

1 ~~SECTION 731.~~ 66.0307 (4) (a) 1. of the statutes is amended to read:

2 66.0307 (4) (a) 1. The department, the department of natural resources, the
3 department of environmental quality, the department of agriculture, trade and
4 consumer protection and the department of transportation.

5 SECTION 732. 66.0407 (5) of the statutes is amended to read:

6 66.0407 (5) This section does not apply to Canada thistle or annual noxious
7 weeds that are located on land that the department of natural resources or the
8 department of agriculture, trade and consumer protection owns, occupies, or controls
9 and that is maintained in whole or in part as habitat for wild birds by the either
10 department of ~~natural resources~~.

11 SECTION 733. 66.1006 of the statutes is amended to read:

12 **66.1006 Department of ~~natural resources~~ environmental quality**
13 **approval of discontinuance.** No resolution, ordinance, order, or similar action of
14 a town board or county board, or of a committee of a town board or county board,
15 discontinuing any highway, street, alley, or right-of-way that provides public access
16 to any navigable lake or stream shall be effective until such resolution, ordinance,
17 order, or similar action is approved by the department of ~~natural resources~~
18 environmental quality.

19 SECTION 734. 66.1105 (2) (k) of the statutes is amended to read:

20 66.1105 (2) (k) "Tax incremental district" means a contiguous geographic area
21 within a city defined and created by resolution of the local legislative body, consisting
22 solely of whole units of property as are assessed for general property tax purposes,
23 other than railroad rights-of-way, rivers or highways. Railroad rights-of-way,
24 rivers or highways may be included in a tax incremental district only if they are
25 continuously bounded on either side, or on both sides, by whole units of property as

INS.
95-6

1 considered superfluous, discarded, or fugitive material. The department of ~~natural~~
2 ~~resources environmental quality~~ and department of health and family services shall
3 make recommendations upon request to the department of revenue regarding such
4 property. All property purchased or upon which construction began prior to
5 July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

6 **SECTION 739.** 70.11 (21) (b) of the statutes is amended to read:

7 70.11 (21) (b) The books and records of owners of property covered by this
8 subsection shall be open to examination by representatives of the department of
9 ~~natural resources environmental quality~~, department of health and family services
10 and department of revenue.

11 **SECTION 740.** 70.113 (1) (intro.) of the statutes is amended to read:

12 70.113 (1) (intro.) As soon after April 20 of each year as is feasible, the
13 department of natural resources shall pay to the city, village, or town treasurer all
14 of the following amounts from the following appropriations for each acre situated in
15 the municipality of ~~state forest lands, as defined in s. 28.02 (1)~~, state parks under s.
16 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges
17 operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or
18 29.749 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department
19 of natural resources or leased from the federal government by the department of
20 natural resources:

Λ

21 **SECTION 741.** 70.113 (1m) of the statutes is created to read:

22 70.113 (1m) As soon after April 20 of each year as is feasible, the department
23 of agriculture, trade and consumer protection shall pay to the city, village, or town
24 treasurer all of the following amounts from the following appropriations for each acre
25 situated in the municipality that is state forest land, as defined in s. 28.02 (1)

INS.
98-11



2

SECTION 741

INS.
98-11
cont.

1 (a) Eighty cents, to be paid from the appropriation under s. 20.115 (5) (d) or (s). ✓

2 (b) Eight cents, to be paid from the appropriation under s. 20.115 (5) (s). ✓

3 **SECTION 742.** 70.113 (2) (a) of the statutes is amended to read:

4 70.113 (2) (a) Towns, cities or villages shall be paid for state forest lands as
5 defined in s. 28.02 (1), state parks under s. 27.01, and other lands acquired under s.
6 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or 29.749 (1) located within such
7 municipality and acquired after June 30, 1969. Such payments shall be ~~made from~~
8 ~~the appropriation under s. 20.370 (5) (da) or (dq) and~~ remitted by the department of
9 natural resources or the department of agriculture, trade and consumer protection
10 in the amounts certified by the department of revenue according to par. (b).

11 **SECTION 743.** 70.114 (1) (a) of the statutes is repealed. ✕

12 **SECTION 744.** 70.114 (1) (c) of the statutes is amended to read:

13 70.114 (1) (c) "Land" means state ~~forests~~ forest lands, as defined in s. 28.02 (1),
14 that are acquired after December 31, 1991, state parks that are acquired after
15 December 31, 1991, under s. 27.01 and other areas that are acquired after
16 December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or
17 29.749 (1).

18 **SECTION 745.** 70.114 (1) (d) of the statutes is amended to read:

19 70.114 (1) (d) "Purchase price" means the amount paid by the department of
20 natural resources or the department of agriculture, trade and consumer protection
21 for a fee simple interest in real property. "Purchase price" does not include
22 administrative costs incurred by the applicable department to acquire the land, such
23 as legal fees, appraisal costs or recording fees. If real estate is transferred by gift to
24 the applicable department ~~by gift~~ or is sold to the applicable department for an
25 amount that is less than the estimated fair market value of the property as shown

INS.
98-11
cont.

1 on the property tax bill prepared for the prior year under s. 74.09, "purchase price"
2 means an amount equal to the estimated fair market value of the property as shown
3 on that tax bill. If the real estate is exempt from taxation at the time that it is
4 transferred or sold to the applicable department and if the property was not sold at
5 an arm's-length sale, "purchase price" means the fair market value of the real estate
6 at the time that the applicable department takes title to it.

7 **SECTION 746.** 70.114 (2) of the statutes is amended to read:

8 70.114 (2) APPLICATION. For all land acquired after December 31, 1991, the
9 department of natural resources and the department of agriculture, trade and
10 consumer protection shall pay aids in lieu of taxes under this section and not under
11 s. 70.113.

12 **SECTION 747.** 70.114 (3) of the statutes is amended to read:

13 70.114 (3) ASCERTAINING RATE. Each year, the department of natural resources
14 and the department of agriculture, trade and consumer protection shall ascertain
15 from the clerks of the taxation district the aggregate net general property tax rate
16 for taxation districts to which aids are paid under this section.

17 **SECTION 748.** 70.114 (4) (a) of the statutes is amended to read:

18 70.114 (4) (a) On or before January 31, the department of natural resources
19 shall pay to each treasurer of a taxation district, with respect to each parcel of land
20 acquired by and that is under the jurisdiction of, the department and that is within
21 the taxation district on or before January 1 of the preceding year, an amount
22 determined under par. (ar).

23 ^ (ar) The amount to be paid under par. (a) or (ag) shall be determined by
24 multiplying each parcel's estimated value equated to the average level of assessment
25 in the taxation district by the aggregate net general property tax rate that would

1 apply to the parcel of land if it were taxable, as shown on property tax bills prepared
2 for that year under s. 74.09. ^

3 SECTION 749. 70.114 (4) (ag) of the statutes is created to read:

4 70.114 (4) (ag) On or before January 31, the department of agriculture, trade
5 and consumer protection shall pay to each treasurer of a taxation district, with
6 respect to each parcel of land acquired by, and that is under the jurisdiction of, the
7 department of agriculture, trade and consumer protection and that is within the
8 taxation district on or before January 1 of the preceding year an amount determined
9 under par. (ar). ✓

10 SECTION 750. 70.114 (4) (b) of the statutes is amended to read:

11 70.114 (4) (b) On or before February 15, the taxation district treasurer shall
12 pay to the treasurer of each taxing jurisdiction, from the amount received under ~~par.~~
13 pars. (a) and (ag), the taxing jurisdiction's proportionate share of the tax that would
14 be levied on the parcel if it were taxable.

15 SECTION 751. 70.32 (2) (c) 4. of the statutes is amended to read:

16 70.32 (2) (c) 4. "Undeveloped land" means bog, marsh, lowland brush,
17 uncultivated land zoned as shoreland under s. 59.692 and shown as a wetland on a
18 final map under s. ~~23.32~~ 278.32 or other nonproductive lands not otherwise classified
19 under this subsection.

20 SECTION 752. 70.375 (4) (o) of the statutes is amended to read:

21 70.375 (4) (o) Actual and necessary reclamation and restoration costs
22 associated with a mine in this state, including payments for future reclamation and
23 postmining costs which are required by law or by department of ~~natural resources~~
24 environmental quality order and fees and charges under chs. 281, 285 or 289 to 299
25 not otherwise deductible under this section. Any refunds of escrowed or reserve fund

END
INS.
98-11

SECTION 759

1 ~~75.105 (1) (a) "Department" means the department of natural resources~~
2 ~~environmental quality.~~

3 ~~SECTION 760.~~ 75.106 (1) (b) of the statutes is amended to read:

4 ~~75.106 (1) (b) "Department" means the department of natural resources~~
5 ~~environmental quality.~~

6 **SECTION 761.** 77.02 (1) of the statutes is amended to read:

7 ~~77.02 (1) PETITION. The owner of an entire quarter quarter section, fractional~~
8 ~~lot or government lot as determined by U.S. government survey plat, excluding~~
9 ~~public roads and railroad rights-of-way that may have been sold, may file with the~~
10 ~~department of natural resources agriculture, trade and consumer protection a~~
11 ~~petition stating that the owner believes the lands therein described are more useful~~
12 ~~for growing timber and other forest crops than for any other purpose, that the owner~~
13 ~~intends to practice forestry thereon, that all persons holding encumbrances thereon~~
14 ~~have joined in the petition and requesting that such lands be approved as "Forest~~
15 ~~Croplands" under this subchapter. Whenever any such land is encumbered by a~~
16 ~~mortgage or other indenture securing any issue of bonds or notes, the trustee named~~
17 ~~in such mortgage or indenture or any amendment thereto may join in such petition,~~
18 ~~and such action shall for the purpose of this section be deemed the action of all~~
19 ~~holders of such bonds or notes.~~

20 **SECTION 762.** 77.02 (2) of the statutes is amended to read:

21 77.02 (2) NOTICE OF HEARING, ADJOURNMENT. Upon receipt of such petition the
22 department of natural resources agriculture, trade and consumer protection shall
23 investigate the same and shall file a listing of descriptions with the town
24 chairperson. For petitions received prior to May 1, the department shall within the
25 same calendar year cause a notice that such petition has been filed to be published

Insert
101-24B



INS.
101-24B

Vertical line on the left margin

END
INS
101-24B

1 as a class 3 notice, under ch. 985, in the newspaper having the largest general
 2 circulation in the county in which the lands are located, and notice by registered mail
 3 shall be given to the town clerk of any town in which the lands are located. Such
 4 notice shall contain the name of the petitioner, a description of the lands and a
 5 statement that any resident of or taxpayer in the town may within 15 days from the
 6 date of publication of the notice file a request with the department that it conduct
 7 a public hearing on the petition. Upon receipt of such a request the department shall
 8 conduct a public hearing on the petition. The department may conduct a public
 9 hearing on any petition without a request, if it deems it advisable to do so. Notice
 10 of the time and place of such hearing and a description, in specific or general terms,
 11 as the department deems advisable, of the property requested to be approved as
 12 "Forest Croplands" shall be given to persons making the request, the owner of such
 13 land and to the assessor of towns in which it is situated, by mail, at least one week
 14 before the day of hearing. The notice also shall be published as a class 1 notice, under
 15 ch. 985, in a newspaper having general circulation in the county in which such land
 16 is located, at least one week before the day of the hearing. Such hearing may be
 17 adjourned and no notice of the time and place of such adjourned hearing need be
 18 given, excepting the announcement thereof by the presiding officer at the hearing at
 19 which the adjournment is had.

20 SECTION 763. 77.02 (3) of the statutes is amended to read:

2009 Act 76

21 77.02 (3) DECISION, COPIES. After receiving all the evidence offered at any
 22 hearing held on the petition and after making such independent investigation as it
 23 sees fit the department shall make its findings of fact and make and enter an order
 24 accordingly. If it finds that the facts give reasonable assurance that a stand of
 25 merchantable timber will be developed on such descriptions within a reasonable

SECTION 765

INS. 101-24

1 acre multiplied by a ratio using the equalized value of the combined residential,
 2 commercial, manufacturing, agricultural, undeveloped, agricultural forest, and
 3 productive forest land classes under s. 70.32 (2) within the state in 1972 as the
 4 denominator, and using equalized value for these combined land classes in 1982 and
 5 every 10th year thereafter as the numerator. All owners shall pay to the taxation
 6 district treasurer the acreage share on each description on or before January 31. If
 7 the acreage share is not paid when due to the taxation district treasurer it shall be
 8 subject to interest and penalty as provided under ss. 74.11 (11), 74.12 (10) and 74.47.
 9 These lands shall be returned as delinquent and a tax certificate under subch. VII
 10 of ch. 74 shall be issued on them. After 2 years from the date of the issuance of a tax
 11 certificate, the county clerk shall promptly take a tax deed under ch. 75. On taking
 12 such deed the county clerk shall certify that fact and specify the descriptions to the
 13 department of ~~natural resources~~ agriculture, trade and consumer protection.

14 **SECTION 766.** 77.05 of the statutes is amended to read:

INS. 101-24

15 **77.05 State contribution.** The department of ~~natural resources~~ agriculture,
 16 trade and consumer protection shall pay before June 30 annually to the town
 17 treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ [✓] 20.115 (5) (vm), [✓] 20 cents
 18 for each acre of land in the town that is described as forest croplands under this
 19 subchapter.

20 **SECTION 767.** 77.06 (1) of the statutes is amended to read:

21 **77.06 (1) CUTTING TIMBER REGULATED.** No person shall cut any merchantable
 22 wood products on any forest croplands where the forest crop taxes are delinquent nor
 23 until 30 days after the owner has filed with the department of ~~natural resources~~
 24 agriculture, trade and consumer protection a notice of intention to cut, specifying by
 25 descriptions and the estimated amount of wood products to be removed and the

agriculture & trade
and consumer protection

INS.
101-24D

1 proportion of present volume to be left as growing stock in the area to be cut. The
 2 department of ~~natural resources~~ may require a bond executed by some surety
 3 company licensed in this state or other surety for such amount as may reasonably
 4 be required for the payment to the department of ~~natural resources~~ agriculture,
 5 trade and consumer protection of the severance tax hereinafter provided. The
 6 department, after examination of the lands specified, may prescribe the amount of
 7 forest products to be removed. Cutting in excess of the amount prescribed shall
 8 render the owner liable to double the severance tax prescribed in s. 77.06 (5) and
 9 subject to cancellation under s. 77.10. Merchantable wood products include all wood
 10 products except wood used for fuel by the owner.

SECTION 768. 77.06 (2) of the statutes is amended to read:

12 77.06 (2) APPRAISAL OF TIMBER ZONES. Each year the department of ~~natural~~
 13 ~~resources~~ agriculture, trade and consumer protection, at the time and place it shall
 14 fix and after such public notice as it deems reasonable, shall hold a public hearing.
 15 After the hearing the department shall make and file, open to public inspection, a
 16 determination of the reasonable stumpage values of the wood products usually
 17 grown in the several towns in which any forest croplands lie. A public hearing under
 18 this section shall be held prior to August 1 of each year and the determination of
 19 stumpage values made by the department of ~~natural resources~~ agriculture, trade
 20 and consumer protection shall take effect on November 1 of that year. If the
 21 department of ~~natural resources~~ agriculture, trade and consumer protection finds
 22 there is a material variance in the stumpage values in the different localities, it may
 23 fix separate zones and determine the values for each zone.

SECTION 769. 77.06 (3) of the statutes is amended to read:



SECTION 769

INS.
101-2412

1 77.06 (3) REVALUATION. As to any locality or zone in which the department of
2 ~~natural resources~~ agriculture, trade and consumer protection deems there has been
3 no material variance from the preceding year in stumpage values, it may omit to
4 make any new valuation in any year, in which event the last preceding valuation
5 shall continue in force until changed in a succeeding year.

6 **SECTION 770.** 77.06 (4) of the statutes is amended to read:

7 77.06 (4) CUTTING REPORTED. Within 30 days after completion of cutting on any
8 land description, but not more than one year after filing of the notice of intention to
9 cut, the owner shall transmit to the department of ~~natural resources~~ agriculture,
10 trade and consumer protection on forms provided by the department a written
11 statement of the products so cut, specifying the variety of wood, kind of product, and
12 quantity of each variety and kind as shown by the scale or measurement thereof
13 made on the ground as cut, skidded, loaded, delivered, or by tree scale certified by
14 a qualified forester when stumpage is sold by tree measurement. The department
15 of ~~natural resources~~ agriculture, trade and consumer protection may accept such
16 reports as sufficient evidence of the facts, or may either with or without hearing and
17 notice of time and place thereof to such owner, investigate and determine the fact of
18 the quantity of each variety and kind of product so cut during said periods preceding
19 such reports.

agriculture, trade and
consumer protection

20 **SECTION 771.** 77.06 (5) of the statutes is amended to read:

21 77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of ~~natural resources~~
22 shall assess and levy against the owner a severance tax on the right to cut and remove
23 wood products covered by reports under this section, at the rate of 10% of the value
24 of the wood products based upon the stumpage value then in force. Upon making the
25 assessment, the department of ~~natural resources~~ agriculture, trade and consumer

agriculture, trade and
consumer protection

IPS
101-24D

1 protection shall mail a duplicate of the certificate by registered mail to the owner who
2 made the report of cutting at the owner's last-known post-office address. The tax
3 assessed is due and payable to the department of ~~natural resources~~ on the last day
4 of the next calendar month after mailing the certificate. The proceeds of the tax shall
5 be paid into the forestry ~~account of the conservation~~ fund for distribution under s.
6 77.07 (3).

7 **SECTION 772.** 77.07 (2) of the statutes is amended to read:

8 **77.07 (2) PENALTY. COLLECTIONS.** If any severance tax remain unpaid for 30 days
9 after it becomes due, there shall then be added a penalty of 10%, and such tax and
10 penalty shall thereafter draw interest at the rate of one per cent per month until paid.
11 At the expiration of said 30 days the department of ~~natural resources~~ agriculture,
12 trade and consumer protection shall report to the attorney general any unpaid
13 severance tax, adding said penalty, and the attorney general shall thereupon proceed
14 to collect the same with penalty and interest by suit against the owner and by
15 attachment or other legal means to enforce the lien and by action on the bond
16 mentioned in s. 77.06 (1), or by any or all such means.

17 **SECTION 773.** 77.08 of the statutes is amended to read:

18 **77.08 Supplemental severance tax.** At any time within one year after any
19 cutting should have been reported, the department of ~~natural resources~~ agriculture,
20 trade and consumer protection after due notice to the owner and opportunity to be
21 heard, and on evidence duly made a matter of record, may determine whether the
22 quantity of wood products cut from any such land, did in fact substantially exceed
23 the amount on which the severance tax theretofore levied was based, and if so shall
24 assess a supplemental severance tax which, in all respects, shall have the same force



SECTION 773

INS.
101-24D

1 and effect as the former severance tax, except only it shall not be a lien on any
2 property the title of which has passed to a purchaser for value without notice.

3 **SECTION 774.** 77.09 (1) of the statutes is amended to read:

4 77.09 (1) Any person who fails to report or shall intentionally make any false
5 statement or report to the department of ~~natural resources~~ agriculture, trade and
6 consumer protection required by s. 77.06 shall forfeit not more than \$1,000. An
7 action under this section shall not be a bar to a cancellation of entry and order of
8 withdrawal under s. 77.10.

9 **SECTION 775.** 77.10 (1) (a) of the statutes is amended to read:

10 77.10 (1) (a) The department of ~~natural resources~~ agriculture, trade and
11 consumer protection shall on the application of the department of revenue or the
12 owner of any forest croplands or the town board of the town in which said lands lie
13 and may on its own motion at any time cause an investigation to be made and hearing
14 to be had as to whether any forest croplands shall continue under this subchapter.
15 If on such hearing after due notice to and opportunity to be heard by the department
16 of revenue, the town and the owner, the department of ~~natural resources~~ agriculture,
17 trade and consumer protection finds that any such lands are not meeting the
18 requirements set forth in s. 77.02 or that the owner has made use of the land for
19 anything other than forestry or has failed to practice sound forestry on the land, the
20 department of ~~natural resources~~ agriculture, trade and consumer protection shall
21 cancel the entry of such description and issue an order of withdrawal, and the owner
22 shall be liable for the tax and penalty under sub. (2). Copies of the order of
23 withdrawal specifying the description shall be filed by the department of ~~natural~~
24 ~~resources~~ agriculture, trade and consumer protection with all officers designated to
25 receive copies of the order of entry and withdrawal and this subchapter shall not

INS.
101-24D

1 thereafter apply to the lands withdrawn, except s. 77.07 so far as it may be needed
2 to collect any previously levied severance or supplemental severance tax. If the
3 owner shall not repay the amounts on or before the last day of February next
4 succeeding the return of such lands to the general property tax roll as provided in
5 sub. (4), the department of ~~natural resources~~ agriculture, trade and consumer
6 protection shall certify to the county treasurer the descriptions and the amounts due,
7 and the county treasurer shall sell such lands as delinquent as described in s. 77.04
8 (2). Whenever any county clerk has certified to the taking of tax deed under s. 77.04
9 (2) the department of ~~natural resources~~ agriculture, trade and consumer protection
10 shall issue an order of withdrawal as to the lands covered in such tax deed. Such
11 order may also be issued when examination of tax records reveals prolonged
12 delinquency and noncompliance with the requirements of s. 77.04 (2).

13 **SECTION 776.** 77.10 (1) (b) of the statutes is amended to read:

14 77.10 (1) (b) Whenever any owner of forest croplands conveys such land the
15 owner shall, within 10 days of the date of the deed, file with the department of
16 ~~natural resources~~ agriculture, trade and consumer protection on forms prepared by
17 the department a transfer of ownership signed by the owner and an acceptance of
18 transfer signed by the grantee certifying that the grantee intends to continue the
19 practice of forestry on such land. The department of ~~natural resources~~ agriculture,
20 trade and consumer protection shall immediately issue a notice of transfer to all
21 officers designated to receive copies of orders of entry and withdrawal. Whenever a
22 purchaser of forest croplands declines to certify his or her intention to continue the
23 practice of forestry thereon, such action shall constitute cause for cancellation of
24 entry under par. (a) without hearing.

25 **SECTION 777.** 77.10 (2) (a) 1. of the statutes is amended to read:

INS.
101-24D

1 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any
2 of such lands from under this subchapter, by filing with the department of ~~natural~~
3 ~~resources~~ agriculture, trade and consumer protection a declaration withdrawing
4 from this subchapter any description owned by such person which he or she specified,
5 and by payment by such owner to the department of ~~natural resources~~ agriculture,
6 trade and consumer protection within 60 days the amount of tax due from the date
7 of entry or the most recent date of renewal, whichever is later, as determined by the
8 department of revenue under s. 77.04 (1) with simple interest thereon at 12% per
9 year, less any severance tax and supplemental severance tax or acreage share paid
10 thereon, with interest computed according to the rule of partial payments at the rate
11 of 12% per year.

12 **SECTION 778.** 77.10 (2) (a) 2. of the statutes is amended to read:

13 77.10 (2) (a) 2. The amount of the tax shall be determined by the department
14 of revenue and furnished to the department of ~~natural resources~~ agriculture, trade
15 and consumer protection, which shall determine the exact amount of payment.
16 When the tax rate or assessed value ratio of the current year has not been determined
17 the rate of the preceding tax year may be used. On receiving such payment the
18 department of ~~natural resources~~ agriculture, trade and consumer protection shall
19 issue an order of withdrawal and file copies thereof with the department of revenue,
20 the supervisor of equalization and the clerk of the town, and shall record the order
21 with the register of deeds of the county, in which the land lies. The land shall then
22 cease to be forest croplands.

23 **SECTION 779.** 77.10 (2) (b) of the statutes is amended to read:

24 77.10 (2) (b) Upon receipt of any taxes under this section by the state, the
25 department of ~~natural resources~~ agriculture, trade and consumer protection shall

INS
101-24D



1 first deduct all moneys paid by the state on account of the lands under s. 77.05 with
2 interest on the moneys computed according to the rule of partial payments at the rate
3 of interest paid under par. (a) by the person withdrawing such lands. The
4 department shall within 20 days remit the balance to the town treasurer who shall
5 pay 20% to the county treasurer and retain the remainder.

6 **SECTION 780.** 77.10 (4) of the statutes is amended to read:

7 77.10 (4) TAXATION AFTER WITHDRAWAL. When any description ceases to be a part
8 of the forest croplands, by virtue of any order of withdrawal issued by the department
9 of ~~natural resources~~ agriculture, trade and consumer protection, taxes thereafter
10 levied thereon shall be payable and collectible as if such description had never been
11 under this subchapter.

12 **SECTION 781.** 77.11 of the statutes is amended to read:

13 77.11 Accounts of department of ~~natural resources~~ agriculture, trade
14 and consumer protection. The department of ~~natural resources~~ agriculture,
15 trade and consumer protection shall keep a set of forest croplands books in which
16 shall always appear as to each description in each town containing any forest
17 croplands, the amount of taxes paid by the state to the town and received by the state
18 from the owner. All tax payments shall be paid out of and receipts credited to the
19 forestry ^{no strike} ~~account of the conservation~~ fund.

20 **SECTION 782.** 77.13 (1) of the statutes is amended to read:

21 77.13 (1) On and after July 20, 1985, no person may petition the department
22 of ~~natural resources~~ agriculture, trade and consumer protection requesting it to
23 approve any land as forest croplands under this subchapter.

24 **SECTION 783.** 77.13 (2) of the statutes is amended to read:

SECTION 783

1 77.13 (2) On and after January 1, 1986, the department of ~~natural resources~~
2 agriculture, trade and consumer protection may not act on any petition requesting
3 the designation of land as forest croplands, issue any order entering land as forest
4 croplands or enter into a renewal of any forest croplands contract under this
5 subchapter.

6 **SECTION 784.** 77.14 of the statutes is amended to read:

7 **77.14 Forest croplands information, protection, appropriation.** The
8 department of ~~natural resources~~ agriculture, trade and consumer protection shall
9 publish and distribute information regarding the method of taxation of forest
10 croplands under this subchapter, and may employ a fire warden in charge of fire
11 prevention in forest croplands. All actual and necessary expenses incurred by the
12 department of ~~natural resources~~ or by the department of revenue in the performance
13 of their duties under this subchapter shall be paid from the appropriation made in
14 s. ~~20.370 (1) (mv)~~ 20.115 (5) (q) upon certification by the department incurring such
15 expenses.

16 **SECTION 785.** 77.16 (1) of the statutes is amended to read:

17 77.16 (1) In this section "department" means the department of ~~natural~~
18 ~~resources~~ agriculture, trade and consumer protection.

19 **SECTION 786.** 77.81 (1) of the statutes is amended to read:

20 77.81 (1) "Department" means the department of ~~natural resources~~
21 agriculture, trade and consumer protection.

22 **SECTION 787.** ~~77.82 (2m) (d)~~ of the statutes is amended to read:

23 77.82 (2m) (d) All of the recording fees collected under par. (a) 1. shall be
24 credited to the appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5) (qr).

25 **SECTION 788.** ~~77.82 (2m) (dm) 1.~~ of the statutes is amended to read:

agriculture, trade
and consumer
protection

END
JAK
101-24/D21

1 2. The department may establish by rule a different amount of each fee under
2 subd. 1. that will be credited to the appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5)
3 ~~(qr)~~. The amount shall be equal to the average expense to the department of
4 recording an order issued under this subchapter.

5 **SECTION 795.** 77.88 (7) of the statutes is amended to read:

6 77.88 (7) PAYMENT: DELINQUENCY. Taxes under sub. (5) and fees under sub. (5m)
7 are due and payable to the department on the last day of the month following the
8 effective date of the withdrawal order. Amounts received shall be credited to the
9 ~~conservation forestry~~ fund. If the owner of the land fails to pay the tax or fee, the
10 department shall certify to the taxation district clerk the amount due. The taxation
11 district clerk shall enter the delinquent amount on the property tax roll as a special
12 charge.

13 **SECTION 796.** 77.89 (1) of the statutes is amended to read:

14 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,
15 from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm), shall pay 100 percent
16 of each payment received under ss. 77.84 (3) (b) and 77.87 (3) and 100 percent of each
17 withdrawal tax payment received under s. 77.88 (7) to the treasurer of each
18 municipality in which is located the land to which the payment applies.

19 **SECTION 797.** 77.89 (2) (b) of the statutes is amended to read:

20 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
21 77.84 (2) (b) and ~~(bm)~~ to the county treasurer, as provided under ss. 74.25 and 74.30.
22 The county treasurer shall, by June 30 of each year, pay all amounts received under
23 this paragraph to the department. All amounts received by the department shall be
24 credited to the ~~conservation forestry~~ ^{stet} fund and shall be reserved for land acquisition
25 and resource management activities relating to state forests.

INS.
103-8A

Act
s. 20
2481

1 **SECTION 798.** 77.91 (4) of the statutes is amended to read:

2 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
3 for the administration of this subchapter shall be paid from the appropriation under
4 s. ~~20.370 (1) (mv)~~ 20.115 (5) (q).

5 **SECTION 799.** 77.91 (5) of the statutes is amended to read:

6 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
7 under this subchapter shall record the action as provided under s. 59.43 (1). The
8 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
9 from the appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5) (qr). If the amount in the
10 appropriation under s. ~~20.370 (1) (cr)~~ 20.115 (5) (qr) in any fiscal year is insufficient
11 to pay the full amount required under this subsection in that fiscal year, the
12 department shall pay the balance from the appropriation under s. ~~20.370 (1) (mv)~~
13 20.115 (5) (q).

14 **SECTION 800.** 82.10 (4) (a) ~~304~~^{3s} of the statutes is created to read:

15 82.10 (4) (a) ~~304~~^{3s} The department of agriculture, trade and consumer
16 protection.

17 **SECTION 801.** 82.10 (4) (a) 3s. of the statutes is created to read:

18 82.10 (4) (a) 3s. The department of environmental quality.

19 **SECTION 802.** 84.01 (17) of the statutes is amended to read:

20 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
21 department shall determine, as far as possible, what improvements will be made
22 during the following 6-year period, and shall notify the county clerks prior to
23 February 1 of each even-numbered year, as to the improvements in their respective
24 counties. Such notice shall also be given to the department of natural resources and

INS.
103-
22

x

1 construction. Contracts for the construction of said bridge projects may be made and
 2 executed by the secretary and the transportation department of the other state
 3 jointly, or jointly by the secretary and such subdivisions of the other state as may
 4 participate in the construction, or by appropriate agreement between the parties
 5 with respect to financing and control of the work, the authority of either state may
 6 contract for all or part of the construction. The secretary may suspend or discontinue
 7 proceedings or construction relative to any bridge project at any time in the event any
 8 county, city, village or town fails to pay the amount required of it as to any project
 9 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to
 10 construction under sub. (1) (b), or in the event the secretary determines that
 11 sufficient funds to pay the state's part of the cost of the bridge project are not
 12 available. All moneys available from this state, or its subdivisions, shall be deposited
 13 in the state treasury when required by the secretary and shall be paid out only upon
 14 the order of the secretary. Moneys deposited by such subdivisions which remain in
 15 the state treasury after the completion of such project shall be repaid to the
 16 respective subdivisions in the proportion paid in.

17 **SECTION 812.** 84.28 (1) of the statutes is amended to read:

18 84.28 (1) Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.115 (5) (b)
 19 may be expended for the renovation, marking, and maintenance of a town or county
 20 highway located within the boundaries of any ~~state park, state forest or other~~
 21 ~~property under the jurisdiction of the department of natural resources, other than~~
 22 a southern state forest. Moneys from the appropriation under s. 20.370 (7) (mc) may
 23 be expended for the renovation, marking, and maintenance of a town or county
 24 highway located within the boundaries of any state park or any southern state forest,
 25 in the lower Wisconsin state riverway as defined in s. 30.40 (15), or on other property

INS.
108-18



INS.
108-18

1 under the jurisdiction of the department of natural resources. Outside the lower
2 Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of
3 these parks, forests or other property under the jurisdiction of the department of
4 natural resources, moneys from the appropriation under s. 20.370 (7) (mc) may be
5 expended for the renovation, marking, and maintenance of roads which the
6 department of natural resources certifies are utilized by a substantial number of
7 visitors to these state parks, state forests or other property under the jurisdiction of
8 the department of natural resources. The department of natural resources shall
9 authorize expenditures from the appropriation under s. 20.370 (7) (mc) under this
10 subsection. The department of natural resources shall rank projects eligible for
11 assistance funding from the appropriation under s. 20.370 (7) (mc) under a priority
12 system and funding may be restricted to those projects with highest priority. Outside
13 the boundaries of the state forests under the jurisdiction of the department of
14 agriculture, trade and consumer protection, moneys from the appropriation under
15 s. 20.115 (5) (b) may be expended for the renovation, marking, and maintenance of
16 roads that the department of agriculture, trade and consumer protection certifies are
17 utilized by a substantial number of visitors to these state forests. The department
18 of agriculture, trade and consumer protection shall authorize expenditures from the
19 appropriation under s. 20.115 (5) (b) under this subsection. The department of
20 agriculture, trade and consumer protection shall rank projects eligible for funding
21 from the appropriation under s. 20.115 (5) (b) under a priority system and funding
22 may be restricted to those projects with the highest priority.

23 **SECTION 813.** 84.28 (2) of the statutes is amended to read:

24 84.28 (2) The department may administer a program for the construction,
25 maintenance and marking of roads, including fire roads, service areas, trailer or

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

25 ~~SECTION 814 85.19 (1) of the statutes is amended to read:~~

END
EWS.
108-18

SECTION 814

1 85.19 (1) STANDARDS. The department, in consultation with the department of
2 ~~natural resources~~ environmental quality, shall, by rule, establish standards for the
3 control of soil erosion related to highway and bridge construction that is funded in
4 whole or in part with state or federal funds. At a minimum, the standards shall
5 require the use of best management practices.

6 **SECTION 815.** 85.19 (2) (c) of the statutes is amended to read:

7 85.19 (2) (c) The department shall establish the training program in
8 consultation with the department of ~~natural resources~~ environmental quality.

9 **SECTION 816.** 85.245 (1) of the statutes is renumbered 85.245.

10 **SECTION 817.** 85.245 (2) of the statutes is repealed.

11 **SECTION 818.** 86.255 (2) (a) of the statutes is amended to read:

12 86.255 (2) (a) The purchase of any land that is acquired as compensatory
13 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
14 adverse impact by degradation or destruction as part of a highway project.

15 **SECTION 819.** 86.315 (1) of the statutes is amended to read:

16 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
17 shall annually, on March 10, pay to counties having county forests established under
18 ch. 28, for the improvement of public roads within the county forests which are open
19 and used for travel and which are not state or county trunk highways or town roads
20 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road
21 designated in the comprehensive county forest land use plan as approved by the
22 county board and the department of ~~natural resources~~ agriculture, trade and
23 consumer protection. If the amount appropriated under s. 20.395 (1) (fu) is
24 insufficient to make the payments required under this subsection, the department
25 shall prorate the amount appropriated in the manner it considers desirable.

INSERT
109-8

END INS.

1 department of agriculture, trade and consumer protection or the department of
2 ~~natural resources environmental quality~~ that the regulations are necessary to
3 achieve water quality standards under s. ~~281.15~~.

4 (b) The department of agriculture, trade and consumer protection and the
5 department of ~~natural resources environmental quality~~ shall, by rule, specify
6 procedures for review and approval of proposed local governmental unit regulations
7 under par. (a).

8 SECTION 851. 92.18 (4) of the statutes is amended to read:

9 92.18 (4) The department shall promulgate rules under this section in
10 consultation with the department of ~~natural resources environmental quality~~.

11 SECTION 852. 92.18 (5) of the statutes is amended to read:

12 92.18 (5) Any training required under this section may be conducted by the
13 department or the department of ~~natural resources environmental quality~~ or by
14 another person with the approval of the department.

15 SECTION 853. 93.06 (3m) of the statutes is created to read:

16 93.06 (3m) CAMP FIRES. Regulate camp fires and smoking in state forests at
17 such times and in such designated localities, as it may find reasonably necessary to
18 reduce the danger of destructive forest fires.

19 SECTION 854. 93.07 (12) of the statutes is amended to read:

20 93.07 (12) PLANT PESTS. To conduct surveys and inspections for the detection
21 and control of pests injurious to plants, make, modify, and enforce reasonable rules
22 needed to prevent the dissemination of pests, declare and manage emergencies
23 relating to the detection and control of pests injurious to plants, ~~provided that such~~
24 ~~declaration does not supersede the authority of the chief state forester under s.~~

INS.
119-6

INS.
119-6



END INS

1 ~~23.114 or the department of natural resources under s. 26.30~~, and suggest methods
2 of control.

3 **SECTION 855.** 93.077 of the statutes is created to read:

4 **93.077 Sale of aerial photographic survey products.** The department
5 may sell to any person the selection of photographic products from the aerial
6 photographic survey conducted under s. 23.325. The department may retain an
7 amount equal to the costs that it incurs in selling and reproducing the photographic
8 products.

9 **SECTION 856.** 93.12 (5) of the statutes is amended to read:

10 93.12 (5) The department shall establish uniform minimum standards to be
11 used in the evaluation and certification of laboratory examinations. The department
12 shall submit any rules proposed under this subsection which affect the laboratory
13 certification program under s. 299.11 to the department of ~~natural resources~~
14 environmental quality and to the state laboratory of hygiene for review and
15 comment. These rules may not take effect unless they are approved by the
16 department of natural resources within 6 months after submission.

17 **SECTION 857.** 93.12 (8) of the statutes is amended to read:

18 93.12 (8) The department shall enter into a memorandum of understanding
19 with the department of ~~natural resources~~ environmental quality setting forth the
20 responsibilities of each department in administering the laboratory certification
21 programs under sub. (5) and s. 299.11. The memorandum of understanding shall
22 include measures to be taken by each department to avoid duplication of application
23 and compliance procedures for laboratory certification.

24 **SECTION 858.** 93.12 (9) of the statutes is amended to read:

SECTION 858

1 93.12 (9) The department shall recognize the certification or registration of a
2 laboratory by the department of ~~natural resources~~ environmental quality under s.
3 299.11 and shall accept the results of any test conducted by a laboratory certified or
4 registered to conduct that category of test under that section.

5 **SECTION 859.** 93.46 (1m) (b) of the statutes is amended to read:

6 93.46 (1m) (b) The department of natural resources and the department of
7 environmental quality shall assist persons in obtaining any license or approval
8 required by any state or federal agency to conduct a commercial aquaculture
9 operation.

10 **SECTION 860.** 93.77 of the statutes is created to read:

INS
120-7

11 **93.77 Forest land plans and management. (1)** If the department develops,
12 reviews, or implements a master plan or a management plan for any forest land
13 under the jurisdiction of the department, the department shall consult with the chief
14 state forester.

15 **(2)** The department shall manage forest land under its jurisdiction in a manner
16 that is consistent with, and that furthers the purpose of, the designation of that forest
17 land as a state forest or similar designation.

18 **SECTION 861.** 93.90 (5) (c) of the statutes is amended to read:

19 93.90 (5) (c) Upon receiving the certified copy of the record under par. (bm), the
20 board shall determine whether the challenge is valid. The board shall make its
21 decision without deference to the decision of the political subdivision and shall base
22 its decision only on the evidence in the record under sub. (4) (b). In a case that
23 involves the application of requirements related to water quality, the board shall
24 consult with the department of agriculture, trade and consumer protection or with
25 the department of ~~natural resources~~ environmental quality concerning the

1 of the carbon monoxide primary national ambient air quality standard as defined by
2 the department of ~~natural resources~~ environmental quality.

3 **SECTION 930.** 110.20 (13) (b) of the statutes is amended to read:

4 110.20 ~~(13)~~ (b) The department of ~~natural resources~~ environmental quality
5 shall, by rule, establish the amount of the repair cost limit to equal the amount
6 required under 42 USC 7511a (b) 4. or (c) (3) (C).

7 **SECTION 931.** 110.215 of the statutes is amended to read:

8 **110.215 Motor vehicle emission control equipment grant program.**

9 From the appropriation under s. 20.395 (5) (hq), the department shall, in
10 consultation with the department of ~~natural resources~~ environmental quality,
11 develop and administer a program to provide grants for the purchase and
12 installation of oxidation catalyst mufflers on school buses customarily kept in
13 counties identified in s. 110.20 (5). The department shall adopt rules to implement
14 and administer this section, including procedures, standards, and criteria for
15 awarding and distributing the grants.

16 **SECTION 932.** 118.025 of the statutes is amended to read:

17 **118.025 Arbor day observance.** A school principal may request one free tree
18 provided from state forest nurseries by the department of ~~natural resources~~
19 agriculture, trade and consumer protection under s. 28.06 for each 4th grade pupil
20 in the school for planting in conjunction with an annual observance and celebration
21 of arbor day.

22 **SECTION 933.** 125.52 (2) of the statutes is amended to read:

23 125.52 (2) ~~LIMITED MANUFACTURER'S PERMIT.~~ The department shall issue a
24 limited manufacturer's permit which authorizes the use or sale of the intoxicating
25 liquor produced only if it is rendered unfit for use as a beverage and is used or sold

INS
138-
22

1 for use as fuel. ~~The department shall notify the department of natural resources~~
2 ~~environmental quality of the name and address of any person to whom a limited~~
3 ~~manufacturer's permit is issued.~~

INS.
139-60

4 **SECTION 934.** 134.60 of the statutes is amended to read:

5 **134.60 Cutting or transportation of evergreens.** No person may cut for
6 sale in its natural condition and untrimmed, with or without roots, any evergreen or
7 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another
8 without the written consent of the owner, whether such land is publicly or privately
9 owned. The written consent shall contain the legal description of the land where the
10 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal
11 owner. The written consent or a certified copy of the consent shall be carried by every
12 person in charge of the cutting or removing of the trees, branches, boughs, bushes,
13 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,
14 forest patrol officer, conservation warden, or other officer of the department of
15 ~~natural resources~~ agriculture, trade and consumer protection at the officer's request
16 at any time. The officer may inspect the trees, branches, boughs, bushes, saplings
17 or shrubs when being transported in any vehicle or other means of conveyance and
18 may investigate to determine whether or not this section has been complied with.
19 The officer may stop any vehicle or means of conveyance found carrying any trees,
20 branches, boughs, bushes, saplings or shrubs upon any public highway of this state
21 for the purpose of making such inspection and investigation, and may seize and hold,
22 subject to the order of the court, any such trees, bushes, saplings or shrubs found
23 being cut, removed or transported in violation of this section. No person may ship
24 or transport any such trees, bushes, saplings or shrubs outside the county where they
25 were cut unless the person attaches to the outside of each package, box, bale,

SECTION 934

1 truckload or carload shipped a tag or label on which appears the person's name and
2 address. No common carrier or truck hauler may receive for shipment or
3 transportation any such trees, bushes, saplings or shrubs unless the tag or label is
4 attached. Any person who violates this section shall be fined not less than \$10 nor
5 more than \$100. Any person who signs any such written consent or certified copy
6 under this section who is not authorized to do so, and any person who lends or
7 transfers or offers to lend or transfer any such written consent or certified copy to
8 another person who is not entitled to use it, and any person not entitled to use any
9 such written consent or certified copy, or who borrows, receives or solicits from
10 another any such written consent or certified copy thereof shall be fined not less than
11 \$100 nor more than \$500.

12 **SECTION 935.** 138.09 (7) (i) 3. of the statutes is amended to read:

13 ~~138.09 (7) (i) 3. On motor vehicle loans, the actual filing fee required for filing~~
14 ~~with the department of transportation under ch. 342 or, on boat loans, the filing fee~~
15 ~~required for filing with the department of natural resources under subch. V of ch. 30.~~

16 **SECTION 936.** 145.20 (5) (c) of the statutes is amended to read:

17 ~~145.20 (5) (c) The department of natural resources environmental quality may~~
18 ~~suspend or revoke a license issued under s. 281.48 or a certificate issued under s.~~
19 ~~281.17 (3) to the operator of a septage servicing vehicle if the department of natural~~
20 ~~resources environmental quality finds that the licensee or operator falsified~~
21 ~~information on inspection forms. The department of commerce may suspend or~~
22 ~~revoke the license of a plumber licensed under this chapter if the department finds~~
23 ~~that the plumber falsified information on inspection forms.~~

24 **SECTION 937.** 146.60 (1) (c) of the statutes is amended to read:

✓
END
INS.
139-
60

INS.
143-16

1 **SECTION 951.** 165.85 (4) (b) 1. of the statutes is amended to read:

2 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
3 enforcement officer, except on a temporary or probationary basis, unless the person
4 has satisfactorily completed a preparatory program of law enforcement training
5 approved by the board and has been certified by the board as being qualified to be
6 a law enforcement or tribal law enforcement officer. The program shall include 400
7 hours of training, except that the program for law enforcement officers who serve as
8 rangers for the department of natural resources or the department of agriculture,
9 trade and consumer protection includes 240 hours of training. The board shall
10 promulgate a rule under ch. 227 providing a specific curriculum for a 400-hour
11 conventional program and a 240-hour ranger program. The period of temporary or
12 probationary employment established at the time of initial employment shall not be
13 extended by more than one year for an officer lacking the training qualifications
14 required by the board. The total period during which a person may serve as a law
15 enforcement and tribal law enforcement officer on a temporary or probationary basis
16 without completing a preparatory program of law enforcement training approved by
17 the board shall not exceed 2 years, except that the board shall permit part-time law
18 enforcement and tribal law enforcement officers to serve on a temporary or
19 probationary basis without completing a program of law enforcement training
20 approved by the board to a period not exceeding 3 years. For purposes of this section,
21 a part-time law enforcement or tribal law enforcement officer is a law enforcement
22 or tribal law enforcement officer who routinely works not more than one-half the
23 normal annual work hours of a full-time employee of the employing agency or unit
24 of government. Law enforcement training programs including municipal, county

1 and state programs meeting standards of the board are acceptable as meeting these
2 training requirements.

3 **SECTION 952.** 166.20 (4) (intro.) of the statutes is amended to read:

4 166.20 (4) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
5 QUALITY. (intro.) The department of ~~natural resources~~ environmental quality shall:

6 **SECTION 953.** 166.20 (4) (b) of the statutes is amended to read:

7 166.20 (4) (b) Have the same powers and duties at the time of a release of a
8 hazardous substance as are given to it under s. 292.11, including the investigation
9 of releases of hazardous substances, the repair of any environmental damage which
10 results from the release and the recovery of costs from responsible parties. The
11 department of ~~natural resources~~ environmental quality may also, at the time of a
12 release of a hazardous substance, identify and recommend to the division and the
13 committee measures to lessen or mitigate anticipated environmental damage
14 resulting from the release.

15 **SECTION 954.** 166.20 (5) (a) 2. of the statutes is amended to read:

16 166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall
17 comply with the notification requirements of 42 USC 11004. Notification of the
18 department of ~~natural resources~~ environmental quality of the discharge of a
19 hazardous substance under s. 292.11 (2) shall constitute the notification of the
20 division required under 42 USC 11004 if the notification contains the information
21 specified in 42 USC 11004 (b) (2) or (c).

22 **SECTION 955.** 166.20 (5) (a) 4. (intro.) of the statutes is amended to read:

23 166.20 (5) (a) 4. (intro.) The following facilities shall comply with the toxic
24 chemical release form requirements under 42 USC 11023 and shall submit copies of

End
INS.
143-16

SECTION 993

1 227.137 (1) In this section, "agency" means the departments of agriculture,
2 trade, and consumer protection; commerce; ~~natural resources~~ environmental
3 quality; transportation; and workforce development

4 **SECTION 994.** 227.42 (5) of the statutes is amended to read:

5 227.42 (5) Except as provided under s. 289.27 (1), this section does not apply
6 to any part of the process for approving a feasibility report, plan of operation or
7 license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision
8 by the department of ~~natural resources~~ environmental quality relating to the
9 environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and
10 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

11 **SECTION 995.** 227.43 (1) ~~is~~ ^(be) of the statutes is created to read:

12 227.43 (1) ~~is~~ ^{be} Assign a hearing examiner to preside over any hearing of a
13 contested case that primarily concerns forestry and that is required to be conducted
14 by the department of agriculture, trade and consumer protection and that is not
15 conducted by the secretary of agriculture, trade and consumer protection.

INS.
155-
14

16 **SECTION 996.** 227.43 (1) (be) of the statutes is created to read:

17 227.43 (1) (be) Assign a hearing examiner to preside over any hearing of a
18 contested case that is required to be conducted by the department of environmental
19 quality and that is not conducted by the secretary of environmental quality.

20 **SECTION 997.** 227.43 (2) (as) of the statutes is created to read:

21 227.43 (2) (as) The department of agriculture, trade and consumer protection
22 shall notify the division of hearings and appeals of every pending hearing to which
23 the administrator of the division is required to assign a hearing examiner under sub.
24 (1) (be) [✓] after the department of agriculture, trade and consumer protection is notified
25 that a hearing on the matter is required.

INS.
155-
20

1 SECTION 998. 227.43 (2) (as) of the statutes is created to read:

2 227.43 (2) (as) The department of environmental quality shall notify the
3 division of hearings and appeals of every pending hearing to which the administrator
4 of the division is required to assign a hearing examiner under sub. (1) (bd) after the
5 department of environmental quality is notified that a hearing on the matter is
6 required.

7 SECTION 999. 227.43 (3) ~~(am)~~ (as) of the statutes is created to read:

8 227.43 (3) ~~(am)~~ (as) The administrator of the division of hearings and appeals may
9 set the fees to be charged for any services rendered to the department of agriculture,
10 trade and consumer protection by a hearing examiner under this section. The fee
11 shall cover the total cost of the services less any costs covered by the appropriation
12 under s. 20.505 (4) (f).

13 SECTION 1000. 227.43 (3) (as) of the statutes is created to read:

14 227.43 (3) (as) The administrator of the division of hearings and appeals may
15 set the fees to be charged for any services rendered to the department of
16 environmental quality by a hearing examiner under this section. The fee shall cover
17 the total cost of the services less any costs covered by the appropriation under s.
18 20.505 (4) (f).

19 SECTION 1001. 227.43 (4) ~~(am)~~ (as) of the statutes is created to read:

20 227.43 (4) ~~(am)~~ (as) The department of agriculture, trade and consumer protection
21 shall pay all costs of the services of a hearing examiner assigned to the department
22 under sub. (1) ~~(am)~~ (be), according to the fees set under sub. (3) (am).

23 SECTION 1002. 227.43 (4) (as) of the statutes is created to read:

Stays
in
INS
156-2

INS.
156-2
(am)

INS.
156-6

SECTION 1002

1 227.43 ~~(4)~~ (as) The department of environmental quality shall pay all costs of
2 the services of a hearing examiner assigned to the department under sub. (1) (be),
3 according to the fees set under sub. (3) (as).

4 **SECTION 1003.** 227.44 (2) (d) of the statutes is amended to read:

5 227.44 ~~(2)~~ (d) If the subject of the hearing is a decision of the department of
6 natural resources, the department of environmental quality, or the department of
7 transportation, the name and title of the person who will conduct the hearing.

8 **SECTION 1004.** 227.46 (8) of the statutes is amended to read:

9 227.46 ~~(8)~~ If the hearing examiner assigned under s. 227.43 (1) (b) renders the
10 final decision in a contested case and the decision is subject to judicial review under
11 s. 227.52, the department of natural resources may petition for judicial review. If the

12 hearing examiner assigned under s. 227.43 (1) ~~(bd)~~ ^{e (be)} renders the final decision in a
13 contested case and the decision is subject to judicial review under s. 227.52, the
14 department of agriculture, trade and consumer protection may petition for judicial
15 review. If the hearing examiner assigned under s. 227.43 (1) (be) renders the final

16 decision in a contested case and the decision is subject to judicial review under s.
17 227.52, the department of environmental quality may petition for judicial review.

18 If the hearing examiner assigned under s. 227.43 (1) (br) renders the final decision
19 in a contested case and the decision is subject to judicial review under s. 227.52, the
20 department of transportation may petition for judicial review.

21 **SECTION 1005.** 230.08 (2) (e) 2. of the statutes is amended to read:

22 230.08 ~~(2)~~ (e) 2. Agriculture, trade and consumer protection — 6 7.

23 **SECTION 1006.** 230.08 (2) (e) 4b. of the statutes is created to read:

24 230.08 ~~(2)~~ (e) 4b. Environmental quality — 2.

25 **SECTION 1007.** 230.08 (2) (e) 8. of the statutes is amended to read:

INSERT
156-16

INS.
156-
20

INS.
156-
24

1 ~~230.08 (2) (e) 8. Natural resources 74.~~

2 **SECTION 1008.** 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

3 230.36 **(1m)** (b) 1. (intro.) A state forest ranger or field employee of the
4 department of natural resources or the department of agriculture, trade and
5 consumer protection who is subject to call for forest fire control duty at a Wisconsin
6 veterans home operated by the department of veterans affairs under s. 45.50, and
7 lifeguard, at all times while:

8 **SECTION 1009.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

9 230.36 **(1m)** (b) 2. (intro.) A conservation warden, state forest ranger,
10 conservation patrol boat captain, conservation patrol boat engineer, environmental
11 warden, member of the state patrol, state motor vehicle inspector, University of
12 Wisconsin System police officer, security officer, or security person, other state
13 facilities police officer, special tax agent, excise tax investigator employed by the
14 department of revenue, and special criminal investigation agent employed by the
15 department of justice at all times while:

16 **SECTION 1010.** 230.36 (2m) (a) 5. of the statutes is amended to read:

17 230.36 **(2m)** (a) 5. A conservation field employee of the department of natural
18 resources or the department of agriculture, trade and consumer protection, who is
19 subject to call for fire control duty.

20 **SECTION 1011.** 230.36 (2m) (a) 5m. of the statutes is created to read:

21 230.36 **(2m)** (a) 5m. An environmental warden.

22 **SECTION 1012.** 234.86 (1) (b) of the statutes is amended to read:

23 234.86 **(1)** (b) "Department" means the department of ~~natural resources~~
24 environmental quality.

25 **SECTION 1013.** 236.13 (2m) of the statutes is amended to read:

INS.
157-7

1 public nuisance. The department of ~~natural resources~~ environmental quality may
2 enter into agreements with the department of justice to assist with the
3 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
4 to the department of justice under these agreements shall be credited to the
5 appropriation account under s. 20.455 (1) (k).

6 **SECTION 1151.** 303.04 of the statutes is amended to read:

7 **303.04 Correctional farms.** The board of commissioners of public lands, the
8 department of natural resources, the department of agriculture, trade and consumer
9 protection, and the department may select from the state forest reserves a quantity
10 of land not to exceed 5,000 acres and convert the same into farms for the state
11 prisons.

12 **SECTION 1152.** 340.01 (3) (b) of the statutes is amended to read:

13 340.01 (3) (b) ~~Conservation wardens' vehicles, state forest rangers' vehicles,~~
14 environmental wardens' vehicles, or foresters' trucks, whether publicly or privately
15 owned.

16 **SECTION 1153.** 341.65 (2) (b) of the statutes is amended to read:

17 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county
18 traffic patrolman, state traffic officer, state forest ranger, conservation warden, or
19 parking enforcer who discovers any unregistered motor vehicle located upon any
20 highway may cause the motor vehicle to be immobilized with an immobilization
21 device or removed to a suitable place of impoundment. Upon immobilization or
22 removal of the motor vehicle, the officer, state forest ranger, conservation warden,
23 or parking enforcer shall notify the sheriff or chief of police of the location of the
24 immobilized or impounded motor vehicle and the reason for the immobilization or
25 impoundment. Upon causing the removal of the motor vehicle by a towing service,

INS.
226-
22A

INS.
227-
3A



SECTION 1153

1 the officer, state forest ranger, conservation warden, or parking enforcer shall,
 2 within 24 hours of ordering the removal, notify the towing service of the name and
 3 last-known address of the registered owner and all lienholders of record of the
 4 vehicle, unless the officer or parking enforcer is employed by a municipality or county
 5 that has entered into a towing services agreement which requires the municipality
 6 or county to provide notice to such owner and lienholders of the towing.

7 **SECTION 1154.** 342.40 (3) (a) of the statutes is amended to read:

8 342.40 (3) (a) Any municipal or university police officer, police officer appointed
 9 under s. 16.84 (2), sheriff's deputy, county traffic patrolman, state traffic officer, state
 10 forest ranger, or conservation warden who discovers any motor vehicle, trailer,
 11 semitrailer, or mobile home on any public highway or private or public property
 12 which has been abandoned shall cause the vehicle to be removed to a suitable place
 13 of impoundment. Upon removal of the vehicle the officer, state forest ranger, or
 14 conservation warden shall notify the sheriff or chief of police of the abandonment and
 15 of the location of the impounded vehicle. Upon causing the removal of the motor
 16 vehicle by a towing service, the officer, state forest ranger, or conservation warden
 17 shall, within 24 hours of ordering the removal, notify the towing service of the name
 18 and last-known address of the registered owner and all lienholders of record of the
 19 vehicle, unless the officer is employed by a municipality or county that has entered
 20 into a towing services agreement which requires the municipality or county to
 21 provide notice to such owner and lienholders of the towing.

22 **SECTION 1155.** 345.20 (2) (g) of the statutes is amended to read:

23 345.20 (2) (g) Sections ~~23.50 to 23.85~~ 278.50 to 278.90 apply to actions in circuit
 24 court to recover forfeitures for violations of s. 287.81. No points may be assessed
 25 against the driving record of a person convicted of a violation of s. 287.81. The report

END
INS:
227-3A

1 of conviction and abstract of court record copy of the citation form shall be forwarded
2 to the department.

3 **SECTION 1156.** 347.06 (1) of the statutes is amended to read:

4 347.06 (1) Except as provided in subs. (2) ~~and~~ (4), and (5), no person may
5 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail
6 lamps and clearance lamps with which such vehicle is required to be equipped are
7 lighted. Parking lamps as defined in s. 347.27 shall not be used for this purpose.

8 **SECTION 1157.** 347.06 (5) of the statutes is created to read:

9 347.06 (5) A state forest ranger appointed under s. 28.92 may operate a vehicle
10 owned or leased by the department of agriculture, trade and consumer protection
11 upon a highway during hours of darkness without lighted headlamps, tail lamps, or
12 clearance lamps in the performance of his or her duties.

13 **SECTION 1158.** 350.01 (9g) of the statutes is amended to read:

14 350.01 (9g) "Law enforcement officer" has the meaning specified under s.
15 165.85 (2) (c) and includes a person appointed as a conservation warden by the
16 department under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.

17 **SECTION 1159.** 350.12 (3h) (g) of the statutes is amended to read:

18 350.12 (3h) (g) *Receipt of fees.* All fees remitted to or collected by the
19 department under par. (ar) shall be credited to the appropriation account under s.
20 20.370 (9) ~~(hu)~~ (1) ~~(hw)~~.

21 **SECTION 1160.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

22 350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The
23 moneys appropriated from s. 20.370 (3) (1) (ak) ~~and~~ (aq), (tu), and (tw) and (5) (es)
24 and (9) ~~(mu) and (mw)~~ may be used for the following:

25 **SECTION 1161.** 350.12 (4) (a) 3m. of the statutes is amended to read:

INS.
227-9

1 350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated
2 under s. 20.370 (3) (1) (ak) and (aq); and

3 **SECTION 1162.** 350.12 (4) (am) of the statutes is amended to read:

4 350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated
5 under s. 20.370 (3) (1) (ak) and (aq), the department shall allocate \$26,000 in each
6 fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry
7 snowmobiles, or both, to be used in state law enforcement efforts.

8 **SECTION 1163.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

9 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
10 under s. 20.370 (1) (mq) and (5) (cb), (cr), (cs), and (cw) and s. 20.115 (5) (sm) shall
11 be used for development and maintenance, the cooperative snowmobile sign
12 program, major reconstruction or rehabilitation to improve bridges on existing
13 approved trails, trail rehabilitation, signing of snowmobile routes, and state
14 snowmobile trails and areas and distributed as follows:

15 **SECTION 1164.** 350.12 (4) (bg) 1. of the statutes is amended to read:

16 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
17 department of natural resources shall make available in fiscal year 2001-02 and
18 each fiscal year thereafter an amount equal to the amount calculated under s. 25.29
19 (1) (d) 2. to make payments to itself, to the department of agriculture, trade and
20 consumer protection, or to a county under par. (bm) for trail maintenance costs
21 incurred in the previous fiscal year that exceed the maximum specified under par.
22 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

23 **SECTION 1165.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

24 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county or the
25 department of agriculture, trade and consumer protection shall be eligible for

INS.

228-1

25

INS.
228-1
cont.



END
INS.

1 payments under par. (bg) for a given fiscal year if it applies for the aid and if all of
2 the following apply:

3 SECTION 1166. 350.12 (4) (bm) 1. of the statutes is amended to read:

4 350.12 (4) (bm) 1. The actual cost incurred by the department of agriculture,
5 trade and consumer protection or the county in maintaining its trails that are
6 qualified under par. (b) 1. or 4. in the previous fiscal year exceeds the maximum of
7 \$250 per mile per year under par. (b) 1.

8 SECTION 1167. 350.12 (4) (bm) 2. of the statutes is amended to read:

9 350.12 (4) (bm) 2. Of the actual cost incurred by the department of natural
10 resources, the department of agriculture, trade and consumer protection, or the
11 county in maintaining its trails that are qualified under par. (b) 1. or 4. for the fiscal
12 year applicable under subd. 1., the actual cost incurred in grooming the trails exceeds
13 a maximum of \$150 per mile per year.

14 SECTION 1168. 350.12 (4) (br) of the statutes is amended to read:

15 350.12 (4) (br) *Supplemental trail aids; insufficient funding.* If the aid under
16 par. (bm) that is payable to counties ~~and~~, to the department ~~under par. (bm)~~ of
17 natural resources, and to the department of agriculture, trade and consumer
18 protection exceeds the moneys available under par. (bg), the department may prorate
19 the payments or may request the joint committee on finance to take action under s.
20 13.101. The requirement of a finding of emergency under s. 13.101 (3) (a) 1. does not
21 apply to such a request.

22 SECTION 1169. 350.12 (4) (c) of the statutes is amended to read:

23 350.12 (4) (c) 1. Any moneys appropriated under s. 20.115 (5) (sm) or 20.370
24 (1) (aq), (mq), (3) (aq) or (9) (mw) or (tw) that lapse shall revert to the snowmobile
25 account in the conservation fund.

1 2. If any moneys appropriated under s. 20.370 (9) ~~(mu)~~ (1) (tu) lapse, a portion
 2 of those moneys shall revert to the snowmobile account in the conservation fund. The
 3 department shall calculate that portion by multiplying the total amount lapsing
 4 from the appropriation by the same percentage the department used for the fiscal
 5 year to determine the amount to be expended under the appropriation for
 6 snowmobile registration.

SECTION 1170. 350.14 (1) of the statutes is amended to read:

7
 8 350.14 (1) The snowmobile recreational council shall carry out studies and
 9 make recommendations to the legislature, governor, department of natural
 10 resources, the department of agriculture, trade and consumer protection, and
 11 department of transportation on all matters related to this chapter or otherwise
 12 affecting snowmobiles and snowmobiling.

SECTION 1171. 350.145 (3) (a) 1. of the statutes is amended to read:

13
 14 350.145 (3) (a) 1. Before June 30 of each even-numbered year, the department
 15 shall consult with the department of agriculture, trade and consumer protection and
 16 the snowmobile recreational council on the proposed changes for the succeeding
 17 biennium in the appropriations and laws that affect snowmobiles and snowmobiling.

SECTION 1172. 350.15 (3) (a) of the statutes is amended to read:

18
 19 350.15 (3) (a) If a snowmobile accident results in the death of any person, or
 20 in an injury that requires the treatment of a person by a physician, the operator of
 21 each snowmobile involved in the accident shall give notice of the accident to a
 22 ~~conservation warden or local~~ law enforcement officer as soon as possible and, within
 23 10 days after the accident, shall file a written report of the accident with the
 24 department on the form prescribed by it.

SECTION 1173. 350.17 (1) of the statutes is amended to read:

INS. 10
 228-10
 ↓

END
INS.
228-10

1 350.17 (1) Any law enforcement officer of the state traffic patrol under s. 110.07
2 (1), inspector under s. 110.07 (3), warden of the department under s. 23.10, county
3 sheriff or municipal peace officer may enforce the provisions of this chapter.

4 **SECTION 1174.** 560.11 (1) (a) of the statutes is amended to read:

5 560.11 (1) (a) Advise the department of ~~natural resources~~ environmental
6 quality concerning the effectiveness of the small business stationary source technical
7 and environmental compliance assistance program under s. 285.79, difficulties
8 encountered by small business stationary sources, as defined in s. 285.79 (1), in
9 complying with s. 299.15 and ch. 285 and the degree and severity of enforcement of
10 s. 299.15 and ch. 285 against small business stationary sources.

11 **SECTION 1175.** 560.11 (1) (b) of the statutes is amended to read:

12 560.11 (1) (b) Periodically report to the department of ~~natural resources~~
13 environmental quality and to the administrator of the federal environmental
14 protection agency concerning the compliance of the state small business stationary
15 source technical and environmental compliance assistance program with the federal
16 paperwork reduction act, 44 USC 3501 to 3520, the federal regulatory flexibility act,
17 5 USC 601 to 612, and the federal equal access to justice act, 5 USC 504.

18 **SECTION 1176.** 560.11 (2) of the statutes is amended to read:

19 560.11 (2) The employees of the department of commerce who staff the small
20 business ombudsman clearinghouse under s. 560.03 (9) and the employees of the
21 department of ~~natural resources~~ environmental quality who staff the small business
22 stationary source technical and environmental compliance assistance program
23 under s. 285.79 shall provide the small business environmental council with the
24 assistance necessary to comply with sub. (1).

25 **SECTION 1177.** 560.13 (2) (a) 1m. of the statutes is amended to read:

1 778.104 (2) If there is a conflict with this chapter, the procedure in ss. 778.50
2 to 778.90 shall be followed in actions to recover forfeitures for the violation of those
3 laws enumerated in s. 778.51 (1).

 ****NOTE: This section (778.104) will require additional changes when the enforcement provisions relating to forestry are included in the next version of this draft.

4 **SECTION 1183.** 778.30 (1) (intro.) of the statutes is amended to read:

5 778.30 (1) (intro.) In addition to the procedures under s. 23.795, 278.795, or
6 345.47 or under this chapter for the collection of forfeitures, costs, assessments,
7 surcharges or restitution payments if a defendant fails to pay the forfeiture, costs,
8 assessment, surcharge or restitution payment within the period specified by the
9 circuit court, the court may do any of the following:

10 **SECTION 1184.** 800.02 (2) (a) (intro.) of the statutes is amended to read:

11 800.02 (2) (a) (intro.) The citation shall be signed by a peace officer or endorsed
12 by a municipal attorney or, if applicable, signed by a conservation warden or a state
13 forest ranger. In addition, the governing body of a municipality authorized to adopt
14 the use of citations may designate by ordinance or resolution other municipal
15 officials who may issue citations with respect to ordinances which are directly
16 related to the official responsibilities of the officials. Officials granted the authority
17 to issue citations may delegate, with the approval of the governing body, the
18 authority to employees. Authority delegated to an official or employee may be
19 revoked only in the same manner by which it is conferred. The citation shall contain
20 substantially the following information:

21 **SECTION 1185.** 814.77 (5) of the statutes is repealed.

22 **SECTION 1186.** 814.785 of the statutes is created to read.

INS
230-9

1 **814.785 Surcharges in ch. 278 forfeiture actions.** In addition to any
2 forfeiture imposed in an action under s. 278.51, a defendant shall pay the following
3 surcharges if applicable:

4 (1) The court support services surcharge under s. 814.85.

5 (2) The crime laboratories and drug law enforcement surcharge under s.
6 165.755.

7 (3) The environmental surcharge under s. 299.93.

8 (4) The jail surcharge under s. 302.46 (1).

9 (5) The justice information system surcharge under s. 814.86 (1).

10 (6) The penalty surcharge under s. 757.05.

11 (7) The special prosecution clerks surcharge under s. 814.86 (1m).

12 **SECTION 1187.** 823.075 (1) (a) of the statutes is amended to read:

13 823.075 (1) (a) "Department" means the department of ~~natural resources~~
14 agriculture, trade and consumer protection.

15 **SECTION 1188.** 823.08 (3) (c) 1. of the statutes is amended to read:

16 823.08 (3) (c) 1. Subject to subd. 2., if a court requests the department of
17 agriculture, trade and consumer protection or the department of ~~natural resources~~
18 environmental quality for suggestions under par. (b) 2. a., the department of
19 agriculture, trade and consumer protection or the department of ~~natural resources~~
20 environmental quality shall advise the court concerning the relevant provisions of
21 the performance standards, prohibitions, conservation practices and technical
22 standards under s. 281.16 (3).

23 **SECTION 1189.** 823.085 (2) (intro.) of the statutes is amended to read:

24 823.085 (2) (intro.) In any action finding a solid waste facility or the operation
25 of a solid waste facility to be a public or private nuisance, if the solid waste facility

INS.
230-
22

1 was licensed under s. 289.31 (1) and was operated in substantial compliance with the
2 license, the plan of operation for the solid waste facility approved by the department
3 of ~~natural resources~~ environmental quality and the rules promulgated under s.
4 289.05 (1) that apply to the facility, then all of the following apply:

5 **SECTION 1190.** 823.085 (2) (b) of the statutes is amended to read:

6 823.085 (2) (b) The department of ~~natural resources~~ environmental quality
7 shall comply with a request by the court to provide suggestions for practices to reduce
8 the offensive aspects of the nuisance.

9 **SECTION 1191.** 891.04 of the statutes is amended to read:

10 **891.04 Certificate as to public lands.** The certificate of the executive
11 secretary appointed under s. 24.55 under the official seal, that any specified piece or
12 tract of land belongs to or is mortgaged to the state, or that the state has any interest,
13 legal or equitable, in that land shall be presumptive evidence of the facts so stated.
14 The certificate of the secretary of ~~natural resources~~ agriculture, trade and consumer
15 protection under the official seal of the department that authority has been given to
16 any person, naming the person, to seize timber or other materials specified in ch. 26
17 shall be presumptive evidence of the fact so stated.

18 **SECTION 1192.** 893.73 (2) (a) of the statutes is amended to read:

19 893.73 (2) (a) An action under s. 60.73 contesting an act of a town board or the
20 department of ~~natural resources~~ environmental quality in the establishment of a
21 town sanitary district.

22 **SECTION 1193.** 895.52 (2) (a) 2. of the statutes is amended to read:

23 895.52 (2) (a) 2. A duty to inspect the property, except as provided under s. ~~s.~~ ss.
24 23.115 (2) and 28.047 (3).

25 **SECTION 1194.** 895.52 (3) (b) of the statutes is amended to read:

INS.
231-
16

INS.
231-20
↓

SECTION 1194

1 895.52 (3) (b) A death or injury caused by a malicious act or by a malicious
 2 failure to warn against an unsafe condition of which an officer, employee or agent
 3 knew, which occurs on property designated by the department of natural resources
 4 under s. 23.115. designated by the department of agriculture, trade and consumer
 5 protection under s. 28.047. or designated by another state agency for a recreational
 6 activity.

7 **SECTION 1195.** 895.53 (1) (am) of the statutes is created to read:

8 895.53 (1) (am) "State forest ranger" means a person appointed as a state forest
 9 ranger by the department of agriculture, trade and consumer protection under s.
 10 28.92.

11 **SECTION 1196.** 895.53 (2) of the statutes is amended to read:

12 895.53 (2) Any person withdrawing blood at the request of a traffic officer, law
 13 enforcement officer, state forest ranger, or conservation warden for the purpose of
 14 determining the presence or quantity of alcohol, controlled substances, controlled
 15 substance analogs or any combination of alcohol, controlled substances and
 16 controlled substance analogs is immune from any civil or criminal liability for the
 17 act, except for civil liability for negligence in the performance of the act.

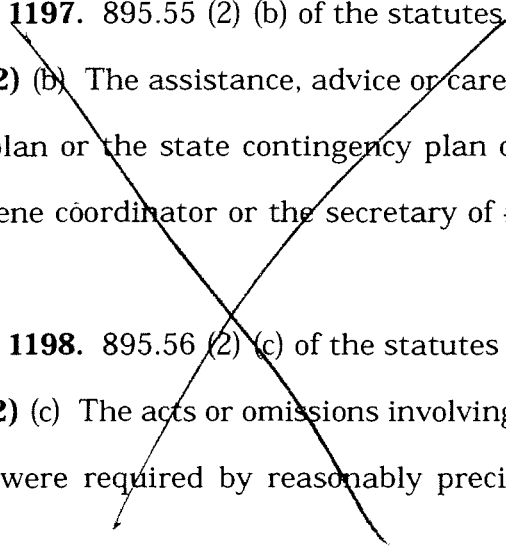
18 **SECTION 1197.** 895.55 (2) (b) of the statutes is amended to read:

19 895.55 (2) (b) The assistance, advice or care was consistent with the national
 20 contingency plan or the state contingency plan or was otherwise directed by the
 21 federal on-scene coordinator or the secretary of ~~natural resources~~ environmental
 22 quality.

23 **SECTION 1198.** 895.56 (2) (c) of the statutes is amended to read:

24 895.56 (2) (c) The acts or omissions involving petroleum-contaminated soil on
 25 the property were required by reasonably precise specifications in the contract

END
INS
231-20



1 (c) and (d), 66.0114 (1), and 778.10 as they relate to collection of forfeitures do not
2 apply.

3 SECTION 1203. 951.01 (4) of the statutes is amended to read:

4 951.01 (4) "Law enforcement officer" has the meaning assigned under s. 967.02
5 (5) but does not include a conservation warden appointed under s. 23.10, an
6 environmental warden appointed under s. 278.10, or a state forest ranger.

7 SECTION 1204. 990.01 (39) of the statutes is created to read:

8 990.01 (39) SOUTHERN STATE FOREST. "Southern state forest" means a state
9 forest that is located within the region specified in s. ~~25.28(3) (am)~~ 25.29 (7)(a)

10 SECTION 1205. Nonstatutory provisions.

11 ~~(3)~~ TRANSFER OF THE DIVISION OF FORESTRY TO THE DEPARTMENT OF AGRICULTURE,
12 TRADE AND CONSUMER PROTECTION.

13 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
14 liabilities of the department of natural resources that are primarily related to the
15 functions of the division of forestry, as determined by the secretary of administration,
16 shall become the assets and liabilities of the department of agriculture, trade and
17 consumer protection. If either department is dissatisfied with the secretary's
18 determination, that department may bring the matter to the cochairpersons of the
19 joint committee on finance for consideration by the committee, and the committee
20 shall affirm or modify the decision.

21 (b) *Employee transfers.*

22 1. All incumbent employees holding positions in the department of natural
23 resources relating primarily to the functions of the division of forestry, as determined
24 by the secretary of administration, are transferred on the effective date of this
25 subdivision to the department of agriculture, trade and consumer protection. If

INS.
233-5

INS.
238-10

INS.
238-10
1 either department is dissatisfied with the secretary's determination, that
2 department may bring the matter to the cochairpersons of the joint committee on
3 finance for consideration by the committee, and the committee shall affirm or modify
4 the decision.

5 2. The secretary of administration shall determine which incumbent
6 employees holding positions in the department of natural resources that relate
7 primarily to general administration and program support will be transferred to the
8 department of agriculture, trade and consumer protection. If either department is
9 dissatisfied with the secretary's determination, that department may bring the
10 matter to the cochairpersons of the joint committee on finance for consideration by
11 the committee, and the committee shall affirm or modify the decision.

12 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
13 same rights and status under subchapter V of chapter 111 and chapter 230 of the
14 statutes in the department of agriculture, trade and consumer protection that he or
15 she enjoyed in the department of natural resources immediately before the transfer.
16 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
17 has attained permanent status in class is required to serve a probationary period.

18 (d) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department of natural resources
20 that is primarily related to the functions of the division of forestry, as determined by
21 the secretary of administration, shall be transferred to the department of
22 agriculture, trade and consumer protection. If either department is dissatisfied with
23 the secretary's determination, that department may bring the matter to the
24 cochairpersons of the joint committee on finance for consideration by the committee,
25 and the committee shall affirm or modify the decision.

INS.
238-10

1 (e) *Contracts*. All contracts entered into by the department of natural resources
2 in effect on the effective date of this paragraph that are primarily related to the
3 functions of the division of forestry, as determined by the secretary of administration,
4 remain in effect and are transferred to the department of agriculture, trade and
5 consumer protection. If either department is dissatisfied with the secretary's
6 determination, that department may bring the matter to the cochairpersons of the
7 joint committee on finance for consideration by the committee, and the committee
8 shall affirm or modify the decision. The department of agriculture, trade and
9 consumer protection shall carry out any such contractual obligations unless modified
10 or rescinded by the department of agriculture, trade and consumer protection to the
11 extent allowed under the contract.

12 (f) *Rules and orders*. All rules promulgated by the department of natural
13 resources that are primarily related to the functions of the division of forestry, as
14 determined by the secretary of administration, and that are in effect on the effective
15 date of this paragraph remain in effect until their specified expiration dates or until
16 amended or repealed by the department of agriculture, trade and consumer
17 protection. All orders issued by the department of natural resources that are
18 primarily related to the functions of the division of forestry, as determined by the
19 secretary of administration, and that are in effect on the effective date of this
20 paragraph remain in effect until their specified expiration dates or until modified or
21 rescinded by the department of agriculture, trade and consumer protection. If either
22 department is dissatisfied with the secretary's determination, that department may
23 bring the matter to the cochairpersons of the joint committee on finance for
24 consideration by the committee, and the committee shall affirm or modify the
25 decision.

INS.
238-10



END
INS
238-10

1 (g) *Pending matters.* Any matter pending with the department of natural
 2 resources on the effective date of this paragraph that is primarily related to the
 3 functions of the division of forestry, as determined by the secretary of administration,
 4 is transferred to the department of agriculture, trade and consumer protection and
 5 all materials submitted to or actions taken by the department of natural resources
 6 with respect to the pending matter are considered as having been submitted to or
 7 taken by the department of agriculture, trade and consumer protection. If either
 8 department is dissatisfied with the secretary's determination, that department may
 9 bring the matter to the cochairpersons of the joint committee on finance for
 10 consideration by the committee, and the committee shall affirm or modify the
 11 decision.

12 (h) *Position changes.*

****NOTE: A subsequent version of this draft will need to specifically identify
 position increases and decreases.

13 (2) ~~TERMS OF BOARD MEMBERS.~~ Notwithstanding section 15.34 (2) of the statutes,
 14 as created by this act, and section 15.34 (2) (a), 2005 stats., the term of office of the
 15 members of the natural resources board who are in office on the effective date of this
 16 subsection shall expire on the later of January 1, 2010, or the day on which the last
 17 of the initial members of the board appointed under section 15.34 (2) (a) 2. to 6. of the
 18 statutes is appointed and qualifies and the term of office of the initial members of the
 19 board appointed under section 15.34 (2) (a) 2. to 6. of the statutes commences on that
 20 date. Notwithstanding the length of term specified in section 15.34 (2) (c) of the
 21 statutes, as created by this act, the initial members of the board appointed under
 22 section 15.34 (2) (a) 2. to 6. of the statutes shall serve for terms expiring on January
 23 20, 2011.

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4382/1insRT
RCT:.....

1 **Insert 26-5**

2 **SECTION 1.** 20.370 (2) (hr) of the statutes, as created by 2009 Wisconsin Act 50,
3 is renumbered 20.375 (2) (hr).

4 **Insert 76-24**

5 **SECTION 2.** 30.07 of the statutes, as created by 2009 Wisconsin Act 55, is
6 renumbered 30.795.

7 **Insert 79-11 A**

8 **SECTION 3.** 30.80 (5m) of the statutes, as created by 2009 Wisconsin Act 55, is
9 amended to read:

10 30.80 (5m) Any person violating any provision of s. ~~30.07~~ 30.795 (2) or (6) shall
11 forfeit not more than \$500 for the first offense and shall forfeit not more than \$2,000
12 upon conviction of the same offense a 2nd or subsequent time within 3 years.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356; 2009 a. 55.

13 **Insert 226-22 B**

14 **SECTION 4.** 323.60 (4) (intro.) of the statutes, as affected by 2009 Wisconsin Act
15 42, is amended to read:

16 323.60 (4) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
17 QUALITY. (intro.) The department of ~~natural resources~~ environmental quality shall:

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2009 a. 42 ss. 157 to 161, 163, 168, 170 to 175, 179 to 192, 193 to 203, 205, 206; Stats. 2009 s. 323.60.

18 **SECTION 5.** 323.60 (4) (b) of the statutes, as affected by 2009 Wisconsin Act 42,
19 is amended to read:

20 323.60 (4) (b) Have the same powers and duties at the time of a release of a
21 hazardous substance as are given to it under s. 292.11, including the investigation
22 of releases of hazardous substances, the repair of any environmental damage which

1 results from the release and the recovery of costs from responsible parties. The
2 department of ~~natural resources~~ environmental quality may also, at the time of a
3 release of a hazardous substance, identify and recommend to the division and the
4 committee measures to lessen or mitigate anticipated environmental damage
5 resulting from the release.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2009 a. 42 ss. 157 to 161, 163, 168, 170 to 175, 179 to 192, 193 to 203, 205, 206; Stats. 2009 s. 323.60.

6 **SECTION 6.** 323.60 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 42,
7 is amended to read:

8 323.60 (5) (b) All facilities in this state covered under 42 USC 11004 shall
9 comply with the notification requirements of 42 USC 11004. Notification of the
10 department of ~~natural resources~~ environmental quality of the discharge of a
11 hazardous substance under s. 292.11 (2) shall constitute the notification of the
12 division required under 42 USC 11004 if the notification contains the information
13 specified in 42 USC 11004 (b) (2) or (c).

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2009 a. 42 ss. 157 to 161, 163, 168, 170 to 175, 179 to 192, 193 to 203, 205, 206; Stats. 2009 s. 323.60.

14 **SECTION 7.** 323.60 (5) (d) (intro.) of the statutes, as affected by 2009 Wisconsin
15 Act 42, is amended to read:

16 323.60 (5) (d) (intro.) The following facilities shall comply with the toxic
17 chemical release form requirements under 42 USC 11023 and shall submit copies of
18 all toxic chemical release forms to the department of ~~natural resources~~
19 environmental quality:

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2009 a. 42 ss. 157 to 161, 163, 168, 170 to 175, 179 to 192, 193 to 203, 205, 206; Stats. 2009 s. 323.60.

20 **SECTION 8.** 323.71 (2) of the statutes, as affected by 2009 Wisconsin Act 42, is
21 amended to read:

22 323.71 (2) If action required under sub. (1) is not being adequately taken or the
23 identity of the person responsible for an emergency involving a release or potential

1 release of a hazardous substance is unknown and the emergency involving a release
 2 or potential release threatens public health or safety or damage to property, a local
 3 agency may take any emergency action that is consistent with the contingency plan
 4 for the undertaking of emergency actions in response to the release or potential
 5 release of hazardous substances established by the department of natural resources
 6 environmental quality under s. 292.11 (5) and that it considers appropriate under
 7 the circumstances.

8 **History:** 1989 a. 256; 1995 a. 13, 227, 247; 1997 a. 27; 2001 a. 16; 2009 a. 42 ss. 222, 225 to 231; Stats. 2009 s. 323.71.

8 **Insert 227-3 β** ✓

9 **SECTION 9.** 345.11 (1j) of the statutes, as created by 2009 Wisconsin Act 55, is
 10 amended to read:

11 345.11 (1j) The uniform traffic citation or the citation form under s. 23.54 may
 12 be used for violations of s. ~~30.07~~ 30.795. When the uniform traffic citation is used,
 13 the report of conviction shall be forwarded to the department of natural resources.
 14 When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85
 15 applies.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140; 2001 a. 27; 2003 a. 33; 2009 a. 55.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4382/P1insRK
RNK:.....

1 **Insert 24-2B** ✓

2 **SECTION 1.** 20.370 (1) (ms) of the statutes is amended to read:

3 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

4 The amounts in the schedule from moneys received from all-terrain vehicle fees
5 under s. 23.33 (2) (c) to (e) for state all-terrain vehicle projects on land under the
6 jurisdiction of the department.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50.

7 **Insert 40-9** ✓

8 **SECTION 2.** 20.370 (7) (aa) of the statutes is amended to read:

9 20.370 (7) (aa) *Resource acquisition and development — principal repayment*
10 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
11 principal and interest costs incurred in financing the placement of structures and fill
12 under s. ~~30.203~~ 23.178, in financing the acquisition, construction, development,
13 enlargement, or improvement of state recreation facilities under s. 20.866 (2) (tp) and
14 (tr), in financing state aids for land acquisition and development of local parks under
15 s. 20.866 (2) (tq), in financing outdoor recreation land acquisition activities under s.
16 20.866 (2) (ts) and, in financing natural areas land acquisition activities under s.
17 20.866 (2) (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in
18 financing ice age trail development under s. 20.866 (2) (tw), in financing the Warren
19 Knowles-Gaylord Nelson stewardship program under s. 20.866 (2) (tz) and in
20 financing the Warren Knowles-Gaylord Nelson stewardship 2000 program under s.
21 20.866 (2) (ta), but not including payments made under par. (ac), and to make

1 payments under an agreement or ancillary arrangement entered into under s. 18.06
 2 (8) (a). Payments may not be made from this appropriation account for principal and
 3 interest costs incurred in financing land acquisition and development of state forests
 4 under ss. 20.866 (2) (ta) and (tz) until all moneys available under s. 20.370 (7) (au)
 5 20.115 (5) (ur) have been expended.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50.

6 **Insert 40-10**

7 **SECTION 3.** 20.370 (7) (au) of the statutes is renumbered 20.115 (5) (ur) and
 8 amended to read:

9 20.115 (5) (ur) *State forest acquisition and development — principal repayment*
 10 *and interest.* ~~From the conservation fund, the~~ The amounts in the schedule to
 11 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
 12 in financing land acquisition and development for state forests from the
 13 appropriations under s. 20.866 (2) (ta) and (tz) and to make payments under an
 14 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50.

15 **Insert 59-3B**

16 **SECTION 4.** 20.866 (2) (tu) of the statutes, as affected by 2009 Wisconsin Act 28,
 17 is amended to read:

18 20.866 (2) (tu) *Natural resources; segregated revenue supported facilities.* From
 19 the capital improvement fund, a sum sufficient for the department of agriculture,
 20 trade and consumer protection to acquire, construct, develop, enlarge, or improve

1 administrative office, laboratory, equipment storage, or maintenance facilities
2 relating to forestry activities and for the department of natural resources to acquire,
3 construct, develop, enlarge or improve natural resource administrative office,
4 laboratory, equipment storage, or maintenance facilities and to acquire, construct,
5 develop, enlarge or improve state recreation facilities and state fish hatcheries. The
6 state may contract public debt in an amount not to exceed \$80,754,000 for this
7 purpose.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300; 2007 a. 5; 2007 a. 20 ss. 582 to 597s, 9121 (6) (a); 2007 a. 226; 2009 a. 28.

8 **Insert 60-18B**

9 **SECTION 5.** 23.0917 (3) (a) of the statutes, as affected by 2009 Wisconsin Act 20,

10 is amended to read:

11 **23.0917 (3) (a)** Beginning with fiscal year 2000-01 and ending with fiscal year
12 2019-20, the department may obligate moneys under the subprogram for land
13 acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and for state
14 forests, and for grants for these purposes under s. 23.096, except as provided under
15 ss. 23.197 (2m), (3m) (b), (7m), and (8) and 23.198 (1) (a).

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

16 **Insert 62-15B**

17 **SECTION 6.** 23.15 (1) of the statutes is amended to read:

18 **23.15 (1)** The natural resources board may sell, at public or private sale, lands
19 real property and structures owned by the state that are under the jurisdiction of the
20 department of natural resources, except central or district office facilities, when if
21 the natural resources board determines that said lands the real property and

1 structures are no longer necessary for the state's use for conservation purposes and,
2 if real property, the real property is not the subject of a petition under s. 560.9810 (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; 2003 a. 33; 2005 a. 25; 2007 a. 20.
History: 2001 a. 109 ss. 72t, 72xd; 2003 a. 33; 2005 a. 25, 160; 2007 a. 20; 2009 a. 55.

3 **Insert 70-14A**

4 **SECTION 7.** 26.39 (7) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
5 is amended to read:

6 26.39 (7) (a) From the appropriation under s. ~~20.370 (5) (ax)~~ [✓] 20.115 (5) (sq), [✓] the
7 department shall establish a scholarship grant program to assist individuals who
8 are seeking certification by the Wisconsin Professional Loggers Association as
9 master loggers or who are seeking logger safety training certified by the Wisconsin
10 Professional Loggers Association. A scholarship grant under the program may not
11 exceed 50 percent of the total cost of receiving the certification or training. The
12 department shall promulgate rules that establish criteria for the program.

History: 2001 a. 16, 109; 2005 a. 25; 2009 a. 28.

13 **Insert 101-24A** ✓

14 **SECTION 8.** 77.02 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is
15 amended to read:

16 77.02 (1) PETITION. The owner of an entire quarter quarter section, fractional
17 lot or government lot as determined by U.S. government survey plat, excluding
18 public roads and railroad rights-of-way that may have been sold, may file with the
19 department of ~~natural resources~~ agriculture, trade and consumer protection a
20 petition stating that the owner believes the lands therein described are more useful
21 for growing timber and other forest crops than for any other purpose, that the owner
22 intends to practice forestry thereon, that all persons holding encumbrances thereon
23 have joined in the petition and requesting that such lands be approved as "Forest
24 Croplands" under this subchapter. Whenever any such land is encumbered by a

1 mortgage or other indenture securing any issue of bonds or notes, the trustee named
2 in such mortgage or indenture or any amendment thereto may join in such petition,
3 and such action shall for the purpose of this section be deemed the action of all
4 holders of such bonds or notes. Land for which a petition is submitted under sub. (4)
5 is exempt from the size requirements specified under this subsection.

History: 1971 c. 215; 1975 c. 45; 1977 c. 29 s. 1647 (2); 1977 c. 418; 1983 a. 275 s. 15 (3); 1985 a. 332 s. 251 (2); 1989 a. 56 s. 258; 1991 a. 316; 1993 a. 301; 1995 a. 201; 2009 a. 28.

6 **Insert 101-24C**

7 **SECTION 9.** 77.02 (3) (a) and (c), as affected by 2009 Wisconsin Act 28, of the

8 statutes are amended to read:

9 77.02 (3) DECISION, COPIES. (a) After receiving all the evidence offered at any
10 hearing held on the petition and after making such independent investigation as it
11 sees fit the department of agriculture, trade and consumer protection shall make its
12 findings of fact and make and enter an order accordingly. If it finds that the facts give
13 reasonable assurance that a stand of merchantable timber will be developed on such
14 descriptions within a reasonable time, and that such descriptions are then held
15 permanently for the growing of timber under sound forestry practices, rather than
16 for agricultural, mineral, shoreland development of navigable waters, recreational,
17 residential or other purposes, and that all persons holding encumbrances against
18 such descriptions have in writing agreed to the petition, the order entered shall grant
19 the request of the petitioner on condition that all unpaid taxes against said
20 descriptions be paid within 30 days thereafter; otherwise the department of ~~natural~~
21 ~~resources~~ agriculture, trade and consumer protection shall deny the request of the
22 petitioner.

23 (c) Except as provided in sub. (4) (b), any order of the department of agriculture,
24 trade and consumer protection relating to the entry of forest croplands issued on or

1 before November 20 of any year shall take effect on January 1 of the following
2 calendar year, but all orders issued after November 20 shall take effect on January
3 1 of the calendar year following the calendar year in which orders issued on or before
4 November 20 would have been effective.

History: 1971 c. 215; 1975 c. 45; 1977 c. 29 s. 1647 (2); 1977 c. 418; 1983 a. 275 s. 15 (3); 1985 a. 332 s. 251 (2); 1989 a. 56 s. 258; 1991 a. 316; 1993 a. 301; 1995 a. 201; 2009 a. 28.

5 **SECTION 10.** 77.03 of the statutes, as affected by 2009 Wisconsin Act 28, is
6 amended to read:

7 **77.03 Taxation of forest croplands.** After the filing and recording of the
8 order with the officers under s. 77.02 (3) the lands described therein shall be “Forest
9 Croplands”, on which taxes shall thereafter be payable only as provided under this
10 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the
11 making of the order under s. 77.02 (3) or (4) (a) shall constitute a contract between
12 the state and the owner, running with the lands, for a period of 25 or 50 years at the
13 election of the applicant at the time the petition is filed, unless withdrawn under s.
14 77.10, with privilege of renewal by mutual agreement between the owner and the
15 state, whereby the state as an inducement to owners and prospective purchasers of
16 forest croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn
17 under s. 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then
18 accepted as forest croplands, except as the department of ~~natural resources~~
19 agriculture, trade and consumer protection and the owner may expressly agree in
20 writing and except as provided in s. 77.17. If at the end of the contract period the land
21 is not designated as managed forest land under subch. VI, the merchantable timber
22 on the land shall be estimated by an estimator jointly agreed upon by the department
23 of ~~natural resources~~ agriculture, trade and consumer protection and the owner, and
24 if the department and the owner fail to agree on an estimator, the judge of the circuit

1 court of the district in which the lands lie shall appoint a qualified forester, whose
 2 estimate shall be final, and the cost thereof shall be borne jointly by the department
 3 of ~~natural resources~~ agriculture, trade and consumer protection and the owner; and
 4 the 10% severance tax paid on the stumpage thereon in the same manner as if the
 5 stumpage had been cut. The owners by such contract consent that the public may
 6 hunt and fish on the lands, subject to such rules as the department of natural
 7 resources prescribes regulating hunting and fishing.

History: 1971 c. 215; 1979 c. 89; 1985 a. 29; 1989 a. 31; 1993 a. 301; 2009 a. 28. ✓

8 **SECTION 11.** 77.04 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
 9 amended to read:

10 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The "acreage share" shall be
 11 computed at the rate of 10 cents per acre on all lands entered prior to 1972 or entered
 12 under s. 77.02 (4) (a). On all lands entered after December 31, 1971, the "acreage
 13 share" shall be computed every 10 years to the nearest cent by the department of
 14 revenue at the rate of 20 cents per acre multiplied by a ratio using the equalized value
 15 of the combined residential, commercial, manufacturing, agricultural, undeveloped,
 16 agricultural forest, and productive forest land classes under s. 70.32 (2) within the
 17 state in 1972 as the denominator, and using equalized value for these combined land
 18 classes in 1982 and every 10th year thereafter as the numerator. All owners shall
 19 pay to the taxation district treasurer the acreage share on each description on or
 20 before January 31. If the acreage share is not paid when due to the taxation district
 21 treasurer it shall be subject to interest and penalty as provided under ss. 74.11 (11),
 22 74.12 (10) and 74.47. These lands shall be returned as delinquent and a tax
 23 certificate under subch. VII of ch. 74 shall be issued on them. After 2 years from the
 24 date of the issuance of a tax certificate, the county clerk shall promptly take a tax

1 deed under ch. 75. On taking such deed the county clerk shall certify that fact and
2 specify the descriptions to the department of ~~natural resources~~ agriculture, trade
3 and consumer protection.

History: 1971 c. 215; 1975 c. 39, 211; 1977 c. 418; 1981 c. 20, 167, 391; 1983 a. 275 s. 15 (8); 1983 a. 405, 538; 1985 a. 332 s. 251 (2); 1987 a. 378; 2003 a. 33; 2009 a. 28.

4 **Insert 102-21**

5 **SECTION 12.** 77.85 of the statutes, as affected by 2009 Wisconsin Act 28, is
6 amended to read:

7 **77.85 State contribution.** The department shall pay before June 30 annually
8 the municipal treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.115 (5)
9 (vm), 20 cents for each acre of land in the municipality that is designated as managed
10 forest land under this subchapter and for each acre of land in the municipality that
11 has been withdrawn under s. 77.885 but for which payments under s. 77.84 (2) are
12 being made.

History: 1985 a. 29; 1991 a. 39; 1995 a. 27; 2009 a. 28.

13 **Insert 103-8B**

14 **SECTION 13.** 77.89 (2) (b) of the statutes is amended to read:

15 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
16 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
17 The county treasurer shall, by June 30 of each year, pay all amounts received under
18 this paragraph to the department. All amounts received by the department shall be
19 credited to the conservation fund and shall be reserved for land acquisition, resource
20 management activities relating to state forests, and grants under s. 77.895.

History: 1985 a. 29; 1987 a. 378; 1991 a. 39; 1995 a. 27; 2003 a. 228, 327; 2005 a. 253, 299; 2007 a. 20.

