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State of Wisconsin  
2005 - 2006 LEGISLATURE

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D-Note

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2005 ASSEMBLY BILL 254

repeal cat

1 AN ACT *to amend* 28.04 (2) (a), 28.04 (2) (b), 28.04 (2) (c), 28.04 (3) (a), 28.04 (3)  
2 (b) and 93.07 (12); and *to create* 23.114, 23.135, 28.025, 28.04 (1) (br) and 28.05  
3 (3) of the statutes; **relating to:** managing state forest lands, harvesting of  
4 timber from certain forested properties, emergencies on state forest lands,  
5 providing an exemption from emergency rule procedures, and requiring the  
6 exercise of rule-making authority.

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

7 SECTION 1. 23.114 of the statutes is created to read:

8 **23.114 Duties of the chief state forester.** (1) (a) In this section, "state forest  
9 land" means all forested lands owned by this state and under the jurisdiction of the  
10 department.

11 (b) Except as provided in par. (c), the chief state forester may declare, and shall  
12 manage, emergencies that threaten state forest lands. The department shall

1 promulgate rules specifying those emergencies over which the chief state forester  
2 shall have management responsibility. The emergencies specified in the rules shall  
3 include invasive species or pest infestation, disease, and damage to timber from fire,  
4 snow, hail, ice, or wind.

5 (c) Paragraph (b) does not apply to a state of emergency declared by the  
6 governor under s. 166.03 and does not supersede the authority of the department of  
7 agriculture, trade and consumer protection under ch. 94.

8 (2) The chief state forester shall report directly to the secretary of the  
9 department.

10 SECTION 2. 23.135 of the statutes is created to read:

11 **23.135 Forest land inventory and report.** (1) In this section, "state forest  
12 land" means any parcel of 10 or more contiguous acres of forested land owned by this  
13 state and under the jurisdiction of the department.

14 (2) The department shall undertake and maintain a current inventory of state  
15 forest lands. The inventory shall specify the condition <sup>of the</sup> of the state forest lands and  
16 ~~their~~ forest resources in state forest lands

17 (3) If the department prohibits the use of timber harvesting on any state forest  
18 land, the department shall prepare a report that contains a projection of the  
19 long-term forest health effects, a projection of the economic effects, and a projection  
20 of the public benefits that result from that prohibition.

21 (4) (a) Except as provided in par. (b), if the department is required to prepare  
22 a report under sub. (3) for any state forest land, the department shall prepare that  
23 report by January 1, 2010, and every 15 years thereafter.

1 (b) If the department is required to prepare a report under sub. (3) for any state  
2 forest land for which a master plan has not been approved, the department shall  
3 prepare that report upon approval of the master plan and every 15 years thereafter.

4 (5) The department shall submit the report required under sub. (3) to the  
5 council on forestry and to the appropriate standing committee in each house of the  
6 legislature under s. 13.172 (3).

7 **SECTION 3.** 28.025 of the statutes is created to read:

8 **28.025 Annual allowable timber harvests.** (1) In this section, “forested  
9 property” means forested property owned by this state and under the  
10 jurisdiction of the department from which timber is harvested.

11 (2) The department shall establish annual allowable timber harvests for each  
12 forested property. The department may establish a single annual allowable timber  
13 harvest that applies to 2 or more forested properties in a particular region of this  
14 state, as determined by the department, if each one of those forested properties is  
15 smaller than 5,000 <sup>forested</sup> acres and if all of the proceeds from the sale of timber harvested  
16 on those combined forested properties are credited to appropriations under s. 20.370  
17 that provide funding for the same purpose, as determined by the department.

18 (3) (a) 1. By January 1, 2007, and biennially thereafter, the department shall  
19 submit a report to the council on forestry specifying the total timber harvest on each  
20 forested property for the previous biennium, except as provided under par. (b).

21 2. Notwithstanding subd. 1, the department shall submit its report to the  
22 council on forestry as required under subd. 1. by January 1, 2009, and biennially  
23 thereafter, if the forested property that is the subject of the report has not been  
24 inventoried by the department under s. 23.135.

1 (b) If, under sub. (2), the department establishes an annual allowable timber  
2 harvest for combined forest properties, the department may submit a report that  
3 specifies the total timber harvest for these combined properties.

4 (c) If the department submits a report under this section that states that the  
5 timber harvest for forested property in any biennium is less than 90 percent, or more  
6 than 110 percent, of the allowable timber harvest established under sub. (2), the  
7 council on forestry shall prepare a report containing *the reasons for noncompliance and*  
8 of ensuring that the timber harvest is consistent with the annual allowable timber  
9 harvest established by the department under sub. (2). The council on forestry shall  
10 submit the report to the governor *and to the appropriate standing committees of the*  
11 legislature under s. 13.172 (3). *to the departments*

12 SECTION 4. 28.04 (1) (br) of the statutes is created to read:

13 28.04 (1) (br) "Division" means the division of forestry in the department.

14 SECTION 5. 28.04 (2) (a) of the statutes is amended to read:

15 28.04 (2) (a) The ~~department~~ division shall manage the state forests forest  
16 lands to benefit the present and future generations of residents of this state,  
17 recognizing that the state forests forest lands contribute to local and statewide  
18 economies and to a healthy natural environment. The ~~department~~ division shall  
19 assure the practice of sustainable forestry and use it to assure that state forests  
20 forest lands can provide a full range of benefits for present and future generations.  
21 The ~~department~~ division shall also assure that the management of state forests *is*  
22 consistent with the ecological capability of the state forest land and with the  
23 long-term maintenance of sustainable forest communities and ecosystems. These  
24 benefits include soil protection, public hunting, protection of water quality,  
25 production of recurring forest products, outdoor recreation, native biological

*Forest lands*

1 diversity, aquatic and terrestrial wildlife, and aesthetics. The range of benefits  
2 provided by the department division in each state forest shall reflect its unique  
3 character and position in the regional landscape. land

4 SECTION 6. 28.04 (2) (b) of the statutes is amended to read:

5 28.04 (2) (b) In managing the state forests, the department division shall  
6 recognize that not all benefits under par. (a) can or should be provided in every area  
7 of a state forest. land

8 SECTION 7. 28.04 (2) (c) of the statutes is amended to read:

9 28.04 (2) (c) In managing ~~the state forests~~ forest land, the department division shall  
10 recognize that management may consist of both active and passive techniques.

11 SECTION 8. 28.04 (3) (a) of the statutes is amended to read:

12 28.04 (3) (a) The department division shall prepare a plan plans for each state forest the  
13 lands that describes how the state forest land will be managed. The department division shall forester  
14 work with the public to identify property goals and objectives that are consistent with  
15 the purposes under sub. (2). The department division shall identify in each plan the  
16 objectives of management for distinct areas of the state forest. plain land

17 SECTION 9. 28.04 (3) (b) of the statutes is amended to read:

18 28.04 (3) (b) The department division shall establish procedures for the  
19 preparation and modification of these plans, including procedures for public  
20 participation. In preparing and modifying plans under this subsection, the  
21 department division shall use the best available information regarding the purposes  
22 and benefits of ~~the state forests~~ forest land that the department division acquires through  
23 inventories, evaluations, monitoring and research. In evaluating such information,  
24 the department division shall consider both regional and local scales, including the  
25 impact on local economies. As new information becomes available, the department

lands

plans

1 division shall adapt its management of the state forest and, if necessary, the plan for  
2 the state forest. lands

3 SECTION 10. 28.05 (3) of the statutes is created to read:

4 28.05 (3) COOPERATING FORESTERS. (a) The department shall, by rule, establish  
5 a program that allows private cooperating foresters to assist the state in the  
6 harvesting and sale of timber from state forest lands to meet the annual allowable  
7 timber harvest established under s. 28.025. The rule shall include provisions  
8 authorizing the department to contract with cooperating foresters for the purpose of  
9 harvesting and selling timber from state forest lands and authorizing cooperating  
10 foresters to receive a portion of the proceeds from each timber sale. The department  
11 shall establish in the rule a method for determining what portion of the proceeds  
12 received from each timber sale shall be paid to the private cooperating foresters for  
13 their services in assisting the division in the harvesting and sale of timber from state  
14 forest lands. The division shall ask the council on forestry to recommend a method  
15 for determining what portion of the proceeds received from each timber sale shall be  
16 paid to private cooperating foresters under the rule.

17 (b) Each private cooperating forester with whom the department contracts  
18 under par. (a) to harvest and sell timber from state forest lands shall be entitled to  
19 receive a portion of the proceeds from the sale of such timber in the amount  
20 determined by the department under par. (a).

21 SECTION 11. 93.07 (12) of the statutes is amended to read:

22 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection  
23 and control of injurious pests, injuriously to plants make, modify, and enforce reasonable rules needed to  
24 prevent the dissemination of pests, declare and manage emergencies relating to the  
25 detection and control of injurious pests, provided that such declaration does not

injuriously to plants

*of the department of natural resources under s. 26.30*

1 supersede the authority of the chief state forester under s. 23.114 and suggest  
2 methods of control.

3 **SECTION 12. Nonstatutory provisions.**

4 (1) The department of natural resources shall submit in proposed form the  
5 rules required under sections 23.114 (1) (b) and 28.05 (3) of the statutes, as created  
6 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
7 later than the first day of the 6th month beginning after the effective date of this  
8 subsection, unless the secretary of administration requires the department of  
9 natural resources to prepare an economic impact report under section 227.137 of the  
10 statutes for the proposed rules.

11 (2) Using the procedure under section 227.24 of the statutes, the department  
12 of natural resources shall promulgate rules required under sections 23.114 (1) (b)  
13 and 28.05 (3) of the statutes, as created by this act, for the period before the effective  
14 date of the permanent rules submitted under subsection (1). Notwithstanding  
15 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
16 subsection remain in effect until the date on which permanent rules take effect.  
17 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
18 required to provide a finding of emergency for a rule promulgated under this  
19 subsection.

20 **SECTION 13. Effective dates.** This act takes effect on the day after publication,  
21 except as follows:

22 (1) The treatment of sections 23.135 and 28.025 of the statutes takes effect on  
23 the first day of the 13th month beginning after publication.

1 (2) The treatment of sections 23.114 (1) (b) and 28.05 (3) of the statutes takes  
2 effect on the first day of the 4th month beginning after publication.

3 (END)

*dn*



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

(date)

2  
LRBs0089/1dn  
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Keep

I did make a change in the suggested language on page 2, lines 15-16 (s. 23.135 (2)) because the sentence was difficult to understand. I did not change the substance. ✓ ✓ ✓

On s. 93.07 (12), I used the phrase "pests injurious to plants" instead of the suggested language because pest in ch. 93 include pests injurious to animals, which is too broad. Again, I don't think this changes the substance. ✓ ✓

For consistency, in addition to the places where you added "land" or "lands", I added the same words in ss. 28.04 (2) (b) and (c) and (3) (a) and (b). We need to have the same words mean the same thing. ✓

I changed "plan" to "plans" in s. 28.04 (3) (b) for consistency. ✓

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

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

LRBs0089/2dn  
RNK:lmk:jf

April 25, 2005

I did make a change in the suggested language on page 2, lines 15–16 (s. 23.135 (2)) because the sentence was difficult to understand. I did not change the substance.

On s. 93.07 (12), I used the phrase “pests injurious to plants” instead of the suggested language because pest in ch. 93 include pests injurious to animals, which is too broad. Again, I don’t think this changes the substance.

For consistency, in addition to the places where you added “land” or “lands”, I added the same words in ss. 28.04 (2) (b) and (c) and (3) (a) and (b). We need to have the same words mean the same thing.

I changed “plan” to “plans” in s. 28.04 (3) (b) for consistency.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**Nelson, Robert P.**

**From:** Gary, Tim  
**Sent:** Monday, April 25, 2005 3:11 PM  
**To:** Nelson, Robert P.  
**Subject:** I'll send the stripes.

Bob,

Could you please make changes to LRB 0089/2 to reflect the following: (Blue = Insertion, Red = Deletion)

**28.04 Management of state forests.**

(1) DEFINITIONS. In this section:

(a) "Biological diversity" means the variety and abundance of species, their genetic composition, and the communities, ecosystems and landscapes in which they occur. "Biological diversity" also refers to the variety of ecological structures, functions and processes at any of these levels.

(b) "Community" means an assemblage of species living together in a particular area, time and habitat.

(br) "Division" means the division of forestry in the department.

(bX) "State forest land" means any parcel of 10 or more contiguous acres of forested land owned by this state under the jurisdiction of the department.

(c) "Ecological capability" means the potential of an area to support or develop one or more communities through management, with the potential being dependent on the area's abiotic attributes, its flora and fauna, its ecological processes and disturbances within and upon the area.

(d) "Native" means indigenous to the area or region.

(e) "Sustainable forestry" means the practice of managing dynamic forest ecosystems to provide ecological, economic, social and cultural benefits for present and future generations.

(2) PURPOSES AND BENEFITS OF STATE FORESTS.

(a) The ~~department division~~ shall manage the state ~~forests~~ forest lands to benefit the present and future generations of residents of this state, recognizing that ~~the state forests~~ forest lands contribute to local and statewide economies and to a healthy natural environment. The ~~department division~~ shall assure the practice of sustainable forestry and use it to assure that state ~~forests~~ forest lands can provide a full range of benefits for present and future generations. The ~~department division~~ shall also assure that the management of state ~~forests~~ forest lands is consistent with the ecological capability of ~~the~~ state forest land lands and with the long-term maintenance of sustainable forest communities and ecosystems. These benefits include soil protection, public hunting, protection of water quality, production of recurring forest products, outdoor recreation, native biological diversity, aquatic and terrestrial wildlife, and aesthetics. The range of benefits provided by the ~~department division~~ in each state forest land shall reflect its unique character and position in the regional landscape.

(b) In managing the state forests, the ~~department division~~ shall recognize that not all benefits under par. (a) can or should be provided in every area of a state forest land.

(c) In managing the state ~~forests~~ forest lands, the ~~department division~~ shall recognize that management may consist of both active and passive techniques.

(3) STATE FOREST PLANS.

(a) The ~~department division~~ shall prepare a ~~plan~~ plans for each ~~the~~ state forest lands that describes how the state forest lands will be managed. The ~~department division~~ shall work with the public to identify property goals and objectives that are consistent with the purposes under sub. (2). The ~~department division~~ shall identify in each plan the objectives of management for distinct areas of the state forest land.

(b) The ~~department division~~ shall establish procedures for the preparation and modification of these plans, including procedures for public participation. In preparing and modifying plans under this subsection, the ~~department division~~ shall use the best available information regarding the purposes and benefits of the state ~~forests~~ forest lands that the ~~department division~~ acquires through inventories, evaluations, monitoring and research. In evaluating such information, the ~~department division~~ shall consider both regional and local scales, including the impact on local economies. As new information becomes available, the ~~department division~~ shall adapt its management of the state forest and, if necessary, the ~~plan~~ plans for the state forest lands.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0089/2<sup>3</sup>  
RNK:lmk&jld/jf

keep

now

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2005 ASSEMBLY BILL 254

1 AN ACT *to amend* 28.04 (2) (a), 28.04 (2) (b), 28.04 (2) (c), 28.04 (3) (a), 28.04 (3)  
2 (b) and 93.07 (12); and *to create* 23.114, 23.135, 28.025, 28.04 (1) (br) and 28.05  
3 (3) of the statutes; **relating to:** managing state forest lands, harvesting of  
4 timber from certain forested properties, emergencies on state forest lands,  
5 providing an exemption from emergency rule procedures, and requiring the  
6 exercise of rule-making authority.

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

7 SECTION 1. 23.114 of the statutes is created to read:

8 **23.114 Duties of the chief state forester.** (1) (a) In this section, "state forest  
9 land" means all forested lands owned by this state and under the jurisdiction of the  
10 department.

11 (b) Except as provided in par. (c), the chief state forester may declare, and shall  
12 manage, emergencies that threaten state forest lands. The department shall

1 promulgate rules specifying those emergencies over which the chief state forester  
2 shall have management responsibility. The emergencies specified in the rules shall  
3 include invasive species or pest infestation, disease, and damage to timber from fire,  
4 snow, hail, ice, or wind.

5 (c) Paragraph (b) does not apply to a state of emergency declared by the  
6 governor under s. 166.03 and does not supersede the authority of the department of  
7 agriculture, trade and consumer protection under ch. 94.

8 (2) The chief state forester shall report directly to the secretary of the  
9 department.

10 **SECTION 2.** 23.135 of the statutes is created to read:

11 **23.135 Forest land inventory and report.** (1) In this section, “state forest  
12 land” means any parcel of 10 or more contiguous acres of forested land owned by this  
13 state and under the jurisdiction of the department.

14 (2) The department shall undertake and maintain a current inventory of state  
15 forest lands. The inventory shall specify the condition of the forest resources in state  
16 forest lands.

17 (3) If the department prohibits the use of timber harvesting on any state forest  
18 land, the department shall prepare a report that contains a projection of the  
19 long-term forest health effects, a projection of the economic effects, and a projection  
20 of the public benefits that result from that prohibition.

21 (4) (a) Except as provided in par. (b), if the department is required to prepare  
22 a report under sub. (3) for any state forest land, the department shall prepare that  
23 report by January 1, 2010, and every 15 years thereafter.

1 (b) If the department is required to prepare a report under sub. (3) for any state  
2 forest land for which a master plan has not been approved, the department shall  
3 prepare that report upon approval of the master plan and every 15 years thereafter.

4 (5) The department shall submit the report required under sub. (3) to the  
5 council on forestry and to the appropriate standing committee in each house of the  
6 legislature under s. 13.172 (3).

7 **SECTION 3.** 28.025 of the statutes is created to read:

8 **28.025 Annual allowable timber harvests.** (1) In this section, “forested  
9 property” means forested property owned by this state and under the  
10 jurisdiction of the department from which timber is harvested.

11 (2) The department shall establish annual allowable timber harvests for each  
12 forested property. The department may establish a single annual allowable timber  
13 harvest that applies to 2 or more forested properties in a particular region of this  
14 state, as determined by the department, if each one of those forested properties is  
15 smaller than 5,000 forested acres and if all of the proceeds from the sale of timber  
16 harvested on those combined forested properties are credited to appropriations  
17 under s. 20.370 that provide funding for the same purpose, as determined by the  
18 department.

19 (3) (a) 1. By January 1, 2007, and biennially thereafter, the department shall  
20 submit a report to the council on forestry specifying the total timber harvest on each  
21 forested property for the previous biennium, except as provided under par. (b).

22 2. Notwithstanding subd. 1, the department shall submit its report to the  
23 council on forestry as required under subd. 1. by January 1, 2009, and biennially  
24 thereafter, if the forested property that is the subject of the report has not been  
25 inventoried by the department under s. 23.135.

1 (b) If, under sub. (2), the department establishes an annual allowable timber  
2 harvest for combined forest properties, the department may submit a report that  
3 specifies the total timber harvest for these combined properties.

4 (c) If the department submits a report under this section that states that the  
5 timber harvest for forested property in any biennium is less than 90 percent, or more  
6 than 110 percent, of the allowable timber harvest established under sub. (2), the  
7 council on forestry shall prepare a report containing the reasons for noncompliance  
8 and recommendations on methods of ensuring that the timber harvest is consistent  
9 with the annual allowable timber harvest established by the department under sub.  
10 (2). The council on forestry shall submit the report to the governor, to the  
11 department, and to the appropriate standing committees of the legislature under s.  
12 13.172 (3).

13 SECTION 4. 28.04 (1) (br) of the statutes is created to read:

14 28.04 (1) (br) "Division" means the division of forestry in the department.

15 SECTION 5. 28.04 (2) (a) of the statutes is amended to read:

16 28.04 (2) (a) The ~~department~~ division shall manage the state ~~forests~~ forest  
17 lands to benefit the present and future generations of residents of this state,  
18 recognizing that the state ~~forests~~ forest lands contribute to local and statewide  
19 economies and to a healthy natural environment. The ~~department~~ division shall  
20 assure the practice of sustainable forestry and use it to assure that state ~~forests~~  
21 forest lands can provide a full range of benefits for present and future generations.

22 The ~~department~~ division shall also assure that the management of state ~~forests~~  
23 forest lands is consistent with the ecological capability of ~~the state forest land~~ <sup>lands</sup> and  
24 with the long-term maintenance of sustainable forest communities and ecosystems.

25 These benefits include soil protection, public hunting, protection of water quality,

SEC # CR; 28.04<sup>x</sup> (1) (ds)  
28.04 (1) (ds) = state forest lands has the meaning  
given in s. 23.135 (1) (a)

1 production of recurring forest products, outdoor recreation, native biological  
2 diversity, aquatic and terrestrial wildlife, and aesthetics. The range of benefits  
3 provided by the department division in each state forest land shall reflect its unique  
4 character and position in the regional landscape.

5 **SECTION 6.** 28.04 (2) (b) of the statutes is amended to read:

6 28.04 (2) (b) In managing the state forests, the department division shall  
7 recognize that not all benefits under par. (a) can or should be provided in every area  
8 of a state forest land.

9 **SECTION 7.** 28.04 (2) (c) of the statutes is amended to read:

10 28.04 (2) (c) In managing the state forests forest land, the department division  
11 shall recognize that management may consist of both active and passive techniques.

12 **SECTION 8.** 28.04 (3) (a) of the statutes is amended to read:

13 28.04 (3) (a) The department division shall prepare ~~a plan~~ plans for each the  
14 state forest lands that describes how the state forest ~~land~~ <sup>lands</sup> will be managed. The  
15 department division shall work with the public to identify property goals and  
16 objectives that are consistent with the purposes under sub. (2). The department  
17 division shall identify in each plan the objectives of management for distinct areas  
18 of the state forest land.

19 **SECTION 9.** 28.04 (3) (b) of the statutes is amended to read:

20 28.04 (3) (b) The department division shall establish procedures for the  
21 preparation and modification of these plans, including procedures for public  
22 participation. In preparing and modifying plans under this subsection, the  
23 department division shall use the best available information regarding the purposes  
24 and benefits of the state forests forest land that the department division acquires  
25 through inventories, evaluations, monitoring and research. In evaluating such



1 information, the department division shall consider both regional and local scales,  
2 including the impact on local economies. As new information becomes available, the  
3 department division shall adapt its management of the state forest land and, if  
4 necessary, the plan plans for the state forest lands.

5 **SECTION 10.** 28.05 (3) of the statutes is created to read:

6 28.05 (3) COOPERATING FORESTERS. (a) The department shall, by rule, establish  
7 a program that allows private cooperating foresters to assist the state in the  
8 harvesting and sale of timber from state forest lands to meet the annual allowable  
9 timber harvest established under s. 28.025. The rule shall include provisions  
10 authorizing the department to contract with cooperating foresters for the purpose of  
11 harvesting and selling timber from state forest lands and authorizing cooperating  
12 foresters to receive a portion of the proceeds from each timber sale. The department  
13 shall establish in the rule a method for determining what portion of the proceeds  
14 received from each timber sale shall be paid to the private cooperating foresters for  
15 their services in assisting the division in the harvesting and sale of timber from state  
16 forest lands. The division shall ask the council on forestry to recommend a method  
17 for determining what portion of the proceeds received from each timber sale shall be  
18 paid to private cooperating foresters under the rule.

19 (b) Each private cooperating forester with whom the department contracts  
20 under par. (a) to harvest and sell timber from state forest lands shall be entitled to  
21 receive a portion of the proceeds from the sale of such timber in the amount  
22 determined by the department under par. (a).

23 **SECTION 11.** 93.07 (12) of the statutes is amended to read:

24 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection  
25 and control of injurious pests injurious to plants, make, modify, and enforce

1 reasonable rules needed to prevent the dissemination of pests, declare and manage  
2 emergencies relating to the detection and control of pests injurious to plants,  
3 provided that such declaration does not supersede the authority of the chief state  
4 forester under s. 23.114 or the department of natural resources under s. 26.30, and  
5 suggest methods of control.

6 **SECTION 12. Nonstatutory provisions.**

7 (1) The department of natural resources shall submit in proposed form the  
8 rules required under sections 23.114 (1) (b) and 28.05 (3) of the statutes, as created  
9 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
10 later than the first day of the 6th month beginning after the effective date of this  
11 subsection, unless the secretary of administration requires the department of  
12 natural resources to prepare an economic impact report under section 227.137 of the  
13 statutes for the proposed rules.

14 (2) Using the procedure under section 227.24 of the statutes, the department  
15 of natural resources shall promulgate rules required under sections 23.114 (1) (b)  
16 and 28.05 (3) of the statutes, as created by this act, for the period before the effective  
17 date of the permanent rules submitted under subsection (1). Notwithstanding  
18 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
19 subsection remain in effect until the date on which permanent rules take effect.  
20 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
21 required to provide a finding of emergency for a rule promulgated under this  
22 subsection.

23 **SECTION 13. Effective dates.** This act takes effect on the day after publication,  
24 except as follows:

