

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/19/2000**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grinde**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

**Pre Topic:**

DOA:.....Grinde -

**Topic:**

Nonpoint program, targeted runoff grants for agricultural sources

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 12/06/2000	hhagen 12/06/2000	martykr 12/07/2000	_____	lrb_docadmin 12/07/2000		
/2	traderc 01/10/2001	hhagen 01/10/2001	jfrantze 01/10/2001	_____	lrb_docadmin 01/10/2001		

FE Sent For:

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hmk*

*10/1/00*

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1/?	traderc	1/1 hmk 12/6/00	tra 12/7	JF 12 SM 7			

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2001-2003 Statutory Language Proposals

Division: WATER  
Bureau: WATERSHED MANAGEMENT  
Issue/Topic: TARGETED RUNOFF MANAGEMENT GRANT FUNDING  
Proposed Change: Amend s. 281.65 (4c) (am) 1. a. to include a reference to the need for compliance with performance standards established under s. 281.16 (3)--the agricultural performance standards--as well as the existing reference to the non-agricultural performance standards under s. 281.16 (2). For example, amend s. 281.65 (4c) (am) 1.a as follows:

The need for compliance with performance standards established by the department under ss. 281.16 (2) and (3).

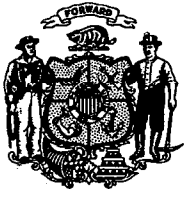
2) Repeal s. 281.65 (4c) 2. ~~The project cannot be conducted with funding provided under s. 92.14.~~

Explanatory Note: Currently, s. 281.65 (4c) (am) 1. allows the Department to issue targeted runoff management grants to communities for the purpose of complying with performance standards for non-agricultural facilities (281.16 (2)). Adding (3) clarifies that targeted runoff management grants may also be issued to comply with agricultural performance standards.

S. 281.65 (4c) 2. is arguably ambiguous and unnecessary. It may be interpreted in several ways: For example, 1) if an activity is eligible for funding under s.92.14, it cannot receive a targeted runoff management (TRM) grant; 2) if a project has already received funding under s.92.14, it cannot also receive funding through the TRM program; or 3) that projects must first apply for funding under s. 92.14 and if rejected, may apply for TRM funding. This provision seems to have been put in place to ensure that the same project does not receive funding both through s. 92.14 and s. 281.65. However, if the Legislature's intent was to limit TRM funding to urban projects, that action seems inconsistent with the creation of a separate urban grant program under s. 281.66. The joint allocation process between DATCP and DNR ensures that duplicate funding will not occur, and this provision unnecessarily restricts and confuses eligibility determinations for the TRM program.

Desired Effective Date: Effective date of the budget act.

Contact Person: Eric Ebersberger, MB/5 (6-0818); Russ Rasmussen, WT/2 (7-7651); Chuck Hammer, LS/5 (6-0911).



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0390/1

RCT.....  
hnh

SO ON

DOA:.....Grinde - Nonpoint program, targeted runoff grants for agricultural sources

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

*Do not gen*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

✓ ENVIRONMENT

✓ WATER QUALITY

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Local governmental units annually apply for cost-sharing grants from DNR for new nonpoint source projects. A project is eligible for funding only if it is in a target area. An area may be a target area based on several criteria, including the need for compliance with performance standards established by DNR for nonpoint sources that are not agricultural or the presence of an animal feeding operation that has received a notice from DNR that the animal feeding operation is discharging a significant amount of pollution to the waters of this state (a notice of discharge). A project qualifies for funding only if it cannot be conducted with funding provided by DATCP under the soil and water resource management program. DNR ranks all of the eligible applications based on specified criteria, including the extent to which the project will result in the attainment of water quality objectives, and then DNR selects projects to receive cost-sharing grants. This process is referred to as the targeted runoff management grant process.

This bill adds that an area may be a target area under the runoff management grant process based on the need for compliance with performance standards



## Tradewell, Becky

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**From:** Grinde, Kirsten  
**Sent:** Tuesday, January 09, 2001 9:55 PM  
**To:** Tradewell, Becky  
**Subject:** LRB-390/1 - Nonpoint program, targeted runoff grants

Becky,

Please make the following change to LRB-390/1:

1. Do not repeal s. 281.65(4c)(am)2., but amend it to state that in consultation with the department of agriculture, trade and consumer protection, the department determines that funding provided under s. 92.14 is insufficient to fund the project.

Let me know if you have any questions.

Thanks,

Kirsten

State Budget Office  
Department of Administration  
101 E. Wilson St., 10th floor  
Madison, WI 53707-7864

voice: (608) 266-7973  
fax: (608) 267-0372  
e-mail: [kirsten.grinde@doa.state.wi.us](mailto:kirsten.grinde@doa.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

SO ON

LRB-03902 2

RCT:hmh/km

stay/mr

DOA:.....Grinde - Nonpoint program, targeted runoff grants for agricultural sources

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1

*Do not gen.*  
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*modifies*

established by DNR for nonpoint sources that are agricultural. The bill also eliminates the provision that specifies that a project qualifies for funding under the runoff management grant process only if it cannot be conducted with funding provided by DATCP under the soil and water resource management program.

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

1           **SECTION 1.** 281.65 (4c) (am) 1. a. of the statutes is amended to read:

2           281.65 (4c) (am) 1. a. The need for compliance with performance standards  
3 established by the department under s. 281.16 (2) and (3).

4           ~~SECTION 2. 281.65 (4c) (am) 2. of the statutes is repealed.~~

(END)

*Inse*  
5 →

*to instead provide that a project*

*qualifies for funding only if DNR, in consultation with  
DATCP, determines that funding under the soil and  
water resource management program is insufficient  
to fund the project.*

X

Section #. 281.65 (4c) (am) 2. of the statutes is amended to read:

~~The department, in consultation with the department of agriculture, trade and consumer protection, determines that~~

281.65 (4c) (am) 2. The project cannot be conducted with funding provided under s. 92.14.

History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237; 1999 a. 9; 1999 a. 150 s. 672.

is insufficient to fund the project



DOA:.....Grinde – Nonpoint program, targeted runoff grants for agricultural sources

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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