



LRB-1191/P1 P2
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DOA:.....Tyler Byrnes, BB0418 – Rulemaking and policymaking authority of Natural Resources Board and Agriculture, Trade and Consumer Protection Board

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

In 1/25/15

do NOT gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Under current law, the Board of Agriculture, Trade and Consumer Protection is the policy-making entity for DATCP. The board approves DATCP's rules and appoints high-level staff. This bill transfers this authority from the board to the secretary of agriculture, trade and consumer protection. The bill also changes the Board of Agriculture, Trade and Consumer Protection to a council, which is an advisory body.

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the Natural Resources Board is the policy-making entity for DNR. The board approves DNR's rules, sells land, and appoints high-level staff. This bill transfers this authority from the board to the secretary of natural resources. The bill also changes the Natural Resources Board to a council, which is an advisory body.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.05 (1) (b) of the statutes is amended to read:

2 15.05 (1) (b) ~~Except as provided in pars. (c) and (d), if~~ If a department is under
3 the direction and supervision of a board, the board shall appoint a secretary to serve
4 at the pleasure of the board outside the classified service. In such departments, the
5 powers and duties of the board shall be regulatory, advisory and policy-making, and
6 not administrative. All of the administrative powers and duties of the department
7 are vested in the secretary, to be administered by him or her under the direction of
8 the board. The secretary, with the approval of the board, shall promulgate rules for
9 administering the department and performing the duties assigned to the
10 department.

11 **SECTION 2.** 15.05 (1) (c) of the statutes is repealed.

12 **SECTION 3.** 15.05 (1) (d) of the statutes is repealed.

13 **SECTION 4.** 15.07 (5) (d) of the statutes is repealed

****NOTE: This gave the board of agriculture, trade and consumer protection a \$35 per diem. Let me know if you want the council to receive a per diem.

14 **SECTION 5.** 15.13 of the statutes is amended to read:

15 **15.13 Department of agriculture, trade and consumer protection;**
16 **creation.** There is created a department of agriculture, trade and consumer
17 protection under the direction and supervision of the ~~board~~ secretary of agriculture,
18 trade and consumer protection. ~~The board shall consist of 7 members with an~~
19 ~~agricultural background and 2 members who are consumer representatives,~~
20 ~~appointed for staggered 6-year terms. Appointments to the board shall be made~~

1 ~~without regard to party affiliation, residence or interest in any special organized~~
2 ~~group.~~

3 **SECTION 6.** 15.137 (1m) of the statutes is created to read:

4 15.137 (1m) AGRICULTURE, TRADE AND CONSUMER PROTECTION COUNCIL. There is
5 created in the department of agriculture, trade and consumer protection an
6 agriculture, trade and consumer protection council consisting of 7 members with an
7 agricultural background and 2 members who are consumer representatives for
8 6-year terms. Appointments to the council shall be made without regard to party
9 affiliation, residence, or interest in any special organized group. *INSERT 3-9*

10 **SECTION 7.** 15.137 (2) (a) 23. of the statutes is amended to read:

11 15.137 (2) (a) 23. A representative of the ~~board~~ of agriculture, trade and
12 consumer protection council.

****NOTE: Should the ATCP council have a representative on the Agricultural
Education and Workforce Development Council?

13 **SECTION 8.** 15.34 (1) of the statutes is renumbered 15.34 and amended to read:

14 **15.34 Department of natural resources; creation.** There is created a
15 department of natural resources under the direction and supervision of the secretary
16 of natural resources board.

17 **SECTION 9.** 15.34 (2) (a) of the statutes is renumbered 15.347 (1) (intro.) and
18 amended to read:

19 15.347 (1) (intro.) ~~The natural resources board shall consist~~ There is created
20 in the department of natural resources a natural resources council consisting of 7
21 members meeting the following requirements appointed for staggered 6-year
22 terms.:

1 **SECTION 10.** 15.34 (2) (b) of the statutes is renumbered 15.347 (1) (a) and
2 amended to read:

3 15.347 (1) (a) At least 3 members of the natural resources board shall be from
4 the territory north, and at least 3 members of the board shall be from the territory
5 south, of a line running east and west through the south limits of the city of Stevens
6 Point.

7 **SECTION 11.** 15.34 (2) (bg) of the statutes is renumbered 15.347 (1) (b) and
8 amended to read:

9 15.347 (1) (b) At least one member of the natural resources board shall have
10 an agricultural background. The governor may request statewide agricultural
11 organizations to submit recommendations for nominees under this paragraph. The
12 requirements of this paragraph apply to individuals who are members of the natural
13 resources board council on May 1, 2017, and thereafter.

14 **SECTION 12.** 15.34 (2) (br) 1. of the statutes is renumbered 15.347 (1) (c) 1. and
15 amended to read:

16 15.347 (1) (c) 1. At least 3 members of the natural resources board shall be
17 individuals who held an annual hunting, fishing, or trapping license, in this state or
18 another state, in at least 7 of the 10 years previous to the year in which the individual
19 is nominated, except as provided in subd. 2. The governor may request statewide
20 organizations that are primarily interested in supporting hunting, fishing, or
21 trapping to submit recommendations for nominees under this paragraph. The
22 requirements of this paragraph apply to individuals who are members of the natural
23 resources board council on May 1, 2017, and thereafter.

24 **SECTION 13.** 15.34 (2) (br) 2. of the statutes is renumbered 15.347 (1) (c) 2.

1 **SECTION 14.** 15.34 (2) (c) of the statutes is renumbered 15.347 (1) (d) and
2 amended to read:

3 15.347 (1) (d) No person may be appointed to the natural resources board
4 council, or remain a member of the board council, who receives, or has during the
5 previous 2 years received, a significant portion of his or her income directly or
6 indirectly from holders of or applicants for permits issued by the department of
7 natural resources under ch. 283, except that this paragraph does not apply to permits
8 issued under s. 283.33.

9 **SECTION 15.** 15.34 (2) (d) of the statutes is renumbered 15.347 (1) (e) and
10 amended to read:

11 15.347 (1) (e) The majority of members of the natural resources board council
12 may not derive a significant portion of their incomes from persons who are subject
13 to permits or enforcement orders under ch. 285. Each board council member shall
14 inform the governor of any significant change in the income that he or she derives
15 from persons who are subject to permits or enforcement orders under ch. 285.

16 **SECTION 16.** 15.34 (2) (e) of the statutes is renumbered 15.347 (1) (f) and
17 amended to read:

18 15.347 (1) (f) The restrictions in pars. ~~(e)~~ and (d) and (e) do not apply with
19 respect to permits or licenses held or applied for by agencies, departments, or
20 subdivisions of this state.

****NOTE: Because the Natural Resources Council is only advisory, do you want to
retain the conflict of interest provisions in Sections 13-15?

21 **SECTION 17.** 15.347 (1) (title) of the statutes is created to read:

22 15.347 (1) (title) NATURAL RESOURCES COUNCIL.

23 **SECTION 18.** 15.347 (4) (a) of the statutes is amended to read:

1 15.347 (4) (a) Two from the department of natural resources, appointed by the
2 ~~board~~ secretary of natural resources, one to serve as secretary.

3 **SECTION 19.** 15.347 (21) (a) 5. of the statutes is amended to read:

4 15.347 (21) (a) 5. Five members, appointed by the secretary of natural
5 resources ~~board~~ from nominations provided by sporting organizations that have as
6 their primary objective the promotion of hunting, fishing, or trapping. Of the 5
7 members, one shall represent the interests of deer hunters, one shall represent the
8 interests of bear hunters, one shall represent the interests of bird hunters, one shall
9 represent the interests of anglers, and one shall represent the interests of furbearing
10 animal hunters and trappers.

****NOTE: This relates to appointing members to the Sporting Heritage Council, of
which the secretary (or his her her designee) is the chairperson. Should these 5 members
be appointed by the secretary? If no appointing authority is mentioned, the governor
would appoint.

11 **SECTION 20.** 15.348 of the statutes is amended to read:

12 **15.348 Conservation congress.** The conservation congress shall be an
13 independent organization of citizens of the state and shall serve in an advisory
14 capacity to the secretary of natural resources ~~board~~ on all matters under the
15 jurisdiction of the ~~board~~ secretary. Its records, budgets, studies, and surveys shall
16 be kept and established in conjunction with the department of natural resources. Its
17 reports shall be an independent advisory opinion of such congress.

18 **SECTION 21.** 16.02 (2) of the statutes is amended to read:

19 16.02 (2) The acid deposition research council shall, by July 1 of each
20 even-numbered year, submit a report of its work summarizing its recommendations
21 under sub. (1) (a) to (c) and the results of the research reviewed under sub. (1) (d) and
22 shall file the report with the governor, the secretary, the ~~chairperson of the natural~~
23 ~~resources board~~ secretary of natural resources, and the chief clerk of each house of

1 the legislature for distribution to the appropriate standing committees under s.
2 13.172 (2).

3 **SECTION 22.** 23.09 (12) (c) of the statutes is amended to read:

4 23.09 (12) (c) State aid under this subsection to any county shall be distributed
5 by the department according to the procedures adopted in rules promulgated by the
6 ~~natural resources board~~ department. State aid granted to any county under this
7 subsection shall be matched by the county and the state's share may not exceed
8 one-half of the actual cost of the project. Personnel, equipment, and materials
9 furnished by the county may be included in computing the county share contribution.

10 **SECTION 23.** 23.091 (2) of the statutes is amended to read:

11 23.091 (2) MASTER PLAN. The department may designate a recreational area
12 only after a master plan for use and management of the area is prepared, public
13 hearings on the plan are held in the county where the largest portion of land in the
14 project is located, the procedures prescribed in s. 1.11 are complied with, and the plan
15 is approved by the ~~natural resources board~~ secretary.

16 **SECTION 24.** 23.0915 (2) (d) (intro.) of the statutes is amended to read:

17 23.0915 (2) (d) (intro.) In a given fiscal year, in addition to expending the
18 amount designated for a purpose under sub. (1) (a) or (c) to (k), or the amount equal
19 to the expenditure limit for that purpose, as adjusted under pars. (a) and (b),
20 whichever amount is applicable, the department may also expend for that purpose
21 up to 50% of the designated amount for that purpose for the given fiscal year for a
22 project or activity if the ~~natural resources board~~ secretary determines all of the
23 following:

24 **SECTION 25.** 23.0916 (2) (b) (intro.) of the statutes is amended to read:

1 23.0916 (2) (b) *Authority to prohibit access; earlier acquisitions; trails.* (intro.)

2 Except as provided in par. (c), the person receiving a stewardship grant subject to par.
3 (a) or (am) may prohibit public access for one or more nature-based outdoor activities
4 only if the ~~natural resources board~~ secretary determines that it is necessary to do so
5 in order to do any of the following:

6 **SECTION 26.** 23.0916 (2) (c) (intro.) of the statutes is amended to read:

7 23.0916 (2) (c) *Authority to prohibit access; later acquisitions.* (intro.) For
8 acquisitions of land or easements that are not for state trails or the ice age trail the
9 person receiving a stewardship grant subject to par. (am) may prohibit public access
10 for one or more nature-based outdoor activities only if the ~~natural resources board~~
11 secretary determines that it is necessary to do so in order to do any of the following:

12 **SECTION 27.** 23.0916 (3) (b) of the statutes is amended to read:

13 23.0916 (3) (b) *Authority to prohibit access; earlier acquisitions; trails.* The
14 department may prohibit public access on land or an easement subject to par. (a) for
15 one or more nature-based outdoor activities if the ~~natural resources board~~ secretary
16 determines that it is necessary to do so to protect public safety, protect a unique
17 animal or plant community, or accommodate usership patterns, as defined by rule
18 by the department. This paragraph applies to all acquisitions of land in fee simple
19 and easements on former managed forest land that occur on former managed forest
20 land before July 1, 2011, and to the acquisition of easements on former managed
21 forest land for state trails and the ice age trail that occur on or after July 1, 2011.

22 **SECTION 28.** 23.0916 (3) (c) of the statutes is amended to read:

23 23.0916 (3) (c) *Authority to prohibit access; later acquisitions.* The department
24 may prohibit public access on land or an easement subject to par. (a) for one or more
25 nature-based outdoor activities only if the ~~natural resources board~~ secretary

1 determines that it is necessary to do so to protect public safety or to protect a unique
2 animal or plant community. This paragraph applies to acquisitions of land in fee
3 simple and easements on former managed forest land for purposes other than for
4 state trails and the ice age trail that occur on or after July 1, 2011.

5 **SECTION 29.** 23.0916 (3m) of the statutes is repealed.

6 **SECTION 30.** 23.0916 (5) (intro.) of the statutes is amended to read:

7 23.0916 (5) RULES. (intro.) The ~~natural resources board~~ department, by rule,
8 shall develop all of the following:

9 **SECTION 31.** 23.0917 (5) (d) (intro.) of the statutes is amended to read:

10 23.0917 (5) (d) (intro.) For a given fiscal year, in addition to obligating the
11 amount of the annual bonding authority for a subprogram under sub. (3) or (4), or
12 the amount equal to the annual bonding authority for that subprogram, as adjusted
13 under pars. (a) and (b), whichever amount is applicable, the department may also
14 obligate for that subprogram up to 100% of the annual bonding authority for that
15 subprogram for that given fiscal year for a project or activity if the ~~natural resources~~
16 ~~board~~ secretary determines that all of the following conditions apply:

17 **SECTION 32.** 23.0918 (2) of the statutes is amended to read:

18 23.0918 (2) Unless the ~~natural resources board~~ secretary determines
19 otherwise in a specific case, only the income from the gifts, grants, or bequests in the
20 fund is available for expenditure. The ~~natural resources board~~ secretary may
21 authorize expenditures only for preserving, developing, managing, or maintaining
22 land under the jurisdiction of the department that is used for any of the purposes
23 specified in s. 23.09 (2) (d). In this subsection, unless otherwise provided in a gift,
24 grant, or bequest, principal and income are determined as provided under subch. XI
25 of ch. 701.

1 **SECTION 33.** 23.0953 (4) of the statutes is amended to read:

2 23.0953 (4) A county may not convert the land, or any rights in the land,
3 acquired with grant moneys awarded under sub. (2) (a) 2. to a use that is inconsistent
4 with the type of nature-based outdoor recreation or conservation activity for which
5 the grant was awarded unless the ~~natural resources board~~ secretary approves the
6 conversion.

7 **SECTION 34.** 23.096 (2m) (intro.) of the statutes is amended to read:

8 23.096 (2m) (intro.) Notwithstanding sub. (2) (b), in each fiscal year beginning
9 with fiscal year 2010–11 and ending with fiscal year 2019–20, the department may
10 award grants under this section that equal up to 75 percent of the acquisition costs
11 of the property if the ~~natural resources board~~ secretary determines that all of the
12 following apply:

13 **SECTION 35.** 23.117 (4) of the statutes is amended to read:

14 23.117 (4) Any council that is created by the ~~natural resources board~~ secretary
15 under s. 15.04 (1) (c) to advise the department on the opening of trails in state parks
16 and in the Kettle Moraine state forest for use by bicycles or electric personal assistive
17 mobility devices shall have its recommendations regarding such use reviewed and
18 approved by the ~~natural resources board~~ secretary before they are implemented.

19 **SECTION 36.** 23.12 of the statutes is repealed.

20 **SECTION 37.** 23.125 (title) of the statutes is amended to read:

21 **23.125 (title) Natural resources board council member conflicts of**
22 **interest.**


23 **SECTION 38.** 23.125 (1) of the statutes is amended to read:

24 23.125 (1) If a member of the natural resources board council is the holder of
25 a permit or license issued by the department under chs. 280 to 299, that member may

1 not engage in a discussion at a ~~board~~ council meeting or participate in a ~~board~~ council
2 decision on any matter that substantially relates to the permit or license.

3 **SECTION 39.** 23.125 (2) of the statutes is amended to read:

4 23.125 (2) If a member of the natural resources ~~board~~ council receives, or has
5 during the previous 2 years received, a significant portion of his or her income
6 directly or indirectly from a holder of or applicant for a permit or license issued by
7 the department under chs. 280 to 299, that member may not engage in a discussion
8 at a ~~board~~ council meeting or participate in a ~~board~~ council decision on any matter
9 that substantially relates to the permit or license, except that this restriction does
10 not apply with respect to a permit or license held or applied for by an agency,
11 department, or subdivision of this state.

X

****NOTE: Should these conflicts of interest provisions for members of the Natural
Resources Council remain?

12 **SECTION 40.** 23.145 (1) of the statutes is amended to read:

13 23.145 (1) The ~~natural resources board~~ secretary shall on or before June 30,
14 2017, offer for sale at least 10,000 acres of land owned by the state, under the
15 jurisdiction of the department, and outside of project boundaries that were
16 established by the department on or before May 1, 2013.

17 **SECTION 41.** 23.15 (1) of the statutes is amended to read:

18 23.15 (1) The ~~natural resources board~~ secretary may sell, at public or private
19 sale, lands, and structures owned by the state under the jurisdiction of the
20 department of natural resources, except central or district office facilities, when the
21 ~~natural resources board~~ secretary determines that the lands are no longer necessary
22 for the state's use for conservation purposes and, if real property, the real property
23 is not the subject of a petition under s. 16.310 (2).

1 **SECTION 42.** 23.15 (2) of the statutes is amended to read:

2 23.15 (2) ~~Said natural resources board~~ The secretary shall present to the
3 governor a full and complete report of the lands to be sold, the reason for the sale,
4 the price for which said the lands should be sold ~~together with, and~~ an application
5 for the sale of the same lands. The governor shall ~~thereupon~~ make ~~such~~ any
6 investigation as the governor deems necessary respecting said the lands to be sold
7 and approve or disapprove ~~such~~ the application. If the governor ~~shall approve~~
8 approves the same, application, the governor shall issue a permit ~~shall be issued by~~
9 ~~the governor~~ for ~~such~~ the sale on the terms set forth in the application.

10 **SECTION 43.** 23.15 (2m) (a) (intro.) of the statutes is amended to read:

11 23.15 (2m) (a) (intro.) Notwithstanding sub. (1), the ~~natural resources board~~
12 secretary shall sell, at fair market value, land in the lower Wisconsin state riverway,
13 as defined in s. 30.40 (15), that is not exempt under s. 30.48 (2) and that is acquired
14 by the department after August 9, 1989, if all of the following conditions are met:

15 **SECTION 44.** 23.15 (2m) (b) of the statutes is amended to read:

16 23.15 (2m) (b) Notwithstanding sub. (1), the ~~natural resources board~~ secretary
17 is not required to make a finding that land to be sold under par. (a) is no longer
18 necessary for the state's use for conservation purposes.

19 **SECTION 45.** 23.15 (3) of the statutes is amended to read:

20 23.15 (3) Upon completion of ~~such~~ the sale, ~~the chairperson and secretary of~~
21 ~~the natural resources board, or the secretary of natural resources, if the secretary is~~
22 ~~duly authorized by the natural resources board,~~ shall execute such instruments as
23 are necessary to transfer title and the ~~natural resources board or its~~ secretary or his
24 or her duly authorized agents shall deliver the same executed instruments to the
25 purchaser upon payment of the amount set forth in the application.

1 **SECTION 46.** 23.15 (4) of the statutes is amended to read:

2 23.15 (4) ~~Said natural resources board~~ The secretary effecting the sale of any
3 ~~such~~ lands and structures shall, upon receiving payment ~~therefor~~, deposit the funds
4 in the conservation fund to be used exclusively for the purpose of purchasing other
5 areas of land for the ~~creating~~ creation and ~~establishing~~ establishment of public
6 hunting and fishing grounds, wildlife and fish refuges, and state parks and for land
7 in the lower Wisconsin state riverway as defined in s. 30.40 (15).

8 **SECTION 47.** 23.30 (3) (intro.) of the statutes is amended to read:

9 23.30 (3) ~~NATURAL RESOURCES BOARD~~ DEPARTMENT (intro.) The ~~natural~~
10 ~~resources board~~ department is the body through which all governmental agencies
11 and nongovernmental agencies may coordinate their policies, plans, and activities
12 with regard to Wisconsin outdoor recreation resources. To this end it shall:

13 **SECTION 48.** 23.30 (3) (b) to (g) of the statutes are amended to read:

14 23.30 (3) (b) Coordinate the development of a comprehensive long-range plan
15 for the acquisition and development of areas necessary for a statewide system of
16 recreational facilities. The comprehensive plan shall be based upon the outdoor
17 recreation plans of the several state agencies and local governmental agencies, and
18 shall be coordinated and modified as the ~~board~~ department deems necessary to
19 comply with its policies and standards.

20 (c) Recommend to the legislature outdoor recreation program appropriations
21 and allocations which, in conjunction with other financial sources supporting
22 outdoor recreation resources, are necessary to carry out plans coordinated by the
23 ~~board~~ department.

1 (d) Consider progress reports from state agencies to determine that all state
2 appropriations for outdoor recreation are being so expended that the policies and
3 plans formulated by the ~~board~~ department will be accomplished.

4 (f) Advise federal agencies concerned of the pattern in which all federal outdoor
5 recreation resources financial assistance and loan programs to state and local
6 governmental agencies and to nongovernmental associations and private
7 individuals will most completely implement the policies and plans of the ~~board~~
8 department.

9 (g) Negotiate agreements between agencies concerned when in the ~~board's~~
10 department's judgment there is an overlap of authority or responsibilities in the
11 completion of a project.

12 **SECTION 49.** 23.31 (1) (a) of the statutes is amended to read:

13 23.31 (1) (a) To provide and develop recreation resources facilities within this
14 state, the ~~natural resources board~~ secretary, subject to the limits provided in s.
15 20.866 (2) (tp), (ts), and (tt), may direct that state debt be contracted for providing
16 recreation resources facilities or making additions to existing recreation resources
17 facilities.

18 **SECTION 50.** 23.31 (1) (b) of the statutes is amended to read:

19 23.31 (1) (b) With ~~their~~ its biennial budget request to the department of
20 administration, the ~~natural resources board~~ department shall include its request
21 and plan for recreational acquisition and development funding under s. 23.30. This
22 plan shall be approved by the governor and shall contain the policies regarding the
23 priority types of land to be acquired and the nature and categories of the
24 developments to be undertaken. ~~Changes in~~ The department may not change the
25 priority types of land to be acquired ~~and in~~ or the nature and categories of

1 developments ~~may not be made~~ to be undertaken without approval of the governor.
2 Any deviation ~~which~~ that the governor approves shall be reviewed by the joint
3 committee on finance.

4 **SECTION 51.** 29.036 (1) (intro.) of the statutes is amended to read:

5 29.036 (1) (intro.) The sporting heritage council shall study, and provide advice
6 and make recommendations to the governor, the ~~natural resources board~~ secretary,
7 and the legislature about, issues relating to hunting, trapping, fishing, and other
8 types of outdoor recreation activities including all of the following:

9 **SECTION 52.** 29.036 (2) of the statutes is amended to read:

10 29.036 (2) The sporting heritage council shall prepare a biennial report on the
11 status of the recruitment and retention of hunters, trappers, and anglers in this
12 state. The sporting heritage council shall submit its initial report under this
13 subsection no later than July 1, 2014, and shall submit subsequent reports no later
14 than July 1 of each even-numbered year thereafter, to the governor, to the
15 ~~chairperson of the natural resources board~~ secretary, and to the chief clerk of each
16 house of the legislature, for distribution to the appropriate standing committees
17 under s. 13.172 (3).

18 **SECTION 53.** 29.089 (1m) (b) 2. of the statutes is amended to read:

19 29.089 (1m) (b) 2. The ~~natural resources board~~ secretary determines that
20 prohibiting hunting, fishing, or trapping is necessary to protect public safety or to
21 protect a unique animal or plant community. ~~A determination to prohibit hunting,~~
22 ~~fishing, or trapping in a state park or a portion of a state park under this subdivision~~
23 ~~requires 4 or more members of the natural resources board to concur in that~~
24 ~~determination.~~

25 **SECTION 54.** 29.944 of the statutes is amended to read:

1 **29.944 Exemption from liability.** ~~Members of the natural resources board,~~
2 ~~and each~~ Each warden, in the performance of official duties, ~~are~~ is exempt from
3 liability to any person for acts done or permitted or property destroyed by authority
4 of law. No taxable costs or attorney fees shall be allowed to either party in an action
5 against ~~a member of the natural resources board or~~ a warden.

6 **SECTION 55.** 30.41 (1) of the statutes is amended to read:

7 **30.41 (1)** There is created a Lower Wisconsin State Riverway consisting of land
8 as designated by the ~~natural resources board~~ secretary.

9 **SECTION 56.** 30.92 (6) (b) of the statutes is amended to read:

10 **30.92 (6) (b)** The department shall assign staff to the commission for
11 management of the program under this section. All staff activities, including but not
12 limited to budgeting, program coordination, and related administrative
13 management functions, shall be consistent with the policies of the department ~~and~~
14 ~~the natural resources board.~~

15 **SECTION 57.** 91.04 (intro.) of the statutes is amended to read:

16 **91.04 Department to report.** (intro.) At least once every 2 years, beginning
17 not later than December 31, 2011, the department shall submit a farmland
18 preservation report to the ~~board~~ secretary of agriculture, trade and consumer
19 protection and provide copies of the report to the department of revenue and the
20 department of administration. The department shall prepare the report in
21 cooperation with the department of revenue and shall include all of the following in
22 the report:

23 **SECTION 58.** 93.02 of the statutes is amended to read:

24 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
25 of the duties of the department, all of whom shall be under the classified service

1 except the deputy secretary, the assistant deputy secretary, and, subject to s. 230.08
2 (4) (a), the administrators of divisions. ~~Each such deputy secretary, assistant deputy~~
3 ~~secretary, or administrator shall be appointed by the secretary with the approval of~~
4 ~~the board.~~

5 **SECTION 59.** 100.207 (6) (em) 2. of the statutes is amended to read:

6 100.207 (6) (em) 2. The department shall submit the recommendations under
7 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
8 ~~and to the board of agriculture, trade and consumer protection.~~

9 **SECTION 60.** 281.19 (6) of the statutes is amended to read:

10 281.19 (6) Orders issued by the department shall be signed by the person
11 designated by the ~~board~~ secretary.

12 **SECTION 61.** 281.55 (6) (b) 1. of the statutes is amended to read:

13 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
14 in conjunction with the state program of advancement in anticipation of federal
15 reimbursement under sub. (2). To provide for the financing of pollution prevention
16 and abatement facilities, the ~~natural resources board~~ secretary, with the approval
17 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
18 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
19 shall be contracted for in the manner and form as the legislature hereafter
20 prescribes.

21 **SECTION 62.** 281.65 (3) (at) of the statutes is amended to read:

22 281.65 (3) (at) Review rules drafted under this section and make
23 recommendations regarding the rules before final approval of the rules by the
24 ~~natural resources board~~ secretary.

25 **SECTION 63.** 281.96 of the statutes is amended to read:

1 **281.96 Visitorial powers of department.** Every owner of an industrial
2 establishment shall furnish to the department all information required by it in the
3 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any member of
4 ~~the natural resources board or any~~ employee of the department may enter any
5 industrial establishment for the purpose of collecting such information, and no
6 owner of an industrial establishment shall refuse to admit ~~such member or an~~
7 employee of the department. The department shall make such inspections at
8 frequent intervals. The secretary ~~and all members of the board shall have~~ has power
9 for all purposes falling within the department's jurisdiction to administer oaths,
10 issue subpoenas, and compel the attendance of witnesses and the production of
11 necessary or essential data.

12 **SECTION 64.** 285.11 (6) (intro.) of the statutes is amended to read:

13 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
14 the prevention, abatement, and control of air pollution in this state. The department
15 thereafter shall be responsible for the revision and implementation of the plans. The
16 rules or control strategies submitted to the federal environmental protection agency
17 under the federal clean air act for control of atmospheric ozone shall conform with
18 the federal clean air act unless, based on the recommendation of the ~~natural~~
19 ~~resources board~~ secretary or the head of the department, as defined in s. 15.01 (8),
20 of any other department, as defined in s. 15.01 (5), that promulgates a rule or
21 establishes a control strategy, the governor determines that measures beyond those
22 required by the federal clean air act meet any of the following criteria:

23 **SECTION 65.** 285.85 (1) of the statutes is amended to read:

24 285.85 (1) If the secretary finds that a generalized condition of air pollution
25 exists and that it creates an emergency requiring immediate action to protect human

1 health or safety, he or she shall order persons causing or contributing to the air
2 pollution to reduce or discontinue immediately the emission of air contaminants, and
3 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
4 to be held before the department. Not more than 24 hours after the commencement
5 of such hearing, and without adjournment thereof, the ~~natural resources board~~
6 department shall affirm, modify, or set aside the order of the secretary.

7 **SECTION 66.** 289.68 (7) of the statutes is amended to read:

8 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget
9 request to the department of administration under s. 16.42, the ~~natural resources~~
10 ~~board~~ department shall include a report on the fiscal status of the waste
11 management fund and an estimate of the receipts by and expenditures from the fund
12 in the current fiscal year and in the future.

13 **SECTION 67.** 350.01 (1r) of the statutes is repealed.

14 **SECTION 68.** 350.12 (4) (b) 1. of the statutes is amended to read:

15 350.12 (4) (b) 1. State aids and funds for maintenance costs shall be 100% of
16 the actual cost of maintaining the trail per year up to a \$250 per mile per year
17 maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails
18 approved by the ~~board~~ secretary of natural resources as snowmobile trails. State aid
19 for development may equal 100% of development expenses. Aids for major
20 reconstruction or rehabilitation projects to improve bridges may equal 100% of
21 eligible costs. Aids for trail rehabilitation projects may equal 100% of eligible costs.
22 Development shall begin the same year the land is acquired. Moneys available for
23 development shall be distributed on a 100% grant basis, 75% at the time of approval
24 but no later than January 1 and 25% upon completion of the project. A county
25 application may include a request for development, rehabilitation, or maintenance

1 of trails, or any combination thereof. Trail routes, sizes, and specifications shall be
2 prescribed only by the ~~board~~ secretary of natural resources.

3 **SECTION 69.** 350.12 (4) (b) 4. of the statutes is amended to read:

4 350.12 (4) (b) 4. For the maintenance, rehabilitation, and development of
5 snowmobile trails and areas on state lands and for major rehabilitation of
6 snowmobile bridges, 100% of the actual cost for development and rehabilitation and
7 100% of the actual cost of maintaining the trails per year up to the per mile per year
8 maximum specified under subd. 1. Qualifying trails are those approved by the ~~board~~
9 secretary of natural resources. Trail routes, sizes, and specifications shall be
10 prescribed only by the ~~board~~ secretary of natural resources.

11 **SECTION 70.** 350.145 (3) (b) of the statutes is amended to read:

12 350.145 (3) (b) The secretary of natural resources shall submit any written
13 comments that the secretary receives under par. (a) 2. ~~to the natural resources board~~
14 ~~and~~ to the secretary of administration with the department's submission of its
15 budget report under s. 16.42.

16 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
17 **Consumer Protection.**

18 (1) AGRICULTURE, TRADE AND CONSUMER PROTECTION COUNCIL. The individuals
19 who are members of the board of agriculture, trade and consumer protection on the
20 day before the effective date of this subsection are the initial members of the
21 agriculture, trade and consumer protection council. An initial member shall serve
22 for a term on the council ending on July 1 of the year in which his or her term on the
23 board would have expired.

24 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

1 (1) NATURAL RESOURCES COUNCIL. The individuals who are members of the
2 natural resources board on the day before the effective date of this subsection are the
3 initial members of the natural resources council. An initial member shall serve for
4 a term on the council ending on July 1 of the year in which his or her term on the board
5 would have expired.

6

(END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1191/P2ins
EHS:cjs:jf

1 INSERT 3-9

2 Notwithstanding s. 15.09 (6), the members of the council, except full-time state
3 officers or employees, shall be paid a per diem not to exceed \$35 per day as fixed by
4 the secretary of agriculture, trade and consumer protection with the approval of the
5 governor, but not to exceed \$1,000 per year, for each day on which they were actually
6 and necessarily engaged in the performance of their duties.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1191/P2
EHS:cjs:jm

DOA:.....Byrnes, BB0418 - Rulemaking and policymaking authority of
Natural Resources Board and Agriculture, Trade and Consumer
Protection Board

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Under current law, the Board of Agriculture, Trade and Consumer Protection is the policy-making entity for DATCP. The board approves DATCP's rules and appoints high-level staff. This bill transfers this authority from the board to the secretary of agriculture, trade and consumer protection. The bill also changes the Board of Agriculture, Trade and Consumer Protection to a council, which is an advisory body.

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the Natural Resources Board is the policy-making entity for DNR. The board approves DNR's rules, sells land, and appoints high-level staff. This bill transfers this authority from the board to the secretary of natural resources. The bill also changes the Natural Resources Board to a council, which is an advisory body.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.05 (1) (b) of the statutes is amended to read:

2 15.05 (1) (b) ~~Except as provided in pars. (e) and (d), if~~ If a department is under
3 the direction and supervision of a board, the board shall appoint a secretary to serve
4 at the pleasure of the board outside the classified service. In such departments, the
5 powers and duties of the board shall be regulatory, advisory and policy-making, and
6 not administrative. All of the administrative powers and duties of the department
7 are vested in the secretary, to be administered by him or her under the direction of
8 the board. The secretary, with the approval of the board, shall promulgate rules for
9 administering the department and performing the duties assigned to the
10 department.

11 **SECTION 2.** 15.05 (1) (c) of the statutes is repealed.

12 **SECTION 3.** 15.05 (1) (d) of the statutes is repealed.

13 **SECTION 4.** 15.07 (5) (d) of the statutes is repealed

14 **SECTION 5.** 15.13 of the statutes is amended to read:

15 **15.13 Department of agriculture, trade and consumer protection;**
16 **creation.** There is created a department of agriculture, trade and consumer
17 protection under the direction and supervision of the ~~board~~ secretary of agriculture,
18 trade and consumer protection. ~~The board shall consist of 7 members with an~~
19 ~~agricultural background and 2 members who are consumer representatives,~~
20 ~~appointed for staggered 6-year terms. Appointments to the board shall be made~~

1 ~~without regard to party affiliation, residence or interest in any special organized~~
2 ~~group.~~

3 **SECTION 6.** 15.137 (1m) of the statutes is created to read:

4 15.137 (1m) AGRICULTURE, TRADE AND CONSUMER PROTECTION COUNCIL. There is
5 created in the department of agriculture, trade and consumer protection an
6 agriculture, trade and consumer protection council consisting of 7 members with an
7 agricultural background and 2 members who are consumer representatives for
8 6-year terms. Appointments to the council shall be made without regard to party
9 affiliation, residence, or interest in any special organized group. Notwithstanding
10 s. 15.09 (6), the members of the council, except full-time state officers or employees,
11 shall be paid a per diem not to exceed \$35 per day as fixed by the secretary of
12 agriculture, trade and consumer protection with the approval of the governor, but not
13 to exceed \$1,000 per year, for each day on which they were actually and necessarily
14 engaged in the performance of their duties

15 **SECTION 7.** 15.137 (2) (a) 23. of the statutes is amended to read:

16 15.137 (2) (a) 23. A representative of the ~~board~~ of agriculture, trade and
17 consumer protection council.

18 **SECTION 8.** 15.34 (1) of the statutes is renumbered 15.34 and amended to read:

19 **15.34 Department of natural resources; creation.** There is created a
20 department of natural resources under the direction and supervision of the secretary
21 of natural resources board.

22 **SECTION 9.** 15.34 (2) (a) of the statutes is renumbered 15.347 (1) (intro.) and
23 amended to read:

24 15.347 (1) (intro.) ~~The natural resources board shall consist~~ There is created
25 in the department of natural resources a natural resources council consisting of 7

1 members meeting the following requirements appointed for staggered 6-year
2 terms;

3 **SECTION 10.** 15.34 (2) (b) of the statutes is renumbered 15.347 (1) (a) and
4 amended to read:

5 15.347 (1) (a) At least 3 members of ~~the natural resources board~~ shall be from
6 the territory north, and at least 3 members of ~~the board~~ shall be from the territory
7 south, of a line running east and west through the south limits of the city of Stevens
8 Point.

9 **SECTION 11.** 15.34 (2) (bg) of the statutes is renumbered 15.347 (1) (b) and
10 amended to read:

11 15.347 (1) (b) At least one member of ~~the natural resources board~~ shall have
12 an agricultural background. The governor may request statewide agricultural
13 organizations to submit recommendations for nominees under this paragraph. The
14 requirements of this paragraph apply to individuals who are members of the natural
15 resources board council on May 1, 2017, and thereafter.

16 **SECTION 12.** 15.34 (2) (br) 1. of the statutes is renumbered 15.347 (1) (c) 1. and
17 amended to read:

18 15.347 (1) (c) 1. At least 3 members of ~~the natural resources board~~ shall be
19 individuals who held an annual hunting, fishing, or trapping license, in this state or
20 another state, in at least 7 of the 10 years previous to the year in which the individual
21 is nominated, except as provided in subd. 2. The governor may request statewide
22 organizations that are primarily interested in supporting hunting, fishing, or
23 trapping to submit recommendations for nominees under this paragraph. The
24 requirements of this paragraph apply to individuals who are members of the natural
25 resources board council on May 1, 2017, and thereafter.

1 **SECTION 13.** 15.34 (2) (br) 2. of the statutes is renumbered 15.347 (1) (c) 2.

2 **SECTION 14.** 15.34 (2) (c) of the statutes is renumbered 15.347 (1) (d) and
3 amended to read:

4 15.347 (1) (d) No person may be appointed to the natural resources board
5 council, or remain a member of the board council, who receives, or has during the
6 previous 2 years received, a significant portion of his or her income directly or
7 indirectly from holders of or applicants for permits issued by the department of
8 natural resources under ch. 283, except that this paragraph does not apply to permits
9 issued under s. 283.33.

10 **SECTION 15.** 15.34 (2) (d) of the statutes is renumbered 15.347 (1) (e) and
11 amended to read:

12 15.347 (1) (e) The majority of members of the natural resources board council
13 may not derive a significant portion of their incomes from persons who are subject
14 to permits or enforcement orders under ch. 285. Each board council member shall
15 inform the governor of any significant change in the income that he or she derives
16 from persons who are subject to permits or enforcement orders under ch. 285.

17 **SECTION 16.** 15.34 (2) (e) of the statutes is renumbered 15.347 (1) (f) and
18 amended to read:

19 15.347 (1) (f) The restrictions in pars. ~~(e) and (d)~~ and (e) do not apply with
20 respect to permits or licenses held or applied for by agencies, departments, or
21 subdivisions of this state.

22 **SECTION 17.** 15.347 (1) (title) of the statutes is created to read:

23 15.347 (1) (title) NATURAL RESOURCES COUNCIL.

24 **SECTION 18.** 15.347 (4) (a) of the statutes is amended to read:

1 15.347 (4) (a) Two from the department of natural resources, appointed by the
2 ~~board~~ secretary of natural resources, one to serve as secretary.

3 **SECTION 19.** 15.347 (21) (a) 5. of the statutes is amended to read:

4 15.347 (21) (a) 5. Five members, appointed by the secretary of natural
5 ~~resources board~~ from nominations provided by sporting organizations that have as
6 their primary objective the promotion of hunting, fishing, or trapping. Of the 5
7 members, one shall represent the interests of deer hunters, one shall represent the
8 interests of bear hunters, one shall represent the interests of bird hunters, one shall
9 represent the interests of anglers, and one shall represent the interests of furbearing
10 animal hunters and trappers.

11 **SECTION 20.** 15.348 of the statutes is amended to read:

12 **15.348 Conservation congress.** The conservation congress shall be an
13 independent organization of citizens of the state and shall serve in an advisory
14 capacity to the secretary of natural resources board on all matters under the
15 jurisdiction of the ~~board~~ secretary. Its records, budgets, studies, and surveys shall
16 be kept and established in conjunction with the department of natural resources. Its
17 reports shall be an independent advisory opinion of such congress.

18 **SECTION 21.** 16.02 (2) of the statutes is amended to read:

19 16.02 (2) The acid deposition research council shall, by July 1 of each
20 even-numbered year, submit a report of its work summarizing its recommendations
21 under sub. (1) (a) to (c) and the results of the research reviewed under sub. (1) (d) and
22 shall file the report with the governor, the secretary, the ~~chairperson of the natural~~
23 ~~resources board~~ secretary of natural resources, and the chief clerk of each house of
24 the legislature for distribution to the appropriate standing committees under s.
25 13.172 (2).

1 **SECTION 22.** 23.09 (12) (c) of the statutes is amended to read:

2 23.09 (12) (c) State aid under this subsection to any county shall be distributed
3 by the department according to the procedures adopted in rules promulgated by the
4 ~~natural resources board~~ department. State aid granted to any county under this
5 subsection shall be matched by the county and the state's share may not exceed
6 one-half of the actual cost of the project. Personnel, equipment, and materials
7 furnished by the county may be included in computing the county share contribution.

8 **SECTION 23.** 23.091 (2) of the statutes is amended to read:

9 23.091 (2) MASTER PLAN. The department may designate a recreational area
10 only after a master plan for use and management of the area is prepared, public
11 hearings on the plan are held in the county where the largest portion of land in the
12 project is located, the procedures prescribed in s. 1.11 are complied with, and the plan
13 is approved by the ~~natural resources board~~ secretary.

14 **SECTION 24.** 23.0915 (2) (d) (intro.) of the statutes is amended to read:

15 23.0915 (2) (d) (intro.) In a given fiscal year, in addition to expending the
16 amount designated for a purpose under sub. (1) (a) or (c) to (k), or the amount equal
17 to the expenditure limit for that purpose, as adjusted under pars. (a) and (b),
18 whichever amount is applicable, the department may also expend for that purpose
19 up to 50% of the designated amount for that purpose for the given fiscal year for a
20 project or activity if the ~~natural resources board~~ secretary determines all of the
21 following:

22 **SECTION 25.** 23.0916 (2) (b) (intro.) of the statutes is amended to read:

23 23.0916 (2) (b) *Authority to prohibit access; earlier acquisitions; trails.* (intro.)
24 Except as provided in par. (c), the person receiving a stewardship grant subject to par.
25 (a) or (am) may prohibit public access for one or more nature-based outdoor activities

1 only if the ~~natural resources board~~ secretary determines that it is necessary to do so
2 in order to do any of the following:

3 **SECTION 26.** 23.0916 (2) (c) (intro.) of the statutes is amended to read:

4 23.0916 (2) (c) *Authority to prohibit access; later acquisitions.* (intro.) For
5 acquisitions of land or easements that are not for state trails or the ice age trail the
6 person receiving a stewardship grant subject to par. (am) may prohibit public access
7 for one or more nature-based outdoor activities only if the ~~natural resources board~~
8 secretary determines that it is necessary to do so in order to do any of the following:

9 **SECTION 27.** 23.0916 (3) (b) of the statutes is amended to read:

10 23.0916 (3) (b) *Authority to prohibit access; earlier acquisitions; trails.* The
11 department may prohibit public access on land or an easement subject to par. (a) for
12 one or more nature-based outdoor activities if the ~~natural resources board~~ secretary
13 determines that it is necessary to do so to protect public safety, protect a unique
14 animal or plant community, or accommodate usership patterns, as defined by rule
15 by the department. This paragraph applies to all acquisitions of land in fee simple
16 and easements on former managed forest land that occur on former managed forest
17 land before July 1, 2011, and to the acquisition of easements on former managed
18 forest land for state trails and the ice age trail that occur on or after July 1, 2011.

19 **SECTION 28.** 23.0916 (3) (c) of the statutes is amended to read:

20 23.0916 (3) (c) *Authority to prohibit access; later acquisitions.* The department
21 may prohibit public access on land or an easement subject to par. (a) for one or more
22 nature-based outdoor activities only if the ~~natural resources board~~ secretary
23 determines that it is necessary to do so to protect public safety or to protect a unique
24 animal or plant community. This paragraph applies to acquisitions of land in fee

1 simple and easements on former managed forest land for purposes other than for
2 state trails and the ice age trail that occur on or after July 1, 2011.

3 **SECTION 29.** 23.0916 (3m) of the statutes is repealed.

4 **SECTION 30.** 23.0916 (5) (intro.) of the statutes is amended to read:

5 23.0916 (5) RULES. (intro.) The ~~natural resources board~~ department, by rule,
6 shall develop all of the following:

7 **SECTION 31.** 23.0917 (5) (d) (intro.) of the statutes is amended to read:

8 23.0917 (5) (d) (intro.) For a given fiscal year, in addition to obligating the
9 amount of the annual bonding authority for a subprogram under sub. (3) or (4); or
10 the amount equal to the annual bonding authority for that subprogram, as adjusted
11 under pars. (a) and (b), whichever amount is applicable, the department may also
12 obligate for that subprogram up to 100% of the annual bonding authority for that
13 subprogram for that given fiscal year for a project or activity if the ~~natural resources~~
14 ~~board~~ secretary determines that all of the following conditions apply:

15 **SECTION 32.** 23.0918 (2) of the statutes is amended to read:

16 23.0918 (2) Unless the ~~natural resources board~~ secretary determines
17 otherwise in a specific case, only the income from the gifts, grants, or bequests in the
18 fund is available for expenditure. The ~~natural resources board~~ secretary may
19 authorize expenditures only for preserving, developing, managing, or maintaining
20 land under the jurisdiction of the department that is used for any of the purposes
21 specified in s. 23.09 (2) (d). In this subsection, unless otherwise provided in a gift,
22 grant, or bequest, principal and income are determined as provided under subch. XI
23 of ch. 701.

24 **SECTION 33.** 23.0953 (4) of the statutes is amended to read:

1 23.0953 (4) A county may not convert the land, or any rights in the land,
2 acquired with grant moneys awarded under sub. (2) (a) 2. to a use that is inconsistent
3 with the type of nature-based outdoor recreation or conservation activity for which
4 the grant was awarded unless the ~~natural resources board~~ secretary approves the
5 conversion.

6 **SECTION 34.** 23.096 (2m) (intro.) of the statutes is amended to read:

7 23.096 (2m) (intro.) Notwithstanding sub. (2) (b), in each fiscal year beginning
8 with fiscal year 2010–11 and ending with fiscal year 2019–20, the department may
9 award grants under this section that equal up to 75 percent of the acquisition costs
10 of the property if the ~~natural resources board~~ secretary determines that all of the
11 following apply:

12 **SECTION 35.** 23.117 (4) of the statutes is amended to read:

13 23.117 (4) Any council that is created by the ~~natural resources board~~ secretary
14 under s. 15.04 (1) (c) to advise the department on the opening of trails in state parks
15 and in the Kettle Moraine state forest for use by bicycles or electric personal assistive
16 mobility devices shall have its recommendations regarding such use reviewed and
17 approved by the ~~natural resources board~~ secretary before they are implemented.

18 **SECTION 36.** 23.12 of the statutes is repealed.

19 **SECTION 37.** 23.125 (title) of the statutes is amended to read:

20 **23.125 (title) Natural resources board council member conflicts of**
21 **interest.**

22 **SECTION 38.** 23.125 (1) of the statutes is amended to read:

23 23.125 (1) If a member of the natural resources ~~board~~ council is the holder of
24 a permit or license issued by the department under chs. 280 to 299, that member may

1 not engage in a discussion at a ~~board~~ council meeting or participate in a ~~board~~ council
2 decision on any matter that substantially relates to the permit or license.

3 **SECTION 39.** 23.125 (2) of the statutes is amended to read:

4 23.125 (2) If a member of the natural resources ~~board~~ council receives, or has
5 during the previous 2 years received, a significant portion of his or her income
6 directly or indirectly from a holder of or applicant for a permit or license issued by
7 the department under chs. 280 to 299, that member may not engage in a discussion
8 at a ~~board~~ council meeting or participate in a ~~board~~ council decision on any matter
9 that substantially relates to the permit or license, except that this restriction does
10 not apply with respect to a permit or license held or applied for by an agency,
11 department, or subdivision of this state.

12 **SECTION 40.** 23.145 (1) of the statutes is amended to read:

13 23.145 (1) The ~~natural resources board~~ secretary shall on or before June 30,
14 2017, offer for sale at least 10,000 acres of land owned by the state, under the
15 jurisdiction of the department, and outside of project boundaries that were
16 established by the department on or before May 1, 2013.

17 **SECTION 41.** 23.15 (1) of the statutes is amended to read:

18 23.15 (1) The ~~natural resources board~~ secretary may sell, at public or private
19 sale, lands, and structures owned by the state under the jurisdiction of the
20 department of natural resources, except central or district office facilities, when the
21 ~~natural resources board~~ secretary determines that the lands are no longer necessary
22 for the state's use for conservation purposes and, if real property, the real property
23 is not the subject of a petition under s. 16.310 (2).

24 **SECTION 42.** 23.15 (2) of the statutes is amended to read:

1 23.15 (2) ~~Said natural resources board~~ The secretary shall present to the
2 governor a full and complete report of the lands to be sold, the reason for the sale,
3 the price for which said the lands should be sold ~~together with, and~~ an application
4 for the sale of the same lands. The governor shall ~~thereupon~~ make such any
5 investigation as the governor deems necessary respecting said the lands to be sold
6 and approve or disapprove such the application. If the governor ~~shall approve~~
7 approves the same, application, the governor shall issue a permit ~~shall be issued by~~
8 ~~the governor~~ for such the sale on the terms set forth in the application.

9 **SECTION 43.** 23.15 (2m) (a) (intro.) of the statutes is amended to read:

10 23.15 (2m) (a) (intro.) Notwithstanding sub. (1), the ~~natural resources board~~
11 secretary shall sell, at fair market value, land in the lower Wisconsin state riverway,
12 as defined in s. 30.40 (15), that is not exempt under s. 30.48 (2) and that is acquired
13 by the department after August 9, 1989, if all of the following conditions are met:

14 **SECTION 44.** 23.15 (2m) (b) of the statutes is amended to read:

15 23.15 (2m) (b) Notwithstanding sub. (1), the ~~natural resources board~~ secretary
16 is not required to make a finding that land to be sold under par. (a) is no longer
17 necessary for the state's use for conservation purposes.

18 **SECTION 45.** 23.15 (3) of the statutes is amended to read:

19 23.15 (3) Upon completion of such the sale, ~~the chairperson and secretary of~~
20 ~~the natural resources board, or the secretary of natural resources, if the secretary is~~
21 ~~duly authorized by the natural resources board,~~ shall execute such instruments as
22 are necessary to transfer title and the ~~natural resources board or its~~ secretary or his
23 or her duly authorized agents shall deliver the same executed instruments to the
24 purchaser upon payment of the amount set forth in the application.

25 **SECTION 46.** 23.15 (4) of the statutes is amended to read:

1 23.15 (4) ~~Said natural resources board~~ The secretary effecting the sale of any
2 ~~such~~ lands and structures shall, upon receiving payment ~~therefor~~, deposit the funds
3 in the conservation fund to be used exclusively for the purpose of purchasing other
4 areas of land for the ~~creating~~ creation and ~~establishing~~ establishment of public
5 hunting and fishing grounds, wildlife and fish refuges, and state parks and for land
6 in the lower Wisconsin state riverway as defined in s. 30.40 (15).

7 **SECTION 47.** 23.30 (3) (intro.) of the statutes is amended to read:

8 23.30 (3) ~~NATURAL RESOURCES BOARD~~ DEPARTMENT (intro.) ~~The natural~~
9 ~~resources board~~ department is the body through which all governmental agencies
10 and nongovernmental agencies may coordinate their policies, plans, and activities
11 with regard to Wisconsin outdoor recreation resources. To this end it shall:

12 **SECTION 48.** 23.30 (3) (b) to (g) of the statutes are amended to read:

13 23.30 (3) (b) Coordinate the development of a comprehensive long-range plan
14 for the acquisition and development of areas necessary for a statewide system of
15 recreational facilities. The comprehensive plan shall be based upon the outdoor
16 recreation plans of the several state agencies and local governmental agencies, and
17 shall be coordinated and modified as the ~~board~~ department deems necessary to
18 comply with its policies and standards.

19 (c) Recommend to the legislature outdoor recreation program appropriations
20 and allocations which, in conjunction with other financial sources supporting
21 outdoor recreation resources, are necessary to carry out plans coordinated by the
22 ~~board~~ department.

23 (d) Consider progress reports from state agencies to determine that all state
24 appropriations for outdoor recreation are being so expended that the policies and
25 plans formulated by the ~~board~~ department will be accomplished.

1 (f) Advise federal agencies concerned of the pattern in which all federal outdoor
2 recreation resources financial assistance and loan programs to state and local
3 governmental agencies and to nongovernmental associations and private
4 individuals will most completely implement the policies and plans of the ~~board~~
5 department.

6 (g) Negotiate agreements between agencies concerned when in the ~~board's~~
7 department's judgment there is an overlap of authority or responsibilities in the
8 completion of a project.

9 **SECTION 49.** 23.31 (1) (a) of the statutes is amended to read:

10 23.31 (1) (a) To provide and develop recreation resources facilities within this
11 state, the ~~natural resources board~~ secretary, subject to the limits provided in s.
12 20.866 (2) (tp), (ts), and (tt), may direct that state debt be contracted for providing
13 recreation resources facilities or making additions to existing recreation resources
14 facilities.

15 **SECTION 50.** 23.31 (1) (b) of the statutes is amended to read:

16 23.31 (1) (b) With ~~their~~ its biennial budget request to the department of
17 administration, the ~~natural resources board~~ department shall include its request
18 and plan for recreational acquisition and development funding under s. 23.30. This
19 plan shall be approved by the governor and shall contain the policies regarding the
20 priority types of land to be acquired and the nature and categories of the
21 developments to be undertaken. ~~Changes in~~ The department may not change the
22 priority types of land to be acquired and in or the nature and categories of
23 developments ~~may not be made to be undertaken~~ without approval of the governor.
24 Any deviation ~~which~~ that the governor approves shall be reviewed by the joint
25 committee on finance.

1 **SECTION 51.** 29.036 (1) (intro.) of the statutes is amended to read:

2 29.036 (1) (intro.) The sporting heritage council shall study, and provide advice
3 and make recommendations to the governor, the natural resources board secretary,
4 and the legislature about, issues relating to hunting, trapping, fishing, and other
5 types of outdoor recreation activities including all of the following:

6 **SECTION 52.** 29.036 (2) of the statutes is amended to read:

7 29.036 (2) The sporting heritage council shall prepare a biennial report on the
8 status of the recruitment and retention of hunters, trappers, and anglers in this
9 state. The sporting heritage council shall submit its initial report under this
10 subsection no later than July 1, 2014, and shall submit subsequent reports no later
11 than July 1 of each even-numbered year thereafter, to the governor, to the
12 chairperson of the natural resources board secretary, and to the chief clerk of each
13 house of the legislature, for distribution to the appropriate standing committees
14 under s. 13.172 (3).

15 **SECTION 53.** 29.089 (1m) (b) 2. of the statutes is amended to read:

16 29.089 (1m) (b) 2. The natural resources board secretary determines that
17 prohibiting hunting, fishing, or trapping is necessary to protect public safety or to
18 protect a unique animal or plant community. ~~A determination to prohibit hunting,~~
19 ~~fishing, or trapping in a state park or a portion of a state park under this subdivision~~
20 ~~requires 4 or more members of the natural resources board to concur in that~~
21 ~~determination.~~

22 **SECTION 54.** 29.944 of the statutes is amended to read:

23 **29.944 Exemption from liability.** ~~Members of the natural resources board,~~
24 ~~and each~~ Each warden, in the performance of official duties, ~~are~~ is exempt from
25 liability to any person for acts done or permitted or property destroyed by authority

1 of law. No taxable costs or attorney fees shall be allowed to either party in an action
2 against ~~a member of the natural resources board~~ or a warden.

3 **SECTION 55.** 30.41 (1) of the statutes is amended to read:

4 30.41 (1) There is created a Lower Wisconsin State Riverway consisting of land
5 as designated by the ~~natural resources board~~ secretary.

6 **SECTION 56.** 30.92 (6) (b) of the statutes is amended to read:

7 30.92 (6) (b) The department shall assign staff to the commission for
8 management of the program under this section. All staff activities, including but not
9 limited to budgeting, program coordination, and related administrative
10 management functions, shall be consistent with the policies of the department and
11 ~~the natural resources board~~.

12 **SECTION 57.** 91.04 (intro.) of the statutes is amended to read:

13 **91.04 Department to report.** (intro.) At least once every 2 years, beginning
14 not later than December 31, 2011, the department shall submit a farmland
15 preservation report to the ~~board~~ secretary of agriculture, trade and consumer
16 protection and provide copies of the report to the department of revenue and the
17 department of administration. The department shall prepare the report in
18 cooperation with the department of revenue and shall include all of the following in
19 the report:

20 **SECTION 58.** 93.02 of the statutes is amended to read:

21 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
22 of the duties of the department, all of whom shall be under the classified service
23 except the deputy secretary, the assistant deputy secretary, and, subject to s. 230.08
24 (4) (a), the administrators of divisions. ~~Each such deputy secretary, assistant deputy~~

1 ~~secretary, or administrator shall be appointed by the secretary with the approval of~~
2 ~~the board.~~

3 **SECTION 59.** 100.207 (6) (em) 2. of the statutes is amended to read:

4 100.207 (6) (em) 2. The department shall submit the recommendations under
5 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
6 and to the board of agriculture, trade and consumer protection.

7 **SECTION 60.** 281.19 (6) of the statutes is amended to read:

8 281.19 (6) Orders issued by the department shall be signed by the person
9 designated by the board secretary.

10 **SECTION 61.** 281.55 (6) (b) 1. of the statutes is amended to read:

11 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
12 in conjunction with the state program of advancement in anticipation of federal
13 reimbursement under sub. (2). To provide for the financing of pollution prevention
14 and abatement facilities, the ~~natural resources board~~ secretary, with the approval
15 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
16 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
17 shall be contracted for in the manner and form as the legislature hereafter
18 prescribes.

19 **SECTION 62.** 281.65 (3) (at) of the statutes is amended to read:

20 281.65 (3) (at) Review rules drafted under this section and make
21 recommendations regarding the rules before final approval of the rules by the
22 ~~natural resources board~~ secretary.

23 **SECTION 63.** 281.96 of the statutes is amended to read:

24 **281.96 Visitorial powers of department.** Every owner of an industrial
25 establishment shall furnish to the department all information required by it in the

1 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any ~~member of~~
2 ~~the natural resources board or any~~ employee of the department may enter any
3 industrial establishment for the purpose of collecting such information, and no
4 owner of an industrial establishment shall refuse to admit ~~such member or an~~
5 employee of the department. The department shall make such inspections at
6 frequent intervals. The secretary ~~and all members of the board shall have~~ has power
7 for all purposes falling within the department's jurisdiction to administer oaths,
8 issue subpoenas, and compel the attendance of witnesses and the production of
9 necessary or essential data.

10 **SECTION 64.** 285.11 (6) (intro.) of the statutes is amended to read:

11 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
12 the prevention, abatement, and control of air pollution in this state. The department
13 thereafter shall be responsible for the revision and implementation of the plans. The
14 rules or control strategies submitted to the federal environmental protection agency
15 under the federal clean air act for control of atmospheric ozone shall conform with
16 the federal clean air act unless, based on the recommendation of the ~~natural~~
17 ~~resources board~~ secretary or the head of the department, as defined in s. 15.01 (8),
18 of any other department, as defined in s. 15.01 (5), that promulgates a rule or
19 establishes a control strategy, the governor determines that measures beyond those
20 required by the federal clean air act meet any of the following criteria:

21 **SECTION 65.** 285.85 (1) of the statutes is amended to read:

22 285.85 (1) If the secretary finds that a generalized condition of air pollution
23 exists and that it creates an emergency requiring immediate action to protect human
24 health or safety, he or she shall order persons causing or contributing to the air
25 pollution to reduce or discontinue immediately the emission of air contaminants, and

1 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
2 to be held before the department. Not more than 24 hours after the commencement
3 of such hearing, and without adjournment thereof, the ~~natural resources board~~
4 department shall affirm, modify, or set aside the order of the secretary.

5 **SECTION 66.** 289.68 (7) of the statutes is amended to read:

6 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget
7 request to the department of administration under s. 16.42, the ~~natural resources~~
8 ~~board~~ department shall include a report on the fiscal status of the waste
9 management fund and an estimate of the receipts by and expenditures from the fund
10 in the current fiscal year and in the future.

11 **SECTION 67.** 350.01 (1r) of the statutes is repealed.

12 **SECTION 68.** 350.12 (4) (b) 1. of the statutes is amended to read:

13 350.12 (4) (b) 1. State aids and funds for maintenance costs shall be 100% of
14 the actual cost of maintaining the trail per year up to a \$250 per mile per year
15 maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails
16 approved by the ~~board~~ secretary of natural resources as snowmobile trails. State aid
17 for development may equal 100% of development expenses. Aids for major
18 reconstruction or rehabilitation projects to improve bridges may equal 100% of
19 eligible costs. Aids for trail rehabilitation projects may equal 100% of eligible costs.
20 Development shall begin the same year the land is acquired. Moneys available for
21 development shall be distributed on a 100% grant basis, 75% at the time of approval
22 but no later than January 1 and 25% upon completion of the project. A county
23 application may include a request for development, rehabilitation, or maintenance
24 of trails, or any combination thereof. Trail routes, sizes, and specifications shall be
25 prescribed only by the ~~board~~ secretary of natural resources.

1 **SECTION 69.** 350.12 (4) (b) 4. of the statutes is amended to read:

2 350.12 (4) (b) 4. For the maintenance, rehabilitation, and development of
3 snowmobile trails and areas on state lands and for major rehabilitation of
4 snowmobile bridges, 100% of the actual cost for development and rehabilitation and
5 100% of the actual cost of maintaining the trails per year up to the per mile per year
6 maximum specified under subd. 1. Qualifying trails are those approved by the board
7 secretary of natural resources. Trail routes, sizes, and specifications shall be
8 prescribed only by the ~~board~~ secretary of natural resources.

9 **SECTION 70.** 350.145 (3) (b) of the statutes is amended to read:

10 350.145 (3) (b) The secretary of natural resources shall submit any written
11 comments that the secretary receives under par. (a) 2. ~~to the natural resources board~~
12 ~~and~~ to the secretary of administration with the department's submission of its
13 budget report under s. 16.42.

14 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
15 **Consumer Protection.**

16 (1) AGRICULTURE, TRADE AND CONSUMER PROTECTION COUNCIL. The individuals
17 who are members of the board of agriculture, trade and consumer protection on the
18 day before the effective date of this subsection are the initial members of the
19 agriculture, trade and consumer protection council. An initial member shall serve
20 for a term on the council ending on July 1 of the year in which his or her term on the
21 board would have expired.

22 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

23 (1) NATURAL RESOURCES COUNCIL. The individuals who are members of the
24 natural resources board on the day before the effective date of this subsection are the
25 initial members of the natural resources council. An initial member shall serve for

1 a term on the council ending on July 1 of the year in which his or her term on the board
2 would have expired.

3 (END)