

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/31/2000**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing:

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

Drafter: **traderc**

May Contact:

**Alt. Drafters:**

Subject: **Environment - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Requirements for appointment to natural resources board

**Instructions:**

Like 99-4173 (OK'd by Shibilsky's office)

**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 01/31/2000	wjackson 01/31/2000		_____			
/1			martykr 02/02/2000	_____	lrb-docadmin 02/02/2000	lrb-docadmin 02/02/2000	

FE Sent For:

<END>

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/?	traderc	11 WLJ 1/31	Km 2/2	<u>Seif 2/2</u>			

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<END>

# 1999 BILL

DNOTE

Regen

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

**BILL**

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 m e m b e r ) 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 nermits issued under s.

15           **283.33.**

**BILL**

1           (e) ~~For purposes of this section, “permit holders” or “applicants for The~~  
2 ~~restrictions in nars. (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           **SECTION 2.** 15.34 (2) (d) of the statutes is created to read:

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           **SECTION 3.** 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  
18 a board meeting or participate in a board decision on any matter that substantially  
19 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)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

4456/1  
LRB-4173/1dn  
RCT:wlj:hmh

January 26, 2000

\* This is the draft relating to membership on the natural resources board. As drafted, a majority of the members of the board could end up deriving a significant portion of their incomes from air pollution permits because the limitation only applies at the time that a member is appointed. ~~Is that consistent with your intent?~~

As under current law, "significant portion of his or her income" is not defined. This prevents the law from being clear. When deciding whether to confirm a nominee, the senate can determine how much a "significant portion" of income is on a case-by-case basis, I suppose. However, it would be difficult to tell when someone must leave the board because of receiving income from permit holders.

\* Please feel free to contact me with any questions ~~or re-draft instructions~~

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4456/1dn  
RCT:wlj:km

February 2, 2000

This is the draft relating to membership on the natural resources board. As drafted, a majority of the members of the board could end up deriving a significant portion of their incomes from air pollution permits because the limitation only applies at the time that a member is appointed.

As under current law, "significant portion of his or her income" is not defined. This prevents the law from being clear. When deciding whether to confirm a nominee, the senate can determine how much a "significant portion" of income is on a case-by-case basis, I suppose. However, it would be difficult to tell when someone must leave the board because of receiving income from permit holders.

Please feel free to contact me with any questions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 02/02/2000

**To:** Representative Freese

**Relating to LRB drafting number:** LRB-4456

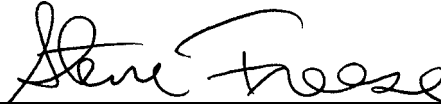
**Topic**

Requirements for appointment to natural resources board

**Subject(s)**

Environment - miscellaneous

1. **JACKET** the draft for introduction



**in the Senate** or **the Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney  
Telephone: (608) 266-7290