



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

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:

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

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

SECTION 2. 15.05 (1) (c) of the statutes is repealed.

SECTION 3. 15.05 (1) (d) of the statutes is repealed.

SECTION 4. 15.07 (5) (d) of the statutes is repealed

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

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

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

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

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

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

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

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

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

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

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

members meeting the following requirements appointed for staggered 6-year terms:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.347 (1) (title) NATURAL RESOURCES COUNCIL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 36. 23.12 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9132. Nonstatutory provisions; Natural Resources.

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

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

(END)