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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

State of Wisconsin
Department of Natural Resources

NOTICE TO PRESIDING OFFICERS OF PROPOSED RULEMAKING

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Board Order Number: FR 12-08

Clearinghouse Number: 08-046

Subject of Rules: County Forest Administration Grant program

Date of Transmittal: January 12, 2009

Send a copy of any correspondence or notices pertaining to the rule to:

**Quinn Williams, Department Rules Coordinator
DNR Bureau of Legal Services
LS/8, 101 South Webster
Telephone: 266-1318
e-mail: Quinn.williams@wisconsin.gov**

An electronic copy of the proposed rule submittal may be obtained by contacting Jeff Barkley at 264-9217 or Jeffrey.barkley@wisconsin.gov

REPORT TO LEGISLATURE

NR 47, subch. VI, Wis. Adm. Code
County forest administration grant program

Board Order No. FR-12-08
Clearinghouse Rule No. 08-046

Basis and Purpose of the Proposed Rule

2007 Act 20 created s. 28.11(5m)(am), Stats., which added language to the County Forest Administrator grant program. The grant name was changed to the County Forest Administration grant program and a provision was added that makes a county's dues to a non-profit organization that represents their collective county forest interests eligible for funding. The rule change provides for implementation of the change in the law.

The proposed rule makes eligible for cost-sharing, a county's dues to a non-profit organization that represents the collective interests of counties in the county forest program and that serves as an organizational liaison to the Department of Natural Resources. The total amount that the department may award in funding for this portion of the grant cannot exceed \$50,000 annually. The remainder of the grant is unchanged, providing for up to 50% of the cost of a county forest administrator's salary and benefits so long as the benefits don't exceed more than 40% of the salary. This grant program has been instrumental in encouraging counties to hire professionally-qualified staff to administer their county forests and has facilitated the ability of the program to become green-certified.

Summary of Public Comments

A video conference hearing, at 3 sites (Madison, Eau Claire, Rhinelander), was held to formally request public input. In addition, the rule was posted on the administrative rules website. Two comments were received. The Wisconsin County Forests Association supported the changes as proposed. The Legislative Rules Clearinghouse proposed one word change.

Modifications Made

In s. NR 47.70(4)(d), the word "may not" has replaced the previous wording of "cannot".

Appearances at the Public Hearing

No one appeared at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

None were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendation was accepted.

Final Regulatory Flexibility Analysis

The proposed rule does not affect small business; therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING, AMENDING AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to renumber NR 47.70(4)(d) and (e); to amend NR 47.70(title), (1), (3)(a) and (c) and (4)(c), (e) and (f)2; and to create NR 47.70(2)(i) and (4)(d) relating to the county forest administration grant program

FR-12-08

Summary Prepared by the Department of Natural Resources

1. **Statutes interpreted:** Section 28.11(5m)(am), Stats., as created by 2007 Wis. Act 20.
2. **Statutory authority:** Sections 227.11(2)(a), Stats.
3. **Explanation of agency authority:** Section 28.11(5m) gives authority to the Department to make grants to counties having lands entered in the county forest program to fund 50% of the cost of a county forest administrator or assistant county forest administrator. The statute also directs the Department to fund up to 50% of a county's dues to a non-profit agency that provides leadership and counsel to county forest administrators and serves as an organizational liaison to the Department.
4. **Related statute or rule:** Section 28.11(1), 28.11(2), and 28.11(4) Stats. provide for the purpose, definition, entry and management of county lands in the county forest program.
5. **Plain language analysis:**
Encouraging counties to hire professional foresters has long been a focus of the Department. Earlier versions of this grant program have been in operation since 1994. Prior to that, DNR cost-shared administrator positions were on staff in seven counties. The objective of this grant program will continue to be to promote and encourage the Counties to employ forestry professionals in the management of their forests. The rule revision will rename the grant program (formerly the County Forest Administrator Grant). The name change was made to accommodate the new opportunity for a county to receive up to 50% grant funding for dues they pay towards a not-for-profit organization that provides leadership and counsel to county forest administrators and functions as an organizational liaison to the Department. This change will continue to promote the professionalism of the individual counties and provide efficiencies to the Department in interacting with the county forests. The non-profit group currently providing this leadership is the Wisconsin County Forests Association (WCFA). Prior grant funding for salary / benefits of a professional forester in the role of county forest administrator will continue under the new format.
6. **Summary of and comparison with existing or proposed federal legislation:**
There is no comparable federal legislation.
7. **Comparison with rules in adjacent states:** Both Minnesota and Michigan have county forests however they are structured entirely differently than Wisconsin's. They have no similar grant programs. Illinois does not have a county forest program.
8. **Summary of factual data and analytical methodologies:** The non-profit organization currently providing leadership to the individual counties is the Wisconsin County Forests Association, Inc. (WCFA). Their current dues structure for member counties is \$1000 per county plus an assessment

of \$.047 per acre. Twenty-nine counties currently participate in the program with total acreage of 2,358,185. Total dues equate to \$139,835 annually. Fifty percent of that equals \$69,918 which exceeds the maximum allotted \$50,000 for this portion of the grant. Allocations for this portion of the grant will need to be prorated to each county. Fiscal impact for this grant change will be \$50,000 annually.

9. **Summary of methodologies used in support of the proposed rule:** In their support of the statutory change in Act 20, the legislature acknowledged the benefit of such a non-profit group to the department's oversight role of the county forest program. Such a group provides a point of contact for issues common to all county forests and facilitates management and oversight of the entire county forest program. It also provides leadership and counsel to forest administrators throughout Wisconsin.
 10. **Effect on small business:** This rule change will not affect small business.
 11. **Agency contact person:** Jeffrey D. Barkley, County Forest / Public Lands Specialist
Ph. 608-264-9217
e-mail: Jeffrey.barkley@wisconsin.gov
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SECTION 1. NR 47.70(title) and (1) are amended to read:

NR 47.70 (title) County forest administrator administration grant program (1)

PURPOSE. The purpose of this section is to establish standards and procedures for implementation of a grant program to contribute funds towards payment of the salary and fringe benefits of a professional forester in the position of administrator or assistant administrator of a county forest and also payment of a county's dues to a non-profit organization that provides leadership and counsel to a county forest administrator and serves as an organizational liaison to the department.

SECTION 2. NR 47.70(2)(i) is created to read:

NR 47.70(2)(i) "Non-profit organization" means the same as non-profit corporation, as described in s. 181.0103(17), Stats.

SECTION 3. NR 47.70(3)(a) and (c) are amended to read:

NR 47.70(3)(a) A county may apply for a grant under the county forest ~~administrator~~ administration grant program. A county shall include in an application a county board resolution authorizing the application. A county shall file the application with the department no later than January 31 of the grant year.

(c) Except as provided in par. (d) and (e), a grant shall be limited to funding annual salary and fringe benefits for a forester employed by a county and a county's annual dues to a non-profit organization representing their county forest interests.

SECTION 4. NR 47.70(4)(c) is amended to read:

NR 47.70(4)(c) Any grant funds not spent on salary or fringe benefit costs or dues to a non-profit organization representing county forest interests in the grant year shall be identified and deducted from

the next year's request. If a county does not participate or is not eligible for the grant the next year, the funds shall be returned to the department.

SECTION 5. NR 47.70(4)(d) and (e) are renumbered NR 47.70(e) and (f), and (4)(e) and (f)2., as renumbered, are amended to read:

NR 47.70(4)(e) If the total ~~amount of grants grant~~ which the counties are eligible for under this section exceeds funds available, the ~~grants grant~~ shall be prorated prior to distribution.

(f)2. The annual plan of work is consistent with the county forest ~~10-year~~ 15-year comprehensive land use plan for the county.

SECTION 6. NR 47.70(4)(d) is created to read:

NR 47.70(4)(d) The total eligible grant amount for funding of dues to a county forest non-profit organization may not exceed \$50,000 annually for all county forests collectively. If the total exceeds \$50,000, this portion of the grant will be prorated equally amongst all participating counties.

SECTION 7. EFFECTIVE DATE. The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 8. BOARD ADOPTION. The rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 24, 2008.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)