

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

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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:

1 **SECTION 1.** 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 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.

