

1 **SECTION 565.** 27.01 (11) (i) of the statutes is amended to read:

2 27.01 (11) (i) *Cooperation with tourism.* The department of natural resources
3 and the department of tourism shall work jointly ~~to establish an~~ on any automated
4 campground reservation system established or operated by the department of
5 natural resources. The department of agriculture, trade and consumer protection
6 and the department of tourism shall work jointly on any automated campground
7 reservation system established or operated by the department of agriculture, trade
8 and consumer protection.

9 **SECTION 566.** 27.01 (12) of the statutes is amended to read:

10 27.01 (12) LEGAL COUNSEL. A representative of the department of justice
11 designated by the attorney general shall act as legal counsel for ~~said~~ the department
12 of natural resources, both in proceedings and litigation, and in giving advice and
13 counsel. The respective district attorneys of the county or counties where ~~said~~ the
14 relevant park is or shall be located shall prosecute all violations of this section
15 occurring within their respective counties ~~as provided in s. 26.18.~~

16 **SECTION 567.** 27.016 (1) (c) of the statutes is repealed.

17 **SECTION 568.** 27.016 (6) of the statutes is amended to read:

18 27.016 (6) Annually, on or before January 1, the department shall review all
19 applications received under this section in the previous year and shall make the
20 grants that it approves from the appropriation under s. 20.370 ~~(1) (eq)~~ (2) (es). If
21 insufficient funds are available to pay all approved grants, the board shall prorate
22 the available funds among the applicants in proportion to the approved grant
23 amounts.

24 **SECTION 569.** 27.016 (7) of the statutes is amended to read:

1 27.016 (7) Beginning in fiscal year 1996-97 and for each fiscal year thereafter,
2 any moneys not encumbered or expended for grants under sub. (6) from the
3 appropriation under s. 20.370 (1) ~~(eq)~~ (2) (es) may be used by the department for the
4 operation and maintenance of the state parks, of the southern state forests and of
5 state recreation areas.

6 **SECTION 570.** 28.005 of the statutes is amended to read:

7 **28.005 Definition.** "Department" when used in this chapter without other
8 words of description or qualification means the department of ~~natural resources~~
9 agriculture, trade and consumer protection.

10 **SECTION 571.** 28.01 of the statutes is amended to read:

11 **28.01 Forestry supervision.** The department shall execute all matters
12 pertaining to forestry within the jurisdiction of the state, direct the management of
13 state forests, other than southern state forests, collect data relative to forest use and
14 conditions, and advance the cause of forestry within the state.

15 **SECTION 572.** 28.012 of the statutes is created to read:

16 **28.012 Powers of department. (1)** For the state forests, other than southern
17 state forests, the department may accept and administer, in the name of the state,
18 any gifts, grants, bequests, and devises, including land, interests in land, and funds
19 made available to the department by the federal government under any act of
20 congress relating to any of the functions of the department.

21 **(2)** The department may extend or consolidate lands or waters suitable for the
22 state forests, other than the southern state forests, by the exchange of other lands
23 or waters under its supervision.

1 (3) The department may accept donations of buildings, facilities, and
2 structures to be constructed upon lands owned by this state in the state forests, other
3 than the southern state forests.

4 (4) The department may grant easements to parts or parcels of areas in the
5 state forests, other than the southern state forests.

6 (5) All funds included in the gifts, grants, bequests, and devises received or
7 expected to be received by the department for the state forests under its jurisdiction
8 in a biennium shall be included in the statement of its actual and estimated receipts
9 and disbursements for such biennium required to be contained in the biennial state
10 budget report under s. 16.46. Those funds shall be considered to be, and shall be
11 treated the same as, other actual and estimated receipts and disbursements of the
12 department. The department may acknowledge the receipt of any funding from a
13 particular person or group in any department pamphlet, bulletin, or other
14 publication.

15 (6) The donor of any building, facility, or structure under sub. (3) may contract
16 for this construction according to plans and specifications provided by the
17 department or may enter into a contract for professional architectural and
18 engineering services to develop plans and specifications for the building, facility, or
19 structure and contract for their construction. Upon the completion of construction
20 satisfactory to the department, title to the building, facility, or structure shall vest
21 in the state. No person may construct any building, facility, or structure under this
22 subsection without the prior approval of the department regarding plans and
23 specifications, materials, suitability, design, capacity, or location. The plans and
24 specifications for any building, structure, or facility donated under sub. (3) shall also
25 be subject to the approval of the building commission.

1 (7) Any easements granted under sub. (4) or s. 28.02 (5) and any leases under
2 s. 23.305 or 26.08 by the department shall have the restrictions necessary to preserve
3 and protect the land subject to the lease or easement for the purposes for which it was
4 acquired or made part of the state forests.

5 (8) (a) In this subsection, "easement" includes a negative easement, a
6 restrictive covenant, a covenant running with the land, and any other right for a
7 lawful use of the property together with the right to acquire all negative easements,
8 restrictive covenants, covenants running with the land, and all rights for use of the
9 property.

10 (b) The department may acquire any easement for the benefit of any area in the
11 state forests, other than southern state forests.

12 (9) If there are areas of the state forests under the jurisdiction of the
13 department that are inaccessible because they are surrounded by lands not
14 belonging to the state, and if the department determines that the usefulness or value
15 of these areas for these state forests will be increased if there is access to them over
16 lands not belonging to the state, the department may acquire the land necessary to
17 construct highways that will furnish the needed access.

18 **SECTION 573.** 28.02 (title) of the statutes is amended to read:

19 **28.02** (title) **State forests forest lands.**

20 **SECTION 574.** 28.02 (1) of the statutes is amended to read:

21 28.02 (1) DEFINED. "State forests forest lands" include all lands granted to the
22 state by an act of congress entitled, "An act granting lands to the state of Wisconsin
23 for forestry purposes," approved June 27, 1906; all lands donated to the state by the
24 Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to
25 chapter 450, laws of 1903, chapter 264, laws of 1905, chapter 638, laws of 1911, and

1 chapter 639, laws of 1911, or under ss. 1494-41 to 1494-62, 1915 stats., and all lands
2 subsequently acquired for forestry purposes. Unless an island is designated as state
3 forest land by the department, “state forest lands” do not include lands granted to
4 the state by an act of congress entitled, “An act granting unsurveyed and unattached
5 islands to the state of Wisconsin for forestry purposes,” approved August 22, 1912.
6 The department may designate as state forest lands any lands within state forest
7 boundaries which were purchased with other conservation funds and where forestry
8 would not conflict with a more intensive use.

9 **SECTION 575.** 28.02 (2) of the statutes is amended to read:

10 28.02 (2) ACQUISITION. The department of agriculture, trade and consumer
11 protection may acquire lands or interest in lands by grant, devise, gift,
12 condemnation, or purchase within the boundaries of established state forests or
13 purchase areas, other than southern state forests; and outside of such boundaries for
14 forest nurseries, tracts for forestry research or demonstration and for forest
15 protection structures, or for access to such properties. The department of natural
16 resources may acquire lands or interest in lands by grant, devise, gift, condemnation,
17 or purchase within the boundaries of southern state forests. In the case of
18 condemnation the department shall first obtain approval from the appropriate
19 standing committees of each house of the legislature as determined by the presiding
20 officer thereof.

21 **SECTION 576.** 28.025 (3) (a) 2. of the statutes is amended to read:

22 28.025 (3) (a) 2. Notwithstanding subd. 1., the department shall submit its
23 report to the council on forestry as required under subd. 1. by January 1, 2009, and
24 biennially thereafter, if the forested property that is the subject of the report has not
25 been inventoried by the department under s. ~~23.135~~ 26.025.

1 **SECTION 577.** 28.03 (1) of the statutes is amended to read:

2 28.03 (1) DEFINED. State forests shall consist of well blocked areas of state
3 owned lands which have been established as state forests ~~by the department.~~

4 **SECTION 578.** 28.03 (3) of the statutes is amended to read:

5 28.03 (3) DEPARTMENT MAY NAME. The department of agriculture, trade and
6 consumer protection or the department of natural resources may designate by
7 appropriate name any state forest not expressly named by the legislature.

8 **SECTION 579.** 28.03 (4) of the statutes is created to read:

9 28.03 (4) SOUTHERN STATE FORESTS. The department of natural resources may
10 develop and shall operate and maintain the southern state forests.

11 **SECTION 580.** 28.035 (2) of the statutes is amended to read:

12 28.035 (2) The department shall ~~enter into an~~ comply with the agreement with
13 the Wisconsin department of the American Legion for hunting in the state forest
14 lands described as lots 3, 4, 6 and 7 of section 8 and lots 2 and 3 of section 17, township
15 38 north, range 7 east, Oneida County, which are used in connection with Camp
16 American Legion and which the Legion is now maintaining on this location as a
17 restoration camp for sick and disabled veterans and their dependents.

18 **SECTION 581.** 28.035 (3) (b) of the statutes is amended to read:

19 28.035 (3) (b) The ownership of all of the buildings and equipment of the camp
20 shall revert to the state upon the discontinuance of the use thereof for such purposes.
21 On or before January 15 of each year the department of the American Legion shall
22 file with the governor, the department of veterans affairs, and the department of
23 ~~natural resources~~ agriculture, trade and consumer protection a written report of the
24 operations and the financial status of the camp.

25 **SECTION 582.** 28.04 (2) (a) of the statutes is amended to read:

1 28.04 (2) (a) The department of agriculture, trade and consumer protection
2 shall manage the state forests, other than the southern state forests, and the
3 department of natural resources shall manage the southern state forests, to benefit
4 the present and future generations of residents of this state, recognizing that the
5 state forests contribute to local and statewide economies and to a healthy natural
6 environment. The ~~department~~ departments shall assure the practice of sustainable
7 forestry and use it to assure that state forests can provide a full range of benefits for
8 present and future generations. The ~~department~~ departments shall also assure that
9 the management of state forests is consistent with the ecological capability of the
10 state forest land and with the long-term maintenance of sustainable forest
11 communities and ecosystems. These benefits include soil protection, public hunting,
12 protection of water quality, production of recurring forest products, outdoor
13 recreation, native biological diversity, aquatic and terrestrial wildlife, and
14 aesthetics. The range of benefits provided by the ~~department~~ departments in each
15 state forest shall reflect its unique character and position in the regional landscape.

16 **SECTION 583.** 28.04 (2) (b) of the statutes is amended to read:

17 28.04 (2) (b) In managing the state forests, the department of agriculture, trade
18 and consumer protection and the department of natural resources shall recognize
19 that not all benefits under par. (a) can or should be provided in every area of a state
20 forest.

21 **SECTION 584.** 28.04 (2) (c) of the statutes is amended to read:

22 28.04 (2) (c) In managing the state forests, the department of agriculture, trade
23 and consumer protection and the department of natural resources shall recognize
24 that management may consist of both active and passive techniques.

25 **SECTION 585.** 28.04 (3) (a) of the statutes is amended to read:

1 28.04 (3) (a) The department of agriculture, trade and consumer protection
2 shall prepare a plan for each state forest, other than southern state forests, that
3 describes how the state forest will be managed. The department of natural resources
4 shall prepare a plan for each southern state forest that describes how the southern
5 state forest will be managed. The ~~department~~ departments shall work with the
6 public to identify property goals and objectives that are consistent with the purposes
7 under sub. (2). The ~~department~~ departments shall identify in each plan the
8 objectives of management for distinct areas of the state forest.

9 **SECTION 586.** 28.04 (3) (b) of the statutes is amended to read:

10 28.04 (3) (b) The department of agriculture, trade and consumer protection and
11 the department of natural resources shall establish procedures for the preparation
12 and modification of these plans, including procedures for public participation. In
13 preparing and modifying plans under this subsection, the ~~department~~ departments
14 shall use the best available information regarding the purposes and benefits of the
15 state forests that ~~the~~ each department acquires through inventories, evaluations,
16 monitoring and research. In evaluating such information, the ~~department~~
17 departments shall consider both regional and local scales, including the impact on
18 local economies. As new information becomes available, the department of
19 agriculture, trade and consumer protection or the department of natural resources
20 shall adapt its management of the state forest and, if necessary, the plan for the state
21 forest.

22 **SECTION 587.** 28.042 (1) of the statutes is amended to read:

23 28.042 (1) The department of agriculture, trade and consumer protection shall
24 undertake and maintain an inventory of forested areas on land owned by the state,
25 including other than forested areas on land in southern state forests. The

1 department of natural resources shall undertake and maintain an inventory of
2 forested areas in southern state forests. The inventories shall include the areas of
3 timber in these forested areas that have been or are to be harvested for purposes of
4 state forestry management.

5 **SECTION 588.** 28.042 (2) of the statutes is amended to read:

6 28.042 (2) The department of agriculture, trade and consumer protection, in
7 performing its duties under this chapter, shall give priority to the completion of the
8 inventory described in sub. (1) and the completion of the harvesting of timber that
9 has been identified for harvesting in this inventory.

10 **SECTION 589.** 28.045 (1) of the statutes is amended to read:

11 28.045 (1) Every person hired as a field forester by the department of
12 agriculture, trade and consumer protection or the department of natural resources
13 on or after November 20, 2003, shall have received a bachelor's or higher degree in
14 forestry from a school of forestry with a curriculum accredited by the Society of
15 American Foresters or an equivalent degree, as determined by the chief state
16 forester.

17 **SECTION 590.** 28.045 (2) of the statutes is amended to read:

18 28.045 (2) Notwithstanding s. 230.14 (3m), the department of agriculture,
19 trade and consumer protection or the department of natural resources may require
20 as a condition of application that an applicant for the position of field forester has met
21 the educational requirements specified under sub. (1).

22 **SECTION 591.** 28.047 of the statutes is created to read:

23 **28.047 Designation of trails and areas.** (1) In this section, "special use
24 area" includes a trail, campground, or picnic area.

1 (2) The department shall designate special use areas in state forests, other
2 than southern state forests, and shall indicate the location of each special use area
3 in one of the following manners:

4 (a) By showing it on a map available at the district office of the department that
5 is nearest to the special use area.

6 (b) By indicating its location on a sign outside any office of the department that
7 is located within the same state forest.

8 (c) By placing a sign at the special use area.

9 (3) The department shall inspect trail signs and designated features twice a
10 year, once before July 1 and once after July 1.

11 (4) Subsection (3) does not apply to snowmobile trails on land under the control
12 of the department that are maintained by snowmobile clubs or other nonprofit
13 organizations.

14 **SECTION 592.** 28.05 (1) of the statutes is amended to read:

15 28.05 (1) LIMITATIONS. Cutting shall be limited to trees marked or designated
16 for cutting by a forester employed by the department of agriculture, trade and
17 consumer protection or the department of natural resources or by an individual
18 determined by the department of agriculture, trade and consumer protection or the
19 department of natural resources to be qualified to do such marking or designating
20 and who is under the oversight of a forester employed by the that department. The
21 department of agriculture, trade and consumer protection, with respect to state
22 forests other than southern state forests, and the department of natural resources
23 with respect to southern state forests, may sell products removed in cultural or
24 salvage cuttings and standing timber designated in timber sale contracts, but all
25 sales shall be based on tree scale or on the scale, measure or count of the cut products.

1 The ~~That~~ department may require that a person purchasing products or standing
2 timber under a timber sale contract provide surety for the proper performance of the
3 contract either directly or through a bond furnished by a surety company authorized
4 to do business in this state.

5 **SECTION 593.** 28.05 (3) (a) of the statutes is amended to read:

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

21 **SECTION 594.** 28.05 (3) (b) of the statutes is amended to read:

22 28.05 (3) (b) Each private cooperating forester with whom the department of
23 agriculture, trade and consumer protection or the department of natural resources
24 contracts under par. (a) to harvest and sell timber from state forest lands shall be

1 entitled to receive a portion of the proceeds from the sale of such timber in the amount
2 determined by the respective department under par. (a).

3 **SECTION 595.** 28.05 (3) (c) of the statutes is amended to read:

4 28.05 (3) (c) Of the amount received by the department from each timber sale
5 for which the department used the services of a cooperating forester under this

6 subsection, the department shall credit to the appropriation account under s. ~~20.370~~

7 ~~(1) (ev)~~ ^{20.115} ~~(5) (rw)~~ an amount equal to the portion of the sale proceeds that the
8 department is required to pay to the cooperating forester.

9 **SECTION 596.** 28.06 (2m) (b) of the statutes is amended to read:

10 28.06 (2m) (b) For fiscal year 2002-03 and each fiscal year thereafter, the
11 department shall credit 50% of the moneys received as surcharges under par. (a)
12 during the applicable fiscal year to the appropriation account under s. ~~20.370 (1) (eu)~~
13 20.115 (5) (rp) and the remaining 50% to the appropriation account under s. ~~20.370~~
14 ~~(1) (ev)~~ 20.115 (5) (rs).

15 **SECTION 597.** 28.11 (5m) (a) (intro.) of the statutes is amended to read:

16 28.11 (5m) (a) (intro.) The department may make grants, from the
17 appropriation under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands
18 entered under sub. (4) to fund all of the following for one professional forester in the
19 position of county forest administrator or assistant county forest administrator:

20 **SECTION 598.** 28.11 (5r) (b) of the statutes is amended to read:

21 28.11 (5r) (b) The department may make grants, from the appropriation under
22 s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands entered under sub. (4) to
23 fund the cost of activities designed to improve sustainable forestry on the lands.

24 **SECTION 599.** 28.11 (8) (a) of the statutes is amended to read:

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1 28.11 (8) (a) *Acreage payments.* As soon after April 20 of each year as feasible,
2 the department shall pay to each town treasurer 30 cents per acre, based on the
3 acreage of such lands as of the preceding June 30, as a grant out of the appropriation
4 made by s. ~~20.370 (5) (bv)~~ 20.115 (5) (vm) on each acre of county lands entered under
5 this section.

6 **SECTION 600.** 28.11 (8) (b) 1. of the statutes is amended to read:

7 28.11 (8) (b) 1. A county having established and maintaining a county forest
8 under this section is eligible to receive from the state from the appropriations under
9 s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u) an annual payment as a noninterest
10 bearing loan to be used for the purchase, development, preservation and
11 maintenance of the county forest lands and the payment shall be credited to a county
12 account to be known as the county forestry aid fund. A county board may, by a
13 resolution adopted during the year and transmitted to the department by December
14 31, request to receive a payment of not more than 50 cents for each acre of land
15 entered and designated as "county forest land". The department shall review the
16 request and approve the request if the request is found to be consistent with the
17 comprehensive county forest land use plan. If any lands purchased from the fund
18 are sold, the county shall restore the purchase price to the county forestry aid fund.
19 The department shall pay to the county the amount due to it on or before March 31
20 of each year, based on the acreage of the lands as of the preceding June 30. If the
21 amounts in the appropriations under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5) (t) and (u)
22 are not sufficient to pay all of the amounts approved by the department under this
23 subdivision, the department shall pay eligible counties on a prorated basis.

24 **SECTION 601.** 28.11 (8) (b) 2. of the statutes is amended to read:

1 28.11 (8) (b) 2. The department may allot additional interest free forestry aid
2 loans on a project basis to individual counties to permit the counties to undertake
3 meritorious and economically productive forestry operations, including land
4 acquisitions. These additional aids may not be used for the construction of
5 recreational facilities or for fish and game management projects. Application shall
6 be made in the manner and on forms prescribed by the department and specify the
7 purpose for which the additional aids will be used. The department shall make an
8 investigation as it deems necessary to satisfy itself that the project is feasible,
9 desirable and consistent with the comprehensive plan. If the department so finds,
10 it may make allotments in such amounts as it determines to be reasonable and
11 proper and charge the allotments to the forestry fund account of the county. These
12 allotments shall be credited by the county to the county forestry aid fund. After
13 determining the loans as required under subd. 1., the department shall make the
14 remainder of the amounts appropriated under s. ~~20.370 (5) (bq) and (bs)~~ 20.115 (5)
15 (t) and (u) for that fiscal year available for loans under this subdivision. The
16 department shall also make loans under this subdivision from the appropriations
17 under s. ~~20.370 (5) (bt) and (bu)~~ 20.115 (5) (um) and (v).

18 **SECTION 602.** 28.11 (9) (am) of the statutes is amended to read:

19 28.11 (9) (am) The acreage loan severance share payments shall be deposited
20 in the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bq)~~
21 20.115 (5) (t), and the project loan severance share payments shall be deposited in
22 the conservation fund and credited to the appropriation under s. ~~20.370 (5) (bu)~~
23 20.115 (5) (v).

24 **SECTION 603.** 28.11 (9) (ar) 1. of the statutes is amended to read:

1 28.11 (9) (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the
2 unencumbered balances in the appropriations under s. ~~20.370 (5) (bq), (bt) and (bu)~~
3 20.115 (5) (t), (um), and (v) exceeds \$400,000 on June 30 of any fiscal year, the amount
4 in excess of \$400,000 shall lapse from the appropriation under s. ~~20.370 (5) (bq)~~
5 20.115 (5) (t) to the conservation fund, except as provided in subd. 2.

6 **SECTION 604.** 28.11 (9) (ar) 2. of the statutes is amended to read:

7 28.11 (9) (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the
8 appropriation under s. ~~20.370 (5) (bq)~~ 20.115 (5) (t) is insufficient for the amount that
9 must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse
10 from the appropriation under s. ~~20.370 (5) (bu)~~ 20.115 (5) (v).

11 **SECTION 605.** 28.11 (12) of the statutes is amended to read:

12 28.11 (12) ENFORCEMENT. If at any time it appears to the department that the
13 lands are not being managed in accordance with this section it shall so advise the
14 county forestry committee and the county clerk. If the condition persists the
15 department may ~~proceed against the persons responsible for such noncompliance~~
16 under s. 30.03 (4) order a hearing under ch. 227 concerning the noncompliance, and
17 may request the hearing examiner to issue an order directing the responsible parties
18 to perform or refrain from performing acts in order to remedy the noncompliance.
19 If any person fails or neglects to obey an order, the department may request the
20 attorney general to institute proceedings for the enforcement of the department's
21 order in the name of the state. The proceedings shall be brought in the manner and
22 with the effect of proceedings under s. 111.07 (7). No penalty may be imposed for
23 violation of a hearing examiner's order under this subsection, but violation of a
24 judgment enforcing the order may be punished in civil contempt proceedings.

25 **SECTION 606.** 28.90 of the statutes is created to read:

1 **28.90 Enforcement.** (1) The department shall enforce all of the laws that the
 2 department is required to administer for the state forests and shall bring, or cause
 3 to be brought, actions and proceedings in the name of the state for that purpose.

4 (2) All sheriffs, deputy sheriffs, coroners, and other police officers are deputy
 5 state forest rangers, and shall assist the department and its rangers in the
 6 enforcement of this chapter whenever notice of a violation of this chapter is given to
 7 them by the department or its rangers.

8 **SECTION 607.** 28.92 of the statutes is created to read:

9 **28.92 State forest rangers.** (1) The persons appointed by the department
 10 to enforce the laws relating to state forests shall be known as state forest rangers and
 11 shall be subject to ch. 230.

12 (2) The department shall provide to all state forest rangers, before exercising
 13 any of their powers, a commission issued by the department under its seal, to read
 14 substantially as follows:

15 STATE OF WISCONSIN

16 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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

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

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

1 (Seal)

STATE OF WISCONSIN

2 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

3 By

4 (3) The department shall furnish to each state forest ranger at the time of the
5 ranger's appointment, a pocket identification folder in the same form and substance
6 as the folder described in s. 23.10 (5), except that the impression shall be the seal of
7 the department.

8 (4) A state forest ranger shall carry the identification folder on his or her person
9 at all times that he or she is on official duty, and a state forest ranger shall, on
10 demand, exhibit the same to any person to whom he or she may represent himself
11 or herself as a state forest ranger.

12 **SECTION 608.** 28.94 of the statutes is created to read:

13 **28.94 Resisting or falsely impersonating a state forest ranger.** Any
14 person who does any of the following may be fined not more than \$10,000 or
15 imprisoned for not more than 9 months or both:

16 (1) Assaults or otherwise resists or obstructs any state forest ranger in the
17 performance of his or her duties.

18 (2) Falsely represents himself or herself to be a state forest ranger or assumes
19 to act as a state forest ranger without having been first appointed.

20 **SECTION 609.** 28.98 of the statutes is created to read:

21 **28.98 General penalty provision.** Any person who violates any provision
22 of this chapter or any rule promulgated or order issued under this chapter for which
23 no other penalty is prescribed is subject to a forfeiture of not more than \$100.

24 **SECTION 610.** 29.024 (6) (ag) of the statutes is amended to read:

1 29.024 (6) (ag) Under a contract issued under par. (a) 4., the department may
2 deduct a portion of each fee collected for a license issued pursuant to the statewide
3 automated system. The department shall credit all of the amounts deducted to the
4 appropriation account under s. 20.370 ~~(9) (hv)~~ (1) (hx).

5 **SECTION 611.** 29.088 (2g) (b) of the statutes is amended to read:

6 29.088 (2g) (b) Subsections (1) and (2) do not apply to toxicants placed in the
7 waters of a preexisting fish rearing facility that is an artificial body of water if the
8 toxicants are necessary to the operation of the fish farm and the department of
9 environmental quality has issued a permit under s. 283.31 for the preexisting fish
10 rearing facility.

11 **SECTION 612.** 29.219 (3) (c) of the statutes is amended to read:

12 29.219 (3) (c) *Use of fees.* The department shall deposit receipts from the sale
13 of resident 2-day sports fishing licenses under this subsection in the conservation
14 fund. The department shall credit 50% of these receipts to the appropriation under
15 s. 20.370 ~~(4) (1)~~ (ku).

16 **SECTION 613.** 29.219 (3m) (c) of the statutes is amended to read:

17 29.219 (3m) (c) *Use of fees.* The department shall deposit receipts from the sale
18 of 2-day inland lake trout fishing licenses under this subsection in the conservation
19 fund. The department shall credit 50 percent of these receipts to the appropriation
20 account under s. 20.370 ~~(4) (1)~~ (kv).

21 **SECTION 614.** 29.228 (7) (c) of the statutes is amended to read:

22 29.228 (7) (c) *Use of fees.* The department shall deposit receipts from the sale
23 of nonresident 2-day sports fishing licenses under this subsection in the
24 conservation fund. The department shall credit 50% of these receipts to the
25 appropriation under s. 20.370 ~~(4) (1)~~ (ku).

1 **SECTION 615.** 29.2285 (3) (e) of the statutes is amended to read:

2 29.2285 (3) (e) *Use of moneys from fees.* The department shall deposit the
3 receipts from the sale of sturgeon hook and line tags issued under this subsection into
4 the conservation fund and shall credit these receipts to the appropriation account
5 under s. 20.370 (4) (1) (ky).

6 **SECTION 616.** 29.229 (5r) of the statutes is amended to read:

7 29.229 (5r) FEES TO THE DEPARTMENT. The department may require that the
8 band remit all of the fees collected under sub. (3) (a) to the department. If the
9 department so requires, all of these fees shall be deposited in the conservation fund
10 and credited to the appropriation account under s. 20.370 ~~(9) (hs)~~ (1) (js).

11 **SECTION 617.** 29.2295 (4) (c) of the statutes, as affected by 2009 Wisconsin Act
12 28, is amended to read:

13 29.2295 (4) (c) 1. Subject to subd. 2., the department shall make the payment
14 under par. (a) from the appropriation under s. 20.370 ~~(9) (hk)~~ (1) (hg).

15 2. If the amount calculated under par. (b) for a fiscal year exceeds the amount
16 appropriated under s. 20.370 ~~(9) (hk)~~ (1) (hg) for that fiscal year, the department shall
17 make a payment from the appropriation under s. 20.370 ~~(9) (ht)~~ (1) (hv) to the band
18 that equals the difference between the 2 amounts.

19 **SECTION 618.** 29.2297 (4) of the statutes is amended to read:

20 29.2297 (4) USE OF MONEYS. All moneys retained by the department pursuant
21 to a contract entered into under this section shall be credited to the appropriation
22 account under s. 20.370 ~~(9) (hu)~~ (1) (jw).

23 **SECTION 619.** 29.237 (5) of the statutes is amended to read:

1 29.237 (5) The department shall deposit receipts from the sale of sturgeon
2 spearing licenses under this subsection into the conservation fund and shall credit
3 these receipts to the appropriation account under s. 20.370 ~~(4)~~ (1) (kw).

4 **SECTION 620.** 29.556 (3) of the statutes is amended to read:

5 29.556 (3) Any fees collected under this section by the department shall be
6 credited to the appropriation account under s. 20.370 ~~(9)~~ ~~(hu)~~ (1) (jw).

7 **SECTION 621.** 29.564 (2) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 29.564 (2) All moneys collected under sub. (1), less the amount retained as
10 authorized under sub. (1m), shall be deposited into the account under s. 20.370 ~~(3)~~
11 (1) (is).

12 **SECTION 622.** 29.601 (3) (b) of the statutes is amended to read:

13 29.601 (3) (b) Paragraph (a) does not apply to authorized drainage and sewage
14 from municipalities and industrial or other wastes discharged from mines or
15 commercial or industrial or ore processing plants or operations, through treatment
16 and disposal facilities installed and operated in accordance with plans submitted to
17 and approved by the department of environmental quality under chs. 281, 285 or 289
18 to 299 or in compliance with orders of the department of environmental quality. Any
19 order is subject to modification by subsequent orders.

20 **SECTION 623.** 29.601 (5) (b) 2. of the statutes is amended to read:

21 29.601 (5) (b) 2. This section does not apply to toxicants placed in the waters
22 of a preexisting fish rearing facility that is an artificial body of water if the toxicants
23 are necessary to the operation of the fish farm and the department of environmental
24 quality has issued a permit under s. 283.31 for the preexisting fish rearing facility.

25 **SECTION 624.** 29.931 (2) (am) of the statutes is amended to read:

1 29.931 (2) (am) If the department or its wardens seize any net or similar fishing
2 device under par. (a), the owner shall reimburse the department for all costs
3 associated with the seizure within 20 days after the department gives written notice
4 to the owner of the owner's obligation to reimburse the department. The notice shall
5 include the amount of the costs required to be reimbursed by the owner. If the owner
6 does not reimburse the department as required under this paragraph, the owner
7 shall forfeit not more than \$1,000 in addition to the costs of reimbursement. All
8 reimbursement costs collected under this paragraph shall be credited to the
9 appropriation under s. 20.370 (3) ~~(mi)~~ (1) (pi).

10 **SECTION 625.** 29.984 (2) of the statutes is amended to read:

11 29.984 (2) USE OF COMMERCIAL FISH PROTECTION SURCHARGE FUNDS. All moneys
12 collected from commercial fish protection surcharges shall be credited to the
13 appropriation under s. 20.370 (4) (1) (kr).

14 **SECTION 626.** 29.987 (2) of the statutes is amended to read:

15 29.987 (2) USE OF NATURAL RESOURCES SURCHARGE FUNDS. All moneys collected
16 from natural resources surcharges shall be credited to the appropriation under s.
17 20.370 (3) ~~(mu)~~ (1) (pu).

18 **SECTION 627.** 29.989 (2) of the statutes is amended to read:

19 29.989 (2) USE OF NATURAL RESOURCES RESTITUTION SURCHARGE FUNDS. All
20 moneys collected from natural resources restitution surcharges shall be
21 appropriated for use under s. 20.370 (3) ~~(mu)~~ (1) (pu).

22 **SECTION 628.** 29.9905 (2) of the statutes is amended to read:

23 29.9905 (2) USE OF GREAT LAKES RESOURCE SURCHARGE FUNDS. All moneys
24 collected from Great Lakes resource surcharges shall be credited to the
25 appropriation under s. 20.370 (4) (1) (kr).

1 **SECTION 629.** 30.01 (title) of the statutes is amended to read:

2 **30.01 (title) Definitions for chapter.**

3 **SECTION 630.** 30.01 (1j) of the statutes is repealed.

4 **SECTION 631.** 30.01 (6) of the statutes is repealed.

5 **SECTION 632.** 30.015 of the statutes is created to read:

6 **30.015 Definitions for subchs. I to III. (1)** In subchs. I to III:

7 (a) "Department" means the department of environmental quality.

8 (b) "Secretary" means the secretary of environmental quality.

9 **SECTION 633.** 30.03 (2) of the statutes is amended to read:

10 30.03 (2) The district attorney of the appropriate county or, at the request of
11 the department of environmental quality, the attorney general shall institute
12 proceedings to recover any forfeiture imposed or to abate any nuisance committed
13 under this chapter subchs. I to III or ch. 31. The district attorney or, at the request
14 of the department of natural resources, the attorney general shall institute
15 proceedings to recover any forfeiture imposed or to abate any nuisance committed
16 under subch. IV or V.

17 **SECTION 634.** 30.07 of the statutes, as created by 2009 Wisconsin Act 55, is
18 renumbered 30.795.

19 **SECTION 635.** 30.12 (1m) (a) of the statutes is amended to read:

20 30.12 (1m) (a) The department of agriculture, trade and consumer protection,
21 after consulting with the department of ~~natural resources~~ environmental quality,
22 specifically approves the structure or deposit.

23 **SECTION 636.** 30.12 (1m) (b) of the statutes is amended to read:

24 30.12 (1m) (b) The structure or deposit is required, under rules promulgated
25 by the department of agriculture, trade and consumer protection, in order to conform

1 the drain to specifications approved by the department of agriculture, trade and
2 consumer protection after consulting with the department of ~~natural resources~~
3 environmental quality.

4 SECTION 637. 30.124 of the statutes, as affected by 2009 Wisconsin Act 55, is ✓
5 renumbered, as affected by 2009 Wisconsin Act 55, 23.244, and 23.244 (1) (intro.), as
6 renumbered ^{are} amended to read: and (a)

7 23.244 (1) (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
8 department finds, after consulting with the department of environmental quality,
9 that the activity will not adversely affect public or private rights or interests in fish
10 and wildlife populations, navigation, or waterway flood flow capacity and will not
11 result in environmental pollution, as defined in s. 299.01 (4), the department may
12 do all of the following on public lands or waters:

insert 141-12 ✓

13 SECTION 638. 30.1255 of the statutes, as affected by 2009 Wisconsin Act 55, is
14 renumbered 23.243.

15 SECTION 639. 30.20 (1g) (c) of the statutes is amended to read:
16 30.20 (1g) (c) A removal of material by the drainage board for the Duck Creek
17 Drainage District from a drain that the board operates in the Duck Creek Drainage
18 District is exempt from the individual and general permit requirements under this
19 section if the removal is required, under rules promulgated by the department of
20 agriculture, trade and consumer protection, in order to conform the drain to
21 specifications imposed by the department of agriculture, trade and consumer
22 protection after consulting with the department of ~~natural resources~~ environmental
23 quality.

24 SECTION 640. 30.203 of the statutes is renumbered 23.178.

25 SECTION 641. 30.24 of the statutes is renumbered 23.0942.

1 **SECTION 642.** 30.255 of the statutes is renumbered 23.0943.

2 **SECTION 643.** 30.26 of the statutes, as affected by 2009 Wisconsin Acts 7 and
3 32, is renumbered 23.43.

4 **SECTION 644.** 30.265 of the statutes is renumbered 23.431.

5 **SECTION 645.** 30.27 of the statutes is renumbered 23.432.

6 **SECTION 646.** 30.275 of the statutes is renumbered 23.434.

7 **SECTION 647.** 30.277 of the statutes is renumbered 23.0944, and 23.0944 (1m),
8 as renumbered, is amended to read:

9 23.0944 (1m) FUNDING. Beginning in fiscal year 1992-93, from the
10 appropriation under s. 20.866 (2) (tz), the department shall award grants to
11 governmental units to assist them in projects on or adjacent to rivers that flow
12 through urban areas. The department may award these grants from the
13 appropriation under s. 20.866 (2) (ta) beginning on July 1, 2000 subject to the
14 agreement under s. 23.0917 (4r).

15 **SECTION 648.** 30.40 (3e) of the statutes is created to read:

16 30.40 (3e) "Department" means the department of natural resources.

17 **SECTION 649.** 30.40 (3g) of the statutes is amended to read:

18 30.40 (3g) "Forester" means a person who is employed by the department of
19 natural resources or the department of agriculture, trade and consumer protection
20 to carry out assigned forest management responsibilities or who has received a
21 bachelor's or higher degree from a school of forestry with curriculum accredited by
22 the society of American foresters in the management of forest resources.

23 **SECTION 650.** 30.40 (15m) of the statutes is created to read:

24 30.40 (15m) "Secretary" means the secretary of natural resources.

25 **SECTION 651.** 30.42 (1) (d) 1. of the statutes is amended to read:

1 30.42 (1) (d) 1. Promulgate rules, in consultation with the department of
2 agriculture, trade and consumer protection, that are applicable only to land in the
3 riverway to regulate the cutting and harvesting of timber so that the effect of cutting
4 or harvesting of timber on the scenic beauty and the natural value of the riverway
5 is minimized. For land that is in the river edge zone or the bluff zone, the rules
6 promulgated under this paragraph shall require that the cutting and harvesting of
7 timber be solely by selection cutting and that the minimum basal area for the
8 residual stand of timber be 60 square feet per acre. The rules promulgated under this
9 paragraph do not apply to any cutting or harvesting of timber subject to regulation
10 under s. 30.43 (3).

11 **SECTION 652.** 30.50 (3m) of the statutes is created to read:

12 30.50 (3m) "Department" means the department of natural resources.

13 **SECTION 653.** 30.50 (4s) of the statutes is amended to read:

14 30.50 (4s) "Law enforcement officer" has the meaning specified under s. 165.85
15 (2) (c) and includes a person appointed as a conservation warden ~~by the department~~
16 under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.

17 **SECTION 654.** 30.50 (11m) of the statutes is created to read:

18 30.50 (11m) "Secretary" means the secretary of natural resources.

19 **SECTION 655.** 30.52 (1m) (e) of the statutes is amended to read:

20 30.52 (1m) (e) *Receipt of fees.* All fees remitted to or collected by the department
21 under par. (ar) shall be credited to the appropriation account under s. 20.370 (9) ~~(hu)~~
22 (1) (jw).

23 **SECTION 656.** 30.52 (3m) (b) of the statutes, as affected by 2009 Wisconsin Act
24 28, is amended to read:

1 30.52 **(3m)** (b) All moneys collected under par. (a), less the amount retained as
2 authorized under par. (am), shall be deposited into the account under s. 20.370 **(3)**
3 (1) (is).

4 **SECTION 657.** 30.54 (2) of the statutes is amended to read:

5 30.54 **(2)** If a person applies for a replacement certificate under sub. (1),
6 ~~conservation wardens or local law enforcement officials~~ law enforcement officers,
7 after presenting appropriate credentials to the owner or legal representative of the
8 owner named in the certificate of title, shall inspect the boat's engine serial number
9 or hull identification number, for purposes of verification or enforcement.

10 **SECTION 658.** 30.544 of the statutes is amended to read:

11 **30.544 Inspection of boats purchased out-of-state.** For purposes of
12 enforcement, ~~conservation wardens or local law enforcement officials~~ law
13 enforcement officers, after presenting appropriate credentials to the owner of a boat
14 which was purchased outside of this state and which is subject to the certificate of
15 title requirements of this chapter, shall inspect the boat's engine serial number or
16 hull identification number.

17 **SECTION 659.** 30.67 (2) (a) of the statutes is amended to read:

18 30.67 **(2)** (a) If a boating accident results in death or injury to any person, the
19 disappearance of any person from a boat under circumstances indicating death or
20 injury, or property damage, every operator of a boat involved in an accident shall,
21 without delay and by the quickest means available, give notice of the accident to a
22 ~~conservation warden or local law enforcement officer~~ and shall file a written report
23 with the department on the form prescribed by it. The department shall promulgate
24 rules necessary to keep accident reporting requirements in conformity with rules
25 adopted by the U.S. coast guard.