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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger Cat

1 AN ACT *to amend* 20.866 (2) (tL), 23.322, 25.29 (1) (c) and 61.35; and *to create*
2 23.09 (15), 23.43, 30.209, 36.25 (29g), 59.69 (2) (a) 1m., 59.694 (3m), 60.65 (2m)
3 and 62.23 (7) (e) 2m. of the statutes; **relating to:** the formula used for
4 calculating the estimated motorboat gas tax payment; bonding for dam safety
5 projects; establishing a cooperative program for issuing permits or other
6 approvals for navigable waters activities; computer-accessible water resource
7 management information; establishing a watershed management center;
8 requiring certain persons to receive flood plain, shoreland, and wetland zoning
9 training; and funding for engineer positions to perform water regulation and
10 zoning functions, for a river coordinator position, for wetlands mitigation
11 activities, *and positions* for resource management activities along the Lower St. Croix
12 national scenic riverway, for the payment of dues to the Upper Mississippi River
13 Basin Association, for feasibility studies related to aquatic ecosystem

and for positions to administer lake, river, and
dam financial assistance programs

1 restoration, ~~and~~ for lake management and river protection grants; granting
2 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:

3 SECTION 1. 20.866 (2) (tL) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*
6 *projects.* From the capital improvement fund, a sum sufficient for the department
7 of natural resources to provide financial assistance to counties, cities, villages, towns
8 and public inland lake protection and rehabilitation districts for dam safety projects
9 under s. 31.385. The state may contract public debt in an amount not to exceed
10 \$6,600,000 ~~\$6,870,000~~ ^{\$9,600,000} for this purpose.

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

12 23.09 (15) TRAINING FOR BOARDS OF ADJUSTMENT. The department shall provide
13 floodplain, shoreland, and wetland zoning training under ss. 59.69 (2) (a) 1m.,
14 59.694, 60.65 (2m), 61.35, and 62.23 (7) (e) 2m. The department may contract with
15 a 3rd party to provide the training. From the appropriation under s. 20.370 (4) (aq),
16 the department shall provide the training at no cost to the person receiving the
17 training.

18 SECTION 3. 23.322 of the statutes is amended to read:

19 23.322 ~~Fees for computer accessible~~ Computer-accessible water
20 resource management information. The department ~~may charge a fee for~~

1 ~~providing any shall provide~~ information that that it maintains in a format that may
2 ~~be accessed by computer~~ concerning the waters of this state, including maps and
3 other water resource management information, in a manner that may be accessed
4 by computer by any person interested in obtaining the information if the department
5 has the technical ability to provide the information in that manner. The department
6 may charge a fee for providing this information.

7 **SECTION 4.** 23.43[✓] of the statutes is created to read:

8 **23.43 Watershed management center.** From the appropriation under s.
9 20.370 (4) (aq), the department shall provide funding to the board of regents of the
10 University of Wisconsin System to establish and operate the watershed management
11 center under s. 36.25 (29g).

12 **SECTION 5.** 25.29 (1) (c) of the statutes is amended to read:

13 **25.29 (1) (c)** For fiscal year ~~1992-93~~ ~~2001-2002~~, ²⁰⁰²⁻⁰³ and for each fiscal year
14 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied
15 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the
16 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal
17 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under
18 s. 78.01 (1) on April 1 of the previous fiscal year.

19 **SECTION 6.** 30.209[✓] of the statutes is created to read:

20 **30.209 Cooperation with municipalities.** (1) In this subsection,
21 "Municipality" means any city, village, town, or county in this state.

22 (2) The department shall establish a program under which a municipality may
23 enter into an agreement or contract with the department under which the
24 municipality may perform functions that facilitate the issuance of permits or other
25 approvals under ss. 30.12, 30.121, 30.123, 30.126, 30.18, 30.19, 30.195, or 30.20. The

1 program may not authorize a municipality to enter into an agreement that restricts
2 the right to appeal a decision relating to the issuance of a permit or approval. The
3 department may make payments to the municipality under the agreement or
4 contract from the appropriation under s. 20.370 (4) (aq).

5 **SECTION 7.** 36.25 (29g) of the statutes is created to read:

6 36.25 (29g) WATERSHED MANAGEMENT CENTER. The board shall establish in the
7 college of natural resources at the University of Wisconsin-Stevens Point a center
8 to conduct studies and research relating to watershed management.

9 **SECTION 8.** 59.69 (2) (a) 1m. of the statutes is created to read:

10 59.69 (2) (a) 1m. No member of a planning and zoning committee, a planning
11 and zoning commission, or a county zoning agency may participate in any hearing
12 or decision that concerns the zoning of a floodplain, a shoreland, or a wetland unless
13 the member has completed a program of training concerning floodplain, shoreland,
14 and wetland zoning conducted by the department of natural resources or by a person
15 with whom the department of natural resources has contracted to provide such
16 training.

17 **SECTION 9.** 59.694 (3m) of the statutes is created to read:

18 59.694 (3m) TRAINING. No member or alternate member of the board of
19 adjustment may participate in any hearing or decision that concerns the zoning of
20 a floodplain, a shoreland, or a wetland unless the member or alternate member has
21 completed a program of training concerning floodplain, shoreland, and wetland
22 zoning conducted by the department of natural resources or by a person with whom
23 the department of natural resources has contracted to provide such training.

24 **SECTION 10.** 60.65 (2m) of the statutes is created to read:

1 60.65 (2m) TRAINING. No member of the board of adjustment may participate
2 in any hearing or decision that concerns the zoning of a floodplain, a shoreland, or
3 a wetland unless the member has completed a program of training concerning
4 floodplain, shoreland, and wetland zoning conducted by the department of natural
5 resources or by a person with whom the department of natural resources has
6 contracted to provide such training.

7 SECTION 11. 61.35[✓] of the statutes is amended to read:

8 **61.35 Village planning.** Section 62.23 applies to villages, and the powers and
9 duties conferred and imposed by s. 62.23 upon mayors, councils, and specified city
10 officials are hereby conferred upon presidents, village boards, and village officials
11 performing duties similar to the duties of such specified city officials, respectively.
12 Any ordinance or resolution passed prior to May 30, 1925, by any village board under
13 s. 61.35, 1923 stats., shall remain in effect until repealed or amended by such village
14 board. No village official may participate in any hearing or decision that concerns
15 the zoning of a floodplain, a shoreland, or a wetland unless the official has completed
16 a program of training concerning floodplain, shoreland, and wetland zoning
17 conducted by the department of natural resources or by a person with whom the
18 department of natural resources has contracted to provide such training.

19 SECTION 12. 62.23[✓] (7) (e) 2m. of the statutes is created to read:

20 62.23 (7) (e) 2m. No member or alternate member of the board of appeals may
21 participate in any hearing or decision that concerns the zoning of a floodplain, a
22 shoreland, or a wetland unless the member or alternate member has completed a
23 program of training concerning floodplain, shoreland, and wetland zoning conducted
24 by the department of natural resources or by a person with whom the department
25 of natural resources has contracted to provide such training.

1 **SECTION 13. Appropriation changes.**

2 (1) DAM SAFETY. In the schedule under section 20.005 (3) of the statutes for the
3 appropriation to the department of natural resources under section 20.370 (4) (br)
4 of the statutes, as affected by the acts of 2001, the dollar amount is increased by
5 \$361,300 for fiscal year 2002-03 to increase the authorized FTE positions for the
6 department of natural resources by ~~2.0~~^{5.0} SEG engineer positions to perform water
7 regulation and zoning functions.

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

15 (3) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the
16 statutes for the appropriation to the department of natural resources under section
17 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
18 increased by \$479,800 for fiscal year 2002-03 for wetlands regulation activities
19 relating to wetlands mitigation under section 281.37 of the statutes.

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

and
To increase the authorized FTE positions for the
department of natural resources by 2.5 SEG positions
to conduct those activities

aquatic nuisance species management including

1 (5) DUES PAYMENTS. In the schedule under section 20.005 (3) of the statutes for
2 the appropriation to the department of natural resources under section 20.370 (4)
3 (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by
4 \$13,000 for fiscal year 2002-03 to provide funding for annual dues to the Upper
5 Mississippi River Basin Association.

6 (6) AQUATIC PLANT MANAGEMENT. In the schedule under section 20.005 (3) of the
7 statutes for the appropriation to the department of natural resources under section
8 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
9 increased by \$200,000 for fiscal year 2002-03 for the purpose of funding the aquatic
10 plant management program under section 23.24 of the statutes and the prevention
11 of the introduction of certain aquatic plants into navigable waters under section
12 30.715 of the statutes.

13 (7) COST SHARING FOR AQUATIC RESTORATION PROJECTS. In the schedule under
14 section 20.005 (3) of the statutes for the appropriation to the department of natural
15 resources under section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001,
16 the dollar amount is increased by \$200,000 for fiscal year 2002-03 to provide funding
17 for the department of natural resources' share of the cost of performing feasibility
18 studies with the U.S. Army Corps of Engineers related to aquatic ecosystem
19 restoration 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 \$1,413,100 for fiscal year 2002-03 to provide computer-accessible
24 water resource management information under section 23.322 of the statutes, to
25 provide funding to local governments to implement cooperative agreements related

1 to permitting projects under section 30.209 of the statutes, and to provide funding
2 for floodplain, shoreland, and wetland training under section 23.09 (15) of the
3 statutes.

4 (8m) WATERSHED MANAGEMENT CENTER. In the schedule under section 20.005 (3)
5 of the statutes for the appropriation to the department of natural resources under
6 section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar
7 amount is increased by \$150,000 for fiscal year 2002-03 for the purpose of providing
8 funding to the board of regents of the University of Wisconsin System to establish
9 and operate the watershed management center under section 36.25 (29g) of the
10 statutes.

11 (9) LAKE MANAGEMENT GRANTS. 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 (6) (ar) of the statutes, as affected by the acts of 2001, the dollar amount is
14 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
15 appropriation is made.

16 (10) RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the
17 statutes for the appropriation to the department of natural resources under section
18 20.370 (6) (av) of the statutes, as affected by the acts of 2001, the dollar amount is
19 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
20 appropriation is made.

21 (11) TECHNICAL ASSISTANCE. In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of natural resources under section
23 20.370 (6) (aw) of the statutes, as affected by the acts of 2001, the dollar amount is
24 increased by \$75,000 for fiscal year 2002-03 for the purpose of providing technical
25 assistance to river management organizations.

ert
25

2001

Nonstat File Sequence:

DDD

LRB 3345 / P4

RNK: _____

\$\$\$ CHANGE

Insert 8-25

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # [92] Appropriation changes:

U#1M (X) Financial assistance specialists

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)(m) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$ 198,000 for fiscal year 2001-02 and the dollar amount is increased

for fiscal year 2002-03 to increase funding

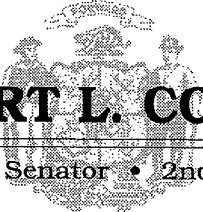
for the purpose (purposes) for which the appropriation is made to increase funding

the authorized FTE positions for the department of natural resources by 4.0 SEG

financial assistance specialist positions to administer the grant programs under

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

sections 281.68, 281.69, 281.70 and to administer the financial assistance program under section 31.385 of the statutes.



ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

November 13, 2001

To: Robin Kite

From: Jennifer Halbur

Re: LRB 3345/P4 Motor Fuel Gas Tax Formula

Senator Cowles has decided to modify LRB 3345/P4. The changes he has asked for are listed below.

- **Delete the following:**
 - Sections 1, 2,3 and 4.
 - Sections 6,7,8,9,10,11 and 12.
 - Page 6, Section 13, lines 1-14 and lines 22-25.
 - Page 7, Section 13, lines 1-25.
 - Page 8, Section 13, lines 1-12.
- **Add language relating to the Conservation Reserve Enhancement Program (CREP).**
 - This language is attached.
 - The CREP language was put together by the Department of Agriculture Trade and Consumer Protection.
- **Add language to create a Local Wetlands Restoration Grants Program.**
 - Is it possible to create a program for Wetlands using the same or similar language that is in place for the River and Lake Grants?
 - Appropriate \$947,200 for this program.

Per Jennifer - OK to talk to DATCP for info. - Call Keith Foye - 224-4603

to protect and restore wetlands

11-30-01-

Per Jennifer - wetlands grant program - Bill O'Connor (Lake Assoc) 255-7277 - she will talk to him & call me back

model after river protection grant prog. - call Bill O'Connor re: technical questions

DRAFTING INSTRUCTIONS**INCREASED BUDGET AUTHORITY FOR THE
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**For Implementing the Conservation Reserve Enhancement Program (CREP) through
Grants to Counties for the Soil and Water Resource Management Program and
An Increase of 2.0 FTE Position Authority within the Land and Water Resources Bureau**

- Use your proposed strategy to generate revenue through an increase in the motor fuel tax formula.
- Create appropriation s. 20.115(7)(st) for grants for the soil and water resource management program of \$1.375 million per year in the 2001-2003 biennium. Authorize the department to make payments of up to \$250 per contract to counties that implement CREP or utilize the funds to provide increased staff grants to counties to implement county land and water resource management plans approved by the department under s. 92.10, Stats.
- Increase the expenditure authority *by* \$125,000 per year in the 2001-2003 biennium to hire a 1.0 FTE information specialist position, and 1.0 FTE contract specialist position to assist statewide efforts *for* CREP.
- Authorize 2.0 FTE project positions for 2 years.

93.70

92.14

Kite, Robin

From: Halbur, Jennifer
Sent: Tuesday, November 13, 2001 4:26 PM
To: Kite, Robin
Subject: Motor Fuel Gas Tax

Robin,

I forgot to add to the drafting instructions for the Motor Fuel Gas Tax bill that we would like it to apply to the 2001-03 biennium. Currently the appropriations are for the second year.

Thank you,

Jennifer Halbur
Office of State Senator Robert Cowles
2nd Senate District
(608)266-0484
Jennifer.Halbur@legis.state.wi.us

12/11/01 TC with Keith Faye - DATCP

1. DATCP is contracting with counties concerning CREP. Under the contracts, counties provide various services related to administering CREP.

2. They also want the option of using this money to provide counties with more money for staff to implement soil & water resource management plans.

RET

FAX COVER SHEET

Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management Land and Water Resources Bureau

DATE: 12-11-01

TO: Becky Tradewell

Fax Number: 267-8522

FROM: Keith Foye

Phone: 224-4603

Fax: 608/224-4615

Number of Pages to Follow: 9

Please call the sender if you did not receive all pages or if there were difficulties in the transmission. Thank you.

MESSAGE:

Attached is the sample CREP County Contract that gives the work to implement CREP

Keith

CREP Grant Contract
ARM- LWR-280 (10/01)

Wis. Dept. of Agriculture, Trade
and Consumer Protection
Agricultural Resource Management Division
Land and Water Resources Bureau
PO Box 8911, Madison, WI 53708-8911

WISCONSIN CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and

Barron County enter into the following contract concerning the Wisconsin conservation reserve enhancement program.

Contract Period	Contact Name, Title, Phone Number, and Address
<p>10/01/2001 to 2/15/2005</p>	<p>Dale Hanson County Conservationist 715-537-6315 Barron County Soil & Water Conservation Dept Ag Service Center Barron WI 54812</p>
<p>Spending Authority</p> <p>\$600,000</p>	

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP") and Barron County ("County") enter into this contract to provide conservation reserve enhancement program ("CREP") grants to the County, through the county land conservation committee ("LCC"), up to the specified spending authority in this contract and subject to the conditions specified in this contract.

Funds obtained by the County under this contract are from the sale of tax-exempt general obligation State of Wisconsin bonds, issued under the provisions of s. 93.70, Wis. Stats., and the appropriation account under s. 20.866(2)(wf), Wis. Stats., to improve water quality, erosion control and wildlife habitat through participation in the United States Department of Agriculture (USDA) CREP, under 16 USC 3834(f)(4).

This contract, including the attached appendices A, B and C, constitute the entire contract between DATCP and the County for administration of the Wisconsin CREP. This contract supersedes any prior communications or understandings related to the subject matter of this contract. The parties may agree in writing to amend this contract, prior to the ending date of this contract.

I. THE COUNTY AGREES TO:

A. STAFFING.

Provide staff and necessary support costs to implement CREP on eligible lands within the boundaries of the County as specified on the map (Appendix B), up to a maximum commitment determined by the County. The County may seek reimbursement for these costs from DATCP through the soil and water resource management grant program up to the amount and provisions of the County's annual grant allocation award included in the approved annual allocation plan. Nothing in this contract requires the County to hire additional staff, at the County's expense, to perform the activities required under the contract. Nothing in this contract requires the County to hire additional staff, at the County's expense, to perform the activities required under the contract. The County staff shall provide services related to CREP as outlined in sections B. through G. below.

B. CREP STATE APPLICATION PROCESS.

Assist landowners in completing the state CREP application, and any required attachments including the federal W-9 form, for the state portion of CREP. The County shall include the tax parcel identification number and an acceptable location description for each parcel(s) to be entered into CREP. The location description must be at least to the level of the quarter quarter section (¼ ¼ sec). The County should also obtain a copy of the federal orthophoto map of the applicable parcel(s) for inclusion with the file.

C. CREP STATE 15-YEAR AGREEMENT PROCESS.

Assist landowners, as applicable, with completion of state 15-year agreement forms. USDA, Farm Services Agency (FSA) makes the initial determination of eligibility for CREP. The County shall enter into 15-year state CREP agreements with a landowner, only after receipt of an approved USDA form CRP-1, executed by the FSA county committee. The 15-year agreement shall be executed on forms provided by DATCP. The County may assist USDA in monitoring compliance with the 15-year agreement; USDA is primarily responsible to monitor lands during the term of the federal CRP/CREP contract.

D. CREP PERPETUAL CONSERVATION EASEMENT PROCESS.

Assist landowners, as applicable, with completion of the state perpetual conservation easement forms. USDA-FSA makes the initial determination of eligibility for CREP. The County shall notify an applying landowner, upon receipt of the completed and signed USDA form CRP-23 from FSA, that a title search report on the applicable parcel(s) is required to further process the application for the easement. The County shall notify the landowner that the costs of a title search are reimbursable only upon execution and recording of the perpetual conservation easement. The County shall then also obtain a location coordinate digital file (Arcview Shapefile®). This file shall be collected using Global Positioning System (GPS) methods and equipment. The County will collect coordinates for each point used for defining the perpetual easement parcel(s). The points shall be expressed as latitude and longitude in decimal degrees. Each location will start at a commencing point, which is defined as a Public Land Survey System (PLSS) Monument. The USDA, Natural Resource Conservation Service (NRCS) may assist counties in obtaining the GPS location coordinate information as a part of their efforts to locate federally enrolled parcels.

Forward, upon receipt, the approved CRP-2 and CRP-23 forms, executed by the FSA county committee, the title search report and the GPS information, on computer disk, for the applicable parcel(s), to DATCP, along with the completed state application form, the signed W-9 form, the tax parcel identification number and any orthophoto map. DATCP will develop a legal description for the applicable parcel(s) and a perpetual conservation easement document, which it will return to the County for execution. (See section II, C.)

Enter into perpetual conservation easements with a landowner, only after receipt from DATCP of the perpetual conservation easement document with the applicable legal description(s), and receipt of the applicable CRP-1 form. At its option, the County may elect to request that the state, rather than the County, hold the perpetual conservation easement. The County shall declare its intent to hold the easement itself, or request that the state hold it, in writing, at the time it submits the materials to DATCP for the development of the legal description and easement document. The County shall notify the landowner that the costs of recording are reimbursable. If the easement is held by the state, the County shall return the original document to DATCP for execution, after its signing by the County and the landowner.

Submit to DATCP, for execution and recording, the original perpetual conservation easement executed by the County and the landowner if the state will hold the easement, along with the landowner's check made out to the County register of deeds for the recording fee.

Forward to the County register of deeds for recording, the original perpetual conservation easement if the County will hold the easement, along with the landowner's check made out to the register of deeds for the recording fee.

Assist USDA, as desired, in monitoring compliance with the perpetual conservation easements during the first 15 years; USDA is primarily responsible to monitor lands during the 15-year term of the federal CRP/CREP contract. If the County holds the perpetual conservation easement on the lands, the County is then responsible to monitor the lands, after the 15-year period, in perpetuity.

E. CREP STATE PAYMENT REQUEST PROCESS.

Calculate the payment requests under the state CREP for landowners approved to participate in the Wisconsin CREP. The County shall use only payment request forms provided by DATCP.

Submit the payment requests for state incentive payments and any practice payments for conservation practices to DATCP as follows:

1. All incentive payment requests for 15-year agreements shall be submitted only after the 15-year agreement is fully executed. The request shall include the following attachments: the 15-year agreement, the completed state CREP application form, the completed federal W-9 form, a copy of the CRP-1 form, the applicable tax parcel identification number(s) and any orthophoto map. The County shall also include the completed environmental benefit report for the parcel(s). (See paragraph 5 below.)
2. All incentive payment requests for perpetual conservation easements held by the County shall be submitted only after the easement is fully executed and recorded. The request shall include the following attachments: a copy of the paid invoices for the title search report, a copy of the perpetual conservation easement document, clearly indicating the recording information and the fees for such recording, and the completed environmental benefit report for the parcel(s).
3. All incentive payment requests for perpetual conservation easements held by the state shall be submitted to DATCP at the time the County submits the title search report and GPS information. The request shall include the following attachments: a copy of the paid invoices for the title search report, and the completed environmental benefit report for the parcel(s).
4. All practice payment requests shall be submitted only after installation of the FSA cost-shared conservation practices, if any. The request shall include the following: the completed and executed USDA form AD-862 from FSA.
5. All environmental benefit reports shall be made on forms provided by DATCP. The report shall include: the amount of phosphorus, nitrogen and sediment annually estimated to be removed from the future runoff on the parcel as a result of installation of the conservation practices; an estimate of the miles of stream buffered (as applicable); and the acres of grassland established with the grassland project areas (as applicable). The County shall report information by project area (grassland or riparian), by watershed, and by name of the immediate downstream water body.

Submit all payment requests to DATCP in a timely manner, and no later than February 15, 2005.

Endorse over to the appropriate landowner any and all two party payments received by the County from DATCP regarding CREP. The County shall authorize one or more individuals of its choosing to endorse these CREP payments.

F. CREP STATE QUARTERLY REPORTING PROCESS.

Provide DATCP, on a quarterly basis (by January 15, April 15, July 15 and October 15, 2002; January 15, April 15, July 15, and October 15, 2003; January 15, April 15, July 15 and October 15, 2004; and January 15 and April 15, 2005), or more frequently at the request of DATCP, the following materials regarding implementation of CREP during the previous 3-month period:

1. A copy of any completed state CREP application and all attachments, not previously submitted.
2. A copy of any completed, and executed, state CREP 15-year agreement, not previously submitted.
3. A copy of any completed, and executed, perpetual conservation easement that the County will hold, or the original completed, and executed, perpetual conservation easement if the County is requesting that DATCP hold the easement, and all required attachments, not previously submitted.

4. Any outstanding request for CREP payment, not previously submitted. The County may send the CREP payment requests into DATCP at any time with the required supporting documents, but submission must be at least quarterly. Any request for payment for installation of any necessary conservation practices must include a copy of the USDA form AD-862 signed by an authorized agricultural engineering practitioner. State payments will be made only after receipt of such certification that installation met USDA standards.
5. A copy of a summary of County costs to implement CREP that includes County staff costs and any other County costs during the previous 3-month period.

G. CREP RECORDS RETENTION AND DISTRIBUTION PROCESS; PROGRAM RESTRICTIONS.

Send copies of the state application forms (with all attachments except the W-9 form), signed state 15-year agreements, and signed perpetual conservation easements to FSA, as completed and executed. The County shall also send copies of completed state application forms, without the W-9 attachment, to NRCS.

Receive, retain and provide access to federal and state CREP documents as specified in section I., RECORDS; ACCESS in Appendix A.

Execute any 15-year agreements and any perpetual conservation easements only upon receipt of the applicable, approved CRP-1 from FSA, executed before January 1, 2003. Any CRP-1 executed after December 31, 2002, is void and the state CREP application process is thereby terminated.

Hold execution of all 15-year agreements and perpetual conservation easements, and the applicable payment requests associated with those agreements and easements, to a cumulative total that does not exceed the County's spending authority under this contract.

II. DATCP AGREES TO:

A. Issue payments to the County for approved grants for eligible conservation practices and other eligible payments, upon receiving a valid payment request under section I. E. and all required attachments, except that the combined total payment issued to the County cannot exceed the spending authority specified in this contract. (Appendix C lists the conservation practices and any other payments that are eligible for state funds under CREP.) DATCP may make payments in installments, and may make payments on a partially completed conservation practice if the partially completed conservation practice has independent conservation benefits, and complies with the CREP agreement. All requests for payment under this contract must be received by DATCP before February 15, 2005, or they are barred from payment.

B. Provide the County with copies of the following: the state CREP application form, the state 15-year agreement form, the state/county perpetual easement form, the federal W-9 form, the state payment request forms, the state environmental benefit report form, and the state quarterly report form.

C. Determine, upon receipt from the County of the GPS location coordinate information, state application with required attachments, CRP-2, CRP-23, and the title search report for proposed perpetual easement parcels, the eligibility of the parcel(s) for a perpetual conservation easement under the state CREP program. If eligible, DATCP will provide the County with the applicable legal description for the parcel(s) and the perpetual conservation easement document. If any ambiguities, encumbrances or title defects are found in the review of the materials provided by the County, DATCP will contact the County in an attempt to resolve the issues before declaring the parcels ineligible for perpetual conservation easement. Parcels declared ineligible for perpetual easement may be enrolled in the state 15-year agreement.

D. Forward to the County register of deeds for recording the fully executed perpetual conservation easement, when the easement is held by the state, along with the landowner's check for the recording fee.

III. TERM OF THE CONTRACT.

This contract takes effect upon signing by both parties and ends on February 15, 2005.

State of Wisconsin
Department of Agriculture, Trade and
Consumer Protection

Authorized County Signature

Signed By	Signed By
James E. Harsdorf, Secretary Department of Agriculture, Trade and Consumer Protection	County Board Chair or County Executive
Date	Date

APPENDIX A**STANDARD CONTRACT PROVISIONS****I. RECORDS; ACCESS:**

The COUNTY will keep records of the COUNTY'S activities under this contract, including records of all funds received and spent, and proof of COUNTY endorsement of DATCP checks. The COUNTY will keep financial records according to generally accepted accounting principles and practices.

The COUNTY will keep the following records, for each individual landowner, for at least 3 years past the termination date of the state CREP agreement or the federal CREP agreement, whichever occurs later: USDA Conservation Reserve Program Worksheet, CRP-2; USDA Conservation Reserve Program Contract, CRP-1; Notice Regarding CRP Accepted Offers, CRP-23; Notice of Unaccepted Offer, CRP-26; Notice of Contract Approval, CRP-24; USDA Request for Cost-Share, AD-245; USDA Conservation Reporting and Evaluation System, AD-862.

The COUNTY will keep the following records relating to perpetual conservation easements, in perpetuity, for each individual landowner: USDA Conservation Reserve Program Worksheet, CRP-2; USDA Conservation Reserve Program Contract, CRP-1; USDA Conservation Reporting and Evaluation System, AD 862; CREP Perpetual Conservation Easement, ARM-LWR-281.

The COUNTY will make the records available to DATCP or its designee for inspection, audit and copying upon request. The COUNTY will provide proper facilities for the inspection, audit or copying. In the event of a dispute involving any records, DATCP may require the COUNTY to keep those records for an additional period of time specified by DATCP.

II. ASSIGNMENT:

The COUNTY may not assign, delegate or subcontract any portion of this contract without the prior written consent of DATCP.

III. INDEPENDENT CONTRACTOR:

The COUNTY and its employees and agents, are an independent contractor for all purposes, including workers' compensation, and are not an employee or agent of DATCP or the State of Wisconsin.

IV. INDEMNIFICATION:

The COUNTY agrees to hold harmless, defend and indemnify DATCP and all its officers, employees and agents, against any liability or other claims resulting from the actions or omissions of the COUNTY or its employees, agents or representatives.

V. NONDISCRIMINATION:

In connection with the performance on work under this contract, the COUNTY, agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical conditions, developmental disability, sexual orientation, or national origin, as defined in Section 51.01(5), Wis. Stats. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or

recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Except with respect to sexual orientation, the COUNTY further agrees to take affirmative action to ensure equal employment opportunities.

The COUNTY agrees to post in conspicuous places, available for employees and applicants for employment, notice of this nondiscrimination clause. DATCP will provide the COUNTY with a copy of the notice. Failure to comply with the conditions of this clause may result in the COUNTY being declared an "ineligible" COUNTY, termination of the contract, or withholding of payment.

VI. AFFIRMATIVE ACTION:

The COUNTY is exempt from the requirement of submitting a written affirmative action plan.

VII. APPLICABLE LAW:

The laws of the State of Wisconsin shall govern this contract. The COUNTY shall at all times comply with all federal, state, and local laws, ordinances, and regulations in effect during the period of this contract. The COUNTY shall not use money received under this contract for any illegal activities.

VIII. ANTI-TRUST ASSIGNMENT:

The COUNTY and DATCP recognize that, in actual economic practice, overcharges resulting from anti-trust violations are in fact usually borne by DATCP. Therefore, the COUNTY hereby assigns to DATCP any and all claims for such overcharges as to goods, materials, or services purchased in connection with this contract.

IX. LOBBYING:

The COUNTY may not use funds received under this contract, directly or indirectly, for lobbying activities of any kind. Materials printed, reproduced or distributed under this contract may not advocate a particular position on any state legislation or state agency action, nor may they encourage the recipient to contact or lobby any state legislative or agency official for lobbying purposes.

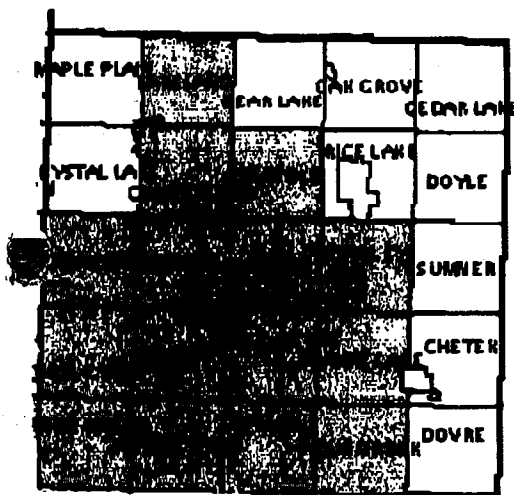
X. TERMINATION OF CONTRACT:

Either party may terminate this contract by giving at least 30 days prior written notice to the other party. DATCP reserves the right to cancel any contract, in whole or in part, without penalty, due to non-appropriation of funds or the COUNTY'S failure to comply with this contract. Termination of this contract by DATCP does not obligate the COUNTY to pay funds to landowners regarding 15-year agreements or perpetual conservation easements.

XI. AUDIT:

DATCP may conduct an audit of COUNTY operations and administration of grant payments under this contract, and any additional audits it deems necessary.

BARRON



CREP Project Area

 Riparian Project Areas

SEPTEMBER 2001

APPENDIX C

**CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
PRACTICES AND STATE PAYMENTS****ELIGIBLE CREP PRACTICES:**

- CP1 - Establishment of Permanent Introduced Grasses
- CP2 - Establishment of Permanent Native Grasses
- CP8A - Grassed Waterways
- CP10 - Grass Already Established
- CP21 - Filter Strips
- CP22 - Riparian Buffer
- CP23 - Wetland Restoration
- CP25 - Rare and Declining Habitat: Prairie Ecosystem Restoration and Tallgrass Prairie/Oak Savanna and Savanna Ecosystem Restoration

CREP PAYMENTS FROM THE STATE OF WISCONSIN:**Incentive Payments**

The State of Wisconsin, through Counties, will pay eligible landowners 1.5 times the annual rental rate, for land enrolled in 15-year agreements; and 12.0 times the annual rental rate for lands enrolled in perpetual conservation easements. The annual rental rate used to calculate the state payment is determined by the USDA Farm Service Agency for the federal portion of CREP and does not include any additional incentives, maintenance payments, or other payments made by USDA for CREP.

Practice Payments

The State of Wisconsin, through Counties, will pay eligible landowners a practice payment of 20% of the total eligible costs to install or construct the CREP practices. The total eligible practice costs are determined by the USDA Farm Service Agency as part of the federal portion of CREP.



State of Wisconsin
2001 - 2002 LEGISLATURE

1500
x RCT RMR 1P5
LRB-3345/HA
RNK [unclear] wlj&cjs:jf

D-Note
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regenerate cat.

1 AN ACT to amend 20.866 (2) (tL), 23.322, 25.29 (1) (c) and 61.35; and to create
 2 23.09 (15), 23.43, 30.209, 36.25 (29g), 59.69 (2) (a) 1m., 59.694 (3m), 60.65 (2m)
 3 and 62.23 (7) (e) 2m. of the statutes; relating to: the formula used for
 4 calculating the estimated motorboat gas tax payment; ~~bonding for dam safety~~
 5 ~~projects; establishing a cooperative program for issuing permits or other~~
 6 ~~approvals for navigable waters activities; computer-accessible water resource~~
 7 ~~management information; establishing a watershed management center;~~
 8 ~~requiring certain persons to receive flood plain, shoreland, and wetland zoning~~
 9 ~~training; and funding for engineering positions to perform water regulation and~~
 10 ~~flowing functions, for a river coordinator position, for wetlands mitigation~~
 11 ~~activities and positions, for resource management activities along the Lower St.~~
 12 ~~Croix national scenic riverway, for the payment of dues to the Upper Mississippi~~
 13 ~~River Basin Association, for feasibility studies related to aquatic ecosystem~~
 14 ~~restoration; for lake management and river protection grants, and for positions~~

establishing a wetlands protection grant program
funding

implementation of the conservation reserve enhancement program; implementation of county land and water resource management plans;

1 to administer lake, river, and dam financial assistance programs; granting
2 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:

3 **SECTION 1.** 20.866 (2) (tL) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*
6 *projects.* From the capital improvement fund, a sum sufficient for the department
7 of natural resources to provide financial assistance to counties, cities, villages, towns
8 and public inland lake protection and rehabilitation districts for dam safety projects
9 under s. 31.385. The state may contract public debt in an amount not to exceed
10 ~~\$6,600,000~~ \$9,600,000 for this purpose.

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

12 23.09 (15) TRAINING FOR BOARDS OF ADJUSTMENT. The department shall provide
13 floodplain, shoreland, and wetland zoning training under ss. 59.69 (2) (a) 1m.,
14 59.694, 60.65 (2m), 61.35, and 62.23 (7) (e) 2m. The department may contract with
15 a 3rd party to provide the training. From the appropriation under s. 20.370 (4) (aq),
16 the department shall provide the training at no cost to the person receiving the
17 training.

18 **SECTION 3.** 23.322 of the statutes is amended to read:

19 ~~23.322 Fees for computer accessible~~ Computer-accessible water
20 resource management information. The department ~~may charge a fee for~~

~~providing any shall provide information that that it maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information, in a manner that may be accessed by computer by any person interested in obtaining the information if the department has the technical ability to provide the information in that manner. The department may charge a fee for providing this information.~~

SECTION 4. 23.43 of the statutes is created to read:

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

SECTION 5. 25.29 (1) (c) of the statutes is amended to read:

25.29 (1) (c) For fiscal year ~~1992-93~~ 2002-2003, and for each fiscal year thereafter, an amount equal to the estimated motorboat gas tax payment multiplied by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the number of motorboats registered under s. 30.52 on January 1 of the previous fiscal year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on April 1 of the previous fiscal year.

~~SECTION 6. 30.209 of the statutes is created to read:~~

30.209 Cooperation with municipalities. (1) In this subsection, "Municipality" means any city, village, town, or county in this state.

(2) The department shall establish a program under which a municipality may enter into an agreement or contract with the department under which the municipality may perform functions that facilitate the issuance of permits or other approvals under ss. 30.12, 30.121, 30.123, 30.126, ~~30.18~~, 30.19, 30.195, or 30.20. The

1 program may not authorize a municipality to enter into an agreement that restricts
2 the right to appeal a decision relating to the issuance of a permit or approval. The
3 department may make payments to the municipality under the agreement or
4 contract from the appropriation under s. 20.370 (4) (aq).

5 **SECTION 7.** 36.25 (29g) of the statutes is created to read:

6 **36.25 (29g) WATERSHED MANAGEMENT CENTER.** The board shall establish in the
7 college of natural resources at the University of Wisconsin–Stevens Point a center
8 to conduct studies and research relating to watershed management.

9 **SECTION 8.** 59.69 (2) (a) 1m. of the statutes is created to read:

10 **59.69 (2) (a) 1m.** No member of a planning and zoning committee, a planning
11 and zoning commission, or a county zoning agency may participate in any hearing
12 or decision that concerns the zoning of a floodplain, a shoreland, or a wetland unless
13 the member has completed a program of training concerning floodplain, shoreland,
14 and wetland zoning conducted by the department of natural resources or by a person
15 with whom the department of natural resources has contracted to provide such
16 training.

17 **SECTION 9.** 59.694 (3m) of the statutes is created to read:

18 **59.694 (3m) TRAINING.** No member or alternate member of the board of
19 adjustment may participate in any hearing or decision that concerns the zoning of
20 a floodplain, a shoreland, or a wetland unless the member or alternate member has
21 completed a program of training concerning floodplain, shoreland, and wetland
22 zoning conducted by the department of natural resources or by a person with whom
23 the department of natural resources has contracted to provide such training.

24 **SECTION 10.** 60.65 (2m) of the statutes is created to read:

1 **60.65 (2m) TRAINING.** No member of the board of adjustment may participate
 2 in any hearing or decision that concerns the zoning of a floodplain, a shoreland, or
 3 a wetland unless the member has completed a program of training concerning
 4 floodplain, shoreland, and wetland zoning conducted by the department of natural
 5 resources or by a person with whom the department of natural resources has
 6 contracted to provide such training.

7 **SECTION 11.** 61.35 of the statutes is amended to read:

8 **61.35 Village planning.** Section 62.23 applies to villages, and the powers and
 9 duties conferred and imposed by s. 62.23 upon mayors, councils, and specified city
 10 officials are hereby conferred upon presidents, village boards, and village officials
 11 performing duties similar to the duties of such specified city officials, respectively.
 12 Any ordinance or resolution passed prior to May 30, 1925, by any village board under
 13 s. 61.35, 1923 stats., shall remain in effect until repealed or amended by such village
 14 board. No village official may participate in any hearing or decision that concerns
 15 the zoning of a floodplain, a shoreland, or a wetland unless the official has completed
 16 a program of training concerning floodplain, shoreland, and wetland zoning
 17 conducted by the department of natural resources or by a person with whom the
 18 department of natural resources has contracted to provide such training.

19 **SECTION 12.** 62.23 (7) (e) 2m. of the statutes is created to read:

20 **62.23 (7) (e) 2m.** No member or alternate member of the board of appeals may
 21 participate in any hearing or decision that concerns the zoning of a floodplain, a
 22 shoreland, or a wetland unless the member or alternate member has completed a
 23 program of training concerning floodplain, shoreland, and wetland zoning conducted
 24 by the department of natural resources or by a person with whom the department
 25 of natural resources has contracted to provide such training.

rt 5
(RET)
1
NK)
rc 2)

SECTION 13. Appropriation changes.

← keep

(1) DAM SAFETY. 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) (br) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$361,300 for fiscal year 2002-03 to increase the authorized FTE positions for the department of natural resources by 5.0 SEG engineer positions to perform water regulation and zoning functions.

(2) RIVER COORDINATOR POSITION. 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 \$57,000 for fiscal year 2002-03 to increase the authorized FTE positions for the department of natural resources by 1.0 SEG river coordinator position to coordinate river-related functions and to provide technical support for the river protection grant program under section 281.70 of the statutes.

(3) WETLANDS MITIGATION. 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 \$479,800 for fiscal year 2002-03 for wetlands regulation activities relating to wetlands mitigation under section 281.37 of the statutes and to increase the authorized FTE positions for the department of natural resources by 2.5 SEG positions to conduct those activities.

~~(4) LOWER ST. CROIX NATIONAL SCENIC RIVERWAY MANAGEMENT. 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, and the dollar amount is increased by \$109,200 for fiscal year 2002-03 to~~

1 conduct resource management activities along the Lower St. Croix national scenic
2 riverway.

3 (5) DUES PAYMENTS. In the schedule under section 20.005 (3) of the statutes for
4 the appropriation to the department of natural resources under section 20.370 (4)
5 (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by
6 \$13,000 for fiscal year 2002-03 to provide funding for annual dues to the Upper
7 Mississippi River Basin Association.

8 (6) AQUATIC PLANT MANAGEMENT. In the schedule under section 20.005 (3) of the
9 statutes for the appropriation to the department of natural resources under section
10 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
11 increased by \$200,000 for fiscal year 2002-03 for the purpose of funding aquatic
12 nuisance species management including the aquatic plant management program
13 under section 23.24 of the statutes and the prevention of the introduction of certain
14 aquatic plants into navigable waters under section 30.715 of the statutes.

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

22 (8) WATER RESOURCES PROGRAMS. In the schedule under section 20.005 (3) of the
23 statutes for the appropriation to the department of natural resources under section
24 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
25 increased by \$1,413,100 for fiscal year 2002-03 to provide computer-accessible

1 water resource management information under section 23.322 of the statutes, to
2 provide funding to local governments to implement cooperative agreements related
3 to permitting projects under section 30.209 of the statutes, and to provide funding
4 for floodplain, shoreland, and wetland training under section 23.09 (15) of the
5 statutes.

6 (9) ~~WATERSHED~~ MANAGEMENT CENTER. In the schedule under section 20.005 (3)
7 of the statutes for the appropriation to the department of natural resources under
8 section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar
9 amount is increased by \$150,000 for fiscal year 2002-03 for the purpose of providing
10 funding to the board of regents of the University of Wisconsin System to establish
11 and operate the watershed management center under section 36.25 (29g) of the
12 statutes.

13 ~~LAKE~~ LAKE MANAGEMENT GRANTS. In the schedule under section 20.005 (3) of the
14 statutes for the appropriation to the department of natural resources under section
15 20.370 (6) (ar) of the statutes, as affected by the acts of 2001, the dollar amount is
16 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
17 appropriation is made.

18 ~~RIVER~~ RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the
19 statutes for the appropriation to the department of natural resources under section
20 20.370 (6) (av) of the statutes, as affected by the acts of 2001, the dollar amount is
21 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
22 appropriation is made.

23 ~~TECHNICAL~~ TECHNICAL ASSISTANCE. In the schedule under section 20.005 (3) of the
24 statutes for the appropriation to the department of natural resources under section
25 20.370 (6) (aw) of the statutes, as affected by the acts of 2001, the dollar amount is

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

3 ~~1130~~ ⁽²⁸⁾ FINANCIAL ASSISTANCE SPECIALISTS. In the schedule under section 20.005 (3)
4 of the statutes for the appropriation to the department of natural resources under
5 section 20.370 (9) (mu) of the statutes, as affected by the acts of 2001, the dollar
6 amount is increased by \$198,000 for fiscal year 2002-03 to increase the authorized
7 FTE positions for the department of natural resources by 4.0 SEG financial
8 assistance specialist positions to administer the grant programs under sections
9 281.68, 281.69, and 281.70 of the statutes and to administer the financial assistance
10 program under section 31.385 of the statutes.

11 **SECTION 14. Effective date.**

12 (1) The treatment of sections ~~23.09~~ (15), 59.69 (2) (a) 1m., 59.694 (3m), 60.65
13 (2m), 61.35, and ~~62.23~~ (7) (e) 2m. of the statutes takes effect on the first day of the
14 11th month beginning after publication.

15 ~~2~~ ⁽²⁸⁾ The treatment of section 25.29 (1) (c) of the statutes takes effect on July 1,
16 2002.

17 (END)

This act takes effect on the day after
publication, except as follows:

FIX COMPONENT-
use
create → action →
* NS → effdateE

Insert 3-11 (RCT)

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			2001-02	2002-03
20.115	Agriculture, trade and consumer protection, department of			
(7)	AGRICULTURAL RESOURCE MANAGEMENT			
(st)	County soil and water assistance	SEG A	-0-	1,375,000
(sv)	Conservation reserve enhance-			
	ment program administration	SEG A	-0-	125,000

NS Y

SECTION 2. 20.115 (7) (st) of the statutes is created to read:

20.115 (7) (st) *County soil and water assistance*. From the conservation fund, the amounts in the schedule for payments to counties for implementing the conservation reserve enhancement program ^{under s. 93.70(2) ✓} and for implementing county land and water resource management plans ^{under s. 92.10(9) ✓}.

SECTION 3. 20.115 (7) (sv) of the statutes is created to read:

20.115 (7) (sv) *Conservation reserve enhancement program administration*.

From the conservation fund, the amounts in the schedule for administration of the conservation reserve enhancement program under s. 93.70. [✓]

NS X

End Insert 3-11 (RCT)

SECTION 4. 92.10 (9) of the statutes is created to read:

92.10 (9) FUNDING FOR COUNTY STAFF. From the appropriation under s. 20.115 (7) (st), the department may provide funds, in addition to any funds provided under s. 92.14 (3), to counties for staff to implement land and water resource management plans approved under sub. (4) (d).

Insert 6-14 (RCT)

SECTION 5. 93.70 of the statutes is renumbered 93.70 (1).

SECTION 6. 93.70 (2) of the statutes is created to read:

93.70 (2) If a county enters into an agreement with the department under which the county provides assistance in implementing the conservation reserve enhancement program, the department may make payments from the appropriation under s. 20.115 (7) (st) to the county of up to \$250 for each landowner who participates in the conservation reserve enhancement program with the assistance of the county.

End Insert 6-14(RCT)

~~SECTION 7. Nonstatutory provisions.~~

Insert ~~9-10~~ (RCT)
ABC

ET:
are as
originally
typed

~~(b)~~

POSITIONS FOR ADMINISTRATION OF THE CONSERVATION RESERVE ENHANCEMENT PROGRAM. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 2.0 SEG positions to be funded from the appropriation under section 20.115 (7) (sv) of the statutes, as created by this act, to administer the conservation reserve enhancement program.

End Insert ~~9-10~~ (RCT)
ABC

~~Insert 3-11 (RNK)~~

2001-02 2002-03

NS
Y

20.370 Natural resources,
department of

(6) ENVIRONMENTAL AIDS

(ax) Environmental aids - wetlands

protection; conservation fund SEG A -0- \$947,200

SECTION 1. 20.370 (6) (ax) of the statutes is created to read:

20.370 (6) (ax) *Environmental aids - wetlands protection; conservation fund.*

From the conservation fund, the amounts in the schedule for wetlands protection grants under s. 281.38.

INS
X

SECTION 2. 281.38 of the statutes is created to read:

281.38 Wetlands protection grants. (1) DEFINITION. In this section, "wetland" has the meaning given in s. 23.32(1).

(2) TYPES OF PROJECTS. The department shall develop and administer a financial assistance program to provide grants for projects that will protect or restore wetlands.

(3) AMOUNT OF GRANTS. A grant under this section may be made for up to 75% of the cost of the project but may not exceed \$50,000 per grant.

(4) ELIGIBLE RECIPIENTS. All of the following shall be eligible for grants under this section:

(a) Local governmental units, as defined in s. 66.0131 (1) (a). ✓

(b) Nonprofit conservation organizations, as defined in s. 23.0955 (1). ✓

(5) RULES. The department shall promulgate rules that designate activities that are eligible for a wetlands protection grant under this section. ✓

End Insert 6-14 (RNK)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

3345/P5dn

RNK.:/....

✓
cjs

As you requested, this draft, among other things creates a wetlands protection grant program. I have, also as requested, modeled the program after the river protection grant program under s. 281.70, stats. The river protection grant program specifies activities that are eligible for those grants and also specifies certain rules that DNR must promulgate under that program. Because many of those activities and rules relate specifically to rivers, I did not incorporate them into the wetlands grant program. Instead, the draft requires DNR to generally promulgate rules that specify activities that are eligible for a grant. Also, the draft authorizes grants for up to 75% of the cost of a project and specifies that a grant may not exceed \$50,000. Are these provisions consistent with your intent?

✓
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/P5dn
RNK:ejs:kjf

January 4, 2002

As you requested, this draft, among other things creates a wetlands protection grant program. I have, also as requested, modeled the program after the river protection grant program under s. 281.70, stats. The river protection grant program specifies activities that are eligible for those grants and also specifies certain rules that DNR must promulgate under that program. Because many of those activities and rules relate specifically to rivers, I did not incorporate them into the wetlands grant program. Instead, the draft requires DNR to generally promulgate rules that specify activities that are eligible for a grant. Also, the draft authorizes grants for up to 75% of the cost of a project and specifies that a grant may not exceed \$50,000. Are these provisions consistent with your intent?

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

Tradewell, Becky

From: Halbur, Jennifer
Sent: Friday, January 18, 2002 7:01 PM
To: Tradewell, Becky
Subject: FW: Comments on Cowles' Bill (LRB-3345/P5dn)

Becky,

Please make the requested changes below to LRB 3345/P5. Give me a call at 266-0484 if you have an questions or need further information.

Thanks for your help!

Jennifer Halbur
Policy Advisor
Office of State Senator Robert Cowles
2nd Senate District
(608)266-0484
Jennifer.Halbur@legis.state.wi.us

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

From: Moll, Keeley A DATCP
Sent: Friday, January 18, 2002 4:15 PM
To: Halbur, Jennifer
Subject: FW: Comments on Cowles' Bill (LRB-3345/P5dn)

Hey Jennifer:

This is what we came up with in the end (after lengthy talks with our legal counsel). I think they are pretty minor changes and cover what Sherry and I spoke to you about the other day. Can you take a look and forward this to Becky Treadwell at LRB? Thanks again for everything!

Keeley
224-5039

PS, I just noticed on Sec. Harsdorf's schedule for next week that he is scheduled to meet with Sen. Cowles on Thurs. regarding CREP. Is it on this draft or something else?

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

From: Jelinski, Dave DATCP
Sent: Friday, January 18, 2002 3:59 PM
To: Moll, Keeley A DATCP
Cc: Neher, Nicholas J DATCP; Foye, Keith W DATCP; Steffel, Sherry M DATCP; Knapp, Barb H DATCP
Subject: Comments on Cowles' Bill (LRB-3345/P5dn)

Keeley: I have had the opportunity to go through Senator Cowles' proposed bill on staffing grant reimbursements to counties for CREP. I would recommend the following three technical changes to the bill: 1) designate the appropriation type for the (st) SEG funds as "C" for a continuing appropriation (Page 2, line 7); 2) indicate the positions for DATCP are four-year project positions (Page 4, line 16); and 3) clarify that the \$250 administrative cost reimbursement payment goes to the county not the landowner (Page 3, line 21). Please extend our thank you to Jennifer and Senator Cowles for their assistance on this bill. Dave



ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

January 15, 2002

To: Robin Kite

From: Jennifer Halbur

Re: LRB 3345/P5 Relating to the Motor Fuel Gas Tax Formula

Please change the amount appropriated for wetland protection grants from \$947,200 to \$1,348,300.

It is estimated that the change from 50 to 80 gallons will generate an increase in the gas tax transfer of \$6,401,100. The bill as currently drafted only appropriates \$6.0 million. Therefore, we are adding the extra \$401,100 to the \$947,200 currently appropriated for wetland protection.

After this change is made, please send me an introducible form of the draft.

If you need any further information please call me at 266-0484.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3345/lins.

RNK:.....

INSERT ANALYSIS (RNK)

Current law requires that an amount equal to 1.4 times the estimated motorboat gas tax payment be transferred each fiscal year from the transportation fund to the conservation fund. The estimated motorboat gas tax payment for each fiscal year is calculated by multiplying the number of registered motorboats on January 1 of the previous fiscal year by 50 gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on April 1 of the previous fiscal year. This bill increases the number of gallons used in calculating the estimated motorboat gas tax payment from 50 to 80 gallons, beginning with fiscal year 2002-2003.

This bill also creates a wetlands protection grant program to provide financial assistance for projects that will protect, enhance, and restore wetlands. The bill requires the department of natural resources (DNR) to develop and administer the program. The bill provides that local governmental units and nonprofit conservation organizations are eligible to receive grants under the program.

The bill also increases funding for various programs administered by DNR. The bill increases funding for activities relating to wetlands mitigation, funding for lake management grants and river protection grants, and funding to provide technical assistance to river management organizations. In addition, the bill provides funding to DNR to increase the number of financial assistance specialist positions to administer various lake, river, and dam safety financial aid programs.

certain



Soon (in 1/23)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3345/PS
RNK&RCT:wlj&cjs:kjf
T
stamps RMY

D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA ✓

inserts

Regen cat

1 AN ACT to renumber 93.70; to amend 25.29 (1) (c); and to create 20.115 (7) (st),
2 20.115 (7) (sv), 20.370 (6) (ax), 92.10 (9), 93.70 (2) and 281.38 of the statutes;
3 relating to: the formula used for calculating the estimated motorboat gas tax
4 payment; establishing a wetlands protection grant program, funding for
5 wetlands mitigation activities and positions, for lake management and river
6 protection grants, and for positions to administer lake, river, and dam financial
7 assistance programs; implementation of the conservation reserve
8 enhancement program; implementation of county land and water resource
9 management plans; granting rule-making authority; and making
10 appropriations.

Analysis by the Legislative Reference Bureau

✓
ert Analysis
→

~~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:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2001-02	2002-03
20.115	Agriculture, trade and consumer protection, department of				
(7)	AGRICULTURAL RESOURCE MANAGEMENT				
(st)	County soil and water assistance	SEG	W	-0-	1,375,000
(sv)	Conservation reserve enhancement program administration	SEG	A	-0-	125,000

20.370 Natural resources, department of

(6)	ENVIRONMENTAL AIDS				
(ax)	Environmental aids - wetlands protection; conservation fund	SEG	A	-0-	947,200

SECTION 2. 20.115 (7) (st) of the statutes is created to read:

20.115 (7) (st) *County soil and water assistance.* From the conservation fund, the amounts in the schedule for payments to counties for implementing the conservation reserve enhancement program under s. 93.70 (2) and for implementing county land and water resource management plans under s. 92.10 (9).

SECTION 3. 20.115 (7) (sv) of the statutes is created to read:

20.115 (7) (sv) *Conservation reserve enhancement program administration.* From the conservation fund, the amounts in the schedule for administration of the conservation reserve enhancement program under s. 93.70.

SECTION 4. 20.370 (6) (ax) of the statutes is created to read:

1 20.370 (6) (ax) *Environmental aids —wetlands protection; conservation fund.*
2 From the conservation fund, the amounts in the schedule for wetlands protection
3 grants under s. 281.38.

4 **SECTION 5.** 25.29 (1) (c) of the statutes is amended to read:

5 25.29 (1) (c) For fiscal year ~~1992-93~~ 2002-2003, and for each fiscal year
6 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied
7 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the
8 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal
9 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under
10 s. 78.01 (1) on April 1 of the previous fiscal year.

11 **SECTION 6.** 92.10 (9) of the statutes is created to read:

12 92.10 (9) FUNDING FOR COUNTY STAFF. From the appropriation under s. 20.115
13 (7) (st), the department may provide funds, in addition to any funds provided under
14 s. 92.14 (3), to counties for staff to implement land and water resource management
15 plans approved under sub. (4) (d).

16 **SECTION 7.** 93.70 of the statutes is renumbered 93.70 (1).

17 **SECTION 8.** 93.70 (2) of the statutes is created to read:

18 93.70 (2) If a county enters into an agreement with the department under
19 which the county provides assistance in implementing the conservation reserve
20 enhancement program, the department may make payments ^{to the county} from the appropriation
21 under s. 20.115 (7) (st) ~~to the county~~ ^{equal to} up to \$250 ^{per} ~~for each~~ landowner who
22 participates in the conservation reserve enhancement program with the assistance
23 of the county.

24 **SECTION 9.** 281.38 of the statutes is created to read:



1 **281.38 Wetlands protection grants.** (1) DEFINITION. In this section,
2 “wetland” has the meaning given in s. 23.32 (1).

3 (2) TYPES OF PROJECTS. The department shall develop and administer a
4 financial assistance program to provide grants for projects that will protect, enhance,
5 or restore wetlands.

6 (3) AMOUNT OF GRANTS. A grant under this section may be made for up to 75%
7 of the cost of the project but may not exceed \$50,000 per grant.

8 (4) ELIGIBLE RECIPIENTS. All of the following shall be eligible for grants under
9 this section:

10 (a) Local governmental units, as defined in s. 66.0131 (1) (a).

11 (b) Nonprofit conservation organizations, as defined in s. 23.0955 (1).

12 (5) RULES. The department shall promulgate rules that designate activities
13 that are eligible for a wetlands protection grant under this section.

14 **SECTION 10. Nonstatutory provisions.**

15 (1) POSITIONS FOR ADMINISTRATION OF THE CONSERVATION RESERVE ENHANCEMENT
16 PROGRAM. The authorized FTE positions for the department of agriculture, trade and
17 consumer protection are increased by 2.0 SEG ^{4-year} four-year project positions to be funded from the
18 appropriation under section 20.115 (7) (sv) of the statutes, as created by this act, to
19 administer the conservation reserve enhancement program.

20 **SECTION 11. Appropriation changes.**

21 (1) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of natural resources under section
23 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
24 increased by \$479,800 for fiscal year 2002–03 for wetlands regulation activities
25 relating to wetlands mitigation under section 281.37 of the statutes and to increase

1 the authorized FTE positions for the department of natural resources by 2.5 SEG
2 positions to conduct those activities.

3 (2) LAKE MANAGEMENT GRANTS. 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 (6) (ar) of the statutes, as affected by the acts of 2001, the dollar amount is
6 increased by \$1,400,000 for fiscal year 2002-03 for the purpose for which the
7 appropriation is made.

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

13 (4) TECHNICAL ASSISTANCE. In the schedule under section 20.005 (3) of the
14 statutes for the appropriation to the department of natural resources under section
15 20.370 (6) (aw) of the statutes, as affected by the acts of 2001, the dollar amount is
16 increased by \$75,000 for fiscal year 2002-03 for the purpose of providing technical
17 assistance to river management organizations, *under section 281.72 of the statutes*

18 (5) FINANCIAL ASSISTANCE SPECIALISTS. In the schedule under section 20.005 (3)
19 of the statutes for the appropriation to the department of natural resources under
20 section 20.370 (9) (mu) of the statutes, as affected by the acts of 2001, the dollar
21 amount is increased by \$198,000 for fiscal year 2002-03 to increase the authorized
22 FTE positions for the department of natural resources by 4.0 SEG financial
23 assistance specialist positions to administer the grant programs under sections
24 281.68, 281.69, and 281.70 of the statutes and to administer the financial assistance
25 program under section 31.385 of the statutes.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3345/lins.
RNK & RCT:.....

INSERT ANALYSIS

Current law requires that an amount equal to 1.4 times the estimated motorboat gas tax payment be transferred each fiscal year from the transportation fund to the conservation fund. The estimated motorboat gas tax payment for each fiscal year is calculated by multiplying the number of registered motorboats on January 1 of the previous fiscal year by 50 gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on April 1 of the previous fiscal year. This bill increases the number of gallons used in calculating the estimated motorboat gas tax payment from 50 to 80 gallons, beginning with fiscal year 2002-2003. ✓

This bill also creates a wetlands protection grant program to provide financial assistance for projects that will protect, enhance, and restore wetlands. The bill requires the department of natural resources (DNR) to develop and administer the program. The bill provides that local governmental units and nonprofit conservation organizations are eligible to receive grants under the program. ✓

The bill also increases funding for various programs administered by DNR. The bill increases funding for activities relating to wetlands mitigation, funding for lake management grants and river protection grants, and funding to provide technical assistance to certain river management organizations. In addition, the bill provides funding to DNR to increase the number of financial assistance specialist positions to administer various lake, river, and dam safety financial aid programs.

Current law authorizes the department of agriculture, trade and consumer protection (DATCP) to participate in the federal Conservation Reserve Enhancement Program (CREP) under which payments are made to landowners for measures to improve water quality, erosion control, and wildlife habitat. This bill authorizes DATCP to make payments to counties that provide assistance in implementing CREP. The payments to a county may be up to \$250 per landowner who participates in CREP with the assistance of the county. In addition, the bill provides funding to DATCP for two project positions to administer CREP.

Current law requires counties to prepare land and water resource management plans. Under the land and water resource management program, current law also requires DATCP to provide funds to counties with approved land and water resource management plans. Counties may use the funds, among other purposes, for county land conservation staff. This bill authorizes DATCP to provide funds to counties, in addition to the funds provided under the land and water resource management program, for staff to implement land and water resource management plans. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3345/1dn

RNK:A:...

g's

Please note that, in addition to making the changes requested for this redraft, I have ✓ added a cross-reference to s. 281.72 in sub. (4) of that part of the draft that relates to ✓ appropriation changes to clarify the purpose for which the appropriation under sub. (4) is being increased.

If you have any questions concerning this 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-3345/1dn
RNK:cjs:jf

January 28, 2002

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

Basford, Sarah

From: Halbur, Jennifer
Sent: Monday, January 28, 2002 4:46 PM
To: LRB.Legal

Hi,

I need LRB 4234/1 to be jacketed for the Senate. Please send it to Senator Cowles Office 123 South. I also need LRB 3345/1 to be jacketed for the Senate.

Thank you!

Jennifer Halbur
Policy Advisor
Office of State Senator Robert Cowles
2nd Senate District
(608)266-0484
Jennifer.Halbur@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-3345/2
RNK&RCT:wlj&cjs:jf

Today

I stays

2001 BILL

Gen Cat

1 AN ACT to renumber 93.70; to amend 25.29 (1) (c); and to create 20.115 (7) (st),
2 20.115 (7) (sv), 20.370 (6) (ax), 92.10 (9), 93.70 (2) and 281.38 of the statutes;
3 relating to: the formula used for calculating the estimated motorboat gas tax
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BILL

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2 the following amounts for the purposes indicated:

BILL

1		2001-02	2002-03
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2	20.115 Agriculture, trade and consumer		
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3	protection, department of		
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4	(7) AGRICULTURAL RESOURCE MANAGEMENT		
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5	(st) County soil and water assistance	SEG C	-0-	1,375,000
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6	(sv) Conservation reserve enhance-			
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7	ment program administration	SEG A	-0-	125,000
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8	20.370 Natural resources, department of		
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9	(6) ENVIRONMENTAL AIDS		
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10	(ax) Environmental aids - wetlands			
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11	protection; conservation fund	SEG A	-0-	1,348,300 947,200
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13 20.115 (7) (st) *County soil and water assistance.* From the conservation fund,
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BILL**SECTION 4**

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BILL

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17 consumer protection are increased by 2.0 SEG 4-year project positions to be funded
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19 act, to administer the conservation reserve enhancement program.

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25 relating to wetlands mitigation under section 281.37 of the statutes and to increase

BILL

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23 assistance specialist positions to administer the grant programs under sections
24 281.68, 281.69, and 281.70 of the statutes and to administer the financial assistance
25 program under section 31.385 of the statutes.

Emery, Lynn

From: Emery, Lynn
Sent: Monday, February 04, 2002 3:41 PM
To: Sen.Cowles
Subject: LRB-3345/2 (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

2/4/2002