

1 environmental management in establishing a town sanitary district may bring an
2 action in the circuit court of the county in which his or her lands are located, to set
3 aside the final determination of the town board or the department of ~~natural~~
4 ~~resources~~ environmental management, within 90 days after the final determination,
5 as provided under s. 893.73 (2). If no action is taken within the 90-day period, the
6 determination by the town board or the department of ~~natural resources~~
7 environmental management is final.

8 **SECTION 2003tu.** 60.782 (2) (d) of the statutes is amended to read:

9 60.782 (2) (d) Lease or acquire, including by condemnation, any real property
10 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)
11 or ~~30.275~~ 23.434 (4).

12 **SECTION 2003ty.** 60.785 (2) (a) of the statutes is amended to read:

13 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous
14 town sanitary district by resolution passed by a two-thirds vote of all of the
15 commissioners of each district, fixing the terms of the consolidation and ratified by
16 the qualified electors of each district at a referendum held in each district. The
17 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words
18 “~~for consolidation~~”, consolidation.” and “~~against consolidation~~”. consolidation.” If a
19 majority of the votes cast on the referendum in each town sanitary district are for
20 consolidation, the resolutions are effective and have the force of a contract. Certified
21 copies of the resolutions and the results of the referendum shall be filed with the
22 secretary of ~~natural resources~~ environmental management, and the original
23 documents shall be recorded with the register of deeds in each county in which the
24 consolidated district is situated.

25 **SECTION 2003vc.** 61.351 (1) (b) of the statutes is amended to read:

1 61.351 (1) (b) “Wetlands” has the meaning specified under s. ~~23.32~~ 278.32 (1).

2 **SECTION 2003vg.** 61.351 (2) of the statutes is amended to read:

3 61.351 (2) FILLED WETLANDS. Any wetlands ~~which~~ that are filled prior to the
4 date on which a village receives a final wetlands map ~~from the department of natural~~
5 ~~resources~~ under s. 278.32 in a manner which that affects their characteristics as
6 wetlands are filled wetlands and not subject to an ordinance adopted under this
7 section.

8 **SECTION 2003vn.** 61.351 (3) of the statutes is amended to read:

9 61.351 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to
10 promote the public health, safety and general welfare, each village shall zone by
11 ordinance all unfilled wetlands of 5 acres or more which are shown on the final
12 wetland inventory maps prepared ~~by the department of natural resources~~ for the
13 village under s. ~~23.32~~ 278.32, which are located in any shorelands and which are
14 within its incorporated area. A village may zone by ordinance any unfilled wetlands
15 ~~which~~ that are within its incorporated area at any time.

16 **SECTION 2003vr.** 61.351 (6) of the statutes is amended to read:

17 61.351 (6) FAILURE TO ADOPT ORDINANCE. If any village does not adopt an
18 ordinance required under sub. (3) within 6 months after receipt of final wetland
19 inventory maps prepared ~~by the department of natural resources~~ for the village
20 under s. ~~23.32~~ 278.32, or if the department of ~~natural resources~~ environmental
21 management, after notice and hearing, determines that a village adopted an
22 ordinance which fails to meet reasonable minimum standards in accomplishing the
23 shoreland protection objectives of s. 281.31 (1), the department of ~~natural resources~~
24 environmental management shall adopt an ordinance for the village. As far as
25 applicable, the procedures set forth in s. 87.30 apply to this subsection.

1 **SECTION 2003vw.** 61.354 (1) of the statutes is amended to read:

2 61.354 (1) DEFINITION. As used in this section, “department” means the
3 department of ~~natural resources~~ environmental management.

4 **SECTION 2003yc.** 62.231 (1) (b) of the statutes is amended to read:

5 62.231 (1) (b) “Wetlands” has the meaning specified under s. ~~23.32~~ 278.32 (1).

6 **SECTION 2003yg.** 62.231 (2) of the statutes is amended to read:

7 62.231 (2) FILLED WETLANDS. Any wetlands ~~which~~ that are filled prior to the
8 date on which a city receives a final wetlands map from the department of natural
9 resources under s. 278.32 in a manner ~~which~~ that affects their characteristics as
10 wetlands are filled wetlands and not subject to an ordinance adopted under this
11 section.

12 **SECTION 2003yL.** 62.231 (3) of the statutes is amended to read:

13 62.231 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to
14 promote the public health, safety and general welfare, each city shall zone by
15 ordinance all unfilled wetlands of 5 acres or more which are shown on the final
16 wetland inventory maps prepared by the department of natural resources for the city
17 under s. ~~23.32~~ 278.32, which are located in any shorelands and which are within its
18 incorporated area. A city may zone by ordinance any unfilled wetlands ~~which~~ that
19 are within its incorporated area at any time.

20 **SECTION 2003yp.** 62.231 (6) of the statutes is amended to read:

21 62.231 (6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance
22 required under sub. (3) within 6 months after receipt of final wetland inventory maps
23 prepared by the department of natural resources for the city under s. ~~23.32~~ 278.32,
24 or if the department of natural resources environmental management, after notice
25 and hearing, determines that a city adopted an ordinance ~~which~~ that fails to meet

1 reasonable minimum standards in accomplishing the shoreland protection
2 objectives of s. 281.31 (1), the department of ~~natural resources~~ environmental
3 management shall adopt an ordinance for the city. As far as applicable, the
4 procedures set forth in s. 87.30 apply to this subsection.

5 **SECTION 2003yt.** 62.231 (6m) of the statutes is amended to read:

6 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
7 ordinance enacted under this section that affects an activity that meets all of the
8 requirements under s. 281.165 (2) or (3) (a), the department of ~~natural resources~~
9 environmental management may not proceed under sub. (6), or otherwise review the
10 amendment, to determine whether the ordinance, as amended, fails to meet
11 reasonable minimum standards.

12 **SECTION 2003yx.** 62.234 (1) of the statutes is amended to read:

13 62.234 (1) DEFINITION. As used in this section, “department” means the
14 department of ~~natural resources~~ environmental management.”.

15 **175.** Page 678, line 22: after that line insert:

16 “**SECTION 2019g.** 66.0217 (9) (b) of the statutes is amended to read:

17 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
18 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to
19 the department of transportation, one copy to the department of administration, one
20 copy to the department of revenue, one copy to the department of public instruction,
21 one copy to the department, one copy to the department of ~~natural resources~~
22 environmental management, one copy to the department of fish, wildlife, parks, and
23 forestry, one copy to the department of agriculture, trade and consumer protection
24 and 2 copies to the clerk of the municipality from which the territory was annexed.”.

1 **176.** Page 679, line 21: after that line insert:

2 “**SECTION 2019mb.** 66.0221 (1) of the statutes, as affected by 2001 Wisconsin
3 Act ... (this act), is amended to read:

4 66.0221 (1) Upon its own motion, a city or village, by a two-thirds vote of the
5 entire membership of its governing body, may enact an ordinance annexing territory
6 which comprises a portion of a town or towns and which was completely surrounded
7 by territory of the city or village on December 2, 1973. The ordinance shall include
8 all surrounded town areas except those that are exempt by mutual agreement of all
9 of the governing bodies involved. The annexation ordinance shall contain a legal
10 description of the territory and the name of the town or towns from which the
11 territory is detached. Upon enactment of the ordinance, the city or village clerk
12 immediately shall file 6 certified copies of the ordinance in the office of the secretary
13 of state, together with 6 copies of a scale map. The secretary of state shall forward
14 2 copies of the ordinance and scale map to the department of transportation, one copy
15 to the department of ~~natural resources~~ environmental management, one copy to the
16 department of fish, wildlife, parks, and forestry, one copy to the department of
17 revenue and one copy to the department of administration. This subsection does not
18 apply if the town island was created only by the annexation of a railroad
19 right-of-way or drainage ditch. This subsection does not apply to land owned by a
20 town government which has existing town government buildings located on the land.
21 No town island may be annexed under this subsection if the island consists of over
22 65 acres or contains over 100 residents. Section 66.0217 (11) applies to annexations
23 under this subsection. Except as provided in sub. (2), after December 2, 1973, no city

1 or village may, by annexation, create a town area which is completely surrounded by
2 the city or village.”.

3 **177.** Page 680, line 5: after that line insert:

4 “**SECTION 2019p.** 66.0223 of the statutes is amended to read:

5 **66.0223 Annexation of territory owned by a city or village.** In addition
6 to other methods provided by law and subject to ss. 59.692 (7) and 66.0307 (7),
7 territory owned by and lying near but not necessarily contiguous to a village or city
8 may be annexed to a village or city by ordinance enacted by the board of trustees of
9 the village or the common council of the city, provided that in the case of
10 noncontiguous territory the use of the territory by the city or village is not contrary
11 to any town or county zoning regulation. The ordinance shall contain the exact
12 description of the territory annexed and the names of the towns from which
13 detached, and attaches the territory to the village or city upon the filing of 7 certified
14 copies of the ordinance in the office of the secretary of state, together with 7 copies
15 of a plat showing the boundaries of the territory attached. Two copies of the
16 ordinance and plat shall be forwarded by the secretary of state to the department of
17 transportation, one copy to the department of administration, one copy to the
18 department of ~~natural resources~~ environmental management, one copy to the
19 department of fish, wildlife, parks, and forestry, one copy to the department of
20 revenue and one copy to the department of public instruction. Within 10 days of filing
21 the certified copies, a copy of the ordinance and plat shall be mailed or delivered to
22 the clerk of the county in which the annexed territory is located. Section 66.0217 (11)
23 applies to annexations under this section.

24 **SECTION 2019r.** 66.0235 (5) of the statutes is amended to read:

1 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local
2 governmental units, or committees selected for that purpose, acting together,
3 constitute an apportionment board. When a local governmental unit is dissolved
4 because all of its territory is transferred the board or council of the local
5 governmental unit existing at the time of dissolution shall, for the purpose of this
6 section, continue to exist as the governing body of the local governmental unit until
7 there has been an apportionment of assets by agreement of the interested local
8 governmental units or by an order of the circuit court. After an agreement for
9 apportionment of assets has been entered into between the interested local
10 governmental units, or an order of the circuit court becomes final, a copy of the
11 apportionment agreement, or of the order, certified to by the clerks of the interested
12 local governmental units, shall be filed with the department of revenue, the
13 department of ~~natural resources~~ environmental management, the department of
14 fish, wildlife, parks, and forestry, the department of transportation, the state
15 superintendent of public instruction, the department of administration, and with
16 any other department or agency of the state from which the town may be entitled by
17 law to receive funds or certifications or orders relating to the distribution or
18 disbursement of funds, with the county treasurer, with the treasurer of any local
19 governmental unit, or with any other entity from which payment would have become
20 due if the dissolved local governmental unit had continued in existence. Subject to
21 ss. 79.006 and 86.303 (4), payments from the shared revenue account made pursuant
22 to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under
23 s. 20.395, of state aids for school purposes under ch. 121, payments for managed
24 forest land under subch. VI of ch. 77 and all payments due from a department or
25 agency of the state, from a county, from a local governmental unit, or from any other

1 entity from which payments would have become due if the dissolved local
2 governmental unit had continued in existence, shall be paid to the interested local
3 governmental unit as provided by the agreement for apportionment of assets or by
4 any order of apportionment by the circuit court and the payments have the same
5 force and effect as if made to the dissolved local governmental unit.

6 **SECTION 2019t.** 66.0307 (4) (a) 1. of the statutes is amended to read:

7 66.0307 (4) (a) 1. The department, the department of ~~natural resources~~
8 environmental management, the department of fish, wildlife, parks, and forestry,
9 the department of agriculture, trade and consumer protection and the department
10 of transportation.

11 **SECTION 2020k.** 66.0407 (5) of the statutes is amended to read:

12 66.0407 (5) This section does not apply to Canada thistle or annual noxious
13 weeds that are located on land that the department of ~~natural resources~~ fish, wildlife,
14 parks, and forestry owns, occupies or controls and that is maintained in whole or in
15 part as habitat for wild birds by the department of ~~natural resources~~ fish, wildlife,
16 parks, and forestry.”

17 **178.** Page 682, line 22: after that line insert:

18 **“SECTION 2029p.** 66.1105 (2) (k) of the statutes is amended to read:

19 66.1105 (2) (k) “Tax incremental district” means a contiguous geographic area
20 within a city defined and created by resolution of the local legislative body, consisting
21 solely of whole units of property as are assessed for general property tax purposes,
22 other than railroad rights-of-way, rivers or highways. Railroad rights-of-way,
23 rivers or highways may be included in a tax incremental district only if they are
24 continuously bounded on either side, or on both sides, by whole units of property as

1 are assessed for general property tax purposes which are in the tax incremental
2 district. "Tax incremental district" does not include any area identified as a wetland
3 on a map under s. ~~23.32~~ 278.32.

4 **SECTION 2029w.** 66.1106 (1) (c) of the statutes is amended to read:

5 66.1106 (1) (c) "Eligible costs" means capital costs, financing costs and
6 administrative and professional service costs, incurred or estimated to be incurred
7 by a political subdivision, for the investigation, removal, containment or monitoring
8 of, or the restoration of soil, air, surface water, sediments or groundwater affected by,
9 environmental pollution, including monitoring costs incurred within 2 years after
10 the date on which the department of ~~natural resources~~ environmental management
11 certifies that environmental pollution on the property has been remediated, property
12 acquisition costs, demolition costs including asbestos removal, and removing and
13 disposing of underground storage tanks or abandoned containers, as defined in s.
14 292.41 (1), except that for any parcel of land "eligible costs" shall be reduced by any
15 amounts received from persons responsible for the discharge, as defined in s. 292.01
16 (3), of a hazardous substance on the property to pay for the costs of remediating
17 environmental pollution on the property, by any amounts received, or reasonably
18 expected by the political subdivision to be received, from a local, state or federal
19 program for the remediation of contamination in the district that do not require
20 reimbursement or repayment and by the amount of net gain from the sale of the
21 property by the political subdivision. "Eligible costs" associated with groundwater
22 affected by environmental pollution include investigation and remediation costs for
23 groundwater that is located in, and extends beyond, the property that is being
24 remediated.

25 **SECTION 2030e.** 66.1106 (1) (f) of the statutes is amended to read:

1 66.1106 (1) (f) “Environmental remediation tax incremental base” means the
2 aggregate value, as equalized by the department, of a parcel of real property that is
3 certified under this section as of the January 1 preceding the date on which the
4 department of ~~natural resources~~ environmental management issues a certificate
5 certifying that environmental pollution on the property has been remediated in
6 accordance with rules promulgated by the department of ~~natural resources~~
7 environmental management.

8 **SECTION 2039b.** 66.1106 (4) (intro.) of the statutes is amended to read:

9 66.1106 (4) CERTIFICATION. (intro.) Upon written application to the department
10 of revenue by the clerk of a political subdivision on or before April 1 of the year
11 following the year in which the certification described in par. (a) is received from the
12 department of ~~natural resources~~ environmental management, the department of
13 revenue shall certify to the clerk of the political subdivision the environmental
14 remediation tax incremental base of a parcel of real property if all of the following
15 apply:

16 **SECTION 2039d.** 66.1106 (4) (a) of the statutes is amended to read:

17 66.1106 (4) (a) The political subdivision submits a statement that it has
18 incurred some eligible costs, and includes with the statement a detailed proposed
19 remedial action plan approved by the department of ~~natural resources~~
20 environmental management that contains cost estimates for anticipated eligible
21 costs and a schedule for the design, implementation and construction that is needed
22 to complete the remediation, with respect to the parcel or contiguous parcels of
23 property and the statement details the purpose and amount of the expenditures
24 already made and includes a dated certificate issued by the department of ~~natural~~
25 resources environmental management that certifies that the department of ~~natural~~

1 resources environmental management has approved the site investigation report
2 that relates to the parcel or contiguous parcels in accordance with rules promulgated
3 by the department of ~~natural resources~~ environmental management.

4 **SECTION 2041z.** 66.1106 (7) (d) of the statutes is amended to read:

5 66.1106 (7) (d) 1. The department may not authorize a positive environmental
6 remediation tax increment under par. (a) to pay otherwise eligible costs that are
7 incurred by the political subdivision after the department of ~~natural resources~~
8 environmental management certifies to the department of revenue that
9 environmental pollution on the parcel of property has been remediated unless the
10 costs are associated with activities, as determined by the department of ~~natural~~
11 ~~resources~~ environmental management, that are necessary to close the site described
12 in the site investigation report.

13 2. The department of ~~natural resources~~ environmental management shall
14 certify to the department of revenue the completion of the remediation of
15 environmental pollution at the site described in the site investigation report.”.

16 **179.** Page 702, line 2: after that line insert:

17 “**SECTION 2104b.** 70.11 (21) (a) of the statutes, as affected by 2001 Wisconsin
18 Act ... (this act), is amended to read:

19 70.11 (21) (a) All property purchased or constructed as a waste treatment
20 facility used for the treatment of industrial wastes, as defined in s. 281.01 (5), or air
21 contaminants, as defined in s. 285.01 (1), but not for other wastes, as defined in s
22 281.01 (7) for the purpose of abating or eliminating pollution of surface waters, the
23 air, or waters of the state if that property is not used to grow agricultural products
24 for sale and, if the property's owner is taxed under ch. 76, if the property is approved

1 by the department of revenue. For the purposes of this subsection, "industrial waste"
2 also includes wood chips, sawdust, and other wood residue from the paper and wood
3 products manufacturing process that can be used as fuel and would otherwise be
4 considered superfluous, discarded, or fugitive material. The department of ~~natural~~
5 ~~resources~~ environmental management and department of health and family services
6 shall make recommendations upon request to the department of revenue regarding
7 such property. All property purchased or upon which construction began prior to
8 July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

9 **SECTION 2104n.** 70.11 (21) (b) of the statutes is amended to read:

10 70.11 (21) (b) The books and records of owners of property covered by this
11 subsection shall be open to examination by representatives of the department of
12 ~~natural resources~~ environmental management, department of health and family
13 services and department of revenue."

14 **180.** Page 705 , line 24: after that line insert:

15 "SECTION 2114c. 70.113 (1) (intro.) of the statutes is amended to read:

16 70.113 (1) (intro.) As soon after April 20 of each year as is feasible the
17 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall pay to the
18 city, village, or town treasurer all of the following amounts from the following
19 appropriations for each acre situated in the municipality of state forest lands, as
20 defined in s. 28.02 (1), state parks under s. 27.01 and state public shooting, trapping
21 or fishing grounds and reserves or refuges operated thereon, acquired at any time
22 under s. 29.10, 1943 stats., s. 23.09 (2) (d) or 29.749 (1) or from the appropriations
23 made by s. 20.866 (2) (tp) by the department of ~~natural resources~~ fish, wildlife, parks,

1 and forestry or leased from the federal government by the department of natural
2 resources fish, wildlife, parks, and forestry:

3 **SECTION 2114e.** 70.113 (2) (a) of the statutes is amended to read:

4 70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined
5 in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2)
6 (d), 23.27, 23.29, 23.293, 23.31 or 29.749 (1) located within such municipality and
7 acquired after June 30, 1969. Such payments shall be made from the appropriation
8 under s. 20.370 (5) (da) or (dq) and remitted by the department of natural resources
9 fish, wildlife, parks, and forestry in the amounts certified by the department of
10 revenue according to par. (b).

11 **SECTION 2114g.** 70.114 (1) (a) of the statutes is amended to read:

12 70.114 (1) (a) “Department” means the department of natural resources fish,
13 wildlife, parks, and forestry.”.

14 **181.** Page 706, line 6: after that line insert:

15 **“SECTION 2114mb.** 70.32 (2) (c) 4. of the statutes is amended to read:

16 70.32 (2) (c) 4. “Swampland or wasteland” means bog_; marsh_; lowland brush_;
17 uncultivated land zoned as shoreland under s. 59.692 and shown as a wetland on a
18 final map under s. ~~23.32~~ 278.32; undeveloped land that is not classified under this
19 subsection as agricultural or as productive forest land and that is part of a parcel that
20 is designated as managed forest land under subch. VI of ch. 77; or other
21 nonproductive lands not otherwise classified under this subsection.

22 **SECTION 2114mg.** 70.375 (4) (o) of the statutes is amended to read:

23 70.375 (4) (o) Actual and necessary reclamation and restoration costs
24 associated with a mine in this state, including payments for future reclamation and

1 postmining costs which are required by law or by department of ~~natural resources~~
2 environmental management order and fees and charges under chs. 281, 285 or 289
3 to 299, except s. 281.48, not otherwise deductible under this section. Any refunds of
4 escrowed or reserve fund payments allowed as a deduction under this paragraph
5 shall be taxed as net proceeds at the average effective tax rate for the years the
6 deduction was taken.

7 **SECTION 2114mj.** 70.395 (2) (dc) 1. of the statutes is amended to read:

8 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
9 permit shall pay \$50,000 to the department of revenue for deposit in the investment
10 and local impact fund at the time that the person notifies the department of ~~natural~~
11 resources environmental management under s. 293.31 (1) of that intent.

12 **SECTION 2114mn.** 70.395 (2) (j) of the statutes is amended to read:

13 70.395 (2) (j) Prior to the beginning of a fiscal year, the board shall certify to
14 the department of administration for payment from the investment and local impact
15 fund any sum necessary for the department of ~~natural resources~~ environmental
16 management to make payments under s. 289.68 (3) for the long-term care of mining
17 waste sites, if moneys in the waste management fund are insufficient to make
18 complete payments during that fiscal year, but this sum may not exceed the balance
19 in the waste management fund at the beginning of that fiscal year or 50% of the
20 balance in the investment and local impact fund at the beginning of that fiscal year,
21 whichever amount is greater.

22 **SECTION 2114mq.** 70.395 (2) (k) of the statutes is amended to read:

23 70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify
24 to the department of administration for payment from the investment and local
25 impact fund any sum necessary for the department of ~~natural resources~~

1 environmental management to make payments under s. 292.31 for the
2 environmental repair of mining waste sites, if moneys in the environmental fund
3 that are available for environmental repair are insufficient to make complete
4 payments during that fiscal year. This sum may not exceed the balance in the
5 environmental fund at the beginning of that fiscal year or 50% of the balance in the
6 investment and local impact fund at the beginning of that fiscal year, whichever
7 amount is greater.”.

8 **182.** Page 728, line 23: after that line insert:

9 “SECTION 2143v. 71.05 (11) (a) of the statutes is amended to read:

10 71.05 (11) (a) The federal adjusted basis at the end of the calendar year 1968
11 or corresponding fiscal year of waste treatment plant or pollution abatement
12 equipment acquired pursuant to order or recommendation of the committee on water
13 pollution, state board of health, city council, village board or county board pursuant
14 to s. 59.07 (53) or (85), 1971 stats., may be treated as a subtraction modification on
15 the return of the calendar year 1969 or corresponding fiscal year but not in later
16 years. In case of such subtraction an add modification shall be made in 1969 and
17 later taxable years to reverse federal depreciation or amortization of such basis or
18 to correct gain or loss on disposition. The cost of such plant or equipment acquired
19 in 1969 or thereafter pursuant to order, recommendation or approval of the
20 committee on water pollution, department of resource development, department of
21 natural resources fish, wildlife, parks, and forestry, department of environmental
22 management, state board of health, city council, village board, or county board
23 pursuant to s. 59.07 (53) or (85), 1971 stats., (less any federal depreciation or
24 amortization taken) may be deducted as a subtraction modification or as subtraction

1 modifications in the year or years in which paid or accrued, dependent on the method
2 of accounting employed. In case of such election, appropriate add modifications shall
3 be made in subsequent years to reverse federal depreciation or amortization or to
4 correct gain or loss on disposition. This paragraph is intended to apply only to
5 depreciable property except that where wastes are disposed of through a lagoon
6 process, lagooning costs and the cost of land containing such lagoons may be treated
7 as depreciable property for purposes of this paragraph. In no event may any amount
8 in excess of cost be deducted. The taxpayer shall file with the department copies of
9 all recommendations, orders or approvals relating to installation of such property
10 and such other documents or data relating thereto as the department requests.”.

11 **183.** Page 738, line 6: after that line insert:

12 “SECTION 2153d. 71.10 (5) (h) (intro.) of the statutes is amended to read:

13 71.10 (5) (h) *Certification of amounts.* (intro.) Annually, on or before
14 September 15, the secretary of revenue shall certify to the department of ~~natural~~
15 ~~resources~~ fish, wildlife, parks, and forestry, the department of administration and
16 the state treasurer.”.

17 **184.** Page 799, line 2: after that line insert:

18 “SECTION 2181f. 71.30 (10) (h) (intro.) of the statutes is amended to read:

19 71.30 (10) (h) *Certification of amounts.* (intro.) Annually, on or before
20 September 15, the secretary of revenue shall certify to the department of ~~natural~~
21 ~~resources~~ fish, wildlife, parks, and forestry, the department of administration and
22 the state treasurer.”.

23 **185.** Page 831, line 23: after that line insert:

24 “SECTION 2195t. 71.59 (1m) of the statutes is amended to read:

1 71.59 (1m) PERMITTED USES. The designation by the department of ~~natural~~
2 ~~resources~~ fish, wildlife, parks, and forestry of any farmland in this state, for which
3 a claim under this section may be filed, as part of the ice age trail, under s. 23.17, is
4 a permitted use under a farmland preservation agreement, or a certificate of a zoning
5 authority, under sub. (1) (b).”.

6 **186.** Page 833, line 16: after that line insert:

7 “SECTION 2200w. 73.01 (3) (a) of the statutes is amended to read:

8 73.01 (3) (a) The time and place of meetings and hearings of the commission
9 shall be designated by the chairperson. Rooms for hearings outside the city of
10 Madison shall be provided under s. 73.07. All hearings held in Milwaukee shall be
11 held in the southeast district office of the department of ~~natural resources~~ fish,
12 wildlife, parks, and forestry. The commission shall maintain permanent hearing
13 rooms in Madison.”.

14 **187.** Page 836, line 24: after that line insert:

15 “SECTION 2206d. 73.0301 (1) (e) of the statutes is amended to read:

16 73.0301 (1) (e) “Licensing department” means the department of
17 administration; the board of commissioners of public lands; the department of
18 commerce; the ethics board; the department of financial institutions; the department
19 of health and family services; the department of ~~natural resources~~ fish, wildlife,
20 parks, and forestry; the department of environmental management; the department
21 of public instruction; the department of regulation and licensing; the department of
22 workforce development; the office of the commissioner of insurance; or the
23 department of transportation.”.

24 **188.** Page 838, line 18: after that line insert:

1 **“SECTION 2227p.** 75.105 (1) (a) of the statutes is amended to read:

2 75.105 (1) (a) “Department” means the department of ~~natural resources~~
3 environmental management.

4 **SECTION 2227t.** 75.106 (1) (b) of the statutes is amended to read:

5 75.106 (1) (b) “Department” means the department of ~~natural resources~~
6 environmental management.”.

7 **189.** Page 843, line 5: after that line insert:

8 **“SECTION 2243c.** 77.02 of the statutes is amended to read:

9 **77.02 Forest croplands. (1) PETITION.** *The owner of an entire quarter quarter*
10 *section, fractional lot or government lot as determined by U.S. government survey*
11 *plat, excluding public roads and railroad rights-of-way that may have been sold,*
12 *may file with the department of ~~natural resources~~ fish, wildlife, parks, and forestry*
13 *a petition stating that the owner believes the lands therein described are more useful*
14 *for growing timber and other forest crops than for any other purpose, that the owner*
15 *intends to practice forestry thereon, that all persons holding encumbrances thereon*
16 *have joined in the petition and requesting that such lands be approved as “Forest*
17 *Croplands” under this subchapter. Whenever any such land is encumbered by a*
18 *mortgage or other indenture securing any issue of bonds or notes, the trustee named*
19 *in such mortgage or indenture or any amendment thereto may join in such petition,*
20 *and such action shall for the purpose of this section be deemed the action of all*
21 *holders of such bonds or notes.*

22 **(2) NOTICE OF HEARING, ADJOURNMENT.** Upon receipt of such petition the
23 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall investigate
24 the same and shall file a listing of descriptions with the town chairperson. For

1 petitions received prior to May 1, the department shall within the same calendar
2 year cause a notice that such petition has been filed to be published as a class 3 notice,
3 under ch. 985, in the newspaper having the largest general circulation in the county
4 in which the lands are located, and notice by registered mail shall be given to the
5 town clerk of any town in which the lands are located. Such notice shall contain the
6 name of the petitioner, a description of the lands and a statement that any resident
7 of or taxpayer in the town may within 15 days from the date of publication of the
8 notice file a request with the department that it conduct a public hearing on the
9 petition. Upon receipt of such a request the department shall conduct a public
10 hearing on the petition. The department may conduct a public hearing on any
11 petition without a request, if it deems it advisable to do so. Notice of the time and
12 place of such hearing and a description, in specific or general terms, as the
13 department deems advisable, of the property requested to be approved as "Forest
14 Croplands" shall be given to persons making the request, the owner of such land and
15 to the assessor of towns in which it is situated, by mail, at least one week before the
16 day of hearing. The notice also shall be published as a class 1 notice, under ch. 985,
17 in a newspaper having general circulation in the county in which such land is located,
18 at least one week before the day of the hearing. Such hearing may be adjourned and
19 no notice of the time and place of such adjourned hearing need be given, excepting
20 the announcement thereof by the presiding officer at the hearing at which the
21 adjournment is had.

22 (3) DECISION, COPIES. After receiving all the evidence offered at any hearing
23 held on the petition and after making such independent investigation as it sees fit
24 the department shall make its findings of fact and make and enter an order
25 accordingly. If it finds that the facts give reasonable assurance that a stand of

1 merchantable timber will be developed on such descriptions within a reasonable
2 time, and that such descriptions are then held permanently for the growing of timber
3 under sound forestry practices, rather than for agricultural, mineral, shoreland
4 development of navigable waters, recreational, residential or other purposes, and
5 that all persons holding encumbrances against such descriptions have in writing
6 agreed to the petition, the order entered shall grant the request of the petitioner on
7 condition that all unpaid taxes against said descriptions be paid within 30 days
8 thereafter; otherwise the department of ~~natural resources~~ fish, wildlife, parks, and
9 forestry shall deny the request of the petitioner. If the request of the petitioner is
10 granted, a copy of such order shall be filed with the department of revenue, the
11 supervisor of equalization and the clerk of each town, and the order shall be recorded
12 with the register of deeds of each county, in which any of the lands affected by the
13 order are located. The register of deeds shall record the entry, transfer or withdrawal
14 of all forest croplands in a suitable manner on the county records. The register of
15 deeds may collect recording fees under s. 59.43 (2) from the owner. Any order of the
16 department relating to the entry of forest croplands issued on or before November
17 20 of any year shall take effect on January 1 of the following calendar year, but all
18 orders issued after November 20 shall take effect on January 1 of the calendar year
19 following the calendar year in which orders issued on or before November 20 would
20 have been effective.

21 **SECTION 2243d.** 77.03 of the statutes is amended to read:

22 **77.03 Taxation of forest croplands.** After the filing and recording of the
23 order with the officers under s. 77.02 (3) the lands described therein shall be "Forest
24 Croplands", on which taxes shall thereafter be payable only as provided under this
25 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the

1 making of the order under s. 77.02 (3) shall constitute a contract between the state
2 and the owner, running with the lands, for a period of 25 or 50 years at the election
3 of the applicant at the time the petition is filed, unless withdrawn under s. 77.10,
4 with privilege of renewal by mutual agreement between the owner and the state,
5 whereby the state as an inducement to owners and prospective purchasers of forest
6 croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn under s.
7 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then
8 accepted as forest croplands, except as the department of ~~natural resources~~ fish,
9 wildlife, parks, and forestry, and the owner may expressly agree in writing and
10 except as provided in s. 77.17. If at the end of the contract period the land is not
11 designated as managed forest land under subch. VI, the merchantable timber on the
12 land shall be estimated by an estimator jointly agreed upon by the department of
13 ~~natural resources~~ fish, wildlife, parks, and forestry and the owner, and if the
14 department and the owner fail to agree on an estimator, the judge of the circuit court
15 of the district in which the lands lie shall appoint a qualified forester, whose estimate
16 shall be final, and the cost thereof shall be borne jointly by the department of ~~natural~~
17 ~~resources~~ fish, wildlife, parks, and forestry and the owner; and the 10% severance
18 tax paid on the stumpage thereon in the same manner as if the stumpage had been
19 cut. The owners by such contract consent that the public may hunt and fish on the
20 lands, subject to such rules as the department of ~~natural resources~~ fish, wildlife,
21 parks, and forestry prescribes regulating hunting and fishing.

22 **SECTION 2243e.** 77.04 (2) of the statutes is amended to read:

23 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The "acreage share" shall be
24 computed at the rate of 10 cents per acre on all lands entered prior to 1972. On all
25 lands entered after December 31, 1971, the "acreage share" shall be computed every

1 10 years to the nearest cent by the department of revenue at the rate of 20 cents per
2 acre multiplied by a ratio using the equalized value of the combined residential,
3 commercial, manufacturing, agricultural, swamp, or waste and productive forest
4 land classes under s. 70.32 (2) within the state in 1972 as the denominator, and using
5 equalized value for these combined land classes in 1982 and every 10th year
6 thereafter as the numerator. All owners shall pay to the taxation district treasurer
7 the acreage share on each description on or before January 31. If the acreage share
8 is not paid when due to the taxation district treasurer it shall be subject to interest
9 and penalty as provided under ss. 74.11 (11), 74.12 (10) and 74.47. These lands shall
10 be returned as delinquent and a tax certificate under subch. VII of ch. 74 shall be
11 issued on them. After 2 years from the date of the issuance of a tax certificate, the
12 county clerk shall promptly take a tax deed under ch. 75. On taking such deed the
13 county clerk shall certify that fact and specify the descriptions to the department of
14 natural resources fish, wildlife, parks, and forestry.

15 **SECTION 2243f.** 77.05 of the statutes is amended to read:

16 **77.05 State contribution.** The department of ~~natural resources~~ fish, wildlife,
17 parks, and forestry shall pay before June 30 annually to the town treasurer, from the
18 appropriation under s. 20.370 (5) (bv), 20 cents for each acre of land in the town that
19 is described as forest croplands under this subchapter.

20 **SECTION 2243g.** 77.06 of the statutes is amended to read:

21 **77.06 Forestation. (1) CUTTING TIMBER REGULATED.** No person shall cut any
22 merchantable wood products on any forest croplands where the forest crop taxes are
23 delinquent nor until 30 days after the owner has filed with the department of ~~natural~~
24 resources fish, wildlife, parks, and forestry a notice of intention to cut, specifying by
25 descriptions and the estimated amount of wood products to be removed and the

1 proportion of present volume to be left as growing stock in the area to be cut. The
2 department of ~~natural resources~~ fish, wildlife, parks, and forestry may require a
3 bond executed by some surety company licensed in this state or other surety for such
4 amount as may reasonably be required for the payment to the department of ~~natural~~
5 ~~resources~~ fish, wildlife, parks, and forestry of the severance tax hereinafter provided.
6 The department, after examination of the lands specified, may prescribe the amount
7 of forest products to be removed. Cutting in excess of the amount prescribed shall
8 render the owner liable to double the severance tax prescribed in s. 77.06 (5) and
9 subject to cancellation under s. 77.10. Merchantable wood products include all wood
10 products except wood used for fuel by the owner.

11 (2) APPRAISAL OF TIMBER, ZONES. Each year the department of ~~natural resources~~
12 fish, wildlife, parks, and forestry, at the time and place it shall fix and after such
13 public notice as it deems reasonable, shall hold a public hearing. After the hearing
14 the department shall make and file, open to public inspection, a determination of the
15 reasonable stumpage values of the wood products usually grown in the several towns
16 in which any forest croplands lie. A public hearing under this section shall be held
17 prior to August 1 of each year and the determination of stumpage values made by the
18 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall take effect
19 on November 1 of that year. If the department of ~~natural resources~~ fish, wildlife,
20 parks, and forestry finds there is a material variance in the stumpage values in the
21 different localities, it may fix separate zones and determine the values for each zone.

22 (3) REVALUATION. As to any locality or zone in which the department of ~~natural~~
23 ~~resources~~ fish, wildlife, parks, and forestry deems there has been no material
24 variance from the preceding year in stumpage values, it may omit to make any new

1 valuation in any year, in which event the last preceding valuation shall continue in
2 force until changed in a succeeding year.

3 (4) CUTTING REPORTED. Within 30 days after completion of cutting on any land
4 description, but not more than one year after filing of the notice of intention to cut,
5 the owner shall transmit to the department of ~~natural resources~~ fish, wildlife, parks,
6 and forestry on forms provided by the department a written statement of the
7 products so cut, specifying the variety of wood, kind of product, and quantity of each
8 variety and kind as shown by the scale or measurement thereof made on the ground
9 as cut, skidded, loaded, delivered, or by tree scale certified by a qualified forester
10 when stumpage is sold by tree measurement. The department of ~~natural resources~~
11 fish, wildlife, parks, and forestry may accept such reports as sufficient evidence of
12 the facts, or may either with or without hearing and notice of time and place thereof
13 to such owner, investigate and determine the fact of the quantity of each variety and
14 kind of product so cut during said periods preceding such reports.

15 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of ~~natural resources~~ fish,
16 wildlife, parks, and forestry shall assess and levy against the owner a severance tax
17 on the right to cut and remove wood products covered by reports under this section,
18 at the rate of 10% of the value of the wood products based upon the stumpage value
19 then in force. Upon making the assessment, the department of ~~natural resources~~
20 fish, wildlife, parks, and forestry shall mail a duplicate of the certificate by registered
21 mail to the owner who made the report of cutting at the owner's last-known
22 post-office address. The tax assessed is due and payable to the department of
23 ~~natural resources~~ fish, wildlife, parks, and forestry on the last day of the next
24 calendar month after mailing the certificate. The proceeds of the tax shall be paid
25 into the forestry account of the conservation fund for distribution under s. 77.07 (3).

1 **SECTION 2243h.** 77.07 (2) of the statutes is amended to read:

2 77.07 (2) PENALTY, COLLECTIONS. If any severance tax ~~remain~~ remains unpaid
3 for 30 days after it becomes due, there shall then be added a penalty of 10%, and such
4 tax and penalty shall thereafter draw interest at the rate of one ~~per cent~~ percent per
5 month until paid. At the expiration of said 30 days the department of ~~natural~~
6 ~~resources~~ fish, wildlife, parks, and forestry shall report to the attorney general any
7 unpaid severance tax, adding said penalty, and the attorney general shall thereupon
8 proceed to collect the same with penalty and interest by suit against the owner and
9 by attachment or other legal means to enforce the lien and by action on the bond
10 mentioned in s. 77.06 (1), or by any or all such means.

11 **SECTION 2243i.** 77.08 of the statutes is amended to read:

12 **77.08 Supplemental severance tax.** At any time within one year after any
13 cutting should have been reported, the department of ~~natural resources~~ fish, wildlife,
14 parks, and forestry after due notice to the owner and opportunity to be heard, and
15 on evidence duly made a matter of record, may determine whether the quantity of
16 wood products cut from any such land, did in fact substantially exceed the amount
17 on which the severance tax theretofore levied was based, and if so shall assess a
18 supplemental severance tax which, in all respects, shall have the same force and
19 effect as the former severance tax, except only it shall not be a lien on any property
20 the title of which has passed to a purchaser for value without notice.

21 **SECTION 2243j.** 77.09 (1) of the statutes is amended to read:

22 77.09 (1) Any person who fails to report or shall intentionally make any false
23 statement or report to the department of ~~natural resources~~ fish, wildlife, parks, and
24 forestry required by s. 77.06 shall forfeit not more than \$1,000. An action under this

1 section shall not be a bar to a cancellation of entry and order of withdrawal under s.
2 77.10.

3 **SECTION 2243k.** 77.10 (1) of the statutes is amended to read:

4 77.10 (1) INVESTIGATIONS, CANCELLATIONS, CONVEYANCES. (a) The department of
5 ~~natural resources fish, wildlife, parks, and forestry~~ shall on the application of the
6 department of revenue or the owner of any forest croplands or the town board of the
7 town in which said lands lie and may on its own motion at any time cause an
8 investigation to be made and hearing to be had as to whether any forest croplands
9 shall continue under this subchapter. If on such hearing after due notice to and
10 opportunity to be heard by the department of revenue, the town and the owner, the
11 department of ~~natural resources fish, wildlife, parks, and forestry~~ finds that any
12 such lands are not meeting the requirements set forth in s. 77.02 or that the owner
13 has made use of the land for anything other than forestry or has failed to practice
14 sound forestry on the land, the department of ~~natural resources fish, wildlife, parks,~~
15 ~~and forestry~~ shall cancel the entry of such description and issue an order of
16 withdrawal, and the owner shall be liable for the tax and penalty under sub. (2).
17 Copies of the order of withdrawal specifying the description shall be filed by the
18 department of ~~natural resources fish, wildlife, parks, and forestry~~ with all officers
19 designated to receive copies of the order of entry and withdrawal and this subchapter
20 shall not thereafter apply to the lands withdrawn, except s. 77.07 so far as it may be
21 needed to collect any previously levied severance or supplemental severance tax. If
22 the owner shall not repay the amounts on or before the last day of February next
23 succeeding the return of such lands to the general property tax roll as provided in
24 sub. (4), the department of ~~natural resources fish, wildlife, parks, and forestry~~ shall
25 certify to the county treasurer the descriptions and the amounts due, and the county

1 treasurer shall sell such lands as delinquent as described in s. 77.04 (2). Whenever
2 any county clerk has certified to the taking of a tax deed under s. 77.04 (2) the
3 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall issue an
4 order of withdrawal as to the lands covered in such tax deed. Such order may also
5 be issued when examination of tax records reveals prolonged delinquency and
6 noncompliance with the requirements of s. 77.04 (2).

7 (b) Whenever any owner of forest croplands conveys such land the owner shall,
8 within 10 days of the date of the deed, file with the department of ~~natural resources~~
9 fish, wildlife, parks, and forestry on forms prepared by the department a transfer of
10 ownership signed by the owner and an acceptance of transfer signed by the grantee
11 certifying that the grantee intends to continue the practice of forestry on such land.
12 The department of ~~natural resources~~ fish, wildlife, parks, and forestry shall
13 immediately issue a notice of transfer to all officers designated to receive copies of
14 orders of entry and withdrawal. Whenever a purchaser of forest croplands declines
15 to certify his or her intention to continue the practice of forestry thereon, such action
16 shall constitute cause for cancellation of entry under par. (a) without hearing.

17 **SECTION 2243n.** 77.10 (2) (a) of the statutes is amended to read:

18 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any
19 of such lands from under this subchapter, by filing with the department of ~~natural~~
20 ~~resources~~ fish, wildlife, parks, and forestry a declaration withdrawing from this
21 subchapter any description owned by such person which he or she specified, and by
22 payment by such owner to the department of ~~natural resources~~ fish, wildlife, parks,
23 and forestry within 60 days the amount of tax due from the date of entry or the most
24 recent date of renewal, whichever is later, as determined by the department of
25 revenue under s. 77.04 (1) with simple interest thereon at 12% per year, less any

1 severance tax and supplemental severance tax or acreage share paid thereon, with
2 interest computed according to the rule of partial payments at the rate of 12% per
3 year.

4 2. The amount of the tax shall be determined by the department of revenue and
5 furnished to the department of ~~natural resources~~ fish, wildlife, parks, and forestry,
6 which shall determine the exact amount of payment. When the tax rate or assessed
7 value ratio of the current year has not been determined the rate of the preceding tax
8 year may be used. On receiving such payment the department of ~~natural resources~~
9 fish, wildlife, parks, and forestry shall issue an order of withdrawal and file copies
10 thereof with the department of revenue, the supervisor of equalization and the clerk
11 of the town, and shall record the order with the register of deeds of the county, in
12 which the land lies. The land shall then cease to be forest croplands.

13 **SECTION 2243p.** 77.10 (2) (b) of the statutes is amended to read:

14 77.10 (2) (b) Upon receipt of any taxes under this section by the state, the
15 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall first deduct
16 all moneys paid by the state on account of the lands under s. 77.05 with interest on
17 the moneys computed according to the rule of partial payments at the rate of interest
18 paid under par. (a) by the person withdrawing such lands. The department shall
19 within 20 days remit the balance to the town treasurer who shall pay 20% to the
20 county treasurer and retain the remainder.

21 **SECTION 2243q.** 77.10 (4) of the statutes is amended to read:

22 77.10 (4) TAXATION AFTER WITHDRAWAL. When any description ceases to be a part
23 of the forest croplands, by virtue of any order of withdrawal issued by the department
24 of ~~natural resources~~ fish, wildlife, parks, and forestry, taxes thereafter levied thereon

1 shall be payable and collectible as if such description had never been under this
2 subchapter.

3 **SECTION 2243r.** 77.11 of the statutes is amended to read:

4 **77.11 Accounts of department of ~~natural resources~~ fish, wildlife,**
5 **parks, and forestry.** The department of ~~natural resources~~ fish, wildlife, parks, and
6 forestry shall keep a set of forest croplands books in which shall always appear as
7 to each description in each town containing any forest croplands, the amount of taxes
8 paid by the state to the town and received by the state from the owner. All tax
9 payments shall be paid out of and receipts credited to the forestry account of the
10 conservation fund.

11 **SECTION 2243s.** 77.13 of the statutes is amended to read:

12 **77.13 Termination of forest croplands program.** (1) On and after July
13 20, 1985, no person may petition the department of ~~natural resources~~ fish, wildlife,
14 parks, and forestry requesting it to approve any land as forest croplands under this
15 subchapter.

16 (2) On and after January 1, 1986, the department of ~~natural resources~~ fish,
17 wildlife, parks, and forestry may not act on any petition requesting the designation
18 of land as forest croplands, issue any order entering land as forest croplands or enter
19 into a renewal of any forest croplands contract under this subchapter.

20 **SECTION 2243t.** 77.14 of the statutes is amended to read:

21 **77.14 Forest croplands information, protection, appropriation.** The
22 department of ~~natural resources~~ fish, wildlife, parks, and forestry shall publish and
23 distribute information regarding the method of taxation of forest croplands under
24 this subchapter, and may employ a fire warden in charge of fire prevention in forest
25 croplands. All actual and necessary expenses incurred by the department of ~~natural~~

1 ~~resources fish, wildlife, parks, and forestry~~ or by the department of revenue in the
2 performance of their duties under this subchapter shall be paid from the
3 appropriation made in s. 20.370 ~~(1) (mu)~~ (3) (uu) upon certification by the department
4 incurring such expenses.

5 **SECTION 2243u.** 77.16 (1) of the statutes is amended to read:

6 77.16 (1) In this section “department” means the department of ~~natural~~
7 ~~resources fish, wildlife, parks, and forestry.~~

8 **SECTION 2243v.** 77.54 (38) of the statutes is amended to read:

9 77.54 **(38)** The gross receipts from the sale of and the storage, use or other
10 consumption of snowmobile trail groomers and attachments for them that are
11 purchased, stored, used or consumed by a snowmobile club that meets at least 3
12 times a year, that has at least 10 members, that promotes snowmobiling and that
13 participates in the department of ~~natural resources’~~ snowmobile program under s.
14 350.12 (4) (b).”.

15 **190.** Page 847, line 15: after that line insert:

16 **“SECTION 2247at.** 77.76 (1) of the statutes is amended to read:

17 77.76 (1) The department of revenue shall have full power to levy, enforce and
18 collect county and special district sales and use taxes and may take any action,
19 conduct any proceeding, impose interest and penalties and in all respects proceed as
20 it is authorized to proceed for the taxes imposed by subch. III. The department of
21 transportation and the department of ~~natural resources~~ fish, wildlife, parks, and
22 forestry may administer the county and special district sales and use taxes in regard
23 to items under s. 77.61 (1).”.

24 **191.** Page 848, line 9: after that line insert:

1 **SECTION 2247c.** 77.81 (1) of the statutes is amended to read:

2 77.81 (1) “Department” means the department of ~~natural resources~~ fish,
3 wildlife, parks, and forestry.”

4 **192.** Page 848, line 25: after that line insert:

5 **SECTION 2247re.** 77.82 (2) (intro.) of the statutes is amended to read:

6 77.82 (2) PETITION. (intro.) Any owner of land may petition the department to
7 designate any eligible parcel of land as managed forest land. A petition may include
8 any number of eligible parcels under the same ownership in a single municipality.
9 Each petition shall be submitted on a form provided by the department and shall be
10 accompanied by a nonrefundable \$10 application fee unless a different amount of the
11 fee is established by the department by rule at an amount equal to the average
12 expense to the department of recording an order issued under this subchapter. The
13 fee shall be deposited ~~in~~ into the conservation fund and credited to the appropriation
14 under s. 20.370 ~~(1)~~ (3) (cr). Each petition shall include all of the following:

15 **SECTION 2247rm.** 77.82 (4) of the statutes is amended to read:

16 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the
17 department to designate as managed forest land an additional parcel of land in the
18 same municipality if the additional parcel is at least 3 acres in size and is contiguous
19 to any of the owner’s designated land. The petition shall be accompanied by a
20 nonrefundable \$10 application fee unless a different amount of the fee is established
21 in the same manner as the fee under sub. (2). The fee shall be deposited ~~in~~ into the
22 conservation fund and credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr). The
23 petition shall be submitted on a department form and shall contain any additional
24 information required by the department.

1 **SECTION 2247rs.** 77.82 (4m) (bn) of the statutes is amended to read:

2 77.82 (4m) (bn) A petition under this subsection shall be accompanied by a
3 nonrefundable \$100 application fee which shall be deposited ~~in~~ into the conservation
4 fund and credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr).”.

5 **193.** Page 849, line 3: after that line insert:

6 **“SECTION 2247v.** 77.88 (2) (d) of the statutes is amended to read:

7 77.88 (2) (d) Within 10 days after a transfer of ownership, the former owner
8 shall, on a form provided by the department, file with the department a report of the
9 transfer signed by the former owner and the transferee. The report shall be
10 accompanied by a \$20 fee which shall be deposited ~~in~~ into the conservation fund and
11 credited to the appropriation under s. 20.370 ~~(1)~~ (3) (cr). The department shall
12 immediately notify each person entitled to notice under s. 77.82 (8).

13 **SECTION 2247w.** 77.91 (4) of the statutes is amended to read:

14 77.91 (4) EXPENSES. Except as provided in sub. (5), the department’s expenses
15 for the administration of this subchapter shall be paid from the appropriation under
16 s. 20.370 ~~(1)~~ ~~(mu)~~ (3) (uu).

17 **SECTION 2247x.** 77.91 (5) of the statutes is amended to read:

18 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
19 under this subchapter shall record the action as provided under s. 59.43 (1). The
20 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
21 from the appropriation under s. 20.370 ~~(1)~~ (3) (cr). If the amount in the appropriation
22 under s. 20.370 ~~(1)~~ (3) (cr) in any fiscal year is insufficient to pay the full amount
23 required under this subsection in that fiscal year, the department shall pay the
24 balance from the appropriation under s. 20.370 ~~(1)~~ ~~(mu)~~ (3) (uu).”.

1 **194.** Page 856, line 3: after that line insert:

2 “**SECTION 2294c.** 80.05 (2) (b) of the statutes is amended to read:

3 80.05 (2) (b) Give notice by registered mail to the department of ~~natural~~
4 ~~resources~~ fish, wildlife, parks, and forestry, the department of environmental
5 management, and to the county land conservation committee in each county through
6 which the highway may pass.

7 **SECTION 2294g.** 80.39 (2) of the statutes is amended to read:

8 80.39 (2) NOTICE. Upon such petition the county board or the commissioners
9 appointed by the board shall give notice of the time and place they will meet to decide
10 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The
11 notice shall also be given to the department of ~~natural resources~~ fish, wildlife, parks,
12 and forestry by serving a copy upon the secretary of ~~natural resources~~ fish, wildlife,
13 parks, and forestry either by registered mail or personally and to the department of
14 environmental management by serving a copy upon the secretary of environmental
15 management. If the board appoints a committee to act, the notice shall state the fact
16 and the notice shall be signed by the commissioners, otherwise by the chairperson
17 of the board.

18 **SECTION 2294n.** 80.41 of the statutes is amended to read:

19 **80.41 Discontinuing ways to waters.** No resolution, ordinance, order or
20 similar action of any town board or county board or committee thereof discontinuing
21 any highway, street, alley or right-of-way that provides public access to any
22 navigable lake or stream shall be effective until such resolution, ordinance, order or
23 similar action is approved by the department of ~~natural resources~~ fish, wildlife,
24 parks, and forestry and the department of environmental management.

1 **SECTION 2294r.** 84.01 (17) of the statutes is amended to read:

2 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
3 department shall determine, as far as possible, what improvements will be made
4 during the following 6-year period, and shall notify the county clerks prior to
5 February 1 of each even-numbered year, as to the improvements in their respective
6 counties. Such notice shall also be given to the department of ~~natural resources~~, fish,
7 wildlife, parks, and forestry, to the department of environmental management, and
8 to the department of agriculture, trade and consumer protection.

9 **SECTION 2294w.** 84.01 (23) of the statutes is amended to read:

10 84.01 (23) BRIDGE STANDARDS. The department shall adopt standards and
11 specifications for the design and construction of county, town, village and city
12 bridges, arches or culverts. The standards shall be developed after consultation with
13 the department of ~~natural resources~~ fish, wildlife, parks, and forestry and the
14 department of environmental management, and shall be directed at preventing
15 undue impairment of public rights in navigable waters.”.

16 **195.** Page 861, line 17: after that line insert:

17 **“SECTION 2304t.** 84.02 (3) (a) of the statutes is amended to read:

18 84.02 (3) (a) Changes may be made in the state trunk system by the
19 department, if it deems that the public good is best served by making the changes.
20 The department, in making the changes, may lay out new highways by the procedure
21 under this subsection. Due notice shall be given to the localities concerned of the
22 intention to make changes or discontinuances, and if the change proposes to lay a
23 highway via a new location and the distance along such deviation from the existing
24 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the

1 proposed change shall be held prior to making the change effective. The notice shall
2 also be given to the secretary of ~~natural resources~~ fish, wildlife, parks, and forestry
3 and to the secretary of environmental management either by registered mail or
4 personally. Whenever the department decides to thus change more than 2 1/2 miles
5 of the system the change shall not be effective until the decision of the department
6 has been referred to and approved by the county board of each county in which any
7 part of the proposed change is situated. A copy of the decision shall be filed in the
8 office of the clerk of each county in which a change is made or proposed. Where the
9 distance along the deviation from the existing location exceeds 5 miles the change
10 shall constitute an addition to the state trunk highway system. The preexisting
11 route shall continue to be a state trunk highway unless the county board of each
12 county in which any part of the relocation lies and the department mutually agree
13 to its discontinuance as a state trunk highway. Whenever such county board or
14 boards and the department cannot so agree the department shall report the problem
15 to the next ensuing session of the legislature for determination.”.

16 **196.** Page 865, line 20: after that line insert:

17 “SECTION 2307g. 84.078 (1) (am) of the statutes is amended to read:

18 84.078 (1) (am) “High-volume industrial waste” means fly ash, bottom ash,
19 paper mill sludge or foundry process waste, or any other waste with similar
20 characteristics specified by the department of ~~natural resources~~ environmental
21 management by rule.

22 SECTION 2307h. 84.078 (3) (a) 2. of the statutes is amended to read:

23 84.078 (3) (a) 2. The department of ~~natural resources~~ environmental
24 management certifies to the department of transportation, before the time that the

1 department of transportation advertises for bids for the improvement, that the
2 high-volume industrial waste intended to be used and the design for the use of the
3 high-volume industrial waste comply with all applicable state requirements or
4 standards administered by the department of ~~natural resources~~ environmental
5 management.

6 **SECTION 2307i.** 84.078 (3) (b) (intro.) of the statutes is amended to read:

7 84.078 (3) (b) (intro.) The exemption under par. (a) extends to the
8 transportation of high-volume industrial waste to or from the site of a highway
9 improvement and to the storage of high-volume industrial waste at the site of a
10 highway improvement. The exemption provided under par. (a) continues to apply
11 after the date of certification by the department of ~~natural resources~~ environmental
12 management under par. (a) 2., notwithstanding the occurrence of any of the
13 following:

14 **SECTION 2307j.** 84.078 (3) (c) of the statutes is amended to read:

15 84.078 (3) (c) The department of transportation and the department of ~~natural~~
16 ~~resources~~ environmental management may enter into agreements establishing
17 standard lists of high-volume industrial waste that may be used in highway
18 improvements and designs for the use of high-volume industrial waste in highway
19 improvements that comply with rules of the department of ~~natural resources~~
20 environmental management applicable at the time of the design of the highway
21 improvement in order to simplify certification under par. (a) 2. to the greatest extent
22 possible.”.

23 **197.** Page 866, line 7: after that line insert:

24 **“SECTION 2307u.** 84.11 (3) of the statutes is amended to read:

1 84.11 (3) HEARING. Within 60 days of the receipt of a petition under sub. (2),
2 the department shall fix a time and place for a hearing and give notice of the hearing
3 by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge
4 project. Notice shall also be given by registered letter addressed to the clerks of the
5 counties, cities, villages and towns in which any part of the bridge project will be
6 located. The notice shall also be given to the secretary of ~~natural resources~~ fish,
7 wildlife, parks, and forestry and the secretary of environmental management either
8 by registered mail or personally. The hearing may be held in any county, city, village
9 or town in which any part of the bridge project will be located.

10 **SECTION 2307w.** 84.11 (7m) of the statutes is amended to read:

11 84.11 (7m) EXECUTION AND CONTROL OF WORK. Subject to the control and
12 supervision over the navigable waters of the state conferred by law upon the
13 department of ~~natural resources~~ environmental management, and the control
14 exercised by the United States, the construction under this section of any bridge
15 project shall be wholly under the supervision and control of the department. The
16 secretary shall make and execute all contracts and have complete supervision over
17 all matters pertaining to such construction and shall have the power to suspend or
18 discontinue proceedings or construction relative to any bridge project at any time in
19 the event any county, city, village or town fails to pay the amount required of it as to
20 any project under sub. (1m), or in the event the secretary determines that sufficient
21 funds to pay the state's part of the cost of the bridge project are not available. All
22 moneys provided by counties, cities, villages and towns shall be deposited in the state
23 treasury, when required by the secretary, and paid out on order of the secretary. Any
24 of such moneys deposited for a project eligible for construction under sub. (1m) which
25 remain in the state treasury after the completion of the project shall be repaid to the

1 respective counties, cities, villages and towns in such amounts as to result in the
2 distribution provided in sub. (5m).

3 **SECTION 2307y.** 84.12 (7) of the statutes is amended to read:

4 84.12 (7) EXECUTION AND CONTROL OF WORK. Subject to the control and
5 supervision over the navigable waters of the state conferred upon the department of
6 ~~natural resources~~ environmental management, and the control exercised by the
7 United States, the construction under this section of any bridge project shall be
8 under the joint supervision and control of the department and of the transportation
9 department of the other state concerned. If the transportation department of the
10 other state is not authorized to act jointly with this state in such bridge project
11 arrangements may be made with such subdivisions of the other state as may have
12 proper authority, represented by their proper officers. Control shall be exercised in
13 the manner deemed most expedient by the secretary and such department or by the
14 secretary and the officers of the subdivisions of the other state concerned in the
15 construction. Contracts for the construction of said bridge projects may be made and
16 executed by the secretary and the transportation department of the other state
17 jointly, or jointly by the secretary and such subdivisions of the other state as may
18 participate in the construction, or by appropriate agreement between the parties
19 with respect to financing and control of the work, the authority of either state may
20 contract for all or part of the construction. The secretary may suspend or discontinue
21 proceedings or construction relative to any bridge project at any time in the event any
22 county, city, village or town fails to pay the amount required of it as to any project
23 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to
24 construction under sub. (1) (b), or in the event the secretary determines that
25 sufficient funds to pay the state's part of the cost of the bridge project are not

1 available. All moneys available from this state, or its subdivisions, shall be deposited
2 in the state treasury when required by the secretary and shall be paid out only upon
3 the order of the secretary. Moneys deposited by such subdivisions which remain in
4 the state treasury after the completion of such project shall be repaid to the
5 respective subdivisions in the proportion paid in.”

6 **198.** Page 868, line 2: after that line insert:

7 “SECTION 2308t. 84.28 of the statutes is amended to read:

8 **84.28 State park, forest and riverway roads.** (1) Moneys from the
9 appropriation under s. 20.370 (7) (mc) may be expended for the renovation, marking
10 and maintenance of a town or county highway located within the boundaries of any
11 state park, state forest or other property under the jurisdiction of the department of
12 ~~natural resources~~ fish, wildlife, parks, and forestry. Moneys from the appropriation
13 under s. 20.370 (7) (mc) may be expended for the renovation, marking and
14 maintenance of a town or county highway located in the lower Wisconsin state
15 riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as
16 defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property,
17 moneys from the appropriation under s. 20.370 (7) (mc) may be expended for the
18 renovation, marking and maintenance of roads which the department of ~~natural~~
19 ~~resources~~ fish, wildlife, parks, and forestry certifies are utilized by a substantial
20 number of visitors to state parks, state forests or other property under the
21 jurisdiction of the department of ~~natural resources~~ fish, wildlife, parks, and forestry.
22 The department of ~~natural resources~~ fish, wildlife, parks, and forestry shall
23 authorize expenditures under this subsection. The department of ~~natural resources~~

1 fish, wildlife, parks, and forestry shall rank projects eligible for assistance under a
2 priority system and funding may be restricted to those projects with highest priority.

3 (2) The department may administer a program for the construction,
4 maintenance and marking of roads, including fire roads, service areas, trailer or
5 vehicle parking stalls or parking areas and other facilities consistent with highway
6 construction and for the marking of scenic routes in the state parks, state forests, the
7 ~~lower Lower Wisconsin state riverway~~ State Riverway as defined under s. 30.40 (15),
8 state fish hatcheries, other public used areas under the jurisdiction of the
9 department of ~~natural resources~~ fish, wildlife, parks, and forestry and other public
10 lands as defined in ch. 24, for highways or fire roads leading from the most
11 convenient state trunk highways to such lands, and for the relocation and
12 construction of state trunk highways in or near state parks when required in the
13 interests of public safety. Within the limitations and for the purposes of this section,
14 work may be performed by or under the supervision or authority or with the approval
15 of the department, upon the request for such work filed by the department of ~~natural~~
16 ~~resources~~ fish, wildlife, parks, and forestry as to the ~~lower Lower Wisconsin state~~
17 ~~riverway~~ State Riverway, as defined in s. 30.40 (15), or as to state park or forest lands,
18 or by the board of commissioners of the public lands as to other classes of public lands.
19 Outside the ~~lower Lower Wisconsin state riverway~~ State Riverway, as defined in s.
20 30.40 (15), and outside the limits of the park, state forest and public land areas, direct
21 connections to the most convenient state trunk highway may be built or maintained
22 under this section. Roads in unincorporated areas within 5 miles of the boundaries
23 of the Horicon national wildlife refuge or the Horicon ~~marsh~~ Marsh wildlife area may
24 be built or maintained under this section upon request of the town board, if the
25 department of transportation certifies that such roads are or will be used by a

1 substantial number of visitors to such area. Costs incurred under this section shall
2 be the responsibility of the department of ~~natural resources~~ fish, wildlife, parks, and
3 forestry, commissioners of public lands or town board, as appropriate.”.

4 **199.** Page 870, line 22: after that line insert:

5 “SECTION 2321mb. 85.12 (4) of the statutes, as created by 2001 Wisconsin Act
6 (this act), is amended to read:

7 85.12 (4) Beginning with fiscal year 2001–02, if the department of
8 transportation provides radio services under this section to the department of
9 ~~natural resources~~ fish, wildlife, parks, and forestry in any fiscal year, the department
10 of ~~natural resources~~ fish, wildlife, parks, and forestry shall make quarterly
11 payments from the appropriation under s. 20.370 (8) ~~(mu)~~ (1) (su) of \$111,450 to the
12 department of transportation.

13 SECTION 2321p. 85.19 (1) of the statutes is amended to read:

14 85.19 (1) STANDARDS. The department, in consultation with the department of
15 ~~natural resources~~ environmental management, shall, by rule, establish standards
16 for the control of soil erosion related to highway and bridge construction that is
17 funded in whole or in part with state or federal funds. At a minimum, the standards
18 shall require the use of best management practices.

19 SECTION 2321q. 85.19 (2) (c) of the statutes is amended to read:

20 85.19 (2) (c) The department shall establish the training program in
21 consultation with the department of ~~natural resources~~ environmental
22 management.”.

23 **200.** Page 875, line 21: after that line insert:

24 “SECTION 2337c. 85.245 (1) of the statutes is renumbered 85.245.

1 **SECTION 2337d.** 85.245 (2) of the statutes is repealed.

2 **SECTION 2337f.** 86.255 (2) (a) of the statutes is amended to read:

3 86.255 (2) (a) The purchase of any land that is acquired as compensatory
4 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
5 adverse impact by degradation or destruction as part of a highway project.”.

6 **201.** Page 881, line 4: after that line insert:

7 **SECTION 2349c.** 86.315 (1) of the statutes is amended to read:

8 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
9 shall annually, on March 10, pay to counties having county forests established under
10 ch. 28, for the improvement of public roads within the county forests which are open
11 and used for travel and which are not state or county trunk highways or town roads
12 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road
13 designated in the comprehensive county forest land use plan as approved by the
14 county board and the department of ~~natural resources~~ fish, wildlife, parks, and
15 forestry. If the amount appropriated under s. 20.395 (1) (fu) is insufficient to make
16 the payments required under this subsection, the department shall prorate the
17 amount appropriated in the manner it considers desirable.

18 **SECTION 2349g.** 87.01 (1) of the statutes is amended to read:

19 87.01 (1) “Department” means the department of ~~natural resources~~
20 environmental management.

21 **SECTION 2349n.** 87.02 (intro.) of the statutes is amended to read:

22 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01
23 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

24 **SECTION 2349r.** 87.14 of the statutes is amended to read:

1 **87.14 Operation and maintenance.** The flood control board is authorized
2 to sell, lease, or lease with power to purchase, any reservoir proposed to be
3 constructed, in the process of construction or completed, to a duly organized river
4 improvement company as defined by s. 182.016, on such terms and conditions as are
5 approved by the department of natural resources as hereinafter provided. Unless so
6 leased or sold it shall be the duty of the flood control board to maintain and operate
7 said improvement. The cost of operation and maintenance during the period
8 intervening between the completion of said improvement and the date when funds
9 provided under this section become available shall be paid from the funds provided
10 for maintenance pursuant to the estimate made by the department as provided in s.
11 87.07 (3). Prior to the first day of November in each year the flood control board shall
12 certify to the clerk of each town, village and city in which lands to be benefited by the
13 improvement are located an estimated budget, detailed as far as practicable, of the
14 cost of operation and maintenance of said improvement for the succeeding calendar
15 year, together with the amount due upon any judgments outstanding against the
16 board, except those judgments from which the board has appealed or intends to
17 appeal, and shall certify at the same time the portion of such cost to be borne by each
18 such town, village and city. This shall be determined in the same manner and
19 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon
20 become the duty of each such town, village and city to include in its next succeeding
21 tax levy the amount so certified and to forward such amount, on or before March 15
22 following, to the flood control board.

23 **SECTION 2349w.** 87.18 of the statutes is amended to read:

24 **87.18 Lease, sale and lease with option to purchase the project.**

25 Whenever the flood control project consists of a storage reservoir and authority to

1 create, operate and maintain a reservoir on the river affected by such storage
2 reservoir is vested in a duly organized river improvement company as defined by s.
3 182.016, and the petitioners file with the department of ~~natural resources~~ a petition
4 and a proposed contract with such improvement company for a lease, sale, or lease
5 with option to purchase said reservoir, and the department finds the terms and
6 conditions of such contract are sufficient to assure the payment of the amount the
7 board will be obligated to pay for the cost of the reservoir and the maintenance and
8 operation of the same, and the project will secure effective flood control and
9 promotion of the public welfare, then notices, proceedings and assessments provided
10 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings
11 as required by s. 87.05 and shall order that the flood control board be appointed and
12 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon
13 appoint the board as provided in said s. 87.12. The proposed contract filed with the
14 department by petitioners for the sale, lease, or lease with option to purchase said
15 reservoir property shall not be binding upon the board so appointed unless the board
16 approves such contract. Upon approval the board shall so report to the department
17 and file with it a final contract executed by the board and lessee or purchaser. The
18 department has authority to approve or disapprove such contract. If the department
19 approves such contract, then it shall be final and the department shall thereupon
20 order the board to proceed with the work. When such reservoir property is sold and
21 the purchase price has been fully paid and any indebtedness assumed by the
22 purchaser has been paid and discharged, including the fees and expenses of the
23 board, and the department so finds, the said board shall thereupon be dissolved by
24 order of the department.

25 **SECTION 2350e.** 88.05 (4) (a) of the statutes is amended to read:

1 88.05 (4) (a) The chairperson of the county highway committee except in a
2 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway
3 commissioner; the chairperson of the county land conservation committee in the
4 county involved; the secretary of ~~natural resources~~ environmental management; the
5 state drainage engineer; and, where a railroad company is involved, the person
6 specified in sub. (6).

7 **SECTION 2350v.** 88.11 (1) (e) of the statutes is amended to read:

8 88.11 (1) (e) Coordinate district activities with the department of ~~natural~~
9 ~~resources~~ environmental management.

10 **SECTION 2351c.** 88.11 (1) (i) of the statutes is amended to read:

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

16 **SECTION 2351e.** 88.11 (2) of the statutes is amended to read:

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

21 **202.** Page 881, line 10: after that line insert:

22 **“SECTION 2353b.** 88.31 (1) of the statutes is amended to read:

23 88.31 (1) If it is necessary to enter upon any waters that may be navigable, or
24 to acquire and remove any dam or obstruction from the waters, or to clean out, widen,

1 deepen or straighten any stream that may be navigable, the board shall file with the
2 department of ~~natural resources~~ environmental management an application for a
3 permit to do the work. The board shall file with the application any information that
4 the board or the department of ~~natural resources~~ environmental management
5 considers necessary. The department shall specify by rule the information to be
6 included in an application. The application shall state that the public health or
7 welfare will be promoted by the removal of the dam or other obstruction or by the
8 straightening, cleaning out, deepening or widening of the waters and that other
9 public rights in and public uses of the waters will not be materially impaired. The
10 application shall be duly verified.

11 **SECTION 2353d.** 88.31 (2) of the statutes is amended to read:

12 88.31 (2) Upon receipt of the application the department of ~~natural resources~~
13 environmental management shall fix a time and place for a hearing on the
14 application, not less than 3 nor more than 8 weeks from the date of filing, at a place
15 convenient to the interested parties. If the application is for a permit to remove a
16 dam, notice of the hearing shall be given to all interested persons as provided by s.
17 31.06. In all other cases, the department shall direct the applicant to give notice
18 under s. 88.05 (2) (b) to the persons specified in s. 88.05 (4) (b).

19 **SECTION 2353f.** 88.31 (4) (intro.) of the statutes is amended to read:

20 88.31 (4) (intro.) Upon the conclusion of the hearing and investigation, the
21 department of ~~natural resources~~ environmental management shall grant the permit
22 if it finds:

23 **SECTION 2353h.** 88.31 (4m) of the statutes is amended to read:

1 88.31 (4m) The department of ~~natural resources~~ environmental management
2 shall grant or deny the permit within 6 weeks after the conclusion of the hearing on
3 the application.

4 **SECTION 2353j.** 88.31 (5) of the statutes is amended to read:

5 88.31 (5) When granting a permit under this section the department of natural
6 resources environmental management also shall establish the minimum level at
7 which the affected waters may be maintained.

8 **SECTION 2353L.** 88.31 (6) of the statutes is amended to read:

9 88.31 (6) The department of ~~natural resources~~ environmental management
10 may require the applicant for the permit to submit a plan for the work to be done in
11 the waters in question and may amend or modify such plan before approving it. The
12 department may at any time, on the application of any interested person, further
13 amend such plan when the same can be done without materially impairing the
14 navigability of any such waters and without materially impairing any other public
15 right.

16 **SECTION 2357b.** 88.62 (3) of the statutes is amended to read:

17 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
18 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
19 department of ~~natural resources~~ environmental management, except as provided in
20 par. (b).

21 (b) If drainage work is undertaken in navigable waters located in the Duck
22 Creek Drainage District, the board for that district shall obtain a permit under s.
23 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental
24 management.

25 **SECTION 2360b.** 88.72 (4) of the statutes is amended to read:

1 88.72 (4) Within 30 days after the department of ~~natural resources~~
2 environmental management has issued all of the permits as required under this
3 chapter and chs. 30 and 31, the board shall proceed to estimate the cost of the work,
4 including the expenses of the proceeding together with the damages that will result
5 from the work, and shall, within a reasonable time, award damages to all lands
6 damaged by the work and assess the cost of the work against the lands in the district
7 in proportion to the assessment of benefits then in force.

8 **SECTION 2360f.** 91.01 (6) of the statutes is amended to read:

9 91.01 (6) “Eligible farmland” means a parcel of 35 or more acres of contiguous
10 land which is devoted primarily to agricultural use, including land designated by the
11 department of ~~natural resources~~ fish, wildlife, parks, and forestry as part of the ice
12 age trail under s. 23.17, which during the year preceding application for a farmland
13 preservation agreement produced gross farm profits, as defined in s. 71.58 (4), of not
14 less than \$6,000 or which, during the 3 years preceding application produced gross
15 farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or
16 more acres of which at least 35 acres, during part or all of the year preceding
17 application, were enrolled in the conservation reserve program under 16 USC 3831
18 to 3836.

19 **SECTION 2378e.** 92.04 (2) (e) of the statutes is amended to read:

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

24 **SECTION 2378h.** 92.05 (1) of the statutes is amended to read:

1 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state
2 responsible for setting and implementing statewide soil and water conservation
3 policies and administering the state's soil and water conservation programs. The
4 department shall coordinate its soil and water conservation program with the
5 nonpoint source water pollution abatement program established under s. 281.65, the
6 inland lake protection and rehabilitation program established under ch. 33 and other
7 programs with objectives related to soil and water conservation administered by the
8 department of ~~natural resources~~ environmental management or by other state or
9 federal agencies.

10 **SECTION 2379k.** 92.10 (6) (a) 1. of the statutes is amended to read:

11 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
12 conditions throughout the county, including any assessment available from the
13 department of ~~natural resources~~ environmental management.

14 **SECTION 2379n.** 92.10 (8) of the statutes is amended to read:

15 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
16 MANAGEMENT. The department of ~~natural resources~~ environmental management
17 shall provide counties with assistance in land and water resource management
18 planning, including providing available water quality data and information,
19 providing training and support for water resource assessments and appraisals and
20 providing related program information.

21 **SECTION 2379t.** 92.14 (2) (j) of the statutes is amended to read:

22 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
23 source water pollution abatement activities by the department and the department
24 of ~~natural resources~~ environmental management, including providing a single
25 process for grant application, funding allocation, reporting and evaluation.”.

1 **203.** Page 882, line 11: after that line insert:

2 “**SECTION 2380c.** 92.14 (6) (b) of the statutes is amended to read:

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

11 **SECTION 2380d.** 92.14 (6) (d) of the statutes is amended to read:

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

16 **SECTION 2380e.** 92.14 (6) (h) 3. of the statutes is amended to read:

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

19 **SECTION 2380f.** 92.14 (6) (m) of the statutes is amended to read:

20 92.14 (6) (m) The department of agriculture, trade and consumer protection
21 and the department of ~~natural resources~~ environmental management shall assist
22 counties in conducting the activities for which grants under sub. (3) may be used.

23 **SECTION 2380g.** 92.14 (8) of the statutes is amended to read: