

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: 06/06/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous
Environment - miscellaneous

Extra Copies:

Submit via email: NO

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Pre Topic:

LFB:.....Hotynski -

Topic:

Natural resources board member qualifications

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 06/06/2001	hhagen 06/06/2001		_____			
/1			pgreensl 06/06/2001	_____	lrb_docadmin 06/06/2001		

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1?	traderc	1, hmh 6/6/01	6/6 pg	6/6 pg			

FE Sent For:

<END>

MO#		
Burke		N
Decker		N
Moore		N
Shibilski		N
Plache		N
Wirch		N
Darling		N
Welch		N
Gard		N
Kaufert		N
Albers		N
Duff		N
Ward		N
Huebsch		N
Huber		N
Coggs		N

16-0
pass

Senator Shibilski
Senator Welch

change back

NATURAL RESOURCES – DEPARTMENTWIDE

Natural Resources Board

Motion:

Move to include the provisions of 1999 AB 776 as passed by the Assembly (LRB 4456/1 as modified by AAI, LRBA 1580/1) relating to Natural Resources Board membership and conflicts of interest.

Note:

The motion would prohibit an individual from being a member of the Natural Resources Board if the person receives, or has during the previous two years received, a significant portion of his or her income directly or indirectly from holders of or applicants for water pollution discharge permits issued by DNR, other than storm water permits. Further, prohibit the appointment of an individual to the Natural Resources Board if after the appointment of that person, a majority of board members would derive a significant portion of their incomes from holders of air pollution permits. A board member would be required to inform the Governor in the event that there was a significant change in the income that he or she derived from persons subject to air pollution permits. In addition, if a member of the Natural Resources Board holds a permit or a license issued by DNR under environmental law, currently receives or has received during the two previous years a significant portion of his or her income directly or indirectly from a holder of or an applicant for a permit or license issued by DNR under environmental laws, the board member may not engage in a discussion at a board meeting or participate in board decisions on any matter that substantially relates to the permit or license.

The motion is intended to make state law conform more closely to federal law requirements for DNR administration of air and water pollution programs under federal delegation. In addition, the motion would make two other modifications. It would exclude storm water permit holders from the conflict of interest provision and it would require a board member to excuse themselves from certain board actions where they may have a conflict of interest.

However, it should be noted that federal law does not include the storm water permit exclusion in its conflict of interest criteria. Storm water permits are generally required for a variety of businesses which may or may not deal with water management issues as a central focus of their operations. (An example of this might be a large store which could require a storm water permit to control run off from its parking lot.) Legislative Council staff indicate that altering this language would provide grounds for EPA to invoke a process whereby the state's ability to administer water permits under the Clean Water Act could be revoked. However, Legislative Council staff also indicated that there was a possibility that EPA may choose to take no action, or could choose to make changes to federal law that would exempt storm water permits from the conflict of interest criteria.

2001

Date (time) needed SOON

LRB b 0632 11

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

RET : hmb

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page [✓]203, line [✓]9...: after that line insert:

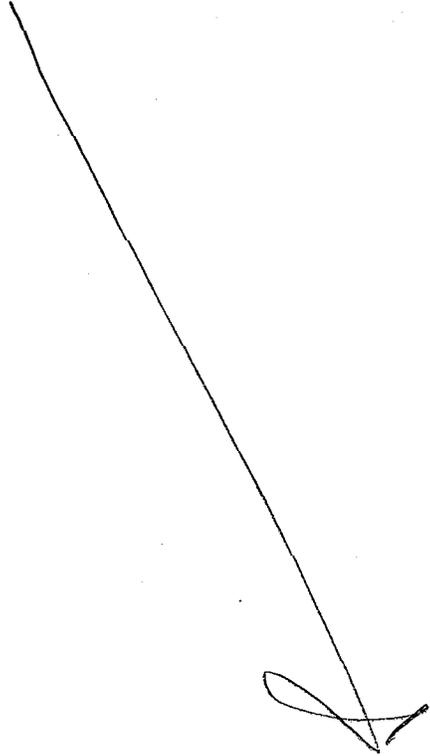
#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:



1999 ASSEMBLY BILL 776

February 17, 2000 – Introduced by Representatives FREESE, BERCEAU, ALBERS, MUSSER, STONE, SPILLNER, GUNDERSON, JOHNSRUD and GROTHMAN, cosponsored by Senators SHIBILSKI, BRESKE, HUELSMAN and SCHULTZ. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 15.34; and **to create** 15.34 (2) (d) and 23.125 of the statutes;
2 **relating to:** the qualifications for membership on the natural resources board
3 and natural resources board member conflicts of interest.

Analysis by the Legislative Reference Bureau

Current state law prohibits a person from being a member of the natural resource board if the person holds a permit issued by the department of natural resources (DNR) or receives, or has during the previous two years received, a significant portion of his or her income directly or indirectly from holders of or applicants for permits issued by DNR. The law does not define "permit".

The Federal Water Pollution Control Act (FWPCA) requires the issuance of water pollution discharge permits by the environmental protection agency (EPA) or by states to which EPA has delegated permit granting authority. The FWPCA imposes requirements on a state in order to obtain that delegation. One of those requirements is that no board or body that approves permit applications may include a member who receives, or has during the previous two years received, a significant portion of his or her income directly or indirectly from holders of or applicants for water pollution discharge permits. The Federal Clean Air Act requires each state to submit a state implementation plan. A state implementation plan must provide that fewer than a majority of members of any board or body that approves air pollution permits may derive any significant portion of their incomes from persons who are subject to air pollution permits.

This bill modifies the law concerning membership on the natural resources board. Under this bill, a person is prohibited from being a member of the natural

ASSEMBLY BILL 776

resources board if the person receives, or has during the previous two years received, a significant portion of his or her income directly or indirectly from holders of or applicants for water pollution discharge permits issued by DNR, other than storm water permits. The bill prohibits a person from being appointed to the natural resources board if, after the appointment, a majority of board members would derive a significant portion of their incomes from holders of air pollution permits. The bill also specifies that if a member of the natural resources board holds a permit or license issued by DNR under environmental laws or receives, or during the previous two years received, a significant portion of his or her income directly or indirectly from a holder of or applicant for a permit or license issued by DNR under environmental laws, the board member may not engage in a discussion at a board meeting or participate in board decisions on any matter that substantially relates to the permit or license.

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

179g
 ① SECTION 15.34 of the statutes is amended to read:

2 **15.34 Department of natural resources; creation.** (1) There is created a
 3 department of natural resources under the direction and supervision of the natural
 4 resources board.

5 (2) (a) The natural resources board shall consist of 7 members appointed for
 6 staggered 6-year terms.

⑦ (b) At least 3 members of the ^{↓ plain space} natural resources board shall be from the territory
 8 north, and at least 3 members of the board shall be from the territory south, of a line
 9 running east and west through the south limits of the city of Stevens Point.

10 (c) No person may be appointed to the natural resources board, or remain a
 11 member thereof, who is a permit holder or of the board, who receives, or has during
 12 the previous 2 years received, a significant portion of his or her income directly or
 13 indirectly from permit holders of or applicants for permits issued by the department
 14 under ch. 283, except that this paragraph does not apply to permits issued under s.

15 283.33.

Insert from p. 3



ASSEMBLY BILL 776

move to page 2, line 13

1

(e) ~~For purposes of this section, "permit holders" or "applicants for~~ The

2

~~restrictions in pars. (c) and (d) do not apply with respect to permits" shall not include~~

3

~~or licenses held or applied for by agencies, departments or subdivisions of this state.~~

4

^{179r} SECTION ~~2~~ 15.34 (2) (d) of the statutes is created to read:

Insert
3-5

5

~~15.34 (2) (d) A person may not be appointed to the natural resources board if,~~

6

~~after the appointment, a majority of natural resources board members would derive~~

7

~~a significant portion of their incomes from permit holders under ch. 285.~~

8

#. Page 615 line 14: after that line insert:

^{1038p} SECTION 23.125 of the statutes is created to read:

9

23.125 Natural resources board member conflicts of interest. (1) If a

10

member of the natural resources board is the holder of a permit or license issued by

11

the department under chs. 280 to 299, that member may not engage in a discussion

12

at a board meeting or participate in a board decision on any matter that substantially

13

relates to the permit or license.

14

(2) If a member of the natural resources board receives, or has during the

15

previous 2 years received, a significant portion of his or her income directly or

16

indirectly from a holder of or applicant for a permit or license issued by the

17

department under chs. 280 to 299, that member may not engage in a discussion at

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a board meeting or participate in a board decision on any matter that substantially

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relates to the permit or license, except that this restriction does not apply with

20

respect to a permit or license held or applied for by an agency, department, or

21

subdivision of this state. //

22

(END)

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 776**

March 1, 2000 - Offered by COMMITTEE ON NATURAL RESOURCES.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 5: delete lines 5 to 7 and substitute:

3 "15.34 (2) (d) The majority of members of the natural resources board may not
4 derive a significant portion of their incomes from persons who are subject to permits
5 or enforcement orders under ch. 285. Each board member shall inform the governor
6 of any significant change in the income that he or she derives from persons who are
7 subject to permits or enforcement orders under ch. 285."

8 (END)

*Insert
3-5*

LFB:.....Hotynski – Natural resources board member qualifications

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 203, line 9: after that line insert:

3 “**SECTION 179q.** 15.34 of the statutes is amended to read:

4 **15.34 Department of natural resources; creation.** (1) There is created a
5 department of natural resources under the direction and supervision of the natural
6 resources board.

7 (2) (a) The natural resources board shall consist of 7 members appointed for
8 staggered 6-year terms.

9 (b) At least 3 members of the natural resources board shall be from the territory
10 north, and at least 3 members of the board shall be from the territory south, of a line
11 running east and west through the south limits of the city of Stevens Point.

1 (c) No person may be appointed to the natural resources board, or remain a
2 member thereof, ~~who is a permit holder or~~ of the board, who receives, or has during
3 the previous 2 years received, a significant portion of his or her income directly or
4 indirectly from ~~permit holders~~ of or applicants for permits issued by the department.
5 ~~For purposes of this section, “permit holders” or “applicants for~~ under ch. 283, except
6 that this paragraph does not apply to permits issued under s. 283.33.

7 (e) The restrictions in pars. (c) and (d) do not apply with respect to permits “
8 ~~shall not include~~ or licenses held or applied for by agencies, departments, or
9 subdivisions of this state.

10 “**SECTION 179r.** 15.34 (2) (d) of the statutes is created to read:

11 15.34 (2) (d) The majority of members of the natural resources board may not
12 derive a significant portion of their incomes from persons who are subject to permits
13 or enforcement orders under ch. 285. Each board member shall inform the governor
14 of any significant change in the income that he or she derives from persons who are
15 subject to permits or enforcement orders under ch. 285.”.

16 **2.** Page 615, line 14: after that line insert:

17 “**SECTION 1038p.** 23.125 of the statutes is created to read:

18 **23.125 Natural resources board member conflicts of interest.** (1) If a
19 member of the natural resources board is the holder of a permit or license issued by
20 the department under chs. 280 to 299, that member may not engage in a discussion
21 at a board meeting or participate in a board decision on any matter that substantially
22 relates to the permit or license.

23 (2) If a member of the natural resources board receives, or has during the
24 previous 2 years received, a significant portion of his or her income directly or

1 indirectly from a holder of or applicant for a permit or license issued by the
2 department under chs. 280 to 299, that member may not engage in a discussion at
3 a board meeting or participate in a board decision on any matter that substantially
4 relates to the permit or license, except that this restriction does not apply with
5 respect to a permit or license held or applied for by an agency, department, or
6 subdivision of this state.”

7 (END)