Manually remove aquatic plants from navigable waters.

16           3. Control aquatic plants in waters of this state by the use of chemicals.

17           4. Control aquatic plants in navigable waters by introducing biological agents,  
18 by using a process that involves dewatering, desiccation, burning, or freezing, or by  
19 using mechanical means.

20       (b) The department may require that an application for an aquatic plant  
21 management permit contain a plan for the department's approval as to how the  
22 aquatic plants will be introduced, removed, or controlled.

23       (c) The department may establish fees for aquatic plant management permits.  
24 The department may establish a different fee for an aquatic plant management



1 permit to manage aquatic plants that are located in a body of water that is entirely  
2 confined on the property of one property owner.

3 (4) EXEMPTIONS FROM PERMITS. (a) In this subsection:

4 1. "Local governmental unit" means a political subdivision of this state, a  
5 special purpose district in this state, an instrumentality or corporation of the  
6 political subdivision or special purpose district, or a combination or subunit of any  
7 of the foregoing.

8 2. "State agency" means any office, department, independent agency, or  
9 attached board or commission within the executive branch of state government, or  
10 any special purpose authority created by statute.

11 (b) The permit requirement under sub. (3) does not apply to any of the following:

12 1. A person who manually removes aquatic plants from privately owned stream  
13 beds with the permission of the landowner.

14 2. A person who engages in an activity listed under sub. (3) (a) in the course of  
15 harvesting wild rice as authorized under s. 29.607.

16 3. A person who engages in an activity listed under sub. (3) (a) in the course of  
17 operating a fish farm as authorized under s. 95.60.

18 (c) The department may promulgate a rule to waive the permit requirement  
19 under sub. (3) (a) 2. for any of the following:

20 1. A person who owns property on which there is a body of water that is entirely  
21 confined on the property of that person.

22 2. A riparian owner who manually removes aquatic plants from a body of water  
23 that abuts the owner's property provided that the removal does not interfere with the  
24 rights of other riparian owners.

25 3. A person who is controlling purple loosestrife.

1 4. A person who uses chemicals in a body of water for the purpose of controlling  
2 bacteria on bathing beaches.

3 5. A person who uses chemicals on plants to prevent the plants from interfering  
4 with the use of water for drinking purposes.

5 6. A state agency or a local governmental unit that uses a chemical treatment  
6 in a body of water for the purpose of protecting the public health.

7 (5) DISTRIBUTION PROHIBITED. No person may distribute an invasive aquatic  
8 plant.

9 (6) PENALTIES. (a) Except as provided in par. (b), any person who violates sub.  
10 (3) shall forfeit not more than \$200.

11 (b) A person who violates sub. (3) and who, within 5 years before the arrest of  
12 the current conviction, was previously convicted of a violation of sub. (3) shall forfeit  
13 not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6  
14 months nor more than 9 months or both.

15 (c) The court may order a person who is convicted under par. (b) to abate any  
16 nuisance caused by the violation, restore any natural resource damaged by the  
17 violation, or take other appropriate action to eliminate or minimize any  
18 environmental damage caused by the violation.

19 (d) A person who violates sub. (5) shall forfeit not more than \$100.

20 SECTION 7. 23.322<sup>1</sup> of the statutes is amended to read:

21 **23.322 Fees for computer<sup>(b)</sup> accessible water resource**  
22 **management information.** The department may charge a fee for providing any  
23 shall provide information that ~~that~~ it maintains in a format that may be accessed by  
24 ~~computer~~ concerning the waters of this state, including maps and other water  
25 resource management information, in a manner that may be accessed by computer,

*if the department has the technical ability to provide the information in that manner*

1 by any person interested in obtaining the information. The department may charge  
2 a fee for providing this information.

3 SECTION 8. 23.43<sup>↓</sup> of the statutes is created to read:

4 **23.43 Watershed management center.** From the appropriation under s.  
5 20.370 (4) (aq),<sup>↓</sup> the department shall provide funding to the board of regents of the  
6 University of Wisconsin System to establish and operate the watershed management  
7 center under s. 36.25 (29g).<sup>↓</sup>

8 SECTION 9. 25.29 (1) (c)<sup>↓</sup> of the statutes is amended to read:

9 25.29 (1) (c) For fiscal year ~~1992-93~~ 2001-2002, and for each fiscal year  
10 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied  
11 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the  
12 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal  
13 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under  
14 s. 78.01 (1) on April 1 of the previous fiscal year.

15 ~~SECTION 10. 29.741 (2) of the statutes is amended to read:~~

16 ~~29.741 (2) No person shall may, from the public waters of this state, take,  
17 remove, sell, or transport from the public waters of this state to any place beyond the  
18 borders of the state, any duck potato, wild celery, or any other plant or plant product  
19 except wild rice that is native in said to these waters and that is commonly known  
20 to furnish food for game birds.~~

21 SECTION 11. 30.124 (1) (intro.) of the statutes is amended to read:

22 30.124 (1) (intro.) Notwithstanding ss. ~~80.12, 30.125,~~ 30.20, 30.44, and 30.45,  
23 and if the department finds that the activity will not adversely affect public or private  
24 rights or interests in fish and wildlife populations, navigation, or waterway flood

1 flow capacity and will not result in environmental pollution, as defined in s. 299.01  
2 (4), the department may do all of the following on public lands or waters:

3 SECTION 12. 30.124 (1) (a) of the statutes is amended to read:

4 30.124 (1) (a) Cut aquatic vegetation plants, as defined in s. 30.715 (1) (a),  
5 without removing the vegetation from the water, for the purpose of improving  
6 waterfowl nesting, brood, and migration habitat.

*Cooperation with municipalities  
under which the municipality  
may*

7 SECTION 13. 30.125 of the statutes is repealed.

8 SECTION 14. 30.209 of the statutes is created to read:

9 30.209 *Grants for cooperative projects* (1) In this subsection,  
10 governmental unit means *any* city, village, town, or county *in this state*.

11 (2) The department shall establish a program under which a *municipality* governmental  
12 unit may enter into *an* ~~cooperative~~ agreement *or contract* with the department to perform  
13 functions that facilitate the issuance of permits or other approvals under ~~this~~

14 ~~chapter~~ The department shall ~~provide grants to governmental units for this purpose~~  
15 ~~and~~ may make payments to the municipality under the agreement or contract  
from the appropriation under s. 20.370 (4) (aq).

\*\*\*NOTE: I am not certain that this provision captures the intent of this part of the  
drafting request. I have assumed that the intent was for DNR to provide grants to cities,  
villages, towns, or counties. Is my assumption correct? Also, I could not determine  
exactly which permits or approvals under ch. 30 would fall within the scope of this  
provision. Consequently, without more information, I think that, as drafted, this  
provision is too vague. Finally, is it the intent of the request to allow DNR to delegate  
some of its permitting responsibilities to local governments? If so, this should be made  
more specific given that there may be some question as to whether DNR has the authority  
to delegate its functions to a local governmental unit, especially where the delegation  
touches on the public trust doctrine.

16 SECTION 15. 30.715 (1) of the statutes is created to read:

17 30.715 (1) In this section:

18 (a) "Aquatic plant" means a submergent, emergent, or floating-leaf plant or  
19 any part thereof. "Aquatic plant" does not mean wild rice.

*issuance of a permit  
or approval*

→ ss. 30.12, 30.121, 30.123, 30.126, 30.18, 30.19, 30.195, or 30.020  
The program may not authorize a municipality to enter into an  
agreement that restricts the right to appeal a decision relating to the

1 (b) "Public boat access site" means a site that provides access to a navigable  
2 water for boats and that is open to the general public for free or for a charge or that  
3 is open only to certain groups of persons for a charge.

4 **SECTION 16.** 30.715 (2) of the statutes is created to read:

5 30.715 (2) No person may place or use a boat or boating equipment or place a  
6 boat trailer in a navigable water if the person has reason to believe that the boat, boat  
7 trailer, or boating equipment has any aquatic plants attached.

8 **SECTION 17.** 30.715 (4) (a) of the statutes is created to read:

9 30.715 (4) (a) Remove aquatic plants from a boat, boat trailer, or boating  
10 equipment before placing it in a navigable water

11 **SECTION 18.** 30.715 (4) (b) of the statutes is created to read:

12 30.715 (4) (b) Remove or not place a boat, boat trailer, or boating equipment  
13 in a navigable water if the law enforcement officer has reason to believe that the boat,  
14 boat trailer, or boating equipment has aquatic plants attached.

15 **SECTION 19.** 30.715 (5) of the statutes is created to read:

16 30.715 (5) (a) The department shall prepare a notice that contains a summary  
17 of the provisions under this section and shall make copies of the notice available to  
18 owners required to post the notice under par. (b).

19 (b) Each owner of a public boat access site shall post and maintain the notice  
20 described in par. (a).

21 **SECTION 20.** 30.725 (title) of the statutes is renumbered 30.715 (title) and  
22 amended to read:

23 **30.715 (title) Placement of boats, trailers, and equipment; Lower St.**  
24 **Croix River in navigable waters.**

25 **SECTION 21.** 30.725 (1) of the statutes is renumbered 30.715 (3).

1       **SECTION 22.** 30.725 (2) (intro.) of the statutes is renumbered 30.715 (4) (intro.).

2       **SECTION 23.** 30.725 (2) (a) of the statutes is renumbered 30.715 (4) (c).

3       **SECTION 24.** 30.725 (2) (b) of the statutes is renumbered 30.715 (4) (d).

4       **SECTION 25.** 30.725 (3) of the statutes is renumbered 30.715 (6) and amended  
5 to read:

6       30.715 (6) No person may refuse to obey the order of a law enforcement officer  
7 who is acting under sub. (2) (4).

8       **SECTION 26.** 30.92 (4) (b) 8. b. of the statutes is amended to read:

9       30.92 (4) (b) 8. b. Acquisition of capital equipment that is necessary to cut and  
10 remove aquatic plants that are aquatic nuisances or that are detrimental to fish  
11 habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that  
12 is approved by the department.

13       **SECTION 27.** 30.92 (4) (b) 8. bp. of the statutes is created to read:

14       30.92 (4) (b) 8. bp. Acquisition of capital equipment that is necessary to control  
15 and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment  
16 will be used to control and remove them as authorized by an aquatic plant  
17 management permit issued under s. 23.24 (3).

18       **SECTION 28.** 36.25 (29g)<sup>✓</sup> of the statutes is created to read:

19       36.25 (29g) WATERSHED MANAGEMENT CENTER. The board shall establish in the  
20 college of natural resources at the University of Wisconsin-Stevens Point a center  
21 to conduct studies and research relating to watershed management.

22       **SECTION 29.** 59.69 (2) (a) 1m.<sup>✓</sup> of the statutes is created to read:

23       59.69 (2) (a) 1m. No member of a planning and zoning committee, a planning  
24 and zoning commission, or a county zoning agency may participate in any hearing  
25 or decision that concerns the zoning of a floodplain or a wetland unless the member

*↗ a shoreland ↖*

**SECTION 29**

*or by a person with whom the department of natural resources had contracted to provide such training*

*shoreland,*

1 has completed a program of training concerning floodplain and wetland zoning  
2 conducted by the department of natural resources.

3 **SECTION 30.** 59.694 (3m) of the statutes is created to read:

4 59.694 (3m) TRAINING. No member or alternate member of the board of  
5 adjustment may participate in any hearing or decision that concerns the zoning of  
6 a floodplain ~~or~~ a shoreland *or a wetland* unless the member or alternate member has completed  
7 a program of training concerning floodplain ~~and~~ shoreland *and wetland* zoning conducted by the  
8 department of natural resources.

9 **SECTION 31.** 60.65 (2m) of the statutes is created to read:

*or a wetland*

10 60.65 (2m) TRAINING. No member of the board of adjustment may participate  
11 in any hearing or decision that concerns the zoning of a floodplain ~~or~~ a shoreland  
12 unless the member has completed a program of training concerning floodplain ~~and~~  
13 shoreland zoning conducted by the department of natural resources.

*and wetland*

14 **SECTION 32.** 61.35 of the statutes is amended to read:

15 **61.35 Village planning.** Section 62.23 applies to villages, and the powers and  
16 duties conferred and imposed by s. 62.23 upon mayors, councils, and specified city  
17 officials are hereby conferred upon presidents, village boards, and village officials  
18 performing duties similar to the duties of such specified city officials, respectively.  
19 Any ordinance or resolution passed prior to May 30, 1925, by any village board under  
20 s. 61.35, 1923 stats., shall remain in effect until repealed or amended by such village  
21 board. No village official may participate in any hearing or decision that concerns  
22 the zoning of a floodplain *or a shoreland* or a wetland unless the official has completed a program  
23 of training concerning floodplain *or a shoreland* and wetland zoning conducted by the department  
24 of natural resources.

25 **SECTION 33.** 62.23 (7) (e) 2m. of the statutes is created to read:

*or by a person with whom the department of natural resources has contracted to provide such training*

*↑ a shoreland, or*

1 62.23 (7) (e) 2m. No member or alternate member of the board of appeals may  
2 participate in any hearing or decision that concerns the zoning of a floodplain ~~the~~ a  
3 wetland unless the member or alternate member has completed a program of  
4 training concerning floodplain *↑ shoreland* and wetland zoning conducted by the department of  
5 natural resources.

~~SECTION 34. 281.17 (2) of the statutes is amended to read:~~

~~7 281.17 (2) The department shall supervise chemical treatment of waters for the  
8 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing  
9 plants and organisms that are not regulated by the program established under s.  
10 23.24 (2). It may purchase equipment and may make a charge for the use of the same  
11 and for materials furnished, together with a per diem charge for any services  
12 performed in such work. The charge shall be sufficient to reimburse the department  
13 for the use of the equipment, the actual cost of materials furnished, and the actual  
14 cost of the services rendered.~~

~~SECTION 35. 281.69 (3) (b) 2m. of the statutes is created to read:~~

~~16 281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along  
17 its shoreline if the restoration will protect or improve the lake's water quality or its  
18 natural ecosystem.~~

SECTION 36. Appropriation changes.

*\$361,300*

20 (1) DAM SAFETY. In the schedule under section 20.005 (3) of the statutes for the  
21 appropriation to the department of natural resources under section 20.370 (4) (br)  
22 of the statutes, as affected by the acts of 2001, *the dollar amount is increased by*  
23 *\$244,500* for fiscal year 2001-02 and the dollar amount is increased by *\$116,800* for  
24 fiscal year 2002-03 to increase the authorized FTE positions for the department of



1 natural resources by 3.0 SEG engineer positions to perform water regulation and  
2 zoning functions.

3 (2) RIVER COORDINATOR POSITION. In the schedule under section 20.005 (3) of the  
4 statutes for the appropriation to the department of natural resources under section  
5 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
6 ~~increased by \$50,200 for fiscal year 2001-02 and~~ the dollar amount is increased by  
7 \$57,000 for fiscal year 2002-03 to increase the authorized FTE positions for the  
8 department of natural resources by 1.0 SEG river coordinator position to coordinate  
9 river<sup>o</sup> related functions and to provide technical support for the river protection grant  
10 program under section 281.70<sup>v</sup> of the statutes.

11 (3) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the  
12 statutes for the appropriation to the department of natural resources under section  
13 20.370 (4) (aq)<sup>v</sup> of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
14 ~~increased by \$498,000 for fiscal year 2001-02 and~~ the dollar amount is increased by  
15 ~~\$730,000~~ <sup>\$479,800</sup> for fiscal year 2002-03 for wetlands regulation activities relating to  
16 wetlands mitigation under section ~~29.321~~ <sup>281.37</sup> of the statutes.

17 (4) LOWER ST. CROIX NATIONAL SCENIC RIVERWAY MANAGEMENT. In the schedule  
18 under section 20.005 (3) of the statutes for the appropriation to the department of  
19 natural resources under section 20.370 (4) (aq)<sup>v</sup> of the statutes, as affected by the acts  
20 of 2001, ~~the dollar amount is increased by \$101,900 for fiscal year 2001-02 and~~ the  
21 dollar amount is increased by \$109,200 for fiscal year 2002-03 to conduct resource  
22 management activities along the Lower St. Croix national scenic riverway.

23 (5) DUES PAYMENTS. In the schedule under section 20.005 (3) of the statutes for  
24 the appropriation to the department of natural resources under section 20.370 (4)  
25 (aq) of the statutes, as affected by the acts of 2001, ~~the dollar amount is increased by~~

1 ~~\$13,000 for fiscal year 2001-02 and~~ the dollar amount is increased by \$13,000 for  
2 fiscal year 2002-03 to provide funding for annual dues to the Upper Mississippi  
3 River Basin Association.

4 (6) AQUATIC PLANT MANAGEMENT. In the schedule under section 20.005 (3) of the  
5 statutes for the appropriation to the department of natural resources under section  
6 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
7 ~~increased by \$300,000 for fiscal year 2001-02 and~~ the dollar amount is increased by  
8 ~~\$500,000~~ <sup>\$200,000</sup> for fiscal year 2002-03 for the purpose of funding the aquatic plant  
9 management program under section 23.24<sup>1</sup> of the statutes and the prevention of the  
10 introduction of certain aquatic plants into navigable waters under section 30.715<sup>1</sup>  
11 of the statutes.

12 (7) COST SHARING FOR AQUATIC RESTORATION PROJECTS. In the schedule under  
13 section 20.005 (3) of the statutes for the appropriation to the department of natural  
14 resources under section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001,  
15 ~~the dollar amount is increased by \$200,000 for fiscal year 2001-02 and~~ the dollar  
16 amount is increased by \$200,000 for fiscal year 2002-03 to provide funding for the  
17 department of natural resources' share of the cost of performing feasibility studies  
18 with the U.S. Army Corps of Engineers related to aquatic ecosystem restoration  
19 projects.

20 (8) WATER RESOURCES PROGRAMS. In the schedule under section 20.005 (3) of the  
21 statutes for the appropriation to the department of natural resources under section  
22 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
23 ~~increased by \$969,400 for fiscal year 2001-02 and~~ the dollar amount is increased by  
24 \$1,413,100 for fiscal year 2002-03 to provide computer<sup>o</sup> accessible water resource  
25 management information under section 23.322<sup>1</sup> of the statutes, to provide funding to

1 local governments to implement cooperative agreements related to permitting  
2 projects under section 30.209<sup>✓</sup> of the statutes, and to provide funding for floodplain,  
3 shoreland, and wetland training under section 23.09 (15)<sup>✓</sup> of the statutes<sup>✓</sup>

\*\*\*\*NOTE: This appropriation increase relates to three separate programs, but the amount of the increase is not allocated between these programs. Is this consistent with your intent?

Insert ✓  
16-3 →

4 (9) LAKE MANAGEMENT GRANTS. In the schedule under section 20.005 (3) of the  
5 statutes for the appropriation to the department of natural resources under section  
6 20.370 (6) (ar)<sup>✓</sup> of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
7 ~~increased by \$1,400,000 for fiscal year 2001-02 and~~ the dollar amount is increased  
8 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is  
9 made.

10 (10) RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the  
11 statutes for the appropriation to the department of natural resources under section  
12 20.370 (6) (av) of the statutes, as affected by the acts of 2001, ~~the dollar amount is~~  
13 ~~increased by \$1,400,000 for fiscal year 2001-02 and~~ the dollar amount is increased  
14 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is  
15 made.

Insert ✓  
16-15 →

**SECTION 37. Initial applicability.**

17 (1) AQUATIC PLANT REMOVAL EQUIPMENT. The treatment of section 30.92 (4) (b)  
18 8. b. and bp. of the statutes first applies to the acquisition of capital equipment for  
19 which an application for financial assistance for the acquisition is submitted to the  
20 department of natural resources on the effective date of this subsection.

**SECTION 38. Effective date.**

1

~~(1) This act takes effect on the day after publication of the 2001-03 biennial~~

2

~~budget act.~~

3

(END)

Insert  
17-2 →

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3345/P3ins.  
RNK.....

Insert 2-19

#

SECTION 20.866 (2) (tL) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed ~~\$6,600,000~~ \$6,870,000 for this purpose.

LPS:  
Please  
proof  
w/ stats.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2107 (6) (a), (3a) (a), (52) (a); 1979 c. 107, 321; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184.

Insert 16-3

NONSTATS

(8m) WATERSHED MANAGEMENT CENTER. 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) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$150,000 for fiscal year 2002-03 for the purpose of providing funding to the board of regents of the University of Wisconsin System to establish and operate the watershed management center under ~~section 36.25~~ <sup>section 9</sup> ~~(2g)~~ <sup>(2g)</sup> of the statutes

Insert 16-15

NONSTATS

(11) TECHNICAL ASSISTANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (mu) of the statutes, as affected by the acts of 2001, the dollar amount is

increased by \$75,000 for fiscal year 2002-03 for the purpose of providing technical assistance to river management organizations.

~~SECTION 2. Effective date.~~

Insert 17-2

(1) The treatment of sections 23.09 (15)<sup>✓</sup>, 59.69 (2) (a) 1m.<sup>✓</sup>, 59.694 (3m)<sup>✓</sup>, 60.65 (2m)<sup>✓</sup>, 61.35<sup>✓</sup>, and 62.23 (7) (e) 2m.<sup>✓</sup> of the statutes takes effect on the first day of the 11th month beginning after publication.

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

3345/P3 dn  
Wojcik  
RNK:.....  
WJ

This redraft incorporates various requested changes including those contained in a memo from Eric Ebersberger of DNR. I did not include two of the requested changes because I have been unable to contact the appropriate person at DNR for clarification, and I did not want to delay the preparation of this redraft. Those items relate to a requested addition to the draft concerning "community financial assistance grant administration staff" and a requested addition concerning publishing notices of hearings regarding the issuance of permits and approvals under ch. 30. Once I have been able to get more information on these two items, I will be able to include them in a subsequent version of the draft.

Please review this redraft very carefully to ensure that it accurately incorporates all of your requested changes. (No ff)

If you have any questions concerning the draft, please feel free to contact me.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

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

LRB-3345/P3dn  
RNK:wlj:pg

October 10, 2001

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Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us





# ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

October 19, 2001

To: Robin Kite

From: Jennifer Halbur

Re: Per our Conversation, Changes to 3345/P3

Please make the following changes to 3345/P3 relating to the motor fuel gas tax:

- ✓ • Page 2; Section 1 line 10  
Dam safety bonding needs to be increased ~~to~~ <sup>by</sup> \$3.0 million rather than the \$270,000 figure.
- ✓ • ~~Page 2; Section 1; line 10~~
- ✓ • Page 3; Section 5; line 3  
Please make the effective date of the bill ~~FY 03~~ <sup>FY 03</sup> Accordingly, the spending in <sup>Per Jennifer - keep as in bill but make change to formula beginning fy 02-03</sup> the bill should also be appropriated for ~~FY 03~~ <sup>FY 03</sup>.
- ✓ • Page 6; Section 13; line 6  
Please change the number of positions to 5.0 FTE.
- ✓ • Page 6; Section 13; line 15  
<sup>for what?</sup> The spending authority for wetlands compensatory mitigation should include 2.5 FTE. Please add these to the draft.
- ✓ • Page 7; Section 13; line 9  
Please delete from line 9, "the purpose of funding the aquatic." Also delete lines 10, 11 and 12. Please substitute the deleted lines with the following language:  
"purpose of funding aquatic nuisance species management including the aquatic plant management program under section 23.24 of the statutes and the prevention of the introduction of certain aquatic plants into navigable waters under section 30.715 of the statutes."
- ✓ • Page 8; Section 13; line 23  
Please delete the appropriation 20.370 (9) (mu) and replace with 20.370 (6) (aw).

- The Community Financial Assistance Bureau staffing should be funded with \$198,000 and 4.0 FTE. Eric Ebersberger is planning to call you to find out if you have further questions relating to this issue.

Thank you for making the above modifications. If you have any questions or need further information please call me at 266-0484.

Per Eric Eberberger -

Re: question in drafter's note about  
the "community financial assistance  
grant administration staff -  
he wants to increase (9) (m) by  
\$198,000 to increase FTE positions by  
4.0 financial assistance specialist  
positions to administer the lake grants,  
river protect grant & dam safety  
programs