

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/30/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

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

Drafter: **rkite**

May Contact: **Bd. of Commissioners of Public L**

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Chapter 24 definition changes

**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>
/P1	rkite 02/4/99	chanaman 02/5/99	lpaasch 02/5/99	_____	lrb_docadmin 02/5/99		
/1	rkite 05/12/99	chanaman 05/12/99	jfrantze 05/12/99	_____	lrb_docadmin 05/12/99	lrb_docadmin 05/13/99	

FE Sent For:

*Not Needed*

<END>

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/P1	rkite 02/4/99	chanaman 02/5/99	lpaasch 02/5/99	_____	lrb_docadmin 02/5/99		

FE Sent For:

*amm*  
*5/14*  
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*5/12*

*JFK*  
*5/12*  
*<END>*

*jacket for Senate*

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1?	rkite	1/11 8/5 jlg	2/5 L.P.	2/5 L.P. km	Yes		

FE Sent For:

<END>

**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**  
Board of Commissioners of Public Lands  
125 South Webster Street, Room 200  
Post Office Box 8943  
Madison, Wisconsin 53708-8943  
Lands (608) 266-1370  
Loans (608) 266-0034

DATE: November 18, 1998  
TO: Laura Rose, Senior Staff Attorney  
Legislative Council Staff  
FROM: Stephanie W. Thorn, Secretary *SWT*  
Board of Commissioners of Public Lands  
SUBJECT: Remedial Legislation

The following remedial legislation is suggested for Chapter 24:

24.01 (3) - Delete

*OK*  
Note: The Board of Commissioners of Public Lands has not been associated with the Department of Natural Resources for many years. The Board is independent and now operates under its own appropriation per Act 27.

24.01 (8) - Revise

"Secretary" means secretary of the Board of Commissioners of Public Lands.

Thank you for your consideration of these changes.

*Robin*  
The definitions in Ch. 24 apply to ~~our~~  
DNR chapters <sup>23 to 29</sup>. Move the definitions of "department"  
"secretary" and wardens to start of ch. 23. and  
other <sup>necessary</sup> ~~language~~ language  
*SWT*

November 13, 1998

Dear LRB Drafter,

*Becky,*

It's Law Revision time again. Actually, we're sending stuff over quite a bit earlier this time around. Gordon Anderson and I met with the LRB Team Leaders earlier this week regarding Law Revision issues. Our goal for the LRC for the upcoming session is to get as much of this out of the way as possible before the budget passes. Obviously, we understand that this may or may not be possible depending on the drafting workloads that each of you are confronted with, but to the extent we can accomplish this, it would be great.

Therefore, we'd like these drafts back by February if possible, but the sooner the better. Then we can insert our SECTION notes and present them to the LRC for review and vote. Please draft each agency item as a separate draft at this time. The approved drafts will be combined into one bill after the LRC meets. For re-introductions of last year's drafts that didn't pass, just keep the drafts as is.

We've pre-screened all of these and have crossed out the ones we won't be presenting to the LRC. Just draft the ones that aren't crossed out.

One final thing – these should all be drafted with the LRC's boilerplate prefatory note, and the end of the relating clause should read: “(suggested as remedial legislation by the [department name here])”.

Please call me at 266-9791 or Gordon at 266-2230 if you have any questions.

Thanks,

Laura Rose  
Leg. Council

*Hi, I wasn't sure who handled this, so  
I'm sending it to you! Thanks,  
Laura*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1063/P1

D-Note

RNK.....

cmj  
+  
jg

500n

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>to</sup> ~~relating to~~ <sup>sen cat.</sup>; relating to: the placement in the statutes of certain definitions  
2 concerning natural resources and public lands administration (suggested as  
3 remedial legislation by the board of commissioners of public lands).

no 9 Also, the bill provides that these definitions no longer apply to chapter 25, which covers trust funds established by the legislature for the purpose of state finance.

<sup>many</sup> <sup>chapters</sup>  
**Analysis by the Legislative Reference Bureau**

Under current law, ~~most~~ of the laws relating to natural resources and public lands administration are contained in chapters 23, 24 and 26 through 29 of the statutes. Many of the definitions of terms used in those chapters are currently located in chapter 24 and apply throughout ~~chs.~~ 23 to 29. This bill places those definitions currently located in chapter 24 that apply to terms used throughout chapters 23, 24 and 26 ~~through~~ 29 in chapter 23 to make their applicability more clear. It also eliminates the application to ch. 25 of non-relevant definitions.

For further information, see NOTES provided by the law revision committee of the joint legislative council.

Insert  
1-4 →

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

SECTION 1. 23.05 of the statutes is created to read:

23.05 Definitions. In this chapter, ch. 24 and chs. 26 to 29, unless the context requires otherwise or unless otherwise defined:

1           **SECTION 2.** ~~23.093~~<sup>X</sup> of the statutes is amended to read:

2           **23.093 Carp control research.** The department of ~~natural resources~~ may  
3 enter into contracts with public or private agencies for the accelerated research and  
4 development of a specific toxic material for the control and eradication of carp in the  
5 waters of the state.

6           **SECTION 3.** ~~23.10~~<sup>X</sup> (1) of the statutes is amended to read:

7           **23.10 (1)** The department of ~~natural resources~~<sup>✓</sup> shall secure the enforcement of  
8 all laws which it is required to administer and bring, or cause to be brought, actions  
9 and proceedings in the name of the state for that purpose. The persons appointed  
10 by said ~~the~~<sup>✓</sup> department to exercise and perform the powers and duties heretofore  
11 conferred and imposed upon deputy fish and game wardens, shall be known as  
12 conservation wardens and shall be subject to ch. 230.

13 **History:** 1971 c. 164; 1977 c. 196 s. 131; 1983 a. 192~~s.~~<sup>X</sup> 303 (2); 1991 a. 316; 1997 a. 250.

13           **SECTION 4.** ~~23.10~~<sup>X</sup> (2) of the statutes is amended to read:

14           **23.10 (2)** Whenever the county board of any county by resolution authorizes the  
15 appointment of county conservation wardens, and fixes the number of the same, the  
16 chairperson of the county board, district attorney and county clerk, acting as a board  
17 of appointment, shall select the persons for such positions and certify their names  
18 to the department of ~~natural resources~~ which shall, if in its judgment such persons  
19 are competent and efficient, issue to them commissions as county conservation  
20 wardens. Such wardens have, within their county, all the powers and duties of  
21 conservation wardens. Their compensation shall be fixed by the county board in the  
22 resolution authorizing their appointment and be paid out of the county treasury.

23 **History:** 1971 c. 164; 1977 c. 196 s. 131; 1983 a. 192~~s.~~<sup>X</sup> 303 (2); 1991 a. 316; 1997 a. 250.

23           **SECTION 5.** ~~23.10~~<sup>X</sup> (4) of the statutes is amended to read:





strike 4

1 partly on the margin of such folder shall be an impression of the seal of the  
 2 department of ~~natural resources~~; such appointee shall also affix the appointee's  
 3 signature below the photograph on such folder; on the other inner side of such folder  
 4 shall be securely fastened a miniature true copy of the commission issued to such  
 5 appointee, which shall be signed by the secretary. The appointee shall carry the  
 6 identification folder on his or her person at all times that the appointee is on official  
 7 duty, and the appointee shall on demand exhibit the same to any person to whom the  
 8 appointee may represent himself or herself as a conservation warden. The cost of  
 9 such identification folder shall be charged to the appropriation for the department.

History: 1971 c. 164; 1977 c. 196 s. 131; 1983 a. 192, 303 (2); 1991 a. 316; 1997 a. 250.

10 SECTION 7. 23.13 of the statutes is amended to read:

11 **23.13 Governor to be informed.** The board of commissioners of public lands  
 12 and the department of ~~natural resources~~ shall furnish to the governor upon the  
 13 governor's request a copy of any paper, document or record in their respective offices  
 14 and give the governor orally such information as the governor may call for.

Insert 4-14

History: 1971 c. 164; 1991 a. 316.

15 SECTION 8. 23.15 (1) of the statutes is amended to read:

16 **23.15 (1)** The natural resources board may sell, at public or private sale, lands  
 17 and structures owned by the state under the jurisdiction of the department of ~~natural~~  
 18 ~~resources~~ when the natural resources board determines that said lands are no longer  
 19 necessary for the state's use for conservation purposes and, if real property, the real  
 20 property is not the subject of a petition under s. 16.375 (2).

History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 s. 23.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184.

21 SECTION 9. 24.01 (intro.) of the statutes is amended to read:

22 **24.01 Definitions and classification.** (intro.) In ~~chs. 23 to 29~~ this chapter,  
 23 unless the context requires otherwise or unless otherwise defined:

History: 1977 c. 9; 1981 c. 390; 1983 a. 189, 192; 1987 a. 119; 1997 a. 27.

1           **SECTION 10.** 24.01<sup>x</sup> (3) of the statutes is renumbered 23.05 (1).<sup>✓</sup>

2           **SECTION 11.** 24.01<sup>x</sup> (6) of the statutes is renumbered 23.05 (2).<sup>✓</sup>

3           **SECTION 12.** 24.01<sup>x</sup> (8) of the statutes is renumbered 23.05 (3).<sup>✓</sup>

4           **SECTION 13.** 24.01<sup>x</sup> (11) of the statutes is renumbered 23.05 (4).<sup>✓</sup>

5           **SECTION 14.** 24.03<sup>✓</sup> of the statutes is amended to read:

6           **24.03 Escheats.** The board of ~~commissioners of public lands~~<sup>✓</sup> shall, whenever  
7 it shall have reason to believe that any lands have escheated to the state for defect  
8 of heirs, cause due inquiry to be made to ascertain the rights of the state, and the  
9 attorney general shall bring any suit or action or take any requisite proceeding  
10 necessary to protect and secure the rights of the state. The board may either take  
11 possession of, or cause to be sued for and recovered as aforesaid when necessary, any  
12 real estate believed to have escheated to the state, or may proceed directly to sell all  
13 the right, title and interest of the state therein, without first obtaining possession  
14 thereof and without establishing title thereto by action.

15           **SECTION 15.** 24.251<sup>✓</sup> of the statutes is amended to read:

16           **24.251 Patents, issuance; county may record.** Whenever it shall appear  
17 to the board of ~~commissioners of public lands~~<sup>✓</sup> that all the conditions relating to the  
18 issuance of patents have been complied with, the board may issue patents, and the  
19 county board of any county may cause such patents to be recorded in the county and  
20 pay the cost of such recording.

21           **SECTION 16.** 24.28<sup>x</sup> of the statutes is amended to read:

22           **24.28 Forfeiture.** In the case of the nonpayment of interest when due  
23 according to the terms of the certificate of sale, or of any taxes which before said  
24 annual interest is paid shall have been returned to the board of ~~commissioners of~~<sup>✓</sup>  
25 ~~public lands~~ by the county treasurer as due and unpaid upon such land, or of the

1 principal when required by the board, such certificate shall become void from the  
2 time of such failure, and the purchaser, the purchaser's heirs and assigns, shall  
3 forfeit all right and interest in the lands described in such certificate; and the board  
4 may take immediate possession thereof and may resell the same as hereinafter  
5 provided.

History: 1991 a. 316.

6 **SECTION 17.** ~~24.341~~<sup>X</sup> of the statutes is amended to read:

7 **24.341 Offset to refund on void sales.** Whenever any claim shall be made  
8 under s. 24.34, the board ~~of commissioners of public lands~~<sup>✓</sup> shall make an  
9 investigation and determination, and offset the value of the use of said land, property  
10 removed therefrom and the damage or injury thereto by such claimant, together with  
11 interest thereon, against the amounts actually paid to the state and to any other  
12 persons on account of the purchase, possession, use, damage or injury to such lands  
13 by said claimants. The refund or payment to be made under s. 24.34 shall in no case  
14 be more than the excess, if any, of the amounts paid out by such claimant with  
15 interest over such offset.

16 **SECTION 18.** ~~24.39~~<sup>X</sup> (1) of the statutes is amended to read:

17 **24.39 (1)** The board ~~of commissioners of public lands~~<sup>✓</sup> may grant leases of parts  
18 or parcels of any public lands except state park lands and state forest lands; grant  
19 easements, leases to enter upon any of said lands to flow the same or to prospect for  
20 and to dig and remove therefrom ore, minerals and other deposits, and sell therefrom  
21 such timber as the board shall find necessary to prevent future loss or damage. All  
22 sales of standing live timber shall be on a selective cutting basis in line with federal  
23 forest practices. Such easements, leases, licenses and sales shall be made only for  
24 a full and fair consideration paid or to be paid to the state, the amount and terms

1       whereof shall be fixed by said board, and such easements, leases, licenses and sales  
2       shall conform to the requirements, so far as applicable, prescribed by ch. 26 for the  
3       exercise by the department of ~~natural resources~~ of similar powers affecting state  
4       park lands and state forest lands.

History: 1981 c. 390; 1991 a. 316.

5       **SECTION 19.** 24.39 (2) of the statutes is amended to read:

6             24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the  
7       other powers conferred by this section the board of ~~commissioners of public lands~~  
8       shall, so far as it finds it desirable and practicable, request and make proper use of  
9       such ~~services and information as the department of natural resources~~ may be able  
10      to furnish.

History: 1981 c. 390; 1991 a. 316.

11      **SECTION 20.** 24.39 (4) (a) (intro.) of the statutes is amended to read:

12             24.39 (4) (a) (intro.) Subject to pars. (c) and (d) the board of ~~commissioners of~~  
13      ~~public lands~~ may:

History: 1981 c. 390; 1991 a. 316.

14      **SECTION 21.** 24.39 (4) (c) of the statutes is amended to read:

15             24.39 (4) (c) No leases under par. (a) may be executed without a prior finding  
16      of the department of ~~natural resources~~ under s. 30.11 (5) that any proposed physical  
17      change in the area contemplated as the result of the execution of any term lease is  
18      consistent with the public interest in the navigable waters involved.

History: 1981 c. 390; 1991 a. 316.

19      **SECTION 22.** 24.39 (4) (e) of the statutes is amended to read:

20             24.39 (4) (e) Such lease shall be for a term not to exceed 50 years, and shall  
21      include therein any and all conditions and terms the board of ~~commissioners of public~~  
22      ~~lands~~ believes to be necessary in the public interest. A lessee or the lessee's heirs,  
23      successors or assigns of a lease which has reached the end of its term shall have first

1 opportunity to contract with the board of ~~commissioners of public lands~~ for a new  
2 lease.

3 *History:* 1981 c. 390; 1991 a. 316.

3 **SECTION 23.** 24.39 (4) (f) of the statutes is amended to read:

4 24.39 (4) (f) A municipality may sublease rights leased to it under par. (a) 1.  
5 or 2. to corporations or private persons. A municipality may also make physical  
6 improvements on and above the bottoms to which rights were leased from the board  
7 of commissioners of public lands and may sublease these improvements to  
8 corporations or private persons. Any subleases under this paragraph shall be  
9 consistent with this subsection and with whatever standards or restrictions the  
10 department of ~~natural resources~~, acting under s. 30.11 (5), may have found at the  
11 time of execution of the original lease by the board of ~~commissioners of public lands~~  
12 to the municipality.

13 *History:* 1981 c. 390; 1991 a. 316.

13 **SECTION 24.** 24.39 (4) (i) of the statutes is amended to read:

14 24.39 (4) (i) All leases entered into by the board of ~~commissioners of public~~  
15 ~~lands~~ under this subsection and s. 30.11 shall be deemed to be subject to this section  
16 and any other applicable laws of this state or of the United States.

17 *History:* 1981 c. 390; 1991 a. 316.

17 **SECTION 25.** 24.53 of the statutes is amended to read:

18 **24.53 Investigate land claims; deduct expenses.** The board of  
19 ~~commissioners of public lands~~ shall investigate the rights of the state to school lands,  
20 normal school lands, university lands and agricultural college lands. The expenses  
21 incurred in making these investigations and taking necessary steps to protect  
22 common school lands, normal school lands, university lands and agricultural college  
23 lands and timber on those lands, as well as the expense of necessary surveys, records,  
24 appraisals and sales, upon the approval of the board, shall be deducted from the gross

1 receipts of the fund to which the proceeds from the sale of the land or timber will be  
2 added.

3 History: 1979 c. 34 s. 699g; Stats. 1979 s. 24.53.

3 **SECTION 26.** 24.54 (1) of the statutes is amended to read:

4 24.54 (1) The department of administration shall provide an office for the  
5 board. The board shall conveniently arrange and preserve in that office all records,  
6 books, reports, surveys, maps, field notes, plats and other papers pertaining to the  
7 public lands owned by the state, including all public lands that have been or shall  
8 be received from the United States or any officer of the United States. The board may  
9 perfect the records, books, reports, surveys, maps, field notes, plats and other papers  
10 when incomplete, and cause copies of those documents to be made when from injury,  
11 loss, use or accident it shall become necessary. Any copy, when certified to be a correct  
12 copy by the executive secretary of the board under the executive secretary's signature  
13 and the official seal of the office to have been made for any of the causes specified in  
14 this subsection, shall have the same force and effect in all courts and places as the  
15 original. Any copy from the original records, books, reports, surveys, maps, field  
16 notes, plats or other papers, or from any record or paper required by law to be kept  
17 in the office, or any copy from a certified copy of one of those documents, when  
18 certified by the executive secretary of the board or any member of the board of  
19 ~~commissioners of public lands~~ <sup>✓</sup> under the official seal of the board, shall be received  
20 in evidence with the same effect as the original.

21 History: 1979 c. 34 s. 699g; 1979 c. 176; Stats. 1979 s. 24.54; 1989 a. 31; 1993 a. 16.

21 **SECTION 27.** 25.156 (4) of the statutes is amended to read:

22 25.156 (4) The members of the board shall promulgate rules restricting the  
23 executive director, executive assistant to the executive director, internal auditor,  
24 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,

1 investment directors and employes from having financial interest, directly or  
 2 indirectly, in firms or corporations providing services to the department <sup>✓</sup>board and  
 3 governing the receipt of gifts or favors therefrom, and also governing personal  
 4 investments of all employes including the executive director, executive assistant to  
 5 the executive director, internal auditor, chief investment officer, chief financial  
 6 officer, chief legal counsel, chief risk officer and investment directors to prevent  
 7 conflicts of interest.

8 History: 1979 c. 110; 1985 a. 332 s. 251 (1), (6); 1987 a. 390<sup>✓</sup>; 1991 a. 39; 1995 a. 274; 1997 a. 27, 35.

**SECTION 28. 25.29 (1) (a) of the statutes is amended to read:**

9 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state  
 10 for or in behalf of the department <sup>✓</sup>of natural resources under chs. 26, 27, 28, 29 and  
 11 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99,  
 12 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal  
 13 government or any of its agencies except as otherwise provided by law.

14 History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 136<sup>✓</sup>; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

**SECTION 29. 25.29 (2) of the statutes is amended to read:**

15 25.29 (2) License fees and other <sup>underscore</sup>state moneys collected by each field employe  
 16 of the department <sup>of natural resources</sup>(shall be remitted to the department <sup>✓</sup>of natural resources within  
 17 one month after receipt together with a report of the number of licenses issued and  
 18 details covering the type and the amount of money remitted.

19 History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 136<sup>✓</sup>; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

**SECTION 30. 25.29 (3) (intro.) of the statutes is amended to read:**

20 25.29 (3) (intro.) Funds accruing to the conservation fund from license fees paid  
 21 by hunters and from sport and recreation fishing license fees shall not be diverted

1 for any other purpose than those provided by the department of natural resources,  
2 except:

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

3 **SECTION 31. 25.29 (4m) of the statutes is amended to read:**

4 **25.29 (4m)** Notwithstanding sub. (3), no moneys that accrue to the state for or  
5 in behalf of the department of natural resources under ch. 29 may be expended or  
6 paid for the enforcement of the treaty-based, off-reservation rights to fish held by  
7 members of federally recognized American Indian tribes or bands domiciled in  
8 Wisconsin.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

9 **SECTION 32. 25.29 (7) (a) of the statutes is amended to read:**

10 **25.29 (7) (a)** Eight percent of the tax levied under s. 70.58 or of the funds  
11 provided for in lieu of the levy shall be used to acquire and develop forests of the state  
12 for the purposes or capable of providing the benefits described under s. 28.04 (2)  
13 within areas approved by the department of natural resources and the governor and  
14 located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan,  
15 Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson,  
16 Racine, Kenosha, Walworth, Rock and Outagamie counties.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.

17 **SECTION 33. 25.29 (7) (b) of the statutes is amended to read:**

18 **25.29 (7) (b)** An additional 4% of the tax levied under s. 70.58 or of the funds  
19 provided in lieu of the levy shall be used to purchase forests for the state for the  
20 purposes or capable of providing the benefits described under s. 28.04 (2) within  
21 areas approved by the department of natural resources and the governor and located  
22 within the region specified under par. (a).

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.



Insert 1  
12-1 2

~~26.01~~  
**SECTION 34.** 26.01 of the statutes is repealed.

~~27.011~~  
**SECTION 35.** 27.011 of the statutes is amended to read:

3           **27.011 Copper Culture Mounds State Park.** The department of <sup>✓</sup>natural  
4 resources shall accept a grant of lands in the city of Oconto, Oconto county, and shall  
5 develop and maintain it as a state park to be known as Copper Culture Mounds State  
6 Park.

✓  
✓  
Insert  
12-67

History: 1973 c. 333.

~~28.005~~  
**SECTION 36.** 28.005 of the statutes is repealed.

8           **SECTION 37.** 29.601 (4) of the statutes is amended to read:

9           29.601 (4) USE OF PESTICIDES. The department of <sup>✓</sup>natural <sup>✓</sup>resources, after public  
10 hearing, may promulgate rules governing the use of any pesticide which it finds is  
11 a serious hazard to wild animals other than those it is intended to control, and the  
12 making of reports about the pesticide. In promulgating the rules, the department  
13 to the extent relevant shall consider the need for pesticides to protect the well-being  
14 of the general public. "Pesticide" has the meaning given in s. 94.67.

History: 1971 c. 73; 1975 c. 363, 365; 1977 c. 130; ~~1981~~ 1981 c. 226 s. 13; 1983 a. 410; 1985 a. 332 s. 251 (1); 1989 a. 335; 1995 a. 227; 1997 a. 27; 1997 a. 248 ss. 448 to 457; Stats. 1997 s. 29.601.

15           **SECTION 38.** 84.28 (2) of the statutes is amended to read:

16           84.28 (2) The department may administer a program for the construction,  
17 maintenance and marking of roads, including fire roads, service areas, trailer or  
18 vehicle parking stalls or parking areas and other facilities consistent with highway  
19 construction and for the marking of scenic routes in the state parks, state forests, the  
20 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,  
21 other public used areas under the jurisdiction of the department of natural resources  
22 and other public lands as defined in ~~ch. 24 s. 23.05~~ <sup>✓</sup>23.05 (2), for highways or fire roads  
23 leading from the most convenient state trunk highways to such lands, and for the  
24 relocation and construction of state trunk highways in or near state parks when

1 required in the interests of public safety. Within the limitations and for the purposes  
 2 of this section, work may be performed by or under the supervision or authority or  
 3 with the approval of the department, upon the request for such work filed by the  
 4 department of natural resources as to the lower Wisconsin state riverway, as defined  
 5 in s. 30.40 (15), or as to state park or forest lands, or by the board of commissioners  
 6 of the public lands as to other classes of public lands. Outside the lower Wisconsin  
 7 state riverway, as defined in s. 30.40 (15), and outside the limits of the park, state  
 8 forest and public land areas, direct connections to the most convenient state trunk  
 9 highway may be built or maintained under this section. Roads in unincorporated  
 10 areas within 5 miles of the boundaries of the Horicon national wildlife refuge or the  
 11 Horicon marsh wildlife area may be built or maintained under this section upon  
 12 request of the town board, if the department of transportation certifies that such  
 13 roads are or will be used by a substantial number of visitors to such area. Costs  
 14 incurred under this section shall be the responsibility of the department of natural  
 15 resources, commissioners of public lands or town board, as appropriate.

History: 1971 c. 164; 1973 c. 243 s. 82; 1975 c. 181; 1977 c. 29 ss. 1654 (8) (a), 1656 (43); 1979 c. 34 s. 2102 (52) (a); 1981 c. 20; 1983 a. 27; 1989 a. 31; 1997 a. 27.

16 **SECTION 39.** 95.21 (1) (f) of the statutes is amended to read:

17 95.21 (1) (f) "Warden" has the meaning designated under s. ~~24.01(11)~~ <sup>✓✓</sup> 23.05(4).

History: 1979 c. 129, 289, 357; 1981 c. 285; 1981 c. 3~~3~~ s. 144; 1983 a. 189 s. 329 (18); 1983 a. 451; 1985 a. 135, 184; 1993 a. 27; 1995 a. 450; 1997 a. 192, 217.

18 **SECTION 40.** 347.06 (4) of the statutes is amended to read:

19 347.06 (4) A duly authorized warden, as defined in s. ~~24.01(11)~~ <sup>✓</sup> 23.05(4), may  
 20 operate a vehicle owned or leased by the department of natural resources upon a  
 21 highway during hours of darkness without lighted headlamps, tail lamps or  
 22 clearance lamps in the performance of the warden's duties under s. 29.924 (2).

History: 1977 c. 425; 1979 c. 32; 1981 c. 98 s. 3; 1997 a. 248.

23

(END)

**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1063/P1ins.  
RNK.....

*Insert 1-4*

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the board of commissioners of public lands and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1063/1  
RNK.....

*Insert 4-14*

SECTION 1. 23.15 (title) of the statutes is amended to read:

**23.15 (title) Sale of state-owned lands under the jurisdiction of the  
department of natural resources.**

History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 s. 23.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184.

*Keep bold  
~~plain~~ period*

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1063/P1ins.  
RNK.....

*Insert 12-1*

**SECTION 1.** 26.10 of the statutes is amended to read:

**26.10 Reports by the department to the board of commissioners of public lands.** The department shall report monthly to the board of commissioners of public lands all trespasses committed, all materials seized, all sales made and all moneys received under ss. ~~26.01~~ <sup>✓✓</sup> 26.03 to 26.09.

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1063/P1ins  
RNK.....

*Insert 12-6*

**SECTION 1.** 27.016<sup>X</sup>(6) of the statutes is amended to read:

27.016 (6) Annually, on or before January 1, the department shall review all applications received under this section in the previous year and shall make the grants that it approves from the appropriation under s. 20.370 (1) (eq). If insufficient funds are available to pay all approved grants, the natural resources board shall prorate the available funds among the applicants in proportion to the approved grant amounts.

History: 1995 a. 27; 1997 a. 313.

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

LRB-1063/P1dn  
RNK.....

*emh  
+  
JG*

One of the instructions for this draft was to delete the definition for the term "department" from ch. 24. Because that term is used throughout chapters 23 through 29, the definition should not be deleted. It is, however, more appropriate that the definitions that are used throughout chs. 23 through 29 be placed at the beginning of chapter 23. Accordingly, this draft moves those definitions to chapter 23. ←

The instructions also requested that the term secretary be amended to mean the secretary of the board of commissioners of public land. Because the term "secretary", under current law, is defined to mean the secretary of natural resources, and that term is used throughout chs. 23 through 29, it should not be amended. The draft does, however, renumber that definition so that it is located in ch. 23. Furthermore, under s. 24.55, the board of commissioners of public lands appoints an "executive secretary" rather than a "secretary". It is not necessary to create a definition for the term "executive secretary" because the relevant provisions in ch. 24 currently use the term "executive secretary" in a manner that makes it clear that those provisions concern the executive secretary for the board of commissioners of public land. ↘

¶ If the treatment of these provisions is not consistent with your intent, please let me know and I will redraft accordingly.

Robin N. Kite  
Legislative Attorney  
266-7291

→ ¶ Finally, ~~because~~ the definitions currently located at the beginning of ch. 24 relate to natural resources and public lands administration generally, ~~and because~~ ch. 25 which concerns trust funds. Because most of those definitions aren't relevant to ch. 25, this draft provides that these definitions no longer apply to ch. 25. ↗ but they also apply to

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

LRB-1063/P1dn  
RNK:cmh&jlg:lp

February 5, 1999

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If the treatment of these provisions is not consistent with your intent, please let me know and I will redraft accordingly.

Robin N. Kite  
Legislative Attorney  
266-7291



**MEMORANDUM**

from LAURA ROSE  
Legislative Council Staff  
(608) 266-9791  
laura.rose@legis.state.wi.us

LRB 1063

5-7-99

Robm.

This draft was approved for  
introduction by the Law  
Revision Committee on 5-4-99.

Please insert the NOTES as  
indicated, and have it  
jacketed for introduction  
in the Senate.

Call if questions.

Thanks!

Laura

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# **Law Revision Committee**

**Remedial Legislation Proposals  
Meeting of May 4, 1999**

## **Board of Commissioners of Public Lands**

- LRB-1063/P1

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

LRB-1063/P1dn  
RNK:cmh&jlg:lp

February 5, 1999

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Finally, the definitions currently located at the beginning of ch. 24 relate to natural resources and public lands administration generally, but they also apply to ch. 25 which concerns trust funds. Because most of those definitions aren't relevant to ch. 25, this draft provides that these definitions no longer apply to ch. 25.

If the treatment of these provisions is not consistent with your intent, please let me know and I will redraft accordingly.

Robin N. Kite  
Legislative Attorney  
266-7291



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1063/P1  
RNK:cmh&jlg:lp

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT** *to repeal* 26.01 and 28.005; *to renumber* 24.01 (3), 24.01 (6), 24.01 (8)  
2             and 24.01 (11); *to amend* 23.093, 23.10 (1), 23.10 (2), 23.10 (4), 23.10 (5), 23.13,  
3             23.15 (title), 23.15 (1), 24.01 (intro.), 24.03, 24.251, 24.28, 24.341, 24.39 (1),  
4             24.39 (2), 24.39 (4) (a) (intro.), 24.39 (4) (c), 24.39 (4) (e), 24.39 (4) (f), 24.39 (4)  
5             (i), 24.53, 24.54 (1), 25.156 (4), 25.29 (1) (a), 25.29 (2), 25.29 (3) (intro.), 25.29  
6             (4m), 25.29 (7) (a), 25.29 (7) (b), 26.10, 27.011, 27.016 (6), 29.601 (4), 84.28 (2),  
7             95.21 (1) (f) and 347.06 (4); and *to create* 23.05 of the statutes; **relating to:** the  
8             placement in the statutes of certain definitions concerning natural resources  
9             and public lands administration (suggested as remedial legislation by the  
10            board of commissioners of public lands).

---

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

Under current law, many of the laws relating to natural resources and public lands administration are contained in chapters 23, 24 and 26 through 29 of the statutes. Many of the definitions of terms used in those chapters are currently located in chapter 24 and apply throughout chapters 23 to 29. This bill places those definitions currently located in chapter 24 that apply to terms used throughout chapters 23, 24 and 26 to 29 in chapter 23. Also, the bill provides that these

definitions no longer apply to chapter 25, which covers trust funds established by the legislature for the purpose of state finance.

For further information, see NOTES provided by the law revision committee of the joint legislative council.

---

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the board of commissioners of public lands and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 23.05 of the statutes is created to read:

2           **23.05 Definitions.** In this chapter, ch. 24 and chs. 26 to 29, unless the context  
3 requires otherwise or unless otherwise defined:

4           **SECTION 2.** 23.093 of the statutes is amended to read:

5           **23.093 Carp control research.** The department of ~~natural resources~~ may  
6 enter into contracts with public or private agencies for the accelerated research and  
7 development of a specific toxic material for the control and eradication of carp in the  
8 waters of the state.

9           **SECTION 3.** 23.10 (1) of the statutes is amended to read:

10           23.10 (1) The department of ~~natural resources~~ shall secure the enforcement of  
11 all laws which it is required to administer and bring, or cause to be brought, actions  
12 and proceedings in the name of the state for that purpose. The persons appointed  
13 by ~~said the~~ department to exercise and perform the powers and duties heretofore  
14 conferred and imposed upon deputy fish and game wardens, shall be known as  
15 conservation wardens and shall be subject to ch. 230.

16           **SECTION 4.** 23.10 (2) of the statutes is amended to read:



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(Seal)

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES.

By ....

**SECTION 6.** 23.10 (5) of the statutes is amended to read:

23.10 (5) The department ~~of natural resources~~ shall furnish to each conservation warden at the time of the warden's appointment, a pocket identification folder in form and substance as follows: A leather-covered folder, size when folded, 3 by 4 inches; on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by the appointee, and partly on the photograph and partly on the margin of such folder shall be an impression of the seal of the department ~~of natural resources~~; such appointee shall also affix the appointee's signature below the photograph on such folder; on the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee, which shall be signed by the secretary. The appointee shall carry the identification folder on his or her person at all times that the appointee is on official duty, and the appointee shall on demand exhibit the same to any person to whom the appointee may represent himself or herself as a conservation warden. The cost of such identification folder shall be charged to the appropriation for the department.

**SECTION 7.** 23.13 of the statutes is amended to read:

**23.13 Governor to be informed.** The board of commissioners of public lands and the department ~~of natural resources~~ shall furnish to the governor upon the governor's request a copy of any paper, document or record in their respective offices and give the governor orally such information as the governor may call for.

**SECTION 8.** 23.15 (title) of the statutes is amended to read:

1           **23.15** (title) **Sale of state-owned lands under the jurisdiction of the**  
2 **department of natural resources.**

3           **SECTION 9.** 23.15 (1) of the statutes is amended to read:

4           **23.15 (1)** The natural resources board may sell, at public or private sale, lands  
5 and structures owned by the state under the jurisdiction of the department of natural  
6 resources when the natural resources board determines that said lands are no longer  
7 necessary for the state's use for conservation purposes and, if real property, the real  
8 property is not the subject of a petition under s. 16.375 (2).

9           **SECTION 10.** 24.01 (intro.) of the statutes is amended to read:

10          **24.01 Definitions and classification.** (intro.) In ~~chs. 23 to 29~~ this chapter,  
11 unless the context requires otherwise or unless otherwise defined:

12          **SECTION 11.** 24.01 (3) of the statutes is renumbered 23.05 (1).

13          **SECTION 12.** 24.01 (6) of the statutes is renumbered 23.05 (2).

14          **SECTION 13.** 24.01 (8) of the statutes is renumbered 23.05 (3).

15          **SECTION 14.** 24.01 (11) of the statutes is renumbered 23.05 (4).

16          **SECTION 15.** 24.03 of the statutes is amended to read:

17          **24.03 Escheats.** The board of ~~commissioners of public lands~~ shall, whenever  
18 it shall have reason to believe that any lands have escheated to the state for defect  
19 of heirs, cause due inquiry to be made to ascertain the rights of the state, and the  
20 attorney general shall bring any suit or action or take any requisite proceeding  
21 necessary to protect and secure the rights of the state. The board may either take  
22 possession of, or cause to be sued for and recovered as aforesaid when necessary, any  
23 real estate believed to have escheated to the state, or may proceed directly to sell all  
24 the right, title and interest of the state therein, without first obtaining possession  
25 thereof and without establishing title thereto by action.



1           **SECTION 16.** 24.251 of the statutes is amended to read:

2           **24.251 Patents, issuance; county may record.** Whenever it shall appear  
3 to the board ~~of commissioners of public lands~~ that all the conditions relating to the  
4 issuance of patents have been complied with, the board may issue patents, and the  
5 county board of any county may cause such patents to be recorded in the county and  
6 pay the cost of such recording.

7           **SECTION 17.** 24.28 of the statutes is amended to read:

8           **24.28 Forfeiture.** In the case of the nonpayment of interest when due  
9 according to the terms of the certificate of sale, or of any taxes which before said  
10 annual interest is paid shall have been returned to the board ~~of commissioners of~~  
11 ~~public lands~~ by the county treasurer as due and unpaid upon such land, or of the  
12 principal when required by the board, such certificate shall become void from the  
13 time of such failure, and the purchaser, the purchaser's heirs and assigns, shall  
14 forfeit all right and interest in the lands described in such certificate; and the board  
15 may take immediate possession thereof and may resell the same as hereinafter  
16 provided.

17           **SECTION 18.** 24.341 of the statutes is amended to read:

18           **24.341 Offset to refund on void sales.** Whenever any claim shall be made  
19 under s. 24.34, the board ~~of commissioners of public lands~~ shall make an  
20 investigation and determination, and offset the value of the use of said land, property  
21 removed therefrom and the damage or injury thereto by such claimant, together with  
22 interest thereon, against the amounts actually paid to the state and to any other  
23 persons on account of the purchase, possession, use, damage or injury to such lands  
24 by said claimants. The refund or payment to be made under s. 24.34 shall in no case

1 be more than the excess, if any, of the amounts paid out by such claimant with  
2 interest over such offset.

3 **SECTION 19.** 24.39 (1) of the statutes is amended to read:

4 24.39 (1) The board of ~~commissioners of public lands~~ may grant leases of parts  
5 or parcels of any public lands except state park lands and state forest lands; grant  
6 easements, leases to enter upon any of said lands to flow the same or to prospect for  
7 and to dig and remove therefrom ore, minerals and other deposits, and sell therefrom  
8 such timber as the board shall find necessary to prevent future loss or damage. All  
9 sales of standing live timber shall be on a selective cutting basis in line with federal  
10 forest practices. Such easements, leases, licenses and sales shall be made only for  
11 a full and fair consideration paid or to be paid to the state, the amount and terms  
12 whereof shall be fixed by said board, and such easements, leases, licenses and sales  
13 shall conform to the requirements, so far as applicable, prescribed by ch. 26 for the  
14 exercise by the department of ~~natural resources~~ of similar powers affecting state  
15 park lands and state forest lands.

16 **SECTION 20.** 24.39 (2) of the statutes is amended to read:

17 24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the  
18 other powers conferred by this section the board of ~~commissioners of public lands~~  
19 shall, so far as it finds it desirable and practicable, request and make proper use of  
20 such services and information as the department of ~~natural resources~~ may be able  
21 to furnish.

22 **SECTION 21.** 24.39 (4) (a) (intro.) of the statutes is amended to read:

23 24.39 (4) (a) (intro.) Subject to pars. (c) and (d) the board of ~~commissioners of~~  
24 ~~public lands~~ may:

25 **SECTION 22.** 24.39 (4) (c) of the statutes is amended to read:

1           24.39 (4) (c) No leases under par. (a) may be executed without a prior finding  
2 of the department of ~~natural resources~~ under s. 30.11 (5) that any proposed physical  
3 change in the area contemplated as the result of the execution of any term lease is  
4 consistent with the public interest in the navigable waters involved.

5           **SECTION 23.** 24.39 (4) (e) of the statutes is amended to read:

6           24.39 (4) (e) Such lease shall be for a term not to exceed 50 years, and shall  
7 include therein any and all conditions and terms the board of ~~commissioners of public~~  
8 ~~lands~~ believes to be necessary in the public interest. A lessee or the lessee's heirs,  
9 successors or assigns of a lease which has reached the end of its term shall have first  
10 opportunity to contract with the board of ~~commissioners of public lands~~ for a new  
11 lease.

12           **SECTION 24.** 24.39 (4) (f) of the statutes is amended to read:

13           24.39 (4) (f) A municipality may sublease rights leased to it under par. (a) 1.  
14 or 2. to corporations or private persons. A municipality may also make physical  
15 improvements on and above the bottoms to which rights were leased from the board  
16 of commissioners of public lands and may sublease these improvements to  
17 corporations or private persons. Any subleases under this paragraph shall be  
18 consistent with this subsection and with whatever standards or restrictions the  
19 department of ~~natural resources~~, acting under s. 30.11 (5), may have found at the  
20 time of execution of the original lease by the board of ~~commissioners of public lands~~  
21 to the municipality.

22           **SECTION 25.** 24.39 (4) (i) of the statutes is amended to read:

23           24.39 (4) (i) All leases entered into by the board of ~~commissioners of public~~  
24 ~~lands~~ under this subsection and s. 30.11 shall be deemed to be subject to this section  
25 and any other applicable laws of this state or of the United States.

1           **SECTION 26.** 24.53 of the statutes is amended to read:

2           **24.53 Investigate land claims; deduct expenses.** The board of  
3 ~~commissioners of public lands~~ shall investigate the rights of the state to school lands,  
4 normal school lands, university lands and agricultural college lands. The expenses  
5 incurred in making these investigations and taking necessary steps to protect  
6 common school lands, normal school lands, university lands and agricultural college  
7 lands and timber on those lands, as well as the expense of necessary surveys, records,  
8 appraisals and sales, upon the approval of the board, shall be deducted from the gross  
9 receipts of the fund to which the proceeds from the sale of the land or timber will be  
10 added.

11           **SECTION 27.** 24.54 (1) of the statutes is amended to read:

12           **24.54 (1)** The department of administration shall provide an office for the  
13 board. The board shall conveniently arrange and preserve in that office all records,  
14 books, reports, surveys, maps, field notes, plats and other papers pertaining to the  
15 public lands owned by the state, including all public lands that have been or shall  
16 be received from the United States or any officer of the United States. The board may  
17 perfect the records, books, reports, surveys, maps, field notes, plats and other papers  
18 when incomplete, and cause copies of those documents to be made when from injury,  
19 loss, use or accident it shall become necessary. Any copy, when certified to be a correct  
20 copy by the executive secretary of the board under the executive secretary's signature  
21 and the official seal of the office to have been made for any of the causes specified in  
22 this subsection, shall have the same force and effect in all courts and places as the  
23 original. Any copy from the original records, books, reports, surveys, maps, field  
24 notes, plats or other papers, or from any record or paper required by law to be kept  
25 in the office, or any copy from a certified copy of one of those documents, when

1 certified by the executive secretary of the board or any member of the board of  
2 ~~commissioners of public lands~~ under the official seal of the board, shall be received  
3 in evidence with the same effect as the original.

4 **SECTION 28.** 25.156 (4) of the statutes is amended to read:

5 25.156 (4) The members of the board shall promulgate rules restricting the  
6 executive director, executive assistant to the executive director, internal auditor,  
7 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,  
8 investment directors and employes from having financial interest, directly or  
9 indirectly, in firms or corporations providing services to the ~~department~~ board and  
10 governing the receipt of gifts or favors therefrom, and also governing personal  
11 investments of all employes including the executive director, executive assistant to  
12 the executive director, internal auditor, chief investment officer, chief financial  
13 officer, chief legal counsel, chief risk officer and investment directors to prevent  
14 conflicts of interest.

15 **SECTION 29.** 25.29 (1) (a) of the statutes is amended to read:

16 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state  
17 for or in behalf of the department of natural resources under chs. 26, 27, 28, 29 and  
18 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99,  
19 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal  
20 government or any of its agencies except as otherwise provided by law.

21 **SECTION 30.** 25.29 (2) of the statutes is amended to read:

22 25.29 (2) License fees and other state moneys collected by each field employe  
23 of the department of natural resources shall be remitted to the department of natural  
24 resources within one month after receipt together with a report of the number of  
25 licenses issued and details covering the type and the amount of money remitted.

1           **SECTION 31.** 25.29 (3) (intro.) of the statutes is amended to read:

2           25.29 (3) (intro.) Funds accruing to the conservation fund from license fees paid  
3 by hunters and from sport and recreation fishing license fees shall not be diverted  
4 for any other purpose than those provided by the department of natural resources,  
5 except:

6           **SECTION 32.** 25.29 (4m) of the statutes is amended to read:

7           25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or  
8 in behalf of the department of natural resources under ch. 29 may be expended or  
9 paid for the enforcement of the treaty-based, off-reservation rights to fish held by  
10 members of federally recognized American Indian tribes or bands domiciled in  
11 Wisconsin.

12           **SECTION 33.** 25.29 (7) (a) of the statutes is amended to read:

13           25.29 (7) (a) Eight percent of the tax levied under s. 70.58 or of the funds  
14 provided for in lieu of the levy shall be used to acquire and develop forests of the state  
15 for the purposes or capable of providing the benefits described under s. 28.04 (2)  
16 within areas approved by the department of natural resources and the governor and  
17 located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan,  
18 Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson,  
19 Racine, Kenosha, Walworth, Rock and Outagamie counties.

20           **SECTION 34.** 25.29 (7) (b) of the statutes is amended to read:

21           25.29 (7) (b) An additional 4% of the tax levied under s. 70.58 or of the funds  
22 provided in lieu of the levy shall be used to purchase forests for the state for the  
23 purposes or capable of providing the benefits described under s. 28.04 (2) within  
24 areas approved by the department of natural resources and the governor and located  
25 within the region specified under par. (a).

1           **SECTION 35.** 26.01 of the statutes is repealed.

2           **SECTION 36.** 26.10 of the statutes is amended to read:

3           **26.10 Reports by the department to the board of commissioners of**  
4 **public lands.** The department shall report monthly to the board of commissioners  
5 of public lands all trespasses committed, all materials seized, all sales made and all  
6 moneys received under ss. ~~26.01~~ 26.03 to 26.09.

7           **SECTION 37.** 27.011 of the statutes is amended to read:

8           **27.011 Copper Culture Mounds State Park.** The department of ~~natural~~  
9 ~~resources~~ shall accept a grant of lands in the city of Oconto, Oconto county, and shall  
10 develop and maintain it as a state park to be known as Copper Culture Mounds State  
11 Park.

12           **SECTION 38.** 27.016 (6) of the statutes is amended to read:

13           **27.016 (6)** Annually, on or before January 1, the department shall review all  
14 applications received under this section in the previous year and shall make the  
15 grants that it approves from the appropriation under s. 20.370 (1) (eq). If insufficient  
16 funds are available to pay all approved grants, the natural resources board shall  
17 prorate the available funds among the applicants in proportion to the approved grant  
18 amounts.

19           **SECTION 39.** 28.005 of the statutes is repealed.

20           **SECTION 40.** 29.601 (4) of the statutes is amended to read:

21           **29.601 (4) USE OF PESTICIDES.** The department of ~~natural resources~~, after public  
22 hearing, may promulgate rules governing the use of any pesticide which it finds is  
23 a serious hazard to wild animals other than those it is intended to control, and the  
24 making of reports about the pesticide. In promulgating the rules, the department

1 to the extent relevant shall consider the need for pesticides to protect the well-being  
2 of the general public. "Pesticide" has the meaning given in s. 94.67.

3 **SECTION 41.** 84.28 (2) of the statutes is amended to read:

4 84.28 (2) The department may administer a program for the construction,  
5 maintenance and marking of roads, including fire roads, service areas, trailer or  
6 vehicle parking stalls or parking areas and other facilities consistent with highway  
7 construction and for the marking of scenic routes in the state parks, state forests, the  
8 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,  
9 other public used areas under the jurisdiction of the department of natural resources  
10 and other public lands as defined in ~~ch. 24 s. 23.05 (2)~~, for highways or fire roads  
11 leading from the most convenient state trunk highways to such lands, and for the  
12 relocation and construction of state trunk highways in or near state parks when  
13 required in the interests of public safety. Within the limitations and for the purposes  
14 of this section, work may be performed by or under the supervision or authority or  
15 with the approval of the department, upon the request for such work filed by the  
16 department of natural resources as to the lower Wisconsin state riverway, as defined  
17 in s. 30.40 (15), or as to state park or forest lands, or by the board of commissioners  
18 of the public lands as to other classes of public lands. Outside the lower Wisconsin  
19 state riverway, as defined in s. 30.40 (15), and outside the limits of the park, state  
20 forest and public land areas, direct connections to the most convenient state trunk  
21 highway may be built or maintained under this section. Roads in unincorporated  
22 areas within 5 miles of the boundaries of the Horicon national wildlife refuge or the  
23 Horicon marsh wildlife area may be built or maintained under this section upon  
24 request of the town board, if the department of transportation certifies that such  
25 roads are or will be used by a substantial number of visitors to such area. Costs



1 incurred under this section shall be the responsibility of the department of natural  
2 resources, commissioners of public lands or town board, as appropriate.

3 **SECTION 42.** 95.21 (1) (f) of the statutes is amended to read:

4 95.21 (1) (f) "Warden" has the meaning designated under s. ~~24.01(11)~~ 23.05(4).

5 **SECTION 43.** 347.06 (4) of the statutes is amended to read:

6 347.06 (4) A duly authorized warden, as defined in s. ~~24.01(11)~~ 23.05(4), may  
7 operate a vehicle owned or leased by the department of natural resources upon a  
8 highway during hours of darkness without lighted headlamps, tail lamps or  
9 clearance lamps in the performance of the warden's duties under s. 29.924 (2).

10 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

Rm 2  
1  
LRB-1063/1  
RNK:cmh&jlg:lp

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1999 BILL

*repeal act*

1 AN ACT *to repeal* 26.01 and 28.005; *to renumber* 24.01 (3), 24.01 (6), 24.01 (8)  
2 and 24.01 (11); *to amend* 23.093, 23.10 (1), 23.10 (2), 23.10 (4), 23.10 (5), 23.13,  
3 23.15 (title), 23.15 (1), 24.01 (intro.), 24.03, 24.251, 24.28, 24.341, 24.39 (1),  
4 24.39 (2), 24.39 (4) (a) (intro.), 24.39 (4) (c), 24.39 (4) (e), 24.39 (4) (f), 24.39 (4)  
5 (i), 24.53, 24.54 (1), 25.156 (4), 25.29 (1) (a), 25.29 (2), 25.29 (3) (intro.), 25.29  
6 (4m), 25.29 (7) (a), 25.29 (7) (b), 26.10, 27.011, 27.016 (6), 29.601 (4), 84.28 (2),  
7 95.21 (1) (f) and 347.06 (4); and *to create* 23.05 of the statutes; **relating to:** the  
8 placement in the statutes of certain definitions concerning natural resources  
9 and public lands administration (suggested as remedial legislation by the  
10 board of commissioners of public lands).

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

Under current law, many of the laws relating to natural resources and public lands administration are contained in chapters 23, 24 and 26 through 29 of the statutes. Many of the definitions of terms used in those chapters are currently located in chapter 24 and apply throughout chapters 23 to 29. This bill places those definitions currently located in chapter 24 that apply to terms used throughout chapters 23, 24 and 26 to 29 in chapter 23. Also, the bill provides that these

definitions no longer apply to chapter 25, which covers trust funds established by the legislature for the purpose of state finance.

For further information, see NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the board of commissioners of public lands and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1       **SECTION 1.** 23.05 of the statutes is created to read:

2       **23.05 Definitions.** In this chapter, ch. 24 and chs. 26 to 29, unless the context  
3 requires otherwise or unless otherwise defined:

✓  
Insert  
2-3 →

4       **SECTION 2.** 23.093 of the statutes is amended to read:

5       **23.093 Carp control research.** The department of ~~natural resources~~ may  
6 enter into contracts with public or private agencies for the accelerated research and  
7 development of a specific toxic material for the control and eradication of carp in the  
8 waters of the state.

9       **SECTION 3.** 23.10 (1) of the statutes is amended to read:

10       **23.10 (1)** The department of ~~natural resources~~ shall secure the enforcement of  
11 all laws which it is required to administer and bring, or cause to be brought, actions  
12 and proceedings in the name of the state for that purpose. The persons appointed  
13 by ~~said~~ the department to exercise and perform the powers and duties heretofore  
14 conferred and imposed upon deputy fish and game wardens, shall be known as  
15 conservation wardens and shall be subject to ch. 230.

16       **SECTION 4.** 23.10 (2) of the statutes is amended to read:

1           23.10 (2) Whenever the county board of any county by resolution authorizes the  
2 appointment of county conservation wardens, and fixes the number of the same, the  
3 chairperson of the county board, district attorney and county clerk, acting as a board  
4 of appointment, shall select the persons for such positions and certify their names  
5 to the department of natural resources which shall, if in its judgment such persons  
6 are competent and efficient, issue to them commissions as county conservation  
7 wardens. Such wardens have, within their county, all the powers and duties of  
8 conservation wardens. Their compensation shall be fixed by the county board in the  
9 resolution authorizing their appointment and be paid out of the county treasury.

10           **SECTION 5.** 23.10 (4) of the statutes is amended to read:

11           23.10 (4) All conservation wardens shall, before exercising any of their powers,  
12 be provided with a commission issued by the department of natural resources under  
13 its seal, substantially as follows:

14   STATE OF WISCONSIN

15   DEPARTMENT OF NATURAL RESOURCES.

16           To all to whom these presents shall come, greeting:

17           Know ye, that reposing special trust and confidence in the integrity and ability  
18 of ....., of the county of ....., we do hereby appoint and constitute .... a conservation  
19 warden (or county, or special conservation warden) for the (county of .....), state of  
20 Wisconsin, and do authorize and empower .... to execute and fulfill the duties of that  
21 office according to law, during good behavior and the faithful performance of the  
22 duties of that office.

23           In testimony whereof, the secretary has hereunto affixed the secretary's  
24 signature and the official seal of the department, at its office in the city of Madison,  
25 Wisconsin, this .... day of ....., .... (year)

1 (Seal)

STATE OF WISCONSIN

2 DEPARTMENT OF NATURAL RESOURCES.

3 By ....

4 **SECTION 6.** 23.10 (5) of the statutes is amended to read:

5 23.10 (5) The department of ~~natural resources~~ shall furnish to each  
6 conservation warden at the time of the warden's appointment, a pocket identification  
7 folder in form and substance as follows: A leather-covered folder, size when folded,  
8 3 by 4 inches; on one of the inner sides thereof shall be securely fastened a photograph  
9 of such appointee to be furnished by the appointee, and partly on the photograph and  
10 partly on the margin of such folder shall be an impression of the seal of the  
11 department of ~~natural resources~~; such appointee shall also affix the appointee's  
12 signature below the photograph on such folder; on the other inner side of such folder  
13 shall be securely fastened a miniature true copy of the commission issued to such  
14 appointee, which shall be signed by the secretary. The appointee shall carry the  
15 identification folder on his or her person at all times that the appointee is on official  
16 duty, and the appointee shall on demand exhibit the same to any person to whom the  
17 appointee may represent himself or herself as a conservation warden. The cost of  
18 such identification folder shall be charged to the appropriation for the department.

19 **SECTION 7.** 23.13 of the statutes is amended to read:

20 **23.13 Governor to be informed.** The board of commissioners of public lands  
21 and the department of ~~natural resources~~ shall furnish to the governor upon the  
22 governor's request a copy of any paper, document or record in their respective offices  
23 and give the governor orally such information as the governor may call for.

24 **SECTION 8.** 23.15 (title) of the statutes is amended to read:

1           **23.15 (title) Sale of state-owned lands under the jurisdiction of the**  
2           **department of natural resources.**

3           **SECTION 9.** 23.15 (1) of the statutes is amended to read:

4           **23.15 (1)** The natural resources board may sell, at public or private sale, lands  
5           and structures owned by the state under the jurisdiction of the department of natural  
6           resources when the natural resources board determines that said lands are no longer  
7           necessary for the state's use for conservation purposes and, if real property, the real  
8           property is not the subject of a petition under s. 16.375 (2).

✓  
Insert  
5-8 →

9           **SECTION 10.** 24.01 (intro.) of the statutes is amended to read:

10          **24.01 Definitions and classification.** (intro.) In ~~chs. 23 to 29~~ this chapter,  
11          unless the context requires otherwise or unless otherwise defined:

12          **SECTION 11.** 24.01 (3) of the statutes is renumbered 23.05 (1).

13          **SECTION 12.** 24.01 (6) of the statutes is renumbered 23.05 (2).

14          **SECTION 13.** 24.01 (8) of the statutes is renumbered 23.05 (3).

15          **SECTION 14.** 24.01 (11) of the statutes is renumbered 23.05 (4).

✓  
Insert  
5-15 →

16          **SECTION 15.** 24.03 of the statutes is amended to read:

17          **24.03 Escheats.** The board of ~~commissioners of public lands~~ shall, whenever  
18          it shall have reason to believe that any lands have escheated to the state for defect  
19          of heirs, cause due inquiry to be made to ascertain the rights of the state, and the  
20          attorney general shall bring any suit or action or take any requisite proceeding  
21          necessary to protect and secure the rights of the state. The board may either take  
22          possession of, or cause to be sued for and recovered as aforesaid when necessary, any  
23          real estate believed to have escheated to the state, or may proceed directly to sell all  
24          the right, title and interest of the state therein, without first obtaining possession  
25          thereof and without establishing title thereto by action.

1           **SECTION 16.** 24.251 of the statutes is amended to read:

2           **24.251 Patents, issuance; county may record.** Whenever it shall appear  
3 to the board of ~~commissioners of public lands~~ that all the conditions relating to the  
4 issuance of patents have been complied with, the board may issue patents, and the  
5 county board of any county may cause such patents to be recorded in the county and  
6 pay the cost of such recording.

7           **SECTION 17.** 24.28 of the statutes is amended to read:

8           **24.28 Forfeiture.** In the case of the nonpayment of interest when due  
9 according to the terms of the certificate of sale, or of any taxes which before said  
10 annual interest is paid shall have been returned to the board of ~~commissioners of~~  
11 ~~public lands~~ by the county treasurer as due and unpaid upon such land, or of the  
12 principal when required by the board, such certificate shall become void from the  
13 time of such failure, and the purchaser, the purchaser's heirs and assigns, shall  
14 forfeit all right and interest in the lands described in such certificate; and the board  
15 may take immediate possession thereof and may resell the same as hereinafter  
16 provided.

17           **SECTION 18.** 24.341 of the statutes is amended to read:

18           **24.341 Offset to refund on void sales.** Whenever any claim shall be made  
19 under s. 24.34, the board of ~~commissioners of public lands~~ shall make an  
20 investigation and determination, and offset the value of the use of said land, property  
21 removed therefrom and the damage or injury thereto by such claimant, together with  
22 interest thereon, against the amounts actually paid to the state and to any other  
23 persons on account of the purchase, possession, use, damage or injury to such lands  
24 by said claimants. The refund or payment to be made under s. 24.34 shall in no case

1 be more than the excess, if any, of the amounts paid out by such claimant with  
2 interest over such offset.

3 **SECTION 19.** 24.39 (1) of the statutes is amended to read:

4 24.39 (1) The board of ~~commissioners of public lands~~ may grant leases of parts  
5 or parcels of any public lands except state park lands and state forest lands; grant  
6 easements, leases to enter upon any of said lands to flow the same or to prospect for  
7 and to dig and remove therefrom ore, minerals and other deposits, and sell therefrom  
8 such timber as the board shall find necessary to prevent future loss or damage. All  
9 sales of standing live timber shall be on a selective cutting basis in line with federal  
10 forest practices. Such easements, leases, licenses and sales shall be made only for  
11 a full and fair consideration paid or to be paid to the state, the amount and terms  
12 whereof shall be fixed by said board, and such easements, leases, licenses and sales  
13 shall conform to the requirements, so far as applicable, prescribed by ch. 26 for the  
14 exercise by the department of ~~natural resources~~ of similar powers affecting state  
15 park lands and state forest lands.

16 **SECTION 20.** 24.39 (2) of the statutes is amended to read:

17 24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the  
18 other powers conferred by this section the board of ~~commissioners of public lands~~  
19 shall, so far as it finds it desirable and practicable, request and make proper use of  
20 such services and information as the department of ~~natural resources~~ may be able  
21 to furnish.

22 **SECTION 21.** 24.39 (4) (a) (intro.) of the statutes is amended to read:

23 24.39 (4) (a) (intro.) Subject to pars. (c) and (d) the board of ~~commissioners of~~  
24 ~~public lands~~ may:

25 **SECTION 22.** 24.39 (4) (c) of the statutes is amended to read:



1           24.39 (4) (c) No leases under par. (a) may be executed without a prior finding  
2 of the department of ~~natural resources~~ under s. 30.11 (5) that any proposed physical  
3 change in the area contemplated as the result of the execution of any term lease is  
4 consistent with the public interest in the navigable waters involved.

5           **SECTION 23.** 24.39 (4) (e) of the statutes is amended to read:

6           24.39 (4) (e) Such lease shall be for a term not to exceed 50 years, and shall  
7 include therein any and all conditions and terms the board of ~~commissioners of public~~  
8 ~~lands~~ believes to be necessary in the public interest. A lessee or the lessee's heirs,  
9 successors or assigns of a lease which has reached the end of its term shall have first  
10 opportunity to contract with the board of ~~commissioners of public lands~~ for a new  
11 lease.

12           **SECTION 24.** 24.39 (4) (f) of the statutes is amended to read:

13           24.39 (4) (f) A municipality may sublease rights leased to it under par. (a) 1.  
14 or 2. to corporations or private persons. A municipality may also make physical  
15 improvements on and above the bottoms to which rights were leased from the board  
16 of *commissioners of public lands and may sublease these improvements to*  
17 corporations or private persons. Any subleases under this paragraph shall be  
18 consistent with this subsection and with whatever standards or restrictions the  
19 department of natural resources, acting under s. 30.11 (5), may have found at the  
20 time of execution of the original lease by the board of ~~commissioners of public lands~~  
21 to the municipality.

22           **SECTION 25.** 24.39 (4) (i) of the statutes is amended to read:

23           24.39 (4) (i) All leases entered into by the board of ~~commissioners of public~~  
24 ~~lands~~ under this subsection and s. 30.11 shall be deemed to be subject to this section  
25 and any other applicable laws of this state or of the United States.

1           **SECTION 26.** 24.53 of the statutes is amended to read:

2           **24.53 Investigate land claims; deduct expenses.** The board of  
3 ~~commissioners of public lands~~ shall investigate the rights of the state to school lands,  
4 normal school lands, university lands and agricultural college lands. The expenses  
5 incurred in making these investigations and taking necessary steps to protect  
6 common school lands, normal school lands, university lands and agricultural college  
7 lands and timber on those lands, as well as the expense of necessary surveys, records,  
8 appraisals and sales, upon the approval of the board, shall be deducted from the gross  
9 receipts of the fund to which the proceeds from the sale of the land or timber will be  
10 added.

11           **SECTION 27.** 24.54 (1) of the statutes is amended to read:

12           **24.54 (1)** The department of administration shall provide an office for the  
13 board. The board shall conveniently arrange and preserve in that office all records,  
14 books, reports, surveys, maps, field notes, plats and other papers pertaining to the  
15 public lands owned by the state, including all public lands that have been or shall  
16 be received from the United States or any officer of the United States. The board may  
17 perfect the records, books, reports, surveys, maps, field notes, plats and other papers  
18 when incomplete, and cause copies of those documents to be made when from injury,  
19 loss, use or accident it shall become necessary. Any copy, when certified to be a correct  
20 copy by the executive secretary of the board under the executive secretary's signature  
21 and the official seal of the office to have been made for any of the causes specified in  
22 this subsection, shall have the same force and effect in all courts and places as the  
23 original. Any copy from the original records, books, reports, surveys, maps, field  
24 notes, plats or other papers, or from any record or paper required by law to be kept  
25 in the office, or any copy from a certified copy of one of those documents, when

1 certified by the executive secretary of the board or any member of the board of  
2 ~~commissioners of public lands~~ under the official seal of the board, shall be received  
3 in evidence with the same effect as the original.

✓  
Insert  
10-3 → 4 **SECTION 28.** 25.156 (4) of the statutes is amended to read:

5 25.156 (4) The members of the board shall promulgate rules restricting the  
6 executive director, executive assistant to the executive director, internal auditor,  
7 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,  
8 investment directors and employes from having financial interest, directly or  
9 indirectly, in firms or corporations providing services to the ~~department~~ board and  
10 governing the receipt of gifts or favors therefrom, and also governing personal  
11 investments of all employes including the executive director, executive assistant to  
12 the executive director, internal auditor, chief investment officer, chief financial  
13 officer, chief legal counsel, chief risk officer and investment directors to prevent  
14 conflicts of interest.

15 **SECTION 29.** 25.29 (1) (a) of the statutes is amended to read:

16 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state  
17 for or in behalf of the department of natural resources under chs. 26, 27, 28, 29 and  
18 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99,  
19 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal  
20 government or any of its agencies except as otherwise provided by law.

21 **SECTION 30.** 25.29 (2) of the statutes is amended to read:

22 25.29 (2) License fees and other state moneys collected by each field employe  
23 of the department of natural resources shall be remitted to the department of natural  
24 resources within one month after receipt together with a report of the number of  
25 licenses issued and details covering the type and the amount of money remitted.

1           **SECTION 31.** 25.29 (3) (intro.) of the statutes is amended to read:

2           25.29 (3) (intro.) Funds accruing to the conservation fund from license fees paid  
3 by hunters and from sport and recreation fishing license fees shall not be diverted  
4 for any other purpose than those provided by the department of natural resources,  
5 except:

6           **SECTION 32.** 25.29 (4m) of the statutes is amended to read:

7           25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or  
8 in behalf of the department of natural resources under ch. 29 may be expended or  
9 paid for the enforcement of the treaty-based, off-reservation rights to fish held by  
10 members of federally recognized American Indian tribes or bands domiciled in  
11 Wisconsin.

12           **SECTION 33.** 25.29 (7) (a) of the statutes is amended to read:

13           25.29 (7) (a) Eight percent of the tax levied under s. 70.58 or of the funds  
14 provided for in lieu of the levy shall be used to acquire and develop forests of the state  
15 for the purposes or capable of providing the benefits described under s. 28.04 (2)  
16 within areas approved by the department of natural resources and the governor and  
17 located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan,  
18 Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson,  
19 Racine, Kenosha, Walworth, Rock and Outagamie counties.

20           **SECTION 34.** 25.29 (7) (b) of the statutes is amended to read:

21           25.29 (7) (b) An additional 4% of the tax levied under s. 70.58 or of the funds  
22 provided in lieu of the levy shall be used to purchase forests for the state for the  
23 purposes or capable of providing the benefits described under s. 28.04 (2) within  
24 areas approved by the department of natural resources and the governor and located  
25 within the region specified under par. (a).

✓  
Insert →  
11-25

1 **SECTION 35.** 26.01 of the statutes is repealed.

2 **SECTION 36.** 26.10 of the statutes is amended to read:

3 **26.10 Reports by the department to the board of commissioners of**  
4 **public lands.** The department shall report monthly to the board of commissioners  
5 of public lands all trespasses committed, all materials seized, all sales made and all  
6 moneys received under ss. ~~26.01~~ 26.03 to 26.09.

7 **SECTION 37.** 27.011 of the statutes is amended to read:

8 **27.011 Copper Culture Mounds State Park.** The department of ~~natural~~  
9 ~~resources~~ shall accept a grant of lands in the city of Oconto, Oconto county, and shall  
10 develop and maintain it as a state park to be known as Copper Culture Mounds State  
11 Park.

12 **SECTION 38.** 27.016 (6) of the statutes is amended to read:

13 27.016 (6) Annually, on or before January 1, the department shall review all  
14 applications received under this section in the previous year and shall make the  
15 grants that it approves from the appropriation under s. 20.370 (1) (eq). If insufficient  
16 funds are available to pay all approved grants, the natural resources board shall  
17 prorate the available funds among the applicants in proportion to the approved grant  
18 amounts.

19 **SECTION 39.** 28.005 of the statutes is repealed.

20 **SECTION 40.** 29.601 (4) of the statutes is amended to read:

21 29.601 (4) **USE OF PESTICIDES.** The department of ~~natural resources~~, after public  
22 hearing, may promulgate rules governing the use of any pesticide which it finds is  
23 a serious hazard to wild animals other than those it is intended to control, and the  
24 making of reports about the pesticide. In promulgating the rules, the department

1 to the extent relevant shall consider the need for pesticides to protect the well-being  
2 of the general public. "Pesticide" has the meaning given in s. 94.67.

3 **SECTION 41.** 84.28 (2) of the statutes is amended to read:

4 84.28 (2) The department may administer a program for the construction,  
5 maintenance and marking of roads, including fire roads, service areas, trailer or  
6 vehicle parking stalls or parking areas and other facilities consistent with highway  
7 construction and for the marking of scenic routes in the state parks, state forests, the  
8 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,  
9 other public used areas under the jurisdiction of the department of natural resources  
10 and other public lands as defined in ~~ch. 24 s. 23.05 (2)~~, for highways or fire roads  
11 leading from the most convenient state trunk highways to such lands, and for the  
12 relocation and construction of state trunk highways in or near state parks when  
13 required in the interests of public safety. Within the limitations and for the purposes  
14 of this section, work may be performed by or under the supervision or authority or  
15 with the approval of the department, upon the request for such work filed by the  
16 department of natural resources as to the lower Wisconsin state riverway, as defined  
17 in s. 30.40 (15), or as to state park or forest lands, or by the board of commissioners  
18 of the public lands as to other classes of public lands. Outside the lower Wisconsin  
19 state riverway, as defined in s. 30.40 (15), and outside the limits of the park, state  
20 forest and public land areas, direct connections to the most convenient state trunk  
21 highway may be built or maintained under this section. Roads in unincorporated  
22 areas within 5 miles of the boundaries of the Horicon national wildlife refuge or the  
23 Horicon marsh wildlife area may be built or maintained under this section upon  
24 request of the town board, if the department of transportation certifies that such  
25 roads are or will be used by a substantial number of visitors to such area. Costs

✓  
Insert  
13-2 →

1 incurred under this section shall be the responsibility of the department of natural  
2 resources, commissioners of public lands or town board, as appropriate.

3 **SECTION 42.** 95.21 (1) (f) of the statutes is amended to read:

4 95.21 (1) (f) "Warden" has the meaning designated under s. ~~24.01(11)~~ 23.05(4).

5 **SECTION 43.** 347.06 (4) of the statutes is amended to read:

6 347.06 (4) A duly authorized warden, as defined in s. ~~24.01(11)~~ 23.05(4), may  
7 operate a vehicle owned or leased by the department of natural resources upon a  
8 highway during hours of darkness without lighted headlamps, tail lamps or  
9 clearance lamps in the performance of the warden's duties under s. 29.924 (2).

10 (END)

✓  
Insert  
4-9 →

-3-  
**INSERTS**

**LRB-1063/P1: Remedial Legislation From the Board of Commissioners of Public Lands**

Insert 2-3 →

NOTE: ~~Insert after SECTION 11~~ Currently, definitions located at the beginning of ch. 24, stats., relate to natural resources and public lands administration generally, but they currently also apply to ch. 25, which concerns trust funds. Because most of the definitions in ch. 24 are not relevant to ch. 25, this draft provides that these definitions no longer apply to ch. 25.

Insert 5-8 →

NOTE: ~~Insert after SECTION 9~~ SECTIONS 2 to 9 of the draft change current references to "department of natural resources" in ch. 23 to "department". This is because the definition of department of natural resources, placed at the beginning of ch. 23 by this draft, refers to the department of natural resources as the "department" in chs. 23 through 29.

Insert 5-15 →

NOTE: ~~Insert after SECTION 11~~ SECTIONS 1 and 11 to 14 renumber definitions which are currently located in ch. 24, stats., and place them in ch. 23, stats. Under current law, these definitions are placed at the beginning of ch. 24. However, because these definitions apply to chs. 23 and 24 and 26 to 29, they are more appropriately placed at the beginning of ch. 23.

Insert 10-3 →

NOTE: ~~Insert after SECTION 21~~ In SECTIONS 15 to 27, references to the "department of natural resources", "board of commissioners of public lands", or both, which appear in the statutes affected in those SECTIONS, are deleted and are replaced with the terms "department" and "board", respectively. This change is made because department of natural resources is referred to as the "department" in the definition of the DNR at the beginning of ch. 23, and the term "board of commissioners of public lands" is also referred to as the "board" in the definition of the board of commissioners of public lands in s. 24.01 (2), stats.

add quotation marks ↙

Insert 11-25 →

NOTE: ~~Insert after SECTION 31~~ SECTIONS 28 to 34 change the reference in ch. 25 from "department" to "department of natural resources". This is because this draft makes the definition of department of natural resources, in ch. 23 under this draft, inapplicable to ch. 25. Therefore, the entire term "department of natural resources" must be used when it is mentioned in ch. 25.

Insert 12-1 →

NOTE: ~~Insert after SECTION 25~~ This SECTION repeals the definition of department of natural resources in ch. 26. This is because in SECTION 1 of the draft, the definition of "department of natural resources" placed in ch. 23 is also made applicable to ch. 26.

Insert 12-6 →

NOTE: ~~Insert after SECTION 30~~ This SECTION deletes a reference to s. 26.01, stats., since this section is repealed in this draft.



Insert  
12-11



NOTE: ~~Insert after SECTION 37~~ This SECTION deletes the reference to "department of natural resources" in ch. 27 and replaces it with "department". The definition of "department of natural resources" at the beginning of ch. 23, in which it is referred to as "the department", is applicable to ch. 27.

← add comma (after quotation marks)

Insert  
12-18



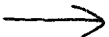
NOTE: ~~Insert after SECTION 184~~ In this SECTION, the term "natural resources" modifies "board". This is necessary because in ch. 27, the term "board" refers to the board of commissioners of public lands, not the board of natural resources.

✓  
Insert  
12-19



NOTE: ~~Insert after SECTION 39~~ This SECTION repeals the definition of "department of natural resources" in ch. 28. This is because, under SECTION 1, the definition of "department of natural resources" created in ch. 23 applies to ch. 28.

✓  
Insert  
13-2



NOTE: ~~Insert after SECTION 40~~ This SECTION deletes the reference to "department of natural resources" and replaces it with "department". The definition of "department of natural resources" at the beginning of ch. 23, in which it is referred to as "the department", is applicable to ch. 29.

Insert  
14-9

NOTE: ~~Insert after SECTION 43~~ SECTIONS 41, 42 and 43 change cross-references to definitions currently existing in ch. 24 to the renumbered definitions in ch. 23.