

BILL**SECTION 449**

1 **SECTION 449.** 23.16 (1) of the statutes is amended to read:

2 **23.16 (1) PUBLICATION.** The department may produce, issue or reprint
3 magazines or other periodicals on a periodic basis as it determines, pertaining to fish
4 and game, forests, parks, ~~environmental quality~~ and other similar subjects of
5 general information. The department may distribute its magazines and periodicals
6 by subscription. The department shall charge a fee for any of its magazines or
7 periodicals, except that no fee may be charged to a person who is provided a
8 subscription to the Wisconsin Natural Resources Magazine under s. 29.235.

9 **SECTION 450.** 23.16 (5) of the statutes is amended to read:

10 **23.16 (5) USE OF MONEYS.** The department shall use the moneys collected under
11 this section for the costs specified in sub. (4). If the moneys collected under this
12 section exceed the amount necessary for the costs specified in sub. (4), the
13 department shall use the excess for educational and informational activities
14 concerning conservation ~~and the environment~~.

15 **SECTION 451.** 23.165 (1) of the statutes is amended to read:

16 **23.165 (1) PUBLICATIONS.** The department may produce, issue, reprint and sell
17 publications not published on a periodic basis that pertain to fish and game, forests,
18 parks, ~~environmental quality~~ and other similar subjects of general information.

19 **SECTION 452.** 23.165 (1m) of the statutes is amended to read:

20 **23.165 (1m) PHOTOGRAPHS, SLIDES, VIDEOTAPES, ARTWORK.** The department may
21 produce, issue, reprint and sell photographs, slides, videotapes and artwork if they
22 pertain to fish and game, forests, parks, ~~environmental quality~~ and other similar
23 subjects of general information.

24 **SECTION 453.** 23.165 (5m) of the statutes is amended to read:

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1 23.165 (5m) USE OF MONEYS. The department shall use the moneys collected
2 under this section for the costs specified in sub. (5). If the moneys collected under
3 this section exceed the amount necessary for the costs specified in sub. (5), the
4 department shall use the excess for educational and informational activities
5 concerning conservation and the environment.

6 ~~SECTION 454. 23.175 (3m) of the statutes is amended to read:~~

7 ~~23.175 (3m) ALLOCATION BETWEEN APPROPRIATIONS. For purposes of sub. (3) (b),~~
8 ~~the department shall determine how the moneys being expended are to be allocated~~
9 ~~from the appropriations under s. 20.866 (2) (ta) and (tz). The moneys expended from~~
10 ~~the appropriation under s. 20.866 (2) (ta) shall be subject to the agreement under s.~~
11 ~~23.0917 (4r). The department may not allocate or expend any moneys from the~~
12 ~~appropriation under s. 20.866 (2) (ta) before July 1, 2000.~~

13 **SECTION 455.** 23.18 of the statutes is renumbered 278.18, and 278.18 (1) (a) and
14 (b) (intro.), as renumbered, are amended to read:

15 278.18 (1) (a) Advise the department, the department of natural resources, the
16 governor and the legislature on matters relating to the environmental, recreational
17 and economic revitalization of the Milwaukee River basin.

18 (b) (intro.) Assist the department and the department of natural resources to:

19 **SECTION 456.** 23.197 (2) (a) of the statutes is amended to read:

20 23.197 (2) (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the
21 department shall provide funding to the city of Fort Atkinson for the restoration of
22 a river wall along the Rock River. The amount provided by the department may not
23 exceed the amount that equals the matching contribution made for the river wall by
24 the city of Fort Atkinson or \$96,500, whichever is less. The requirements for
25 matching contributions under s. ~~30.277~~ 23.0944 (5) shall apply.

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1 SECTION 457. 23.26 (3) of the statutes is amended to read:

2 23.26 (3) Advise the department of natural resources, the department of
3 agriculture, trade and consumer protection, and other agencies on matters
4 pertaining to the acquisition, development, utilization, maintenance and
5 withdrawal of state natural areas, including determinations as to the extent of
6 multiple use that may be allowed on state natural areas that are a part of a state
7 park, state forest, public hunting ground or similar areas under state ownership or
8 control.

9 SECTION 458. 23.29 (2) of the statutes is amended to read:

10 23.29 (2) CONTRIBUTIONS; STATE MATCH. The department may accept
11 contributions and gifts for the Wisconsin natural areas heritage program. The
12 department shall convert donations of land which it determines, with the advice of
13 the council, are not appropriate for the Wisconsin natural areas heritage program
14 into cash. The department shall convert other noncash contributions into cash.
15 These moneys shall be deposited in the general fund and credited to the
16 appropriation under s. 20.370 (1) (mg). These moneys shall be matched by an equal
17 amount released from the appropriation under s. 20.866 (2) (ta), (tt) or (tz) or from
18 any combination of these appropriations to be used for natural areas land acquisition
19 activities under s. 23.27 (5). The department shall determine how the moneys being
20 released are to be allocated from these appropriations. The amounts released from
21 the appropriation under s. 20.866 (2) (ta) shall be subject to the agreement under s.
22 23.0917 (4r).

23 SECTION 459. 23.293 (4) of the statutes is amended to read:

24 23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept
25 contributions and gifts for the ice age trail program. The department may convert

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1 gifts of land which it determines are not appropriate for the ice age trail program into
2 cash. The department may convert other noncash contributions and gifts into cash.
3 These moneys shall be deposited in the general fund and credited to the
4 appropriation under s. 20.370 (7) (gg). An amount equal to the value of all
5 contributions and gifts shall be released from the appropriation under s. 20.866 (2)
6 (ta), (tw) or (tz) or from any combination of these appropriations to be used for land
7 acquisition and development activities under s. 23.17. The department shall
8 determine how the moneys being released are to be allocated from these
9 appropriations. The amounts released from the appropriation under s. 20.866 (2) (ta)
10 shall be subject to the agreement under s. 23.0917 (4r).

11 **SECTION 460.** 23.293 (5) of the statutes is amended to read: ✓

12 23.293 (5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall
13 determine the value of land accepted for dedication under the ice age trail program.
14 If the land dedication involves the transfer of the title in fee simple absolute or other
15 arrangement for the transfer of all interest in the land to the state, the valuation of
16 the land shall be based on the fair market value of the land before the transfer. If
17 the land dedication involves the transfer of a partial interest in land to the state, the
18 valuation of the land shall be based on the extent to which the fair market value of
19 the land is diminished by that transfer and the associated articles of dedication. If
20 the land dedication involves a sale of land to the department at less than the fair
21 market value, the valuation of the land shall be based on the difference between the
22 purchase price and the fair market value. An amount equal to the valuation of the
23 land accepted for dedication under the ice age trail program shall be released from
24 the appropriation under s. 20.866 (2) (ta), (tw) or (tz) or from any combination of these
25 appropriations to be used for ice age trail acquisition activities under s. 23.17. The

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1 department shall determine how the moneys being released are to be allocated from
 2 these appropriations. ~~The amounts released from the appropriation under s. 20.866~~
 3 ~~(2) (ta) shall be subject to the agreement under s. 23.0917 (4r).~~ This subsection does
 4 not apply to dedications of land under the ownership of the state.

5 SECTION 461. 23.30 (4) of the statutes is created to read:

6 23.30 (4) CONSULTATION REQUIRED. In carrying out its duties under sub. (3) and
 7 its duties under s. 23.31, the natural resources board shall consult with the
 8 department of agriculture, trade and consumer protection.

9 SECTION 462. 23.305 (title) of the statutes is amended to read:

10 23.305 (title) **Leasing of department land certain lands for recreational**
 11 **purposes.**

12 SECTION 463. 23.305 (2) of the statutes is amended to read:

13 23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department of natural
 14 resources may lease state park land or ~~land in the southern state forest land forests~~
 15 to towns, villages, or counties for outdoor recreational purposes associated with
 16 spectator sports. Notwithstanding ss. 23.30 and 28.04, the department of
 17 agriculture, trade and consumer protection may lease state forest land ~~other than~~
 18 ~~land in the southern state forests,~~ to towns, villages, or counties for outdoor
 19 recreational purposes associated with spectator sports.

20 SECTION 464. 23.305 (3) of the statutes is amended to read:

21 23.305 (3) The lease shall be for a term not to exceed 15 years. The lease shall
 22 contain covenants to protect the department entering into the lease from all liability
 23 and costs associated with use of the land and to guard against trespass and waste.
 24 The rents arising from the a lease entered into by the department of natural
 25 resources shall be paid into the state treasury and credited to the proper

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1 conservation fund. The rents arising from a lease entered into by the department of
2 agriculture, trade and consumer protection shall be paid into the state treasury and
3 credited to the conservation fund.

4 **SECTION 465.** 23.32 of the statutes is renumbered 278.32.

5 **SECTION 466.** 23.325 (1) (a) of the statutes is amended to read:

6 23.325 (1) (a) Shall consult with the department of administration, the
7 department of transportation, the department of agriculture, trade and consumer
8 protection, and the state cartographer, and may consult with other potential users
9 of the photographic products resulting from the survey, to determine the scope and
10 character of the survey.

11 **SECTION 467.** 23.325 (2) (a) of the statutes is amended to read:

12 23.325 (2) (a) After consultation with the department of transportation, the
13 department of agriculture, trade and consumer protection, and the state
14 cartographer, the department of natural resources shall select the photographic
15 products to be sold.

16 **SECTION 468.** 23.325 (4) of the statutes is amended to read:

17 23.325 (4) All income received by the department of natural resources, the
18 department of agriculture, trade and consumer protection, and the department of
19 transportation from the sale of the photographic products, less the amount retained
20 by the department of agriculture, trade and consumer protection under s. 93.077 and
21 the amount retained by the department of transportation under s. 85.10, shall be
22 deposited in the conservation fund.

23 **SECTION 469.** 23.33 (1) (ig) of the statutes is amended to read:

24 23.33 (1) (ig) "Law enforcement officer" has the meaning specified under s.
25 165.85 (2) (c) and includes a person appointed as a conservation warden by the

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1 ~~department~~ under s. 23.10 (1) or a person appointed as a state forest ranger under
2 s. 28.92.

3 **SECTION 470.** 23.33 (2) (o) of the statutes is amended to read:

4 23.33 (2) (o) *Receipt of fees.* All fees remitted to or collected by the department
5 under par. (ir) shall be credited to the appropriation account under s. 20.370 (9) ~~(hu)~~
6 (1) (jw).

7 **SECTION 471.** 23.33 (5) (a) of the statutes is amended to read:

8 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
9 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
10 agricultural purpose and he or she is under the supervision of a person over 18 years
11 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
12 vehicle trail designated by the department of natural resources or the department
13 of agriculture, trade and consumer protection and he or she is accompanied by his
14 or her parent. No person who is under 12 years of age may operate an all-terrain
15 vehicle which is an implement of husbandry on a roadway under any circumstances.
16 No person who is under 12 years of age may operate an all-terrain vehicle on a
17 roadway under the authorization provided under sub. (4) (d) 6. under any
18 circumstances. No person who is under 12 years of age may rent or lease an
19 all-terrain vehicle. For purposes of this paragraph, supervision does not require
20 that the person under 12 years of age be subject to continuous direction or control by
21 the person over 18 years of age.

22 **SECTION 472.** 23.33 (5m) (c) 4. of the statutes is amended to read:

23 23.33 (5m) (c) 4. Assisting the department of natural resources, the
24 department of agriculture, trade and consumer protection, and the department of
25 tourism in creating an outreach program to inform local communities of appropriate

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1 all-terrain vehicle use in their communities and of the economic benefits that may
2 be gained from promoting tourism to attract all-terrain vehicle operators.

3 **SECTION 473.** 23.33 (5m) (c) 5. of the statutes is amended to read:

4 23.33 (5m) (c) 5. Attempting to improve and maintain its relationship with the
5 department of natural resources, the department of agriculture, trade and consumer
6 protection, the department of tourism, all-terrain vehicle dealers, all-terrain
7 vehicle manufacturers, snowmobile clubs, as defined in s. 350.138 (1) (e), snowmobile
8 alliances, as defined in s. 350.138 (1) (d), and other organizations that promote the
9 recreational operation of snowmobiles.

10 **SECTION 474.** 23.33 (8) (c) of the statutes is amended to read:

11 23.33 (8) (c) *Trails.* A town, village, city, county or, the department of natural
12 resources, or the department of agriculture, trade and consumer protection may
13 designate corridors through land which it owns or controls, or for which it obtains
14 leases, easements or permission, for use as all-terrain vehicle trails.

15 **SECTION 475.** 23.33 (9) (a) of the statutes is amended to read:

16 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
17 sub. (2) for all-terrain vehicle registration aids administration and for the purposes
18 specified under s. 20.370 ~~(3)~~ (1) (as) and (5) (er) including costs associated with
19 enforcement, safety education, accident reports and analysis, law enforcement aids
20 to counties, and other similar costs in administering and enforcing this section.

21 **SECTION 476.** 23.33 (9) (b) (intro.) of the statutes is amended to read:

22 23.33 (9) (b) *All-terrain vehicle projects.* (intro.) Any of the following
23 all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle
24 project from the appropriation account under s. 20.370 (1) (ms) or 20.115 (5) (sr) or

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1 for aid as a nonstate all-terrain vehicle project from the appropriation accounts
2 under s. 20.370 (5) (ct) and (cu):

3 **SECTION 477.** 23.33 (9m) of the statutes is created to read:

4 23.33 (9m) STATE TRAILS. The department of agriculture, trade and consumer
5 protection shall designate, develop, and maintain the all-terrain vehicle trails in
6 state forests, ~~other than southern state forests~~

7 **SECTION 478.** 23.33 (12) (a) of the statutes is amended to read:

8 23.33 (12) (a) ~~An officer of the state traffic patrol under s. 110.07 (1), inspector~~
9 ~~under s. 110.07 (3), conservation warden appointed by the department under s.~~
10 ~~23.10, county sheriff or municipal peace~~ Any law enforcement officer has authority
11 and jurisdiction to enforce this section and ordinances enacted in conformity with
12 this section.

13 **SECTION 479.** 23.385 of the statutes is created to read:

14 **23.385 Financial interest prohibited.** The secretary and any other person
15 in a position of administrative responsibility in the department may not have a
16 financial interest in any enterprise that might profit by weak or preferential
17 administration or enforcement of the powers and duties of the department.

18 **SECTION 480.** 23.40 (3) (d) of the statutes is amended to read:

19 23.40 (3) (d) ~~Except as provided in par. (e), the~~ The department shall deposit
20 any environmental impact statement fee in the general fund and shall designate
21 clearly the amount of the fee related to the cost of authorized environmental
22 consultant services and the amount of the fee related to the cost of printing and
23 postage.

24 **SECTION 481.** 23.40 (3) (e) of the statutes is repealed.

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1 **SECTION 482.** 23.41 (1) (intro.) and (b) of the statutes are consolidated,
2 renumbered 23.41 (1) and amended to read:

3 23.41 (1) In this section: ~~(b) “Environmental, “environmental~~ consultant
4 services” includes services provided by environmental scientists, engineers and
5 other experts.

6 **SECTION 483.** 23.41 (1) (a) of the statutes is repealed.

7 **SECTION 484.** 23.41 (2) of the statutes is repealed.

8 **SECTION 485.** 23.41 (5) of the statutes is repealed.

9 **SECTION 486.** 23.41 (5m) of the statutes is repealed.

10 **SECTION 487.** 23.42 of the statutes is renumbered 278.42.

11 **SECTION 488.** 23.425 (title), (1) and (2) (a) of the statutes are renumbered
12 278.425 (title), (1) and (2).

13 **SECTION 489.** 23.425 (2) (b) of the statutes is renumbered 23.425 and amended
14 to read:

15 **23.425 MacKenzie center.** ~~The fees collected by the department under par.~~
16 ~~(a) may collect fees~~ for the use of the MacKenzie environmental center. ~~The fees shall~~
17 be deposited in the general fund and credited to the appropriation under s. 20.370
18 ~~(9) (1) (gb).~~

19 **SECTION 490.** 23.50 (1) of the statutes is amended to read:

20 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
21 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
22 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), and 167.31 (2), ~~281.48 (2) to (5),~~
23 ~~283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2)~~
24 subchs. IV and V of ch. 30, subch. VI of ch. 77, this chapter, and chs. 26 to 31 29, ch.
25 169, and ch. 350, and any administrative rules promulgated thereunder, violations

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1 ~~specified under s. 280.98 (2) or 285.86~~, violations of ch. 951 if the animal involved is
2 a captive wild animal, violations of rules of the Kickapoo reserve management board
3 under s. 41.41 (7) (k), ~~violations to which s. 299.85 (7) (a) 2. or 4. applies~~, or violations
4 of local ordinances enacted by any local authority in accordance with s. 23.33 (11)
5 (am) or 30.77.

6 **SECTION 491.** 23.53 (1) of the statutes is amended to read:

7 23.53 (1) The citation created under this section shall, in all actions to recover
8 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of
9 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
10 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41
11 (7) (k) be used by any law enforcement officer with authority to enforce those laws,
12 except that the uniform traffic citation created under s. 345.11 may be used by a
13 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
14 enforcement agency of a municipality or county ~~or a traffic officer employed under~~
15 ~~s. 110.07 in enforcing s. 287.81~~. In accordance with s. 345.11 (1m), the citation shall
16 not be used for violations of ch. 350 relating to highway use. The citation may be used
17 for violations of local ordinances enacted by any local authority in accordance with
18 s. 23.33 (11) (am) or 30.77.

19 **SECTION 492.** 23.65 (1) of the statutes is amended to read:

20 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
21 ~~or 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07,~~
22 ~~287.08, 287.81 or 299.64 (2), subch. IV or V of ch. 30, this chapter or ch. 26, 27, 28,~~
23 ~~29, 30, 31, 169, or 350, or any administrative rule promulgated pursuant thereto, a~~
24 ~~violation specified under s. 285.86~~, or a violation of ch. 951, if the animal involved is

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1 a captive wild animal, has been committed the district attorney may proceed by
2 complaint and summons.

3 **SECTION 493.** 23.65 (3) of the statutes is amended to read:

4 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint,
5 a circuit judge, after conducting a hearing, may permit the filing of a complaint if he
6 or she finds there is probable cause to believe that the person charged has committed
7 a violation of ~~s. 287.07, 287.08 or 287.81~~ subch. IV or V of ch. 30, this chapter or ch.
8 26, 27, 28, 29, 30, 31 or 350 ~~or a violation specified under s. 285.86~~. The district
9 attorney shall be informed of the hearing and may attend.

10 **SECTION 494.** 24.39 (1) of the statutes is amended to read:

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

24 **SECTION 495.** 24.39 (2) of the statutes is amended to read:

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1 24.39 (2) In negotiating for such leases, licenses or sales, and in exercising the
2 other powers conferred by this section the board of commissioners of public lands
3 shall, so far as it finds it desirable and practicable, request and make proper use of
4 such services and information as the department of natural resources or the
5 department of environmental quality may be able to furnish.

6 **SECTION 496.** 24.39 (4) (c) of the statutes is amended to read:

7 24.39 (4) (c) No leases under par. (a) may be executed without a prior finding
8 of the department of ~~natural resources~~ environmental quality under s. 30.11 (5) that
9 any proposed physical change in the area contemplated as the result of the execution
10 of any term lease is consistent with the public interest in the navigable waters
11 involved.

12 **SECTION 497.** 24.39 (4) (f) of the statutes is amended to read:

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

22 **SECTION 498.** 24.58 of the statutes is amended to read:

23 **24.58 Appraisers.** The board may select employees of the department of
24 natural resources or the department of agriculture, trade and consumer protection
25 to appraise lands or perform other services in field and forest. The board shall

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1 reimburse the respective department under a contract ~~with the department~~ for the
2 performance of public land management services.

3 **SECTION 499.** 25.29 (6) of the statutes is amended to read:

4 25.29 (6) All moneys received from the United States ~~for fire prevention and~~
5 ~~control, forest planting, and other forestry activities~~, for wildlife restoration projects
6 and fish restoration and management projects, and for other purposes shall be
7 devoted to the purposes for which these moneys are received.

8 **SECTION 500.** 25.29 (7) (a) of the statutes is amended to read:

9 25.29 (7) (a) Eight percent of the tax levied under s. 70.58 or of the funds
10 provided for in lieu of the levy shall be used to acquire and develop forests of the state
11 for the purposes or capable of providing the benefits described under s. 28.04 (2)
12 within areas approved by the department of agriculture, trade and consumer
13 protection and the governor and located within the region composed of Manitowoc,
14 Calumet, Winnebago, Sheboygan, Fond du Lac, Ozaukee, Washington, Dodge,
15 Milwaukee, Waukesha, Jefferson, Racine, Kenosha, Walworth, Rock and Outagamie
16 counties.

17 **SECTION 501.** 25.29 (7) (b) of the statutes is amended to read:

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

23 **SECTION 502.** 25.295 (1) (b) of the statutes is amended to read:

24 25.295 (1) (b) Notwithstanding s. 23.15 (4), all moneys received by the
25 ~~department of natural resources~~ state from utility easements on property located in

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1 the state park system, a southern state forest, as defined in s. 27.016 (1) (e), or a state
2 recreation area under ss. ~~23.09 (10), 27.01 (2) (g) and 28.02 (5).~~

3 **SECTION 503.** 25.43 (2) (c) of the statutes is amended to read:

4 25.43 (2) (c) The department of administration may establish and change
5 accounts in the environmental improvement fund other than those under pars. (a),
6 (ae), (am) and (b). The department of administration shall consult the department
7 of ~~natural resources~~ environmental quality before establishing or changing an
8 account that is needed to administer the programs under ss. 281.58, 281.59 and
9 281.61.

10 **SECTION 504.** 25.43 (3) of the statutes is amended to read:

11 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),
12 the environmental improvement fund may be used only for the purposes authorized
13 under ss. 20.320 (1) (r), (s), (sm), (t), (x) and (y), (2) (s) and (x) and (3) (q), ~~20.370~~ 20.375
14 (4) (mt), (mx) and, (nz), ~~(8) (mr) and (9) (mt), (mx) and (ny) (sr), (tt), (tx), and (ty),~~
15 20.505 (1) (v), (x) and (y), 281.58, 281.59, 281.60, 281.61 and 281.62.

16 **SECTION 505.** 25.46 (1e) of the statutes is amended to read:

17 25.46 (1e) The moneys transferred under s. ~~20.370~~ 20.375 (2) (mu) for
18 environmental management.

19 **SECTION 506.** 25.46 (1g) of the statutes is amended to read:

20 25.46 (1g) The moneys transferred under s. ~~20.370~~ 20.375 (4) (mw) for
21 environmental management.

22 **SECTION 507.** 26.01 (1) of the statutes is amended to read:

23 26.01 (1) Unless the context requires otherwise, "department" means the
24 department of ~~natural resources~~ agriculture, trade and consumer protection.

25 **SECTION 508.** 26.02 (1) (intro.) of the statutes is amended to read:

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1 26.02 (1) DUTIES. (intro.) The council on forestry shall advise the governor, the
2 legislature, the department of ~~natural resources~~ agriculture, trade and consumer
3 protection, the department of commerce, and other state agencies, as determined to
4 be appropriate by the council, on all of the following topics as they affect forests
5 located in this state:

6 **SECTION 509.** 26.06 (1) of the statutes is amended to read:

7 26.06 (1) Foresters, forest supervisors, rangers, and state forest rangers and
8 wardens of the department and the cruisers and foresters of the board of
9 commissioners of public lands have the enforcement powers specified in s. 26.97 with
10 respect to, and may seize, without process, any forest products unlawfully severed
11 from public lands of the state, federal lands leased to the state, county forest lands
12 entered under s. 28.11, forest croplands entered under subch. I of ch. 77 or managed
13 forest land designated under subch. VI of ch. 77. Seized products cut from lands
14 under the control of the board of commissioners of public lands shall be held for the
15 commissioners and those cut from forest croplands, managed forest land or county
16 forest shall be held for the owner, and subject to the payment of severance taxes, yield
17 taxes or severance share thereon to the state. Products cut from state forest lands
18 or federal lands leased to the department shall be appraised and sold. Products
19 appraised at more than \$500 shall be sold on sealed bids not less than 10 days after
20 a class 1 notice has been published, under ch. 985, in the county where the material
21 is located. Any sheriff may seize and hold for the owner thereof any forest products
22 unlawfully severed or removed.

23 **SECTION 510.** 26.08 (1) of the statutes is amended to read:

24 26.08 (1) The department of agriculture, trade and consumer protection may,
25 ~~from time to time~~, lease parts or parcels of state park lands or state forest lands ~~other~~

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SECTION 510

see plain

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2

~~than lands in southern state forests.)~~ The department of natural resources may lease parts or parcels of state park lands ~~or lands in southern state forests.~~ These leases shall contain proper covenants to guard against trespass and waste. The rents arising from these leases shall be paid into the state treasury to the credit of the proper fund. Licenses also may be granted to prospect for ore or mineral upon any of these lands; but proper security shall be taken that the licensees will fully inform the department of every discovery of ore or mineral and will restore the surface to its former condition and value if no discovery of valuable deposits is made. The department that enters into a lease or grants a license shall retain a copy of each lease or license and file the original in the office of the board of commissioners of public lands.

SECTION 511. 26.08 (2) (a) of the statutes is amended to read:

26.08 (2) (a) Except as provided under pars. (b) to (d), ~~the department may lease state park land or state forest land~~ leases under sub. (1) shall be for terms not exceeding 15 years.

SECTION 512. 26.08 (2) (b) of the statutes is amended to read:

26.08 (2) (b) The department of natural resources may lease Rib Mountain state park lands and Willow River state park lands for terms not exceeding 30 years.

SECTION 513. 26.08 (2) (bn) of the statutes is amended to read:

26.08 (2) (bn) The department of natural resources may lease state park land located within the boundaries of the Wisconsin Dells natural area for terms not exceeding 30 years.

SECTION 514. 26.08 (2) (c) of the statutes is amended to read:

26.08 (2) (c) The department of natural resources may lease Kettle Moraine state forest land for the YMCA Camp Matawa for a term not exceeding 30 years.

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1 **SECTION 515.** 26.08 (2) (d) of the statutes is amended to read:

2 26.08 (2) (d) The department of agriculture, trade and consumer protection
3 may lease Northern Highland American Legion State Forest land on Statehouse
4 Lake in the town of Manitowish Waters for the North Lakeland Discovery Center for
5 a term not exceeding 30 years.

6 **SECTION 516.** 26.08 (3) of the statutes is amended to read:

7 26.08 (3) The department of natural resources and the department of
8 agriculture, trade and consumer protection shall furnish to the board of
9 commissioners of public lands such maps, plats, surveys, valuations, information
10 and other services as the board may request respecting any of the public lands, for
11 use by it in granting leases or licenses or in making sales under s. 24.39.

12 **SECTION 517.** 26.11 (6) of the statutes is amended to read:

13 26.11 (6) The department, as the director of the effort, may suppress a forest
14 fire on lands located outside the boundaries of intensive or extensive forest fire
15 protection districts but not within the limits of any city or village if the town
16 responsible for suppressing fires within its boundaries spends more than \$3,000, as
17 determined by rates established by the department, on suppressing the forest fire
18 and if the town chairperson makes a request to the department for assistance.
19 Persons participating in the suppression efforts shall act at the direction of the
20 department after the department begins suppression efforts under this subsection.
21 Funds expended by the state under this subsection shall be expended from the
22 appropriation under s. ~~20.370 (1) (mv)~~ [✓] 20.115 (5) (q).

23 **SECTION 518.** 26.11 (7) of the statutes is amended to read:

24 26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered
25 balances in the appropriation accounts under s. ~~20.370 (1) (es)~~ 20.115 (5) (rf) and ~~(mz)~~

BILL**SECTION 518**

1 (z) exceeds \$1,000,000 on June 30 of any fiscal year, the amount in excess of
2 \$1,000,000 shall lapse from the appropriation account under s. ~~20.370 (1) (es)~~ 20.115
3 (5) (rf) to the conservation fund, except as provided in par. (b).

4 (b) Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation account
5 under s. ~~20.370 (1) (es)~~ 20.115 (5) (rf) is insufficient for the amount that must lapse
6 under par. (a), the remainder that is necessary for the lapse shall lapse from the
7 appropriation account under s. ~~20.370 (1) (mz)~~ 20.115 (5) (z).

8 **SECTION 519.** 26.12 (2) of the statutes is amended to read:

9 26.12 (2) ORGANIZATION. The department shall organize each forest protection
10 area so as to most effectively prevent, detect and suppress forest fires, and to that
11 end may employ experienced wardens or state forest rangers to have charge of its
12 efforts in each area; may subdivide each area into patrol areas; may establish lookout
13 towers, construct ranger stations, telephone lines, purchase tools for fire fighting as
14 well as other necessary supplies or equipment, and carry on all other activities
15 considered necessary to effectively protect the area from forest fires, including the
16 promulgation of rules for the payment of fire fighters, the preparation of notices and
17 forms for publication and the disposition and use of all fire-fighting equipment or
18 property. All property or equipment purchased by the state shall be owned by the
19 state, but counties or towns may purchase and own equipment for fire suppression,
20 and the equipment shall be used for the improvement of the forest fire-fighting
21 organization.

22 **SECTION 520.** 26.14 (2) of the statutes is amended to read:

23 26.14 (2) All such state forest rangers, town chairpersons, emergency fire
24 wardens, conservation wardens and other duly appointed deputies may in the
25 performance of their official duty go on the lands of any person to fight forest fires,

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1 and in so doing may set back fires, dig trenches, cut fire lines or carry on all other
2 customary activities in the fighting of forest fires, without incurring a liability to
3 anyone.

4 **SECTION 521.** 26.14 (4) of the statutes is amended to read:

5 26.14 (4) Emergency fire wardens or those assisting them in the fighting of
6 forest fires shall prepare itemized accounts of their services and the services of those
7 employed by them, as well as other expenses incurred, on blanks to be furnished by
8 the department and in a manner prescribed by the department, and make oaths or
9 affirmation that said account is just and correct, which account shall be forwarded
10 and approved for payment by the department. As soon as any such account has been
11 paid by the secretary of administration the department of ~~natural resources~~
12 agriculture, trade and consumer protection shall send to the proper county treasurer
13 a bill for the county's share of such expenses. The county shall have 60 days within
14 which to pay such bill, but if not paid within that time the county shall be liable for
15 interest at the rate of 6% per year. If payment is not made within 60 days the
16 department of administration shall include such amount as a part of the next levy
17 against the county for state taxes, but no county shall be required to pay more than
18 \$5,000 in any one year. Any unpaid levy under this section shall remain a charge
19 against the county and the department of administration shall include such unpaid
20 sums in the state tax levy of the respective counties in subsequent years.

21 **SECTION 522.** 26.20 (6) (b) of the statutes is amended to read:

22 26.20 (6) (b) Any state forest ranger, conservation warden, sheriff or other duly
23 appointed authority may, in the performance of official duties, require any train
24 causing fires or suspected of causing fires to stop within a safe distance from the fires
25 to avoid further setting or spread of fire.

BILL**SECTION 523**

1 **SECTION 523.** 26.22 of the statutes is amended to read:

2 **26.22 Sales, etc.** The department of agriculture, trade and consumer
3 protection and the department of natural resources may sell any timber on land
4 under the respective department's jurisdiction ~~which~~ that has been damaged by fire,
5 snow, hail, ice, insects, disease, or wind, on such terms and in such manner as the
6 department determines is in the best interest of the state.

7 **SECTION 524.** 26.30 (2) of the statutes is amended to read:

8 **26.30 (2) POWERS.** The department is vested with authority and jurisdiction in
9 all matters relating to the prevention, detection and control of forest pests on the
10 forest lands of the state, and to do all things necessary in the exercise of such
11 authority and jurisdiction, ~~except that this shall not be construed to grant any~~
12 ~~powers or authority to the department for the silvicultural control of forest pests on~~
13 ~~any land. This section shall apply only to the detection and control of forest pests on~~
14 ~~forest lands and does not affect the authority of the department of agriculture, trade~~
15 ~~and consumer protection under chs. 93 and 94. The action of the department under~~
16 ~~sub. (4) shall be coordinated with the department of agriculture, trade and consumer~~
17 ~~protection in accordance with s. 20.901. The secretaries of natural resources and~~
18 ~~agriculture, trade and consumer protection shall execute annually a memorandum~~
19 ~~of agreement to enable the coordination of pest control work of their departments.~~

20 **SECTION 525.** 26.30 (4) of the statutes is amended to read:

21 **26.30 (4) SURVEYS, INVESTIGATIONS AND CONTROL.** The department shall make
22 surveys and investigations to determine the presence, condition and extent of
23 infestations and it shall also carry on control measures when necessary. For such
24 purposes the department or its wardens state forest rangers may enter public and
25 private lands at reasonable times without incurring a liability to anyone.

BILL

1 **SECTION 526.** 26.30 (5) of the statutes is amended to read:

2 26.30 (5) COOPERATIVE AGREEMENTS. To carry out the purposes of this section
3 the department may enter into arrangements or agreements with the University of
4 Wisconsin System, the department of ~~agriculture, trade and consumer protection~~
5 natural resources, other departments of this and other states, the U.S. department
6 of agriculture and other federal agencies and with counties, towns, corporations and
7 individuals.

8 **SECTION 527.** 26.36 of the statutes is amended to read:

9 **26.36 Forest energy resources.** Biennially, in consultation with the
10 department of ~~agriculture, trade and consumer protection~~ natural resources and any
11 other appropriate agency, the department shall prepare a report regarding the
12 extent of forest lands in this state and the potential of such lands to provide fuel for
13 use in electric generating facilities, industrial facilities and home heating systems.
14 The report shall evaluate progress made in meeting the afforestation goal under s.
15 1.12 (3) (c). The department shall submit the report before April 1 of each
16 even-numbered year to the legislature under s. 13.172 (3).

17 **SECTION 528.** 26.37 (1) (intro.) of the statutes is amended to read:

18 26.37 (1) (intro.) The department of ~~natural resources~~ agriculture, trade and
19 consumer protection and the department of commerce shall ~~jointly develop a~~ comply
20 with any plan to establish developed by the department of natural resources and the
21 department of commerce to establish a lake states wood utilization consortium to
22 provide research, development and demonstration grants to enhance the forest
23 products industry in Wisconsin and other states. ~~The if the plan shall do~~ does all of
24 the following:

25 **SECTION 529.** 26.37 (1) (a) of the statutes is amended to read:

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1 26.37 (1) (a) ~~Define~~ Defines the powers, duties and responsibilities of the
2 consortium.

3 **SECTION 530.** 26.37 (1) (b) of the statutes is amended to read:

4 26.37 (1) (b) ~~Establish~~ Establishes an implementation committee for the
5 consortium. Members of the committee may include one or more representatives
6 from the department of natural resources, the department of agriculture, trade and
7 consumer protection, the department of commerce and the forest products industry.

8 **SECTION 531.** 26.37 (1) (c) of the statutes is amended to read:

9 26.37 (1) (c) ~~Specify~~ Specifies eligibility requirements for the grants and
10 criteria for awarding the grants, including how the grants are to be distributed to
11 each state participating in the consortium.

12 **SECTION 532.** 26.37 (1) (d) of the statutes is amended to read:

13 26.37 (1) (d) ~~Require~~ Requires that the grants require matching funds or
14 in-kind contributions by industrial recipients of the grants.

15 **SECTION 533.** 26.37 (1) (e) of the statutes is amended to read:

16 26.37 (1) (e) ~~Require~~ Requires the implementation committee to identify an
17 organization that can administer and award the grants and oversee the grant
18 program.

19 **SECTION 534.** 26.37 (1) (f) of the statutes is amended to read:

20 26.37 (1) (f) ~~Require~~ Requires the consortium to actively pursue funding from
21 the states of Michigan and Minnesota of \$200,000 annually from each state for 3
22 years.

23 **SECTION 535.** 26.37 (1) (g) of the statutes is amended to read:

24 26.37 (1) (g) ~~Require~~ Requires the consortium to actively pursue federal and
25 other funding sources.

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SECTION 536. 26.38 (2m) (am) of the statutes is amended to read:

26.38 (2m) (am) Beginning with fiscal year 2008-09, from the appropriation under s. ~~20.370 (5) (av)~~ 20.115 (5) (sp), the department shall allocate for each fiscal year at least \$60,000 for grants for projects to control invasive plants in weed management areas. From the amount allocated, the department shall award grants to all eligible applicants for grants for such projects before awarding any balance of the allocated amount for grants for stewardship management plans.

SECTION 537. 26.39 (2) of the statutes is amended to read:

26.39 (2) FORESTRY EDUCATION CURRICULUM; SCHOOLS. Using the moneys appropriated under s. ~~20.370 (1) (eu)~~ 20.115 (5) (rp), the department, in cooperation with the Center for Environmental Education in the College of Natural Resources at the University of Wisconsin-Stevens Point, shall develop a forestry education curriculum for grades kindergarten to 12.

SECTION 538. 26.39 (3) of the statutes is amended to read:

26.39 (3) FORESTRY EDUCATION FOR THE PUBLIC. Using the moneys appropriated under s. ~~20.370 (1) (ev)~~ 20.115 (5) (rs), the department shall develop a program to educate the public on the value of sustainable forestry. The program shall include support for educational efforts conducted by school districts at school forests or conducted by other entities that provide education on the topic of sustainable forestry.

SECTION 539. 26.39 (7) (a) of the statutes, as affected by 2009 Wisconsin Act 28, ^{and 181}

^{stet} amended to read:

^{stays} 26.39 (7) (a) From the appropriation under s. ~~20.370 (5) (ax)~~ 20.115 (5) (sq), the department shall establish a scholarship grant program to assist individuals who are seeking certification by the Wisconsin Professional Loggers Association as

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1 master loggers or who are seeking logger safety training certified by the Wisconsin
2 Professional Loggers Association. A scholarship grant under the program may not
3 exceed 50 percent of the total cost of receiving the certification or training. The
4 department shall promulgate rules that establish criteria for the program.

5 **SECTION 540.** 26.97 (1) of the statutes is amended to read:

6 26.97 (1) Arrest a person, with or without a warrant, when the person is
7 detected actually committing a violation of this chapter, ch. 28, subch. VI of ch. 77,
8 or s. 167.10 (3), 941.10 (1), 941.11, 941.12, 941.13, 943.02 (1), 943.03, 943.04, 943.05
9 or 943.06 (2).

10 **SECTION 541.** 27.01 (7) (a) 3. of the statutes is amended to read:

11 27.01 (7) (a) 3. In this subsection "vehicle admission area" means the Bong area
12 lands acquired under s. 23.09 (13), the Wisconsin Dells natural area, the Point Beach
13 state forest, recreational areas in other state forests designated as such by the
14 department of natural resources or the department of agriculture, trade and
15 consumer protection, designated use zones within recreation areas established
16 under s. 23.091 (3), and any state park or roadside park except those specified in par.
17 (c) 5.

18 **SECTION 542.** 27.01 (7) (gu) of the statutes is amended to read:

19 27.01 (7) (gu) *Transaction payments.* The department shall establish a system
20 under which ~~the department pays~~ each agent appointed under sub. (7m) (a) ~~a~~
21 ~~payment of 1. is paid~~ 50 cents for each time that the agent processes a transaction
22 through the statewide automated system contracted for under sub. (7m) (d). This
23 payment is in addition to any issuing fee retained by the agent. ~~The department shall~~
24 ~~make these~~ These payments shall be made by allowing the agent to retain an amount

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1 equal to the payments from the amounts that are collected by the agent and that
2 would otherwise be remitted to the department.

3 **SECTION 543.** 27.01 (7) (h) of the statutes is renumbered 27.01 (7) (h) 1.

4 **SECTION 544.** 27.01 (7) (h) 2. of the statutes is created to read:

5 27.01 (7) (h) 2. The department of natural resources and the department of
6 agriculture, trade and consumer protection shall enter into an agreement to
7 determine how the moneys credited to the conservation fund under subd. 1. will be
8 allocated for use between the departments, how the payments made under par. (gu)
9 will be allocated for payment between the departments, and how the fees collected
10 for conservation patron licenses will be allocated between the departments. The
11 secretary of administration shall resolve any disputes between the departments
12 concerning the agreement entered into under this subdivision.

13 **SECTION 545.** 27.01 (7m) (a) of the statutes, as affected by 2009 Wisconsin Act
14 70, is renumbered 27.01 (7m) (a) 1.

15 **SECTION 546.** 27.01 (7m) (a) 2. of the statutes is created to read:

16 27.01 (7m) (a) 2. The department of agriculture, trade and consumer
17 protection, as an agent of the department, shall issue vehicle admission receipts and
18 collect the vehicle admission fees under sub. (7). The vehicle admission fees collected
19 by the department of agriculture, trade and consumer protection shall be deposited
20 in the conservation fund.

21 **SECTION 547.** 27.01 (7m) (b) of the statutes is renumbered 27.01 (7m) (b) 1. and
22 amended to read:

23 27.01 (7m) (b) 1. An agent appointed under par. (a) 1. shall collect the
24 applicable issuing fee specified in sub. (7) (gr). The agent may retain the issuing fees
25 to compensate the agent for the agent's services in issuing the receipts.

BILL**SECTION 548**

1 **SECTION 548.** 27.01 (7m) (b) 2. of the statutes is created to read:

2 27.01 (7m) (b) 2. The department of agriculture, trade and consumer protection
3 shall collect the applicable issuing fee specified in sub. (7) (gr) for the vehicle
4 admission receipts that it issues and shall deposit the issuing fees into the
5 conservation fund.

6 **SECTION 549.** 27.01 (10) (b) of the statutes is amended to read:

7 27.01 (10) (b) *Establishment, operation and categories of campgrounds.* The
8 department of natural resources and the department of agriculture, trade and
9 consumer protection may each establish and operate state campgrounds in ~~state~~
10 ~~parks, state forests and other~~ on lands under ~~its~~ their respective supervision and
11 management. ~~The~~ Each department may classify, by rule, ~~its~~ state campgrounds into
12 separate categories.

13 **SECTION 550.** 27.01 (10) (d) 1. of the statutes is amended to read:

14 27.01 (10) (d) 1. The camping fee for each night at a campsite in a campground
15 which is classified as a Type "A" campground ~~by the department~~ under par. (b) is \$10
16 for a resident camping party.

17 **SECTION 551.** 27.01 (10) (d) 2. of the statutes is amended to read:

18 27.01 (10) (d) 2. The camping fee for each night at a campsite in a campground
19 which is classified as a Type "A" campground ~~by the department~~ under par. (b) is \$12
20 for a nonresident camping party.

21 **SECTION 552.** 27.01 (10) (d) 3. of the statutes is amended to read:

22 27.01 (10) (d) 3. The camping fee for each night at a campsite in a state
23 campground which is classified as a Type "B" campground ~~by the department~~ under
24 par. (b) is \$9 for a resident camping party.

25 **SECTION 553.** 27.01 (10) (d) 4. of the statutes is amended to read:

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1 27.01 (10) (d) 4. The camping fee for each night at a campsite in a state
2 campground which is classified as a Type "B" campground ~~by the department under~~
3 par. (b) is \$11 for a nonresident camping party.

4 **SECTION 554.** 27.01 (10) (d) 5. of the statutes is amended to read:

5 27.01 (10) (d) 5. The camping fee for each night at a campsite in a campground
6 which is classified as a Type "C" campground ~~by the department under par. (b)~~ is \$8
7 for a resident camping party.

8 **SECTION 555.** 27.01 (10) (d) 6. of the statutes is amended to read:

9 27.01 (10) (d) 6. The camping fee for each night at a campsite in a campground
10 which is classified as a Type "C" campground ~~by the department under par. (b)~~ is \$10
11 for a nonresident camping party.

12 **SECTION 556.** 27.01 (10) (e) of the statutes is amended to read:

13 27.01 (10) (e) *Determination of residency.* The department of natural resources
14 and the department of agriculture, trade and consumer protection shall base its
15 ~~determination~~ their determinations of whether a camping party is a resident or
16 nonresident camping party upon the residency of the person who applies for a
17 reservation under sub. (11) at the time the application for reservation is made or, if
18 no reservation is made, the residency of the person who registers for the campsite at
19 the time of registration.

20 **SECTION 557.** 27.01 (10) (f) of the statutes is amended to read:

21 27.01 (10) (f) *Waiver of fees; special fees.* The department of natural resources
22 or the department of agriculture, trade and consumer protection may waive camping
23 fees, charge additional camping fees or charge special fees instead of camping fees
24 for certain classes of persons or groups, certain areas, certain types of camping or
25 times of the year and for admission to special events.

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1 **SECTION 558.** 27.01 (10) (g) (intro.) of the statutes is amended to read:

2 27.01 (10) (g) *Additional camping fees.* (intro.) Besides the additional camping
3 fees authorized under par. (f), the department of natural resources or the department
4 of agriculture, trade and consumer protection may charge:

5 **SECTION 559.** 27.01 (10) (h) of the statutes is amended to read:

6 27.01 (10) (h) *Increased camping fees.* In addition to its authority under par.
7 (f), the department of natural resources and the department of agriculture, trade and
8 consumer protection shall determine which state campgrounds under their
9 respective supervision and management are located in areas where local market
10 conditions justify ~~the establishment of charging~~ higher camping fees ~~to be charged~~
11 ~~by the department. For these state campgrounds, the department. The departments~~
12 shall promulgate rules for state campgrounds under their respective supervision and
13 management to establish higher camping fees to be based on the applicable local
14 market conditions.

15 **SECTION 560.** 27.01 (11) (a) of the statutes is amended to read:

16 27.01 (11) (a) *Authorization.* The department of natural resources and the
17 department of agriculture, trade and consumer protection may ~~establish and jointly~~
18 operate a campground reservation system for state campgrounds in state parks,
19 state forests and other lands under ~~the either~~ department's supervision and ~~control.~~
20 ~~The department~~ management and may participate with owners of private
21 campgrounds in a cooperative reservation system.

22 **SECTION 561.** 27.01 (11) (b) (intro.) of the statutes is amended to read:

23 27.01 (11) (b) *Rules.* (intro.) The department of natural resources and the
24 department of agriculture, trade and consumer protection shall promulgate rules for

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1 the operation of the campground reservation system. The rules shall include all of
2 the following:

3 **SECTION 562.** 27.01 (11) (cm) of the statutes is amended to read:

4 27.01 (11) (cm) *Contracts.* The department of natural resources and the
5 department of agriculture, trade and consumer protection may jointly enter into a
6 contract with another party to operate the campground reservation system that the
7 ~~department establishes~~ departments establish under par. (a).

8 **SECTION 563.** 27.01 (11) (cr) (intro.) of the statutes is amended to read:

9 27.01 (11) (cr) *Contracts; distribution of fees.* (intro.) A contract entered into
10 under this paragraph shall require that the department entering into the contract
11 retain \$1 of each reservation fee collected. Under the contract the other party shall
12 be required to do either of the following:

13 **SECTION 564.** 27.01 (11) (cr) 1. of the statutes is amended to read:

14 27.01 (11) (cr) 1. Remit the entire amount of each reservation fee it collects to
15 the department. ~~The with which it entered into the contract. That~~ department shall
16 credit to the appropriation under s. 20.370 (1) (2) (cr) for payment to the party all but
17 \$1 of each fee remitted.

18 **SECTION 565.** 27.01 (11) (cr) 2. of the statutes is amended to read:

19 27.01 (11) (cr) 2. Remit \$1 of each reservation fee it collects to the department
20 with which it entered into the contract.

21 **SECTION 566.** 27.01 (11) (i) of the statutes is amended to read:

22 27.01 (11) (i) *Cooperation with tourism.* The department of natural resources
23 and the department of tourism shall work jointly ~~to establish an~~ on any automated
24 campground reservation system established or operated by the department of
25 natural resources. The department of agriculture, trade and consumer protection

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1 and the department of tourism shall work jointly on any automated campground
2 reservation system established or operated by the department of agriculture, trade
3 and consumer protection.

4 **SECTION 567.** 27.01 (12) of the statutes is amended to read:

5 27.01 (12) LEGAL COUNSEL. A representative of the department of justice
6 designated by the attorney general shall act as legal counsel for ~~said~~ the department
7 of natural resources, both in proceedings and litigation, and in giving advice and
8 counsel. The respective district attorneys of the county or counties where ~~said~~ the
9 relevant park is or shall be located shall prosecute all violations of this section
10 occurring within their respective counties as provided in s. 26.18.

11 **SECTION 568.** 27.016 (1) (c) of the statutes is repealed.

12 **SECTION 569.** 27.016 (6) of the statutes is amended to read:

13 27.016 (6) Annually, on or before January 1, the department shall review all
14 applications received under this section in the previous year and shall make the
15 grants that it approves from the appropriation under s. 20.370 ~~(1) (eq)~~ (2) (es). If
16 insufficient funds are available to pay all approved grants, the board shall prorate
17 the available funds among the applicants in proportion to the approved grant
18 amounts.

19 **SECTION 570.** 27.016 (7) of the statutes is amended to read:

20 27.016 (7) Beginning in fiscal year 1996-97 and for each fiscal year thereafter,
21 any moneys not encumbered or expended for grants under sub. (6) from the
22 appropriation under s. 20.370 ~~(1) (eq)~~ (2) (es) may be used by the department for the
23 operation and maintenance of the state parks, ~~of the southern state forests~~ and of
24 state recreation areas.

25 **SECTION 571.** 28.005 of the statutes is amended to read:

insert
120-10
insert
120-11

23

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1 **28.005 Definition.** "Department" when used in this chapter without other
2 words of description or qualification means the department of ~~natural resources~~
3 agriculture, trade and consumer protection.

4 **SECTION 572.** 28.01 of the statutes is amended to read:

5 **28.01 Forestry supervision.** The department shall execute all matters
6 pertaining to forestry within the jurisdiction of the state, direct the management of
7 state forests, ~~other than southern state forests,~~ collect data relative to forest use and
8 conditions, and advance the cause of forestry within the state.

9 **SECTION 573.** 28.012 of the statutes is created to read:

10 **28.012 Powers of department.** (1) For the state forests, ~~other than southern~~
11 ~~state forests,~~ the department may accept and administer, in the name of the state,
12 any gifts, grants, bequests, and devises, including land, interests in land, and funds
13 made available to the department by the federal government under any act of
14 congress relating to any of the functions of the department.

15 (2) The department may extend or consolidate lands or waters suitable for the
16 state forests, ~~other than the southern state forests,~~ by the exchange of other lands
17 or waters under its supervision.

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

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

23 (5) All funds included in the gifts, grants, bequests, and devises received or
24 expected to be received by the department for the state forests under its jurisdiction
25 in a biennium shall be included in the statement of its actual and estimated receipts

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1 and disbursements for such biennium required to be contained in the biennial state
2 budget report under s. 16.46. Those funds shall be considered to be, and shall be
3 treated the same as, other actual and estimated receipts and disbursements of the
4 department. The department may acknowledge the receipt of any funding from a
5 particular person or group in any department pamphlet, bulletin, or other
6 publication.

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

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

22 (8) (a) In this subsection, "easement" includes a negative easement, a
23 restrictive covenant, a covenant running with the land, and any other right for a
24 lawful use of the property together with the right to acquire all negative easements,

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1 restrictive covenants, covenants running with the land, and all rights for use of the
2 property.

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

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

11 **SECTION 574.** 28.02 (title) of the statutes is amended to read:

12 **28.02 (title) State forests forest lands.**

13 **SECTION 575.** 28.02 (1) of the statutes is amended to read:

14 28.02 (1) DEFINED. ^{← stays} State forests forest lands ^{← stays} include all lands granted to the
15 state by an act of congress entitled, "An act granting lands to the state of Wisconsin
16 for forestry purposes," approved June 27, 1906; all lands donated to the state by the
17 Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to
18 chapter 450, laws of 1903, chapter 264, laws of 1905, chapter 638, laws of 1911, and
19 chapter 639, laws of 1911, or under ss. 1494-41 to 1494-62, 1915 stats., and all lands
20 subsequently acquired for forestry purposes. Unless an island is designated as state
21 forest land by the department, ^{← stays} "state forest lands" ^{← stays} do not include lands granted to
22 the state by an act of congress entitled, "An act granting unsurveyed and unattached
23 islands to the state of Wisconsin for forestry purposes," approved August 22, 1912.
24 The department may designate as state forest lands any lands within state forest

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1 boundaries which were purchased with other conservation funds and where forestry
2 would not conflict with a more intensive use.

3 **SECTION 576.** 28.02 (2) of the statutes is amended to read:

4 28.02 (2) ACQUISITION. The department of agriculture, trade and consumer
5 protection may acquire lands or interest in lands by grant, devise, gift,
6 condemnation, or purchase within the boundaries of established state forests or
7 purchase areas, ~~other than southern state forests~~, and outside of such boundaries for
8 forest nurseries, tracts for forestry research or demonstration and for forest
9 protection structures, or for access to such properties. The department of natural
10 resources may acquire lands or interest in lands by grant, devise, gift, condemnation,
11 or purchase within the boundaries of southern state forests. In the case of
12 condemnation the department shall first obtain approval from the appropriate
13 standing committees of each house of the legislature as determined by the presiding
14 officer thereof.

15 **SECTION 577.** 28.025 (3) (a) 2. of the statutes is amended to read:

16 28.025 (3) (a) 2. Notwithstanding subd. 1., the department shall submit its
17 report to the council on forestry as required under subd. 1. by January 1, 2009, and
18 biennially thereafter, if the forested property that is the subject of the report has not
19 been inventoried by the department under s. ~~23.135~~ 26.025.

20 **SECTION 578.** 28.03 (1) of the statutes is amended to read:

21 28.03 (1) DEFINED. State forests shall consist of well blocked areas of state
22 owned lands which have been established as state forests by the department.

23 **SECTION 579.** 28.03 (3) of the statutes is amended to read:

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1 28.03 (3) DEPARTMENT MAY NAME. The department of agriculture, trade and
2 consumer protection or the department of natural resources may designate by
3 appropriate name any state forest not expressly named by the legislature.

4 SECTION 580. 28.03 (4) of the statutes is created to read:

5 28.03 (4) SOUTHERN STATE FORESTS. The department of natural resources may
6 develop and shall operate and maintain the southern state forests.

7 SECTION 581. 28.035 (2) of the statutes is amended to read:

8 28.035 (2) The department shall enter into an comply with the agreement with
9 the Wisconsin department of the American Legion for hunting in the state forest
10 lands described as lots 3, 4, 6 and 7 of section 8 and lots 2 and 3 of section 17, township
11 38 north, range 7 east, Oneida County, which are used in connection with Camp
12 American Legion and which the Legion is now maintaining on this location as a
13 restoration camp for sick and disabled veterans and their dependents.

14 SECTION 582. 28.035 (3) (b) of the statutes is amended to read:

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

21 SECTION 583. 28.04 (2) (a) of the statutes is amended to read:

22 28.04 (2) (a) The department of agriculture, trade and consumer protection
23 shall manage the state forests, other than the southern state forests, and the
24 department of natural resources shall manage the southern state forests, to benefit
25 the present and future generations of residents of this state, recognizing that the

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SECTION 583

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

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

13 28.04 (2) (b) In managing the state forests, the department of agriculture, trade
14 and consumer protection and the department of natural resources shall recognize
15 that not all benefits under par. (a) can or should be provided in every area of a state
16 forest.

17 **SECTION 585.** 28.04 (2) (c) of the statutes is amended to read:

18 28.04 (2) (c) In managing the state forests, the department of agriculture, trade
19 and consumer protection and the department of natural resources shall recognize
20 that management may consist of both active and passive techniques.

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

22 28.04 (3) (a) The department of agriculture, trade and consumer protection
23 shall prepare a plan for each state forest, other than southern state forests, that
24 describes how the state forest will be managed. The department of natural resources
25 shall prepare a plan for each southern state forest that describes how the southern

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1 ~~state forest will be managed.~~ The ~~department~~ departments shall work with the
2 public to identify property goals and objectives that are consistent with the purposes
3 under sub. (2). The ~~department~~ departments shall identify in each plan the
4 objectives of management for distinct areas of the state forest.

5 **SECTION 587.** 28.04 (3) (b) of the statutes is amended to read:

6 28.04 (3) (b) The department of agriculture, trade and consumer protection and
7 the department of natural resources shall establish procedures for the preparation
8 and modification of these plans, including procedures for public participation. In
9 preparing and modifying plans under this subsection, the ~~department~~ departments
10 shall use the best available information regarding the purposes and benefits of the
11 state forests that ~~the~~ each department acquires through inventories, evaluations,
12 monitoring and research. In evaluating such information, the ~~department~~
13 departments shall consider both regional and local scales, including the impact on
14 local economies. As ~~new~~ information becomes available, the department of
15 agriculture, trade and consumer protection or the department of natural resources
16 shall adapt its management of the state forest and, if necessary, the plan for the state
17 forest.

18 **SECTION 588.** 28.042 (1) of the statutes is amended to read:

19 28.042 (1) The department of agriculture, trade and consumer protection shall
20 undertake and maintain an inventory of forested areas on land owned by the state,
21 including other than forested areas on land in southern state forests. The
22 department of natural resources shall undertake and maintain an inventory of
23 forested areas in southern state forests. The inventories shall include the areas of
24 timber in these forested areas that have been or are to be harvested for purposes of
25 state forestry management.

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1 **SECTION 589.** 28.042 (2) of the statutes is amended to read:

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

6 **SECTION 590.** 28.045 (1) of the statutes is amended to read:

7 28.045 (1) Every person hired as a field forester by the department of
8 agriculture, trade and consumer protection or the department of natural resources
9 on or after November 20, 2008, shall have received a bachelor's or higher degree in
10 forestry from a school of forestry with a curriculum accredited by the Society of
11 American Foresters or an equivalent degree, as determined by the chief state
12 forester.

13 **SECTION 591.** 28.045 (2) of the statutes is amended to read:

14 28.045 (2) Notwithstanding s. 230.14 (3m), the department of agriculture,
15 trade and consumer protection or the department of natural resources may require
16 as a condition of application that an applicant for the position of field forester has met
17 the educational requirements specified under sub. (1).

18 **SECTION 592.** 28.047 of the statutes is created to read:

19 **28.047 Designation of trails and areas.** (1) In this section, "special use
20 area" includes a trail, campground, or picnic area.

21 (2) The department shall designate special use areas in state forests ~~other~~
22 ~~than southern state forests~~ and shall indicate the location of each special use area
23 in one of the following manners:

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

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

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

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

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

9 **SECTION 593.** 28.05 (1) of the statutes is amended to read:

10 28.05 (1) LIMITATIONS. Cutting shall be limited to trees marked or designated
11 for cutting by a forester employed by the department of agriculture, trade and
12 consumer protection or the department of natural resources or by an individual
13 determined by the department of agriculture, trade and consumer protection or the
14 department of natural resources to be qualified to do such marking or designating
15 and who is under the oversight of a forester employed by ~~the~~ that department. The
16 department of agriculture, trade and consumer protection, with respect to state
17 forests other than southern state forests, and the department of natural resources
18 with respect to southern state forests, may sell products removed in cultural or
19 salvage cuttings and standing timber designated in timber sale contracts, but all
20 sales shall be based on tree scale or on the scale, measure or count of the cut products.
21 ~~The~~ That department may require that a person purchasing products or standing
22 timber under a timber sale contract provide surety for the proper performance of the
23 contract either directly or through a bond furnished by a surety company authorized
24 to do business in this state.

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

BILL**SECTION 594**

1 28.05 (3) (a) The department of agriculture, trade and consumer protection and
2 the department of natural resources shall, by rule, each establish a program that
3 allows private cooperating foresters to assist the state in the harvesting and sale of
4 timber from state forest lands under the respective department's jurisdiction to meet
5 the annual allowable timber harvest established under s. 28.025. The rule shall
6 include provisions authorizing ~~the~~ each department to contract with cooperating
7 foresters for the purpose of harvesting and selling timber from state forest lands and
8 authorizing cooperating foresters to receive a portion of the proceeds from each
9 timber sale. ~~The department shall~~ rules shall ~~establish in the rule~~ a method for
10 determining what portion of the proceeds received from each timber sale shall be
11 paid to the private cooperating foresters for their services in assisting the ~~division~~
12 respective department in the harvesting and sale of timber from state forest lands.
13 The ~~division~~ departments shall ask the council on forestry to recommend a method
14 for determining what portion of the proceeds received from each timber sale shall be
15 paid to private cooperating foresters under the rule.

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

17 28.05 (3) (b) Each private cooperating forester with whom the department of
18 agriculture, trade and consumer protection or the department of natural resources
19 contracts under par. (a) to harvest and sell timber from state forest lands shall be
20 entitled to receive a portion of the proceeds from the sale of such timber in the amount
21 determined by the respective department under par. (a).

22 **SECTION 596.** 28.05 (3) (c) of the statutes is amended to read:

23 28.05 (3) (c) Of the amount received by the department from each timber sale
24 for which the department used the services of a cooperating forester under this
25 subsection, the department shall credit to the appropriation account under s. 20.370

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1 ~~(1) (cy)~~ 20.115 (5) (rw) an amount equal to the portion of the sale proceeds that the
2 department is required to pay to the cooperating forester.

3 **SECTION 597.** 28.06 (2m) (b) of the statutes is amended to read:

4 28.06 **(2m)** (b) For fiscal year 2002-03 and each fiscal year thereafter, the
5 department shall credit 50% of the moneys received as surcharges under par. (a)
6 during the applicable fiscal year to the appropriation account under s. ~~20.370 (1) (cu)~~
7 20.115 (5) (rp) and the remaining 50% to the appropriation account under s. ~~20.370~~
8 ~~(1) (cv)~~ 20.115 (5) (rs).

9 **SECTION 598.** 28.11 (5m) (a) (intro.) of the statutes is amended to read:

10 28.11 **(5m)** (a) (intro.) The department may make grants, from the
11 appropriation under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands
12 entered under sub. (4) to fund all of the following for one professional forester in the
13 position of county forest administrator or assistant county forest administrator:

14 **SECTION 599.** 28.11 (5m) (am) of the statutes is amended to read:

15 28.11 **(5m)** (am) The department may make grants, from the appropriation
16 under s. ~~20.370 (5) (bw)~~ 20.115 (5) (w), to counties having lands entered under sub.
17 (4) to fund up to 50 percent of the costs of a county's annual dues to a nonprofit
18 organization that provides leadership and counsel to that county's forest
19 administrator and that functions as an organizational liaison to the department.
20 The total amount that the department may award in grants under this paragraph
21 in any fiscal year may not exceed \$50,000.

22 **SECTION 600.** 28.11 (5r) (b) of the statutes is amended to read:

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