

1991 Assembly Bill 358

Date of enactment: **June 18, 1991**

Date of publication*: **July 2, 1991**

1991 WISCONSIN ACT 25

AN ACT to repeal 15.915 (4) (e) and 36.50 (15); to amend 15.07 (1) (cm), 15.917 (2) and (3), 144.833 (3) and 165.25 (1); and to create 144.833 (7) of the statutes, relating to: the existence of the radioactive waste review board, radioactive waste policy council and radioactive waste technical council.

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

SECTION 1. 15.07 (1) (cm) of the statutes, as affected by 1989 Wisconsin Acts 31 and 340, is amended to read:

15.07 (1) (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board shall expire on May 1 in an even-numbered year. The terms of the members of the radioactive waste review board shall expire as provided in s. 15.915 (4) (c).

SECTION 2. 15.915 (4) (e) of the statutes is repealed.

SECTION 3. 15.917 (2) and (3) of the statutes are amended to read:

15.917 (2) **RADIOACTIVE WASTE POLICY COUNCIL.** There is created in the university of Wisconsin system a radioactive waste policy council. The radioactive waste policy council consists of not more than 11 members appointed for 3-year terms by the radioactive waste review board to serve at the pleasure of the board. At least 6 of the members shall be residents of the territory north of a line running east and west through the southern

limit of the city of Stevens Point. The chairperson of the radioactive waste policy council may not vote on the appointment of members to the radioactive waste policy council. The members shall include public members, representatives of local units of government and representatives of American Indian tribes. The board shall appoint public members to represent a broad diversity of opinion regarding the long-term disposal of high-level radioactive waste and transuranic waste. The board shall appoint representatives of local units of government from different parts of the state. ~~This subsection does not apply after June 30, 1991.~~

(3) **RADIOACTIVE WASTE TECHNICAL COUNCIL.** There is created in the university of Wisconsin system a radioactive waste technical council consisting of the secretary of health and social services, the secretary of natural resources, the secretary of transportation, the attorney general, the administrator of the division of emergency government in the department of military affairs, the head of the subunit responsible for state planning and energy in the department of administration, the state geologist, the chairperson of the public service commission and the president of the university of Wisconsin system or their designees. In addition, the radioactive waste review board may appoint 2 additional members with technical expertise in fields related to the long-term disposal of high-level radioactive waste and transuranic waste. ~~This subsection does not apply after June 30, 1991.~~

SECTION 4. 36.50 (15) of the statutes is repealed.

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SECTION 5. 144.833 (3) of the statutes, as affected by 1989 Wisconsin Act 31, section 2379g, is amended to read:

144.833 (3) APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in radioactive waste site exploration by drilling on a parcel unless notice is provided as required under sub. (2) and s. 144.832 (4) (a) and unless the department issues a written approval authorizing drilling on that parcel. If the person seeking this approval is the federal department of energy or an agent or employe of the federal department of energy, the department may not issue the approval unless the radioactive waste review board certifies that the federal department of energy and its agents or employes have complied with any requirement imposed by the radioactive waste review board under s. 36.50 or any agreement entered into under that section.

SECTION 6. 144.833 (7) of the statutes is created to read:

144.833 (7) IMPACT ON RADIOACTIVE WASTE REVIEW BOARD. Nothing in this section limits the power or authority of the radioactive waste review board to impose more stringent requirements for the negotiation and approval of agreements under s. 36.50.

SECTION 7. 165.25 (1) of the statutes, as affected by

1989 Wisconsin Act 31, section 2431b, is amended to read:

165.25 (1) REPRESENT STATE. Except as provided in s. 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employe or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The radioactive waste review board may request under s. 36.50 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 8. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 15.07 (1) (cm), 144.833 (3) and (7) and 165.25 (1) of the statutes takes effect on July 1, 1991, or the day after publication, whichever is later.