

## 2005 ASSEMBLY BILL 757

October 13, 2005 – Introduced by Representatives MEYER, GARD, FRISKE, M. WILLIAMS, MOULTON, VRAKAS, MURSAU, RHOADES and KLEEFISCH, cosponsored by Senators HARSDORF and STEPP. Referred to Committee on Natural Resources.

1     **AN ACT to amend** 20.003 (4) (fr), 20.370 (6) (ar) and 20.505 (8) (hm) 1f.; and **to**  
2           **create** 23.22 (1) (bt), 23.22 (2) (d), 25.29 (1) (f) and 25.29 (8) of the statutes;  
3           **relating to:** the required general fund balance, grants for the treatment of  
4           aquatic invasive species infestations in inland waters, providing an exemption  
5           from emergency rule procedures, granting rule-making authority, and making  
6           an appropriation.

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

Under current law, the Department of Natural Resources (DNR) is authorized to award cost-sharing grants to public and private entities for up to 50 percent of the costs of projects to control invasive species. DNR must make available in fiscal year 2005–06 \$1,000,000, and in fiscal year 2006–07 and each fiscal year thereafter \$1,500,000, for cost-sharing grants to be awarded to local governmental units for the control of aquatic invasive species.

This bill creates an additional cost-sharing grant program for projects to control aquatic invasive species. Under the bill, the department must promulgate rules to award grants to counties for projects to chemically treat or mechanically harvest infestations of aquatic invasive species that are found in the state's bodies of water, except for outlying waters including Lake Michigan, Lake Superior, Green Bay, and Sturgeon Bay. The rules must provide that a county shall contribute 25 percent of the costs of such a project but not more than \$10,000. The bill requires the

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department to make \$5,000,000 available in each fiscal year to fund grants under the program.

Under current law, \$3,000,000 of Indian gaming receipts is transferred to the conservation fund annually. This bill increases the amount transferred to \$8,000,000.

Current law provides that no bill affecting general purpose revenues (GPR) may be enacted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a specified amount. For fiscal year 2006–07 the amount is \$65,000,000. This bill reduces that amount for fiscal year 2006–07 to \$60,000,000.

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

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

1           **SECTION 1.** 20.003 (4) (fr) of the statutes, as created by 2005 Wisconsin Act 25,  
2 is amended to read:

3           20.003 **(4)** (fr) For fiscal year 2006–07, ~~\$65,000,000~~ \$60,000,000.

4           **SECTION 2.** 20.370 (6) (ar) of the statutes is amended to read:

5           20.370 **(6)** (ar) *Environmental aids — lake protection.* From the conservation  
6 fund, as a continuing appropriation, the amounts in the schedule for grants under  
7 s. 23.22 (2) (c) and (d) and for grants and contracts under ss. 281.68 and 281.69.

8           **SECTION 3.** 20.505 (8) (hm) 1f. of the statutes is amended to read:

9           20.505 **(8)** (hm) 1f. The amount transferred to the conservation fund shall be  
10 ~~\$3,000,000~~ \$8,000,000.

11           **SECTION 4.** 23.22 (1) (bt) of the statutes is created to read:

12           23.22 **(1)** (bt) “Inland waters” has the meaning given n s. 29.001 (45).

13           **SECTION 5.** 23.22 (2) (d) of the statutes is created to read:

14           23.22 **(2)** (d) 1. Under the program established under par. (a), and in addition  
15 to the procedure to award cost-sharing grants under par. (c), the department shall

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1 promulgate rules to establish a procedure to award cost-sharing grants to counties  
2 for projects to chemically treat or mechanically harvest infestations of invasive  
3 species that are aquatic species and that are found in inland waters. The rules shall  
4 provide that a county shall contribute to the costs of an eligible project 25 percent of  
5 the costs or \$10,000, whichever is less. The rules shall require that the department  
6 give priority to counties that have a full-time equivalent position dedicated to  
7 invasive species management. From the appropriation under s. 20.370 (6) (ar), the  
8 department shall make \$5,000,000 available in each fiscal year for grants under this  
9 paragraph.

10 2. If the department requires a recipient of a grant under this paragraph to  
11 obtain a permit for the chemical treatment of aquatic plants under s. 281.17, the  
12 department may not charge that grant recipient a fee for that permit.

13 3. The department shall, annually on or before January 1, submit to the joint  
14 committee on finance and to the chief clerk of each house of the legislature for  
15 distribution to the appropriate standing committees under s. 13.172 (3) a report  
16 identifying the recipients of grants awarded under this paragraph in the preceding  
17 year and the amount of each of those grants.

18 **SECTION 6.** 25.29 (1) (f) of the statutes is created to read:

19 25.29 (1) (f) The moneys transferred under s. 20.505 (8) (hm) 1f.

20 **SECTION 7.** 25.29 (8) of the statutes is created to read:

21 25.29 (8) Of the moneys specified under sub. (1) (f), the department shall  
22 allocate \$5,000,000 for the department's exercise of its responsibilities that are  
23 specific to the use, development, conservation, and protection of this state's water  
24 resources and shall allocate \$3,000,000 for the exercise of the department's

1 responsibilities that are specific to the management of the fish and wildlife resources  
2 of this state.

3 **SECTION 8. Nonstatutory provisions.**

4 (1) Using the procedure under section 227.24 of the statutes, the department  
5 of natural resources shall promulgate the rules required under section 23.22 (2) (d)  
6 of the statutes, as created by this act, for the period before the effective date of the  
7 permanent rules promulgated under section 23.22 (2) (d) of the statutes, as created  
8 by this act, but not to exceed the period authorized under section 227.24 (1) (c) and  
9 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
10 statutes, the department is not required to provide evidence that promulgating a rule  
11 under this subsection as an emergency rule is necessary for the preservation of the  
12 public peace, health, safety, or welfare and is not required to provide a finding of  
13 emergency for a rule promulgated under this subsection.

14 **SECTION 9. Appropriation changes.**

15 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
16 to the department of natural resources under section 20.370 (6) (ar) of the statutes,  
17 as affected by the acts of 2005, the dollar amount is increased by \$5,000,000 for fiscal  
18 year 2006–07 to provide cost-sharing grants to counties for the chemical treatment  
19 and mechanical harvesting of invasive aquatic species under section 23.22 (2) (d) of  
20 the statutes, as created by this act.

21 (END)