



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2081/1
ZDW&EVM:amn

2023 ASSEMBLY BILL 1059

February 2, 2024 - Introduced by Representatives BODDEN, BEHNKE, GOEBEN, BRANDTJEN, DITTRICH, RETTINGER, SCHMIDT, GUNDRUM, MURPHY and WICHGERS. Referred to Committee on Environment.

1 **AN ACT** *to repeal* 285.675 (1) (a), 285.675 (3) (d), 299.83 and 299.85; *to*
2 *consolidate, renumber and amend* 285.675 (1) (intro.) and (b); *to amend*
3 23.50 (1) and 299.95; and *to create* 66.0441 and 299.87 of the statutes;
4 **relating to:** eliminating the green tier program and the environmental
5 compliance audit program and restricting governmental actions with regard to
6 certain international programs and organizations.

Analysis by the Legislative Reference Bureau

This bill repeals the green tier program and the environmental compliance audit program, both administered by the Department of Natural Resources, and limits certain activities of DNR and local governments with regard to international programs and organizations.

Green tier program

Under current law, DNR administers the green tier program, under which qualified participants voluntarily agree to improve their environmental performance in return for incentives provided by DNR. There are two tiers of participation in the program, both of which require the participant to have an environmental management system that meets certain requirements and to conduct internal audits of the system. In addition, a tier II participant must commit to annual audits of its environmental management system by DNR and must demonstrate that

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it has a record of superior environmental performance. Incentives for participation in the program range from public recognition and use of a program logo by tier I participants to negotiating reduced frequency of inspections by tier II participants. The bill repeals this program.

Environmental compliance audit program

Under current law, DNR also administers the environmental compliance audit program. Under the program, an entity that is subject to environmental regulations may limit liability for certain violations by voluntarily submitting an environmental compliance audit report to DNR that identifies corrective actions to be taken. If the entity meets certain requirements, including remedying violations within specified time frames, civil enforcement is deferred and criminal prosecution may be limited. The bill repeals this program.

Governmental policies related to certain international organizations

Under the bill, no political subdivisions of this state may enter into an agreement, provide moneys to, or receive moneys from a nongovernmental or intergovernmental organization that is accredited or enlisted by the United Nations to assist in the implementation of the 2030 Agenda, a resolution that was adopted on September 25, 2015, by the General Assembly of the United Nations entitled "Transforming our world: the 2030 Agenda for Sustainable Development."

The bill also provides that neither DNR nor any political subdivision may adopt or implement a policy recommendation that originated in or that is traceable to the 2030 Agenda or any other international law or ancillary plan of action if the adoption or implementation results in the infringement or restriction of private property rights without due process or otherwise contravenes the U.S. Constitution or the Constitution of the State of Wisconsin.

For further information see the state and local 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.** 23.50 (1) of the statutes is amended to read:
- 2 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
- 3 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
- 4 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
- 5 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2),
- 6 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
- 7 administrative rules promulgated thereunder, violations specified under s. 280.98

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1 (2) or 285.86, violations of s. 281.36 if the department chooses to proceed under s.
2 281.36 (14) (f), violations of ch. 951 if the animal involved is a captive wild animal,
3 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
4 violations to which ~~s. 299.85 (7) (a) 2. or 4. applies~~, or violations of local ordinances
5 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a),
6 or 30.77.

7 **SECTION 2.** 66.0441 of the statutes is created to read:

8 **66.0441 Policies related to international organizations.** (1) In this
9 section:

10 (a) “2030 Agenda” means the resolution adopted on September 25, 2015, by the
11 General Assembly of the United Nations entitled “Transforming our world: the 2030
12 Agenda for Sustainable Development.”

13 (b) “Political subdivision” means a city, village, town, or county.

14 (2) (a) No political subdivision may adopt or implement a policy
15 recommendation that originated in or that is traceable to the 2030 Agenda or any
16 other international law or ancillary plan of action if the adoption or implementation
17 results in the infringement or restriction of private property rights without due
18 process or otherwise contravenes the U.S. Constitution or the Constitution of the
19 State of Wisconsin.

20 (b) No political subdivision may enter into an agreement, provide moneys to,
21 or receive moneys from a nongovernmental or intergovernmental organization that
22 is accredited or enlisted by the United Nations to assist in the implementation of the
23 2030 Agenda.

24 **SECTION 3.** 285.675 (1) (intro.) and (b) of the statutes are consolidated,
25 renumbered 285.675 (1) and amended to read:

ASSEMBLY BILL 1059**SECTION 3**

1 285.675 (1) In this section: ~~(b) “Registration, “registration permit”~~ means an
2 air pollution control permit under s. 285.60 (2g).

3 **SECTION 4.** 285.675 (1) (a) of the statutes is repealed.

4 **SECTION 5.** 285.675 (3) (d) of the statutes is repealed.

5 **SECTION 6.** 299.83 of the statutes is repealed.

6 **SECTION 7.** 299.85 of the statutes is repealed.

7 **SECTION 8.** 299.87 of the statutes is created to read:

8 **299.87 Policies related to international organizations.** The department
9 may not adopt or implement a policy recommendation that originated in or that is
10 traceable to the 2030 Agenda, as defined in s. 66.0441 (1) (a), or any other
11 international law or ancillary plan of action if the adoption or implementation
12 results in the infringement or restriction of private property rights without due
13 process or otherwise contravenes the U.S. Constitution or the Constitution of the
14 State of Wisconsin.

15 **SECTION 9.** 299.95 of the statutes is amended to read:

16 **299.95 Enforcement; duty of department of justice; expenses.** The
17 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
18 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
19 permits, and water quality certifications of the department, except those
20 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
21 in ss. 281.36 (14) (f), and 285.86 and 299.85 (7) (am). Except as provided in s. 295.79
22 (1), the circuit court for Dane county or for any other county where a violation
23 occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295
24 or this chapter or the rule, special order, license, plan approval, permit, or
25 certification by injunctive and other relief appropriate for enforcement. For

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1 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
2 the rule, special order, license, plan approval, permit or certification prohibits in
3 whole or in part any pollution, a violation is considered a public nuisance. The
4 department of natural resources may enter into agreements with the department of
5 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
6 chapter. Any funds paid to the department of justice under these agreements shall
7 be credited to the appropriation account under s. 20.455 (1) (k).

8

(END)