

SECTION J

MDK

10           **\*b0336/2.30\* 152.** Page 935, line 8: delete lines 8 to 25.

11           **\*b0336/2.31\* 153.** Page 936, line 1: delete lines 1 to 22.

12           **\*b0309/3.12\* 154.** Page 936, line 23: delete the material beginning with that  
13 line and ending with page 937, line 17, and substitute:

14           **\*b0309/3.12\* SECTION 1922w.** 92.14 (2) (c) of the statutes is amended to read:

15           92.14 (2) (c) Providing statewide financial and technical assistance for land  
16 and water conservation activities at the county level.

17           **\*b0309/3.12\* SECTION 1922y.** 92.14 (2) (j) of the statutes is amended to read:

18           92.14 (2) (j) Enhancing the administration and coordination of state nonpoint  
19 source water pollution abatement activities by the department and the department  
20 of natural resources, including providing a single process for grant application,  
21 funding allocation, reporting and evaluation.

22           **\*b0309/3.12\* SECTION 1923w.** 92.14 (3) (intro.) of the statutes is amended to  
23 read:

1           92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties meet  
2 ~~administrative and technical operating costs in fund~~ their land and water  
3 conservation activities, the department shall award ~~grants~~ an annual grant from the  
4 appropriation under s. 20.115 (7) (c) or (qd) ~~or s. 20.866 (2) (we)~~ to any county land  
5 conservation committee ~~which that~~ has a ~~workload allocation land and water~~  
6 resource management plan approved by the department under s. ~~92.08 (2)~~ 92.10 (4)  
7 (d), and ~~which that~~, by county board action, has resolved to ~~match any moneys~~  
8 granted under this subsection with an equal amount of county moneys provide any  
9 matching funds required under sub. (5g). The county ~~shall~~ may use the grant for  
10 county land and water resource management planning and for any of the following  
11 purposes, consistent with the approved land and water resource management plan:

12           (a) County land conservation personnel to administer and implement activities  
13 directly related to any of the following:

14           **\*b0309/3.12\* SECTION 1924b.** 92.14 (3) (a) and (b) of the statutes are  
15 renumbered 92.14 (3) (a) 1. and 2.

16           **\*b0309/3.12\* SECTION 1924c.** 92.14 (3) (c) of the statutes is repealed.

17           **\*b0309/3.12\* SECTION 1924d.** 92.14 (3) (d) and (e) of the statutes are  
18 renumbered 92.14 (3) (a) 4. and 5.

19           **\*b0309/3.12\* SECTION 1924f.** 92.14 (3) (f) of the statutes is created to read:

20           92.14 (3) (f) Training required under s. 92.18 or any other training necessary  
21 to prepare personnel to perform job duties related to this section or s. 281.65.

22           **\*b0309/3.12\* SECTION 1924h.** 92.14 (3) (g) of the statutes is created to read:

23           92.14 (3) (g) Technical assistance, education and training, ordinance  
24 development or administration related to this chapter or s. 281.65.

25           **\*b0309/3.12\* SECTION 1924m.** 92.14 (3m) (title) of the statutes is repealed.

1           **\*b0309/3.12\* SECTION 1924n.** 92.14 (3m) of the statutes is renumbered 92.14  
2 (3) (b) and 92.14 (3) (b) (intro.), as renumbered, is amended to read:

3           92.14 (3) (b) (intro.) ~~From the appropriation under s. 20.115 (7) (e) or (gd) or~~  
4 ~~20.866 (2) (we), the department shall award grants to counties or~~ Grants to farmers  
5 for implementing best management practices required under a shoreland  
6 management ordinance enacted under s. 92.17, including reimbursement for all of  
7 the following:

8           **\*b0309/3.12\* SECTION 1924q.** 92.14 (4) (intro.) of the statutes is repealed.

9           **\*b0309/3.12\* SECTION 1924s.** 92.14 (4) (a) of the statutes is renumbered 92.14  
10 (3) (c).

11           **\*b0309/3.12\* SECTION 1925b.** 92.14 (4) (b) of the statutes is renumbered 92.14  
12 (3) (d).

13           **\*b0309/3.12\* SECTION 1925e.** 92.14 (4) (c) of the statutes is renumbered 92.14  
14 (3) (e) and amended to read:

15           92.14 (3) (e) Construction of a facility or system related to animal waste  
16 management by a farmer who has received a notice of discharge under ch. 283 or  
17 management practices required under a notice to a farmer under s. 281.20 (3). ~~In~~  
18 ~~awarding grants under this paragraph, the department shall give preference to~~  
19 ~~farmers who have received a notice of discharge under s. 281.20 (3) or ch. 283. The~~  
20 amount of a grant for management practices required under a notice to a farmer  
21 under s. 281.20 (3) shall be based on the cost of the method of controlling nonpoint  
22 source pollution ~~which~~ that the department determines to be the most cost-effective  
23 ~~and may not exceed 70% of the total cost of that method. The department may issue~~  
24 ~~grants directly to farmers under this paragraph.~~

25           **\*b0309/3.12\* SECTION 1925g.** 92.14 (4m) of the statutes is repealed.

1       **\*b0309/3.12\* SECTION 1925i.** 92.14 (4r) of the statutes is repealed.

2       **\*b0309/3.12\* SECTION 1925k.** 92.14 (5) of the statutes is repealed.

3       **\*b0309/3.12\* SECTION 1925m.** 92.14 (5g) of the statutes is created to read:

4       92.14 (5g) MATCHING FUNDS. If a grant under sub. (3) provides funding for  
5 salary and fringe benefits for more than one county staff person, a county shall  
6 provide matching funds equal to 30% of the cost of salary and fringe benefits for the  
7 2nd staff person and 50% of the cost of salary and fringe benefits for any additional  
8 staff persons for whom the grant provides funding.

9       **\*b0309/3.12\* SECTION 1925p.** 92.14 (5r) of the statutes is created to read:

10       92.14 (5r) ANNUAL GRANT REQUEST. Every land conservation committee shall  
11 prepare annually a grant request that describes the land and water resource staffing  
12 needs and activities to be undertaken or funded by the county under this chapter and  
13 ss. 281.65 and 281.66 and the funding needed for those purposes. The grant request  
14 shall be consistent with the county's plan under s. 92.10. The land conservation  
15 committee shall submit the grant request to the department.

16       **\*b0309/3.12\* SECTION 1925r.** 92.14 (6) (a) of the statutes is repealed.

17       **\*b0309/3.12\* SECTION 1925t.** 92.14 (6) (b) of the statutes is amended to read:

18       92.14 (6) (b) The department, ~~in cooperation with~~ and the department of  
19 natural resources, shall prepare an annual grant allocation plan, ~~that is consistent~~  
20 ~~with the spending levels approved under par. (a), identifying the amounts to be spent~~  
21 ~~annually for land and water resource management projects to be funded~~ provided to  
22 counties under this section and the general purposes of those projects, which it shall  
23 specify ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt  
24 to provide funding under this section for an average of 3 staff persons per county with  
25 full funding for the first staff person, 70% funding for the 2nd staff person and 50%

1 funding for any additional staff persons and to provide an average of \$100,000 per  
2 county for cost-sharing grants. The department shall submit that plan to the board.

3 \*b0309/3.12\* SECTION 1926b. 92.14 (6) (c) of the statutes is repealed.

4 \*b0309/3.12\* SECTION 1926c. 92.14 (6) (d) of the statutes is amended to read:

5 92.14 (6) (d) The board shall review the annual allocation plan submitted to  
6 it under par. (b) and make recommendations to the department of agriculture, trade  
7 and consumer protection and the department of natural resources on approval,  
8 modification or disapproval of the plan. ~~The department shall review and approve~~  
9 ~~or disapprove the plan and shall notify the board of the department's final action on~~  
10 ~~the plan.~~

11 \*b0309/3.12\* SECTION 1926e. 92.14 (6) (e) of the statutes is repealed.

12 \*b0309/3.12\* SECTION 1926f. 92.14 (6) (f) of the statutes is repealed.

13 \*b0309/3.12\* SECTION 1926g. 92.14 (6) (g) of the statutes is amended to read:

14 92.14 (6) (g) Every ~~project grant~~ grant awarded a grant to a county under this section  
15 and s. 281.65 shall be consistent with the plans under s. 92.15, 1985 stats., and under  
16 this section and ss. ~~92.08~~, 92.10 and 281.65.

17 \*b0309/3.12\* SECTION 1926i. 92.14 (6) (gm) of the statutes is created to read:

18 92.14 (6) (gm) A county may not provide cost-sharing funds using funds  
19 provided under this section in an amount that exceeds 70% of the cost of a project,  
20 except in cases of economic hardship, as defined by the department by rule.

21 \*b0309/3.12\* SECTION 1926j. 92.14 (6) (h) 1. (intro.) of the statutes is amended  
22 to read:

23 92.14 (6) (h) 1. (intro.) ~~The department~~ A county may not ~~make a grant under~~  
24 this section provide cost-sharing funds using funds provided under this section for

1 the construction of any facility or system related to animal waste management  
2 unless all of the following conditions are met:

3 **\*b0309/3.12\* SECTION 1926k.** 92.14 (6) (h) 1. e. of the statutes is repealed.

4 **\*b0309/3.12\* SECTION 1926m.** 92.14 (6) (h) 2. of the statutes is repealed.

5 **\*b0309/3.12\* SECTION 1926p.** 92.14 (6) (h) 4. of the statutes is repealed.

6 **\*b0309/3.12\* SECTION 1926q.** 92.14 (6) (i) 2. of the statutes is amended to read:

7 92.14 (6) (i) 2. Conduct all land management and pollutant management  
8 activities in substantial accordance with the performance standards, prohibitions,  
9 conservation practices and technical standards under s. 281.16 and with plans  
10 approved under this section, under s. 92.15, 1985 stats., and under ss. ~~92.08~~, 92.10  
11 and 281.65, or to repay the cost-sharing funds.

12 **\*b0309/3.12\* SECTION 1926s.** 92.14 (6) (j) of the statutes is repealed.

13 **\*b0309/3.12\* SECTION 1926t.** 92.14 (6) (L) of the statutes is amended to read:

14 92.14 (6) (L) ~~The department may make a~~ A county may provide cost-sharing  
15 funds from a grant under this section to replace a structure or facility at a new  
16 location, rather than to repair or reconstruct the structure or facility, if the relocation  
17 reduces water pollution and replacement is cost-effective compared to repairing or  
18 reconstructing the structure or facility.

19 **\*b0309/3.12\* SECTION 1926u.** 92.14 (6) (m) of the statutes is created to read:

20 92.14 (6) (m) The department of agriculture, trade and consumer protection  
21 and the department of natural resources shall assist counties in conducting the  
22 activities for which grants under sub. (3) may be used.

23 **\*b0309/3.12\* SECTION 1926v.** 92.14 (10) of the statutes is amended to read:

24 92.14 (10) TRAINING. ~~The county may use a grant under this section for training~~  
25 ~~required under s. 92.18 or for any other training necessary to prepare personnel to~~

1 ~~perform job duties related to this section.~~ The department may contract with any  
2 person for services to administer or implement this chapter, including information  
3 and education and training.

4 **\*b0309/3.12\* SECTION 1926w.** 92.14 (11) of the statutes is repealed.

5 **\*b0309/3.12\* SECTION 1926x.** 92.14 (14) of the statutes is amended to read:

6 92.14 (14) APPLICATION, ALLOCATION, REPORTING AND EVALUATION FORMS. The  
7 department, jointly with the department of natural resources, shall develop a single  
8 set of grant application, reporting and evaluation forms for use by counties receiving  
9 grants under this section and ~~s. ss. 281.65 and 281.66.~~ The department, jointly with  
10 the department of natural resources, shall implement a single process for grant  
11 application, funding allocation, reporting and evaluation for counties receiving  
12 grants under this section and ss. 281.65 and 281.66.

13 **\*b0309/3.12\* SECTION 1926y.** 92.14 (14m) of the statutes is created to read:

14 92.14 (14m) COORDINATION. The department of agriculture, trade and  
15 consumer protection and the department of natural resources, jointly, shall review  
16 applications from counties for grants under sub. (5r) and, for projects and activities  
17 selected to receive funding shall determine whether to provide funding under this  
18 section or under s. 281.65 or 281.66.

19 **\*b0309/3.12\* SECTION 1926ye.** 92.15 (4) of the statutes is amended to read:

20 92.15 (4) A local governmental unit may not apply a regulation under sub. (2)  
21 or (3) to a livestock operation that exists on October 14, 1997, unless the local  
22 governmental unit determines, using the rules promulgated under s. 281.16 (3) (e),  
23 that cost-sharing is available to the owner or operator of the livestock operation  
24 under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.

25 **\*b0309/3.12\* SECTION 1926ym.** 92.17 (2m) of the statutes is amended to read:

1           92.17 (2m) AUTHORITY TO ENFORCE ORDINANCE. A county, ~~city, village or town~~  
2 may not enforce a shoreland management ordinance unless the county uses funds  
3 ~~have been appropriated provided under s. 92.14 (3) for grants for the purposes~~ under  
4 s. 92.14 (3m) (3) (b). A city, village or town may not enforce a shoreland management  
5 ordinance unless the county in which the city, village or town is located uses funds  
6 provided under s. 92.14 (3) for grants for the purposes under s. 92.14 (3) (b).”.

7           \*~~b0274/1.1~~\* **156.** Page 937, line 17: after that line insert:

8           \*~~b0274/1.1~~\* “SECTION 1926e. 92.18 (2m) of the statutes is created to read:

9           92.18 (2m) If a person is certified under this section to review plans for, or  
10 conduct inspections of, a type of agricultural engineering practice at one of the levels  
11 under sub. (2) (c), the department shall allow the person to review plans for, or  
12 conduct inspections of, all types of agricultural engineering practices at that same  
13 level without requiring any additional certification.”.

14           \*~~b0273/1.1~~\* **157.** Page 938, line 1: delete “Charge” and substitute  
15 “Promulgate rules specifying”.

16           \*~~b0270/1.2~~\* **158.** Page 938, line 13: after that line insert:

17           \*~~b0270/1.2~~\* “SECTION 1930j. 93.07 (3) of the statutes is amended to read:

18           93.07 (3) PROMOTION OF AGRICULTURE. To promote the interests of agriculture,  
19 dairying, horticulture, manufacturing, commercial fishing and the domestic arts and  
20 to advertise Wisconsin and its dairy, food and agricultural products by conducting  
21 campaigns of education throughout the United States and in foreign markets. Such  
22 campaigns shall include the distribution of educational and advertising material  
23 concerning Wisconsin and its plant, animal, food and dairy products. The  
24 department shall coordinate efforts by the state to advertise and promote



1 agricultural products of this state, with the department of commerce where  
2 appropriate. The department shall submit its request and plan for market  
3 development program expenditures for each biennium with its biennial budget  
4 request. The plan shall include the identification and priority of expenditures for  
5 each market development program activity. In each fiscal year, the department shall  
6 seek federal moneys for the promotion of exports of agricultural products in an  
7 amount at least equal to \$130,000 plus the amount of federal moneys received for this  
8 purpose in fiscal year 1998-99.”.

9 \*b0072/1.1\* ~~159~~. Page 938, line 14: delete lines 14 to 18.

10 \*b0271/3.2\* ~~161~~. Page 938, line 20: delete “~~(2) or (3) or (4)~~” and substitute  
11 “~~(2)~~, (3) or ~~(4)~~ (3g)”.

12 \*b0593/1.2\* ~~160~~. Page 938, line 21: before that line insert:

13 \*b0593/1.2\* “SECTION 1932m. 93.32 of the statutes is created to read:

14 **93.32 Agriculture in the classroom program.** From the appropriation  
15 account under s. 20.115 (4) (q), the department shall provide grants to the Wisconsin  
16 Farm Bureau Federation for an agriculture in the classroom program conducted in  
17 cooperation with the federal department of agriculture to help teachers educate  
18 students about agriculture. In each fiscal year, the department shall provide \$3 for  
19 every \$2 that the Wisconsin Farm Bureau Federation provides for the program in  
20 that fiscal year, up to the amount appropriated under s. 20.115 (4) (q).”.

21 \*b0598/1.2\* ~~162~~. Page 938, line 21: after that line insert:

22 \*b0598/1.2\* “SECTION 1933g. 93.70 of the statutes is created to read:

23 **93.70 Conservation reserve enhancement program.** The department  
24 may expend funds from the appropriation account under s. 20.115 (7) (b) for

1 participation by this state in the conservation reserve enhancement program as  
2 approved by the secretary of the federal department of agriculture under 16 USC  
3 3834 (f) (4).”.

4 \*b0271/3.3\* ~~163~~. Page 938, line 24: after that line insert:

5 “(a) “Christmas tree grower” means a person who grows evergreen trees for  
6 eventual harvest and sale as Christmas trees, except that “Christmas tree grower”  
7 does not include a person who grows evergreen trees for eventual harvest and sale  
8 as Christmas trees if the person also grows nursery stock for sale and if the amount  
9 of the person’s annual sales of nursery stock is more than 50% of the amount of the  
10 person’s annual sales of nursery stock plus Christmas trees.”.

11 \*b0271/3.4\* ~~164~~. Page 939, line 5: after “sale” insert “, except that “nursery”  
12 does not include premises on which a person propagates or grows nursery stock for  
13 sale if the person also grows evergreen trees for eventual harvest and sale as  
14 Christmas trees and if the amount of the person’s annual sales of Christmas trees  
15 is 50% or more of the amount of the person’s annual sales of Christmas trees plus  
16 nursery stock”.

17 \*b0271/3.5\* ~~165~~. Page 939, line 8: after “grower” insert “or Christmas tree  
18 grower”.

19 \*b0271/3.6\* ~~166~~. Page 939, line 9: after “state” insert “, except that “nursery  
20 dealer” does not include an employe of a person licensed under this section”.

21 \*b0271/3.7\* ~~167~~. Page 939, line 12: delete “including rooted Christmas trees,  
22 but”.

1           **\*b0271/3.8\* 168.** Page 939, line 13: delete “and annuals” and substitute “,  
2 annuals and evergreen trees grown for eventual harvest and sale as Christmas  
3 trees”.

4           **\*b0271/3.9\* 169.** Page 939, line 16: after that line insert:

5           “2m. A Christmas tree grower licensed under sub. (3g).”.

6           **\*b0271/3.10\* 170.** Page 939, line 19: delete lines 19 and 20.

7           **\*b0271/3.11\* 172.** Page 941, line 19: delete the material beginning with  
8 “pursuant” and ending with “par. (g)” on line 20 and substitute “for the benefit of a  
9 nonprofit organization, for a period of not more than 7 consecutive days”.

10           **\*b0271/3.12\* 171.** Page 941, line 21: delete the material beginning with that  
11 line and ending with page 942, line 2.

12           **\*b0271/3.13\* 173.** Page 942, line 13: delete that line and substitute “nursery,  
13 grows evergreen trees for eventual sale as Christmas trees or holds nursery stock or  
14 Christmas trees for sale.”.

15           **\*b0271/3.14\* 174.** Page 942, line 14: delete “or (cm)”.

16           **\*b0271/3.15\* 175.** Page 942, line 18: delete “; *general*. Except as provided in  
17 par. (cm), a” and substitute “. A”.

18           **\*b0271/3.16\* 176.** Page 942, line 22: delete “, \$40” and substitute “and  
19 Christmas trees, \$55”.

20           **\*b0271/3.17\* 177.** Page 942, line 24: delete “, \$75” and substitute “and  
21 Christmas trees, \$100”.

22           **\*b0271/3.18\* 178.** Page 943, line 2: delete “, \$125” and substitute “and  
23 Christmas trees, \$200”.

1           **\*b0271/3.19\* 180.** Page 943, line 4: delete “, \$200” and substitute “and  
2 Christmas trees, \$400”.

3           **\*b0271/3.20\* 181.** Page 943, line 6: delete “, \$350” and substitute “and  
4 Christmas trees, \$600”.

5           **\*b0271/3.21\* 182.** Page 943, line 8: delete “, \$600” and substitute “and  
6 Christmas trees, \$1,200”.

7           **\*b0271/3.22\* 183.** Page 943, line 10: delete “, \$1,200” and substitute “and  
8 Christmas trees, \$2,400”.

9           **\*b0271/3.23\* 179.** Page 943, line 11: delete the material beginning with that  
10 line and ending with page 944, line 2.

11           **\*b0271/3.24\* 185.** Page 944, line 4: delete “or (cm)”.

12           **\*b0271/3.25\* 186.** Page 944, line 11: delete “or (cm)”.

13           **\*b0271/3.26\* 187.** Page 944, line 12: after “stock” insert “and Christmas  
14 trees”.

15           **\*b0271/3.27\* 188.** Page 944, line 16: after “stock” insert “and Christmas  
16 trees”.

17           **\*b0271/3.28\* 189.** Page 944, line 18: delete the material beginning with “for  
18 sale pursuant” and ending with “par. (g)” on line 19 and substitute “only for sale for  
19 the benefit of a nonprofit organization, for a period of not more than 7 days”.

20           **\*b0271/3.29\* 184.** Page 944, line 20: delete the material beginning with that  
21 line and ending with page 945, line 2, and substitute:

22           **“(3g) CHRISTMAS TREE GROWER; ANNUAL LICENSE. (a) License required. Except**  
23 **as provided in par. (e), no person may operate as a Christmas tree grower without**

1 an annual license from the department. A Christmas tree grower license expires on  
2 February 20. A Christmas tree grower license may not be transferred to another  
3 person.

4 (b) *Applying for a license.* A person applying for a Christmas tree grower  
5 license under par. (a) shall apply on a form provided by the department. An applicant  
6 shall provide all of the following to the department:

7 1. The applicant's legal name and address and any other name under which the  
8 applicant does business.

9 2. The address of each location in this state at which the applicant grows  
10 evergreen trees for eventual sale as Christmas trees or nursery stock or at which the  
11 applicant holds Christmas trees or nursery stock for sale.

12 3. The license fee required under par. (c).

13 4. Other information reasonably required by the department for licensing  
14 purposes.

15 (c) *License fee.* A Christmas tree grower shall pay the following annual license  
16 fee, based on annual sales calculated according to par. (d):

17 1. If the Christmas tree grower annually sells no more than \$5,000 worth of  
18 Christmas trees and nursery stock, \$20.

19 2. If the Christmas tree grower annually sells more than \$5,000 but not more  
20 than \$20,000 worth of Christmas trees and nursery stock, \$55.

21 3. If the Christmas tree grower annually sells more than \$20,000 but not more  
22 than \$100,000 worth of Christmas trees and nursery stock, \$90.

23 4. If the Christmas tree grower annually sells more than \$100,000 but not more  
24 than \$200,000 worth of Christmas trees and nursery stock, \$150.

1           5. If the Christmas tree grower annually sells more than \$200,000 but not more  
2 than \$500,000 worth of Christmas trees and nursery stock, \$250.

3           6. If the Christmas tree grower annually sells more than \$500,000 but not more  
4 than \$2,000,000 worth of Christmas trees and nursery stock, \$450.

5           7. If the Christmas tree grower annually sells more than \$2,000,000 worth of  
6 Christmas trees and nursery stock, \$900.

7           (d) *Calculating annual sales.* The amount of an applicant's license fee under  
8 par. (c) for a license year shall be based on the applicant's sales of Christmas trees  
9 and nursery stock during the applicant's preceding fiscal year, except that if the  
10 applicant made no sales during the preceding fiscal year the fee shall be based on the  
11 applicant's good faith prediction of sales during the license year for which the  
12 applicant is applying.

13           (e) *Exemption.* Paragraph (a) does not apply to a Christmas tree grower whose  
14 only sales of Christmas trees and nursery stock are retail sales totalling less than  
15 \$250 annually.”.

16           \***b0271/3.30\* 190.** Page 945, line 7: after “grower” insert “or Christmas tree  
17 grower”.

18           \***b0271/3.31\* 191.** Page 945, line 9: delete “or hold” and substitute “, grow  
19 evergreen trees for eventual sale as Christmas trees or hold Christmas trees or”.

20           \***b0271/3.32\* 192.** Page 946, line 7: after “to” insert “grower or”.

21           \***b0271/3.33\* 193.** Page 946, line 8: after “to a” insert “nursery grower or”.

22           \***b0271/3.34\* 194.** Page 946, line 9: delete that line and substitute “nursery  
23 grower or nursery dealer may accept a shipment of nursery stock, unless the nursery  
24 stock was grown by a Christmas tree grower or unless that shipment is”.

1           **\*b0271/3.35\* 195.** Page 946, line 12: after “the” insert “nursery grower or”.

2           **\*b0271/3.36\* 196.** Page 947, line 25: after the period insert “The department  
3 may inspect premises at which Christmas tree growers grow nursery stock, premises  
4 at which evergreen trees are grown for eventual sale as Christmas trees and  
5 premises at which Christmas trees are held for sale or distribution.”.

6           **\*b0286/8.31\* 197.** Page 948, line 17: substitute “(1)” for “(2)”.

      \*\*\*\*NOTE: This item corrects a cross-reference.

7           **\*b0275/2.2\* 198.** Page 952, line 6: after that line insert:

8           **\*b0275/2.2\* “SECTION 1942m.** 94.695 of the statutes is created to read:

9           **94.695 Pesticide sales and use reporting system. (1) DEFINITIONS.** In this  
10 section:

11           (a) “Household pesticide” has the meaning given in s. 94.681 (1) (a).

12           (b) “Industrial pesticide” has the meaning given in s. 94.681 (1) (b).

13           (c) “Municipality” means a city, village or town.

14           (d) “Nonhousehold pesticide” has the meaning given in s. 94.681 (1) (c).

15           **(2) RESPONSIBILITIES OF THE DEPARTMENT.** The department shall do all of the  
16 following:

17           (a) Develop and, beginning no later than January 1, 2003, administer a  
18 pesticide sales and use reporting system that provides a systematic method for  
19 collecting, retaining, analyzing and disseminating data related to pesticide sales and  
20 use in this state and that is integrated with statewide geographic information  
21 systems.

1           (b) Develop and, beginning no later than the first day of the 13th month  
2 beginning after the effective date of this paragraph .... [revisor inserts date],  
3 administer a pilot program to test the pesticide sales and use reporting system.

4           (c) Beginning no later than January 1, 2002, provide training and technical  
5 assistance to persons required to report under the system in par. (a) and to persons  
6 who wish to use the data collected under the system.

7           (d) No later than March 1 annually, beginning in 2004, submit to the legislature  
8 under s. 13.172 (2) a report on the system in par. (a), including a summary and  
9 analysis of the types and quantity of pesticides sold and applied during the previous  
10 calendar year and the areas to which those pesticides were applied.

11           **(3) CONSULTATION.** The department shall consult and coordinate with all of the  
12 following in discharging its responsibilities under sub. (2):

13           (a) The College of Agricultural and Life Sciences of the University of  
14 Wisconsin–Madison.

15           (b) Employees of the University of Wisconsin System who are knowledgeable in  
16 the area of environmental toxicology.

17           (c) The subunit of the department of natural resources that provides  
18 information technology support.

19           (d) The subunit of the department of health and family services that  
20 administers health laws.

21           (e) The division of technology services in the department of administration.

22           (f) The state cartographer.

23           (g) The geological and natural history survey.



1 (h) Representatives of the pest management industry, of agricultural,  
2 environmental, medical and public health institutions and advocacy groups, of  
3 school districts and of local governments.

4 (i) Other interested persons.

5 (4) RULE MAKING. The department shall promulgate rules for the pesticide sales  
6 and use reporting system in sub. (2) (a), including rules to ensure the consistent  
7 submission and dissemination of accurate pesticide sales and use data. The  
8 department shall provide for all of the following in the rules:

9 (a) Technical assistance for persons submitting pesticide sales and use data.

10 (b) Deadlines for submitting pesticide sales and use data.

11 (c) Methods for reviewing and analyzing the accuracy of the reported pesticide  
12 sales and use data.

13 (d) Mechanisms by which the department will make the reported pesticide  
14 sales and use data available to the public, including through the Internet and  
15 computer media.

16 (5) REPORTING OF SALES OF NONHOUSEHOLD AND INDUSTRIAL PESTICIDES. Under the  
17 pesticide sales and use reporting system in sub. (2) (a), the department shall require  
18 manufacturers, distributors and dealers of industrial pesticides and nonhousehold  
19 pesticides to report all of the following information:

20 (a) The date of sale, brand name and amount of each industrial pesticide and  
21 nonhousehold pesticide sold to each purchaser in this state.

22 (b) The name, address and 9-digit zip code of each purchaser under par. (a).

23 (c) The number of any license or certification under ss. 94.67 to 94.71 held by  
24 each purchaser under par. (a).

1           **(6) REPORTING OF CERTAIN PESTICIDE APPLICATIONS.** Under the pesticide sales and  
2 use reporting system in sub. (2) (a), the department shall require commercial  
3 applicators and private applicators to report all of the following for each application  
4 of an industrial pesticide or nonhousehold pesticide:

5           (a) The type of pesticide applied and its brand name, the name of the pesticide  
6 as registered under the federal act, the pesticide registration number assigned to the  
7 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's  
8 active ingredients.

9           (b) The name and any certification number, under s. 94.705, of the person  
10 applying the pesticide.

11           (c) The date and time of the application and the amount of pesticide applied.

12           (d) How the pesticide was applied, including any additives used and the type  
13 of application device used.

14           (e) The rate of application of the pesticide.

15           (f) The street address, including 9-digit zip code, and the county of the place  
16 at which the pesticide was applied, the location of the application by section,  
17 township, range and meridian and an identification of any bodies of water or  
18 municipalities adjacent to that location.

19           (g) The size of the area to which the pesticide was applied.

20           (h) The type of site to which the pesticide was applied and the purpose of the  
21 application.

22           (i) A description of the crop, commodity, plant, animal, structure, equipment  
23 or material to which the pesticide was applied.

24           (j) The weather conditions during the application.

1 (k) The name of the person preparing the report and that person's relationship  
2 to the person applying the pesticide.

3 (7) REPORTING OF HOUSEHOLD PESTICIDE SALES AND USE. Under the pesticide sales  
4 and use reporting system in sub. (2) (a), the department shall collect data on the sale,  
5 use and result of use of household pesticides. The department may only require  
6 manufacturers and labelers required to be licensed under s. 94.68 to report on the  
7 amount of household pesticides sold. The department may purchase information  
8 concerning sales of household pesticides from marketing information businesses.

9 (8) LIMIT ON DISCLOSURE OF CERTAIN INFORMATION. (a) Except as provided in par.  
10 (b) or (c), upon written request by a property owner, the department shall treat as  
11 confidential information about pesticide sale or use for private agricultural purposes  
12 if the information would reveal the property to which a pesticide was applied or the  
13 name of the property owner.

14 (b) Paragraph (a) does not apply if the information is requested by any of the  
15 following:

16 1. A state or local government for any investigation, subject to any existing  
17 confidentiality requirements.

18 2. A governmental agency that makes provisions to protect the confidentiality  
19 of the information.

20 3. A researcher or physician who shows a valid need for the information and  
21 who makes provisions to protect the confidentiality of the information.

22 4. A state agency or public water supply system for water quality assessment,  
23 subject to any existing confidentiality requirements.

24 (c) Paragraph (a) does not apply after July 1, 2001, or after the day after  
25 publication of the 2001-03 biennial budget act, whichever is later.”

1           **\*b0269/1.2\* 199.** Page 952, line 21: after that line insert:

2           **\*b0269/1.2\* SECTION 1945e.** 94.73 (2) (c) of the statutes is amended to read:

3           94.73 (2) (c) The department may issue an order under par. (a) on a summary  
4 basis without prior notice or a prior hearing if the department determines that a  
5 summary order is necessary to prevent imminent harm to public health or safety or  
6 to the environment. If the recipient of a summary order requests a hearing on that  
7 order, the department shall hold a hearing within 10 days after it receives the  
8 request unless the recipient agrees to a later hearing date. The department is not  
9 required to stay enforcement of a summary order issued under this paragraph  
10 pending the outcome of the hearing. If the responsible person prevails after a  
11 hearing, the department shall reimburse the responsible person from the  
12 appropriation account under s. 20.115 (7) ~~(e)~~ ~~or~~ (wm) for the corrective action costs  
13 incurred as the result of the department's order.

14           **\*b0269/1.2\* SECTION 1945g.** 94.73 (7) (a) of the statutes is amended to read:

15           94.73 (7) (a) The department may make payments to a responsible person who  
16 is eligible for reimbursement under sub. (3) if the department has authorized  
17 reimbursement to that person under sub. (6). The department shall make payment  
18 from the appropriation ~~accounts~~ account under s. 20.115 (7) ~~(e)~~ ~~and~~ (wm), subject to  
19 the availability of funds in ~~those~~ that appropriation ~~accounts~~ account. If there are  
20 insufficient funds to pay the full amounts authorized under sub. (6) to all eligible  
21 responsible persons, the department shall distribute payments in the order in which  
22 applications were received, unless the department specifies, by rule, a different order  
23 of payment.”.

24           **\*b0067/1.1\* 201.** Page 953, line 3: delete lines 3 to 9.

1           **\*b0072/1.2\* 202.** Page 953, line 10: delete lines 10 to 18.

2           **\*b0067/1.2\* 200.** Page 953, line 19: delete the material beginning with that  
3 line and ending with page 954, line 2.

4           **\*b0284/3.1\* 204.** Page 954, line 2: after that line insert:

5           **\*b0284/3.1\* "SECTION 1950m.** 98.01 (3) of the statutes is amended to read:

6           98.01 (3) "Municipality" means a city ~~or~~ village or town."

7           **\*b0284/3.2\* 205.** Page 954, line 12: after "department" insert "of agriculture,  
8 trade and consumer protection".

9           **\*b0284/3.3\* 206.** Page 954, line 17: delctc "department. It" and substitute  
10 "department. It of agriculture, trade and consumer protection."

11           **\*b0284/3.4\* 207.** Page 954, line 19: after "department" insert "of agriculture,  
12 trade and consumer protection".

13           **\*b0284/3.5\* 208.** Page 954, line 21: after "and" insert "of agriculture, trade  
14 and consumer protection".

15           **\*b0284/3.6\* 209.** Page 955, line 1: delete lines 1 to 4 and substitute:

16           "98.04 (2) A municipality that is required to establish a department of weights  
17 and measures under sub. (1) may contract with the department of agriculture, trade,  
18 and consumer protection to enforce the provisions of this chapter within the  
19 municipality's jurisdiction instead of establishing its own department if the  
20 department of agriculture, trade and consumer protection agrees to enter into such  
21 a contract. The department of agriculture, trade and consumer protection may  
22 charge the municipality".

1           **\*b0280/1.1\* 210.** Page 955, line 12: delete the material beginning with that  
2 line and ending with page 957, line 12.

3           **\*b0325/2.2\* 211.** Page 958, line 3: delete lines 3 to 7 and substitute:

4           “(3) (a) The clerk of court shall collect and transmit the consumer information  
5 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county  
6 treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

7           (b) 1. The state treasurer shall deposit the assessment amounts in the general  
8 fund and shall credit them to the appropriation account under s. 20.115 (1) (jb),  
9 subject to the limit under subd. 2.

10           2. The amount credited to the appropriation account under s. 20.115 (1) (jb) may  
11 not exceed \$85,000 in each fiscal year.”.

12           **\*b0674/1.1\* 213.** Page 958, line 7: after that line insert:

13           **\*b0674/1.1\* “SECTION 1960d.** 100.30 (2) (c) 1. b. of the statutes is amended to  
14 read:

15           100.30 (2) (c) 1. b. For every person holding a permit as a distributor as defined  
16 in s. 139.30 (3) ~~or as a multiple retailer as defined in s. 139.30 (8)~~, with respect to that  
17 portion of the person’s business which involves the purchase and sale of cigarettes,  
18 “cost to wholesaler” means the cost charged by the cigarette manufacturer,  
19 disregarding any manufacturer’s discount or any discount under s. 139.32 (5), plus  
20 the amount of tax imposed under s. 139.31. Except for a sale at wholesale between  
21 wholesalers, a markup to cover a proportionate part of the cost of doing business shall  
22 be added to the cost to wholesaler. In the absence of proof of a lesser cost, this markup  
23 shall be 3% of the cost to wholesaler as set forth in this subd. 1. b.

24           **\*b0674/1.1\* SECTION 1960h.** 100.30 (2) (f) of the statutes is amended to read:

1           100.30 (2) (f) With respect to the sale of merchandise other than motor vehicle  
2 fuel, “retailer” and “wholesaler” shall both be applied to any merchant who buys  
3 merchandise for resale at retail from the manufacturer or producer thereof ~~and to~~  
4 ~~any wholesaler under par. (L) 2.~~ and, as to that merchandise or that wholesaler, the  
5 terms “cost to retailer” and “cost to wholesaler” as defined in pars. (am) and (c) shall  
6 both be applied, including the markup requirements.

7           **\*b0674/1.1\* SECTION 1960p.** 100.30 (2) (L) (intro.) and 1. of the statutes are  
8 consolidated, renumbered 100.30 (2) (L) and amended to read:

9           100.30 (2) (L) (intro.) “Wholesaler” includes ~~every person holding a permit as~~  
10 ~~a multiple retailer under s. 139.30 (8)~~ and every person engaged in the business of  
11 making sales at wholesale, other than sales of motor vehicle fuel at wholesale, within  
12 this state except as follows: 1. ~~In that in~~ the case of a person engaged in the business  
13 of selling both at wholesale and at retail, “wholesaler” applies only to the wholesale  
14 portion of that business.

15           **\*b0674/1.1\* SECTION 1960t.** 100.30 (2) (L) 2. of the statutes is repealed.”

16           **\*b0058/1.1\* 214.** Page 958, line 8: delete lines 8 and 9.

17           **\*b0094/1.1\* 215.** Page 958, line 10: delete the material beginning with that  
18 line and ending with page 960, line 8.

19           **\*b0216/1.1\* 216.** Page 960, line 14: after that line insert:

20           **\*b0216/1.1\* “SECTION 1972g.** 101.02 (18m) of the statutes is amended to read:

21           101.02 (18m) The department may perform, or contract for the performance  
22 of, testing of petroleum products other than testing provided under ch. 168. The  
23 department may establish a schedule of fees for such petroleum product testing  
24 services. The department shall credit all revenues received from fees established

1 under this subsection to the appropriation account under s. 20.143 (3) (ga). Revenues  
2 from fees established under this subsection may be used by the department to pay  
3 for testing costs, including laboratory supplies and equipment amortization, for such  
4 products.”.

5 **\*b0238/4.5\* 217.** Page 960, line 14: after that line insert:

6 **\*b0238/4.5\* SECTION 1972g.** 101.02 (20) (a) of the statutes is amended to read:

7 101.02 (20) (a) For purposes of this subsection, “license” means a license,  
8 permit or certificate of certification or registration issued by the department under  
9 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),  
10 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,  
11 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
12 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

13 **\*b0238/4.5\* SECTION 1972m.** 101.02 (21) (a) of the statutes is amended to read:

14 101.02 (21) (a) In this subsection, “license” means a license, permit or  
15 certificate of certification or registration issued by the department under s. 101.09  
16 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178  
17 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,  
18 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
19 145.175, 145.18 or 167.10 (6m).”.

20 **\*b0068/1.1\* 218.** Page 961, line 16: delete that line.

21 **\*b0079/2.12\* 219.** Page 961, line 17: delete lines 17 to 21.

22 **\*b0344/3.11\* 220.** Page 962, line 11: delete the material beginning with that  
23 line and ending with page 967, line 3, and substitute:



1           **\*b0344/3.11\* SECTION 1979p.** 101.143 (1) (bm) of the statutes is created to  
2 read:

3           101.143 (1) (bm) “Enforcement standard” has the meaning given in s. 160.01  
4 (2).

5           **\*b0344/3.11\* SECTION 1979r.** 101.143 (1) (cq) of the statutes is created to read:

6           101.143 (1) (cq) “Natural attenuation” means the reduction in the  
7 concentration and mass of a substance, and the products into which the substance  
8 breaks down, due to naturally occurring physical, chemical and biological processes.

9           **\*b0344/3.11\* SECTION 1979v.** 101.143 (2) (em) of the statutes is created to read:

10           101.143 (2) (em) 1. The department may promulgate rules that specify a fee  
11 that must be paid by a service provider as a condition of submitting a bid to conduct  
12 an activity under sub. (3) (c) for which a claim for reimbursement under this section  
13 will be submitted. Any fees collected under the rules shall be deposited into the  
14 petroleum inspection fund.

15           2. If the department promulgates rules under subd. 1., the department may  
16 purchase, or provide funding for the purchase of, insurance to cover the amount by  
17 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to  
18 conduct those activities.

19           **\*b0344/3.11\* SECTION 1980c.** 101.143 (2) (h) of the statutes is created to read:

20           101.143 (2) (h) The department of commerce and the department of natural  
21 resources, jointly, shall promulgate rules designed to facilitate effective and  
22 cost-efficient administration of the program under this section that specify all of the  
23 following:

1           1. Information that must be submitted under this section, including quarterly  
2 summaries of costs incurred with respect to a discharge for which a claim is intended  
3 to be submitted under sub. (3) but for which a final claim has not been submitted.

4           2. Formats for submitting the information under subd. 1.

5           3. Review procedures that must be followed by employes of the department of  
6 natural resources and the department of commerce in reviewing the information  
7 submitted under subd. 1.

8           **\*b0344/3.11\* SECTION 1981c.** 101.143 (2) (i) of the statutes is created to read:

9           101.143 (2) (i) The department of commerce and the department of natural  
10 resources, jointly, shall promulgate rules specifying procedures for evaluating  
11 remedial action plans and procedures to be used by employes of the department of  
12 commerce and the department of natural resources while remedial actions are being  
13 conducted. The departments shall specify procedures that include all of the  
14 following:

15           1. Annual reviews that include application of the method in the rules  
16 promulgated under sub. (2e) (b) to determine the risk posed by discharges that are  
17 the subject of the remedial actions.

18           2. Annual reports by consultants estimating the additional costs that must be  
19 incurred to comply with sub. (3) (c) 3. and with enforcement standards.

20           3. A definition of “reasonable time” for the purpose of determining whether  
21 natural attenuation may be used to achieve enforcement standards.

22           4. Procedures to be used to measure concentrations of contaminants.

23           **\*b0344/3.11\* SECTION 1981e.** 101.143 (2) (j) of the statutes is created to read:

24           101.143 (2) (j) The department of commerce and the department of natural  
25 resources, jointly, shall promulgate rules specifying all of the following:

1           1. The conditions under which employes of the department of commerce and  
2 the department of natural resources must issue approvals under sub. (3) (c) 4.

3           2. Training and management procedures to ensure that employes comply with  
4 the requirements under subd. 1.

5           **\*b0344/3.11\* SECTION 1981g.** 101.143 (2) (k) of the statutes is created to read:

6           101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of  
7 commerce and the department of natural resources shall attempt to reach an  
8 agreement that is consistent with those provisions. If the department of commerce  
9 and the department of natural resources are unable to reach an agreement, they  
10 shall refer the matters on which they are unable to agree to the secretary of  
11 administration for resolution. The secretary of administration shall resolve any  
12 matters on which the departments disagree in a manner that is consistent with pars.  
13 (h) to (j). The department of commerce and the department of natural resources,  
14 jointly, shall promulgate rules incorporating any agreement between the  
15 department of commerce and the department of natural resources under this  
16 paragraph and any resolution of disagreements between the departments by the  
17 secretary of administration under this paragraph.

18           **\*b0344/3.11\* SECTION 1981i.** 101.143 (2) (L) of the statutes is created to read:

19           101.143 (2) (L) The department may promulgate rules for the assessment  
20 and collection of fees to recover its costs for providing approval under sub. (3) (c)  
21 4. and for providing other assistance requested by applicants under this section.  
22 Any moneys collected under this paragraph shall be credited to the appropriation  
23 account under s. 20.143 (3) (Lm).

24           **\*b0344/3.11\* SECTION 1982c.** 101.143 (2e) of the statutes is created to read:

1           101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the  
2 department of natural resources shall attempt to agree on a method, which shall  
3 include consideration of the routes for migration of petroleum product  
4 contamination, for determining the risk to public health, safety and welfare and to  
5 the environment posed by discharges for which the department of commerce receives  
6 notification under sub. (3) (a) 3.

7           (b) If the department of commerce and the department of natural resources are  
8 unable to reach an agreement under par. (a), they shall refer the matters on which  
9 they are unable to agree to the secretary of administration for resolution. The  
10 secretary of administration shall resolve any matters on which the departments  
11 disagree in a manner that is consistent with par. (a). The department of commerce  
12 and the department of natural resources, jointly, shall promulgate rules  
13 incorporating any agreement between the department of commerce and the  
14 department of natural resources under par. (a) and any resolution of disagreements  
15 between the departments by the secretary of administration under this paragraph.

16           (c) The department of natural resources or, if the discharge is covered under  
17 s. 101.144 (2) (b), the department of commerce shall apply the method in the rules  
18 promulgated under par. (b) to determine the risk posed by a discharge for which the  
19 department of commerce receives notification under sub. (3) (a) 3.

20           **\*b0344/3.11\* SECTION 1983b.** 101.143 (3) (c) 2. of the statutes is amended to  
21 read:

22           101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific  
23 remedial action activities proposed to be conducted under subd. 3. and submit the  
24 remedial action plan to the department.

1           **\*b0344/3.11\* SECTION 1983m.** 101.143 (3) (cm) of the statutes is amended to  
2 read:

3           101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
4 owning a home oil tank system may, with the approval of the department of natural  
5 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of  
6 commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and  
7 implementing monitoring to ensure the effectiveness of ~~the natural process of~~  
8 ~~degradation~~ attenuation of petroleum product contamination.

9           **\*b0344/3.11\* SECTION 1983p.** 101.143 (3) (cn) of the statutes is created to read:

10           101.143 (3) (cn) *Review of remedial action plans.* The department of natural  
11 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of  
12 commerce shall review and approve or disapprove a remedial action plan submitted  
13 under par. (c) 2.

14           **\*b0344/3.11\* SECTION 1983t.** 101.143 (3) (cp) of the statutes is created to read:

15           101.143 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5., if the  
16 department of natural resources or, if the site is covered under s. 101.144 (2) (b), the  
17 department of commerce estimates that the cost to complete a site investigation,  
18 remedial action plan and remedial action for an occurrence exceeds \$80,000, the  
19 department of commerce shall implement a competitive public bidding process to  
20 obtain information to assist in making the determination under par. (cs).

21           2. The department of commerce or the department of natural resources may  
22 waive the requirement under subd. 1. if an enforcement standard is exceeded in  
23 groundwater within 1,000 feet of a well operated by a public utility, as defined in s.  
24 196.01 (5), or within 100 feet of any other well used to provide water for human  
25 consumption.

1           3. The department of commerce may waive the requirement under subd. 1. if  
2 it determines that the remedial action plan identifies the least costly method of  
3 complying with par. (c) 3. and with enforcement standards.

4           4. The department of commerce or the department of natural resources may  
5 waive the requirement under subd. 1. on the grounds that waiver is necessary in an  
6 emergency to prevent or mitigate an imminent hazard to public health, safety or  
7 welfare or to the environment.

8           5. The department of commerce or the department of natural resources may  
9 waive the requirement under subd. 1. after providing notice to the other department.

10          6. The department of commerce may disqualify a bid received under subd. 1.  
11 if, based on information available to the department and experience with remedial  
12 action at other sites, the bid is unlikely to establish an amount to sufficiently fund  
13 remedial action that will comply with par. (c) 3. and with enforcement standards.

14          7. The department of commerce may disqualify a person from submitting bids  
15 under subd. 1. if, based on past performance of the bidder, the department  
16 determines that the person has demonstrated an inability to complete remedial  
17 action within established cost limits.

18           **\*b0344/3.11\* SECTION 1984c.** 101.143 (3) (cs) of the statutes is created to read:

19           101.143 (3) (cs) *Determination of least costly method of remedial action.* 1. The  
20 department of commerce shall review the remedial action plan for a site that is  
21 classified as low or medium risk under s. 101.144 and shall determine the least costly  
22 method of complying with par. (c) 3. and with enforcement standards. The  
23 department shall notify the owner or operator of its determination of the least costly  
24 method and shall notify the owner or operator that reimbursement for remedial

1 action under this section is limited to the amount necessary to implement that  
2 method.

3 2. The department of natural resources and the department of commerce shall  
4 review the remedial action plan for a site that is classified as high risk under s.  
5 101.144 and shall jointly determine the least costly method of complying with par.  
6 (c) 3. and with enforcement standards. The departments shall notify the owner or  
7 operator of their determination of the least costly method.

8 3. In making determinations under subd. 1., the department of commerce shall  
9 determine whether natural attenuation will achieve compliance with par. (c) 3. and  
10 with enforcement standards.

11 4. The department of commerce may review and modify an amount established  
12 under subd. 1. if the department determines that new circumstances, including  
13 newly discovered contamination at a site, warrant those actions.

14 \*b0344/3.11\* SECTION 1984m. 101.143 (3) (cw) of the statutes is created to  
15 read:

16 101.143 (3) (cw) *Annual reviews*. 1. The department of commerce shall conduct  
17 the annual review required under sub. (2) (i) 1. for a site that is classified as low or  
18 medium risk under s. 101.144 and shall determine the least costly method of  
19 completing remedial action at the site in order to comply with par. (c) 3. and with  
20 enforcement standards. The department shall notify the owner or operator of its  
21 determination of the least costly method and shall notify the owner or operator that  
22 reimbursement under this section for any remedial action conducted after the date  
23 of the notice is limited to the amount necessary to implement that method.

24 2. The department of natural resources and the department of commerce shall  
25 conduct the annual review required under sub. (2) (i) 1. for a site that is classified as

1 high risk under s. 101.144 and shall jointly determine the least costly method of  
2 completing remedial action at the site in order to comply with par. (c) 3. and with  
3 enforcement standards. The departments shall notify the owner or operator of their  
4 determination of the least costly method.

5 3. In making determinations under subs. 1. and 2., the department of natural  
6 resources and the department of commerce shall determine whether natural  
7 attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

8 4. The department of commerce may review and modify an amount established  
9 under subd. 1. if the department determines that new circumstances, including  
10 newly discovered contamination at a site, warrant those actions.

11 **\*b0344/3.11\* SECTION 1985b.** 101.143 (3) (d) of the statutes is amended to  
12 read:

13 101.143 (3) (d) ~~Review of site investigations, remedial action plans and Final~~  
14 ~~review of remedial action activities.~~ The department of natural resources or, if the  
15 discharge is covered under s. 101.144 (2) (b), the department of commerce shall, at  
16 the request of the claimant, review the site investigation and the remedial action  
17 plan and advise the claimant on the adequacy of proposed remedial action activities  
18 in meeting the requirements of s. 292.11. The advice is not an approval of the  
19 remedial action activities. The department of natural resources or, if the discharge  
20 is covered under s. 101.144 (2) (b), the department of commerce shall complete a final  
21 review of the remedial action activities within 60 days after the claimant notifies the  
22 appropriate department that the remedial action activities are completed.

23 **\*b0344/3.11\* SECTION 1985e.** 101.143 (3) (g) (intro.) and 1. of the statutes are  
24 consolidated, renumbered 101.143 (3) (g) and amended to read:



1           101.143 (3) (g) *Emergency situations*. Notwithstanding pars. (a) 3. and (c) 1.  
2           and 2., an owner or operator or the person may submit a claim for an award under  
3           sub. (4) after notifying the department under par. (a) 3., without completing an  
4           investigation under par. (c) 1. and without preparing a remedial action plan under  
5           par. (c) 2. if any of the following apply: ~~1. An an emergency existed which made the~~  
6           investigation under par. (c) 1. and the remedial action plan under par. (c) 2.  
7           inappropriate ~~and, before conducting remedial action, the owner or operator or~~  
8           ~~person notified the department of commerce and the department of natural~~  
9           ~~resources of the emergency and the department of commerce and the department of~~  
10          ~~natural resources authorized emergency action.~~

11           **\*b0344/3.11\* SECTION 1985f.** 101.143 (3) (g) 2. of the statutes is repealed.

12           **\*b0344/3.11\* SECTION 1985m.** 101.143 (4) (b) (intro.) of the statutes is  
13           amended to read:

14           101.143 (4) (b) *Eligible costs*. (intro.) ~~Eligible~~ Except as provided in par. (c),  
15           ~~eligible~~ costs for an award under par. (a) include actual costs or, if the department  
16           establishes a schedule usual and customary cost under par. (cm) for an item, usual  
17           and customary costs for the following items ~~only~~:

18           **\*b0344/3.11\* SECTION 1985r.** 101.143 (4) (b) 16. of the statutes is created to  
19           read:

20           101.143 (4) (b) 16. Compliance using the least costly method, with an order of  
21           the department of commerce or the department of natural resources to conduct  
22           remedial action activities in response to a discharge from a petroleum product  
23           storage system or home oil tank system.

24           **\*b0344/3.11\* SECTION 1985w.** 101.143 (4) (c) (intro.) of the statutes is amended  
25           to read:

1           101.143 (4) (c) *Exclusions from eligible costs.* (intro.) Eligible costs for an  
2 award under par. (a) do not include the following, regardless of whether a competitive  
3 bidding process is used:

4           **\*b0344/3.11\* SECTION 1986c.** 101.143 (4) (c) 8. of the statutes is renumbered  
5 101.143 (4) (c) 8. (intro.) and amended to read:

6           101.143 (4) (c) 8. (intro.) Interest costs incurred by an applicant that exceed  
7 interest at ~~1% over the prime rate, as determined under rules promulgated by the~~  
8 ~~department.~~ the following rate:

9           **\*b0344/3.11\* SECTION 1986e.** 101.143 (4) (c) 8. a. to f. of the statutes are  
10 created to read:

11           101.143 (4) (c) 8. a. If the applicant has gross revenues of not more than  
12 \$5,000,000 in the most recent tax year before the applicant submits a claim, 1% over  
13 the prime rate.

14           b. If the applicant has gross revenues of more than \$5,000,000 but not more  
15 than \$15,000,000 in the most recent tax year before the applicant submits a claim,  
16 the prime rate.

17           c. If the applicant has gross revenues of more than \$15,000,000 but not more  
18 than \$25,000,000 in the most recent tax year before the applicant submits a claim,  
19 1% under the prime rate.

20           d. If the applicant has gross revenues of more than \$25,000,000 but not more  
21 than \$35,000,000 in the most recent tax year before the applicant submits a claim,  
22 2% under the prime rate.

23           e. If the applicant has gross revenues of more than \$35,000,000 but not more  
24 than \$45,000,000 in the most recent tax year before the applicant submits a claim,  
25 3% under the prime rate.

1 f. If the applicant has gross revenues of more than \$45,000,000 in the most  
2 recent tax year before the applicant submits a claim, 4% under the prime rate.

3 \*b0344/3.11\* SECTION 1986g. 101.143 (4) (c) 10. of the statutes is created to  
4 read:

5 101.143 (4) (c) 10. Fees charged under sub. (2) (L) or s. 292.55 (2).

6 \*b0344/3.11\* SECTION 1986i. 101.143 (4) (c) 11. of the statutes is created to  
7 read:

8 101.143 (4) (c) 11. For a site that is classified as low or medium risk under s.  
9 101.144, costs that exceed the amount necessary to comply with sub. (3) (c) 3. and  
10 with enforcement standards using the least costly method, subject to par. (b) 16.

11 \*b0344/3.11\* SECTION 1986k. 101.143 (4) (c) 12. of the statutes is created to  
12 read:

13 101.143 (4) (c) 12. Costs that are incurred after the date of a notice under sub.  
14 (3) (cw) 1. and that exceed the amount necessary to comply with sub. (3) (c) 3. and  
15 with enforcement standards using the method specified in the notice, subject to par.  
16 (b) 16.

17 \*b0344/3.11\* SECTION 1986m. 101.143 (4) (cm) of the statutes is renumbered  
18 101.143 (4) (cm) 1. and amended to read:

19 101.143 (4) (cm) 1. The department ~~may~~ shall establish a schedule of usual and  
20 customary costs for ~~any~~ items under par. (b) and ~~may~~ that are commonly associated  
21 with claims under this section. The department shall use that schedule to determine  
22 the amount of a claimant's eligible costs for an occurrence for which a competitive  
23 bidding process is not used, except in circumstances under which higher costs must  
24 be incurred to comply with sub. (3) (c) 3. and with enforcement standards. For an  
25 occurrence for which a competitive bidding process is used, the department may not

1 use the schedule. In the schedule, the department shall specify the maximum  
2 number of reimbursable hours for particular tasks and the maximum reimbursable  
3 hourly rates for those tasks. The department shall use methods of data collection and  
4 analysis that enable the schedule to be revised to reflect changes in actual costs. This  
5 subdivision does not apply after June 30, 2001.

6 \*b0344/3.11\* SECTION 1986p. 101.143 (4) (cm) 2. of the statutes is created to  
7 read:

8 101.143 (4) (cm) 2. The department may establish a schedule of usual and  
9 customary costs for any items under par. (b) and may use that schedule to determine  
10 the amount of a claimant's eligible costs. This subdivision applies after June 30,  
11 2001.

12 \*b0344/3.11\* SECTION 1987b. 101.143 (4) (d) 2. (intro.) of the statutes is  
13 amended to read:

14 101.143 (4) (d) 2. (intro.) The department shall issue the award under this  
15 paragraph without regard to fault in an amount equal to the amount of the eligible  
16 costs that exceeds ~~a the deductible amount of \$2,500 plus 5% of the eligible costs, but~~  
17 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~  
18 ~~petroleum product storage system that is owned by a school district or a technical~~  
19 ~~college district and that is used for storing heating oil for consumptive use on the~~  
20 ~~premises is 25% of eligible costs under par. (dg).~~ An award issued under this  
21 paragraph may not exceed the following for each occurrence:

22 \*b0344/3.11\* SECTION 1991c. 101.143 (4) (dg) of the statutes is created to read:

23 101.143 (4) (dg) *Deductible; underground systems.* The amount of the  
24 deductible for an award under par. (d) is as follows for each occurrence:

1           1. Except as provided under par. (di), for an owner or operator of an  
2 underground petroleum product storage tank system that is located at a facility at  
3 which petroleum is stored for resale or an owner or operator of an underground  
4 petroleum product storage tank system that handles an annual average of more than  
5 10,000 gallons of petroleum per month, \$5,000 plus 4% of the amount by which  
6 eligible costs exceed \$100,000.

7           2. For a school district or a technical college district with respect to a discharge  
8 from an underground petroleum product storage tank system that is used for storing  
9 heating oil for consumptive use on the premises, 25% of eligible costs.

10          3. For the owner or operator of a petroleum product storage system that is  
11 described in par. (ei) 1., \$5,000.

12          4. For an owner or operator other than an owner or operator described in subd.  
13 1., 2. or 3., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

14          **\*b0344/3.11\* SECTION 1992c.** 101.143 (4) (di) of the statutes is created to read:

15           101.143 (4) (di) *Rules concerning deductible for underground systems.* The  
16 department may promulgate rules describing a class of owners and operators of  
17 underground petroleum product storage tank systems otherwise subject to par. (dg)  
18 1. for whom the deductible is the amount under par. (dg) 4. rather than the amount  
19 under par. (dg) 1. if the class is based on financial hardship or consists of local  
20 governmental units that are conducting remedial action as part of projects to  
21 redevelop brownfields, as defined in s. 234.88 (1) (a).

22          **\*b0344/3.11\* SECTION 1993c.** 101.143 (4) (dm) 2. a. of the statutes is amended  
23 to read:

24           101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%  
25 10% of the amount by which eligible costs exceed \$200,000.

1           **\*b0344/3.11\* SECTION 1993f.** 101.143 (4) (dm) 2. c. of the statutes is amended  
2 to read:

3           101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage  
4 system that is described in par. (ei) 1., ~~\$2,500 plus 5% of eligible costs but not more~~  
5 ~~than \$7,500~~ \$5,000 per occurrence.

6           **\*b0344/3.11\* SECTION 1993m.** 101.143 (4) (ei) 2. of the statutes is repealed and  
7 recreated to read:

8           101.143 (4) (ei) 2. The department shall review claims related to discharges  
9 from farm tanks described in subd. 1. as soon as the claims are received. The  
10 department shall issue an award for an eligible discharge from a farm tank described  
11 in subd. 1. as soon as it completes the review of the claim.”.

12           **\*b0344/3.12\* 221.** Page 968, line 5: delete “\$450,000,000” and substitute  
13 “\$270,000,000”.

14           **\*b0344/3.13\* 222.** Page 968, line 9: after that line insert:

15           “(gm) Of the revenue obligations authorized under par. (g), no more than  
16 \$170,000,000 may be issued until all of the following conditions have been met:

17           1. The joint committee on finance has approved, at a regular quarterly meeting  
18 under s. 13.10, a report jointly submitted by the departments of administration,  
19 commerce and natural resources. The report shall include information regarding all  
20 of the following:

21           a. The proposed issuance of any revenue obligations in excess of \$170,000,000.

22           b. The amount of claims under sub. (3) received during the 2 calendar quarters  
23 immediately preceding the date of the report.

1 c. The number and dollar amount of claims under sub. (3) that the department  
2 of commerce has received but not paid.

3 d. The progress made by the departments of administration, commerce and  
4 natural resources in implementing cost control strategies to reduce the costs of  
5 cleanups at sites for which claims are submitted under sub. (3).

6 2. The departments of commerce and natural resources have jointly  
7 promulgated permanent rules under sub. (2) (h) to (j).”.

8 \*b0344/3.14\* ~~223~~ Page 968, line 22: delete the material beginning with that  
9 line and ending with page 970, line 12, and substitute:

10 \*b0344/3.14\* “SECTION 1994m. 101.143 (11) of the statutes is created to read:

11 101.143 (11) REPORTS. No later than each January 1 and July 1, the department  
12 of commerce and the department of natural resources shall submit the the governor,  
13 to the joint legislative audit committee, to the joint committee on finance and to the  
14 appropriate standing committees of the legislature, under s. 13.172 (3), a report on  
15 the program under this section. The departments shall include all of the following  
16 information in the report:

17 (a) All of the following information for each petroleum product storage system  
18 and home oil tank system from which a discharge has occurred for which remedial  
19 action activities are being conducted:

20 1. The date on which the record of the site investigation was received.

21 2. The environmental risk factors, as defined by the department of commerce  
22 by rule, identified at the site.

23 3. The year in which the approval under sub. (3) (c) 4. is expected to be issued.

1 (am) The number of notices received under sub. (3) (a) 3. and the number of  
2 approvals given under sub. (3) (c) 4.

3 (b) The percentage of sites classified as high risk under s. 101.144.

4 (c) The name of each person providing engineering consulting services to a  
5 claimant under this section and the number of claimants to whom the person has  
6 provided those services.

7 (d) The charges for engineering consulting services for sites for which  
8 approvals are given under sub. (3) (c) 4. and for other sites.

9 (e) The charges by service providers other than engineering consultants for  
10 services for which reimbursement is provided under this section, including  
11 excavating, hauling, laboratory testing and landfill disposal.

12 (em) Whether disputes have arisen between the departments under sub. (3)  
13 (cw) 2. and, if so, how those disputes have been resolved.

14 (f) Strategies for recording and monitoring complaints of fraud in the program  
15 under this section and for the use of employes of the department of commerce who  
16 conduct audits to identify questionable claims and investigate complaints.

17 **\*b0344/3.14\* SECTION 1995p.** 101.144 (1)(ae) of the statutes is created to read:

18 101.144 (1) (ae) "Enforcement standard" has the meaning given in s. 160.01 (2).

19 **\*b0344/3.14\* SECTION 1995r.** 101.144 (1) (aq) of the statutes is created to read:

20 101.144 (1) (aq) Except as provided under sub. (3g), "high-risk site" means the  
21 site of a discharge of a petroleum product from a petroleum storage tank if the  
22 discharge has resulted in a concentration of contaminants that exceeds an  
23 enforcement standard in soil that has a hydraulic conductivity of  $1 \times 10^{-5}$  centimeters  
24 per second or if at least one of the following applies:



1           1. Repeated tests show that the discharge has resulted in a concentration of  
2 contaminants in a well used to provide water for human consumption that exceeds  
3 a preventive action limit, as defined in s. 160.01 (6).

4           2. Petroleum product that is not in dissolved phase is present with a thickness  
5 of 0.01 feet or more, as shown by repeated measurements.

6           3. An enforcement standard is exceeded in groundwater within 1,000 feet of a  
7 well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any  
8 other well used to provide water for human consumption.

9           4. An enforcement standard is exceeded in bedrock.

10           **\*b0344/3.14\* SECTION 1996c.** 101.144 (2) (b) 1. of the statutes is amended to  
11 read:

12           101.144 (2) (b) 1. The site of the discharge is classified, as provided under sub.  
13 (3m) (a) 3., as medium priority risk or low priority risk, based on the threat that the  
14 discharge poses to public health, safety and welfare and to the environment.

15           **\*b0344/3.14\* SECTION 1996e.** 101.144 (2) (b) 2. of the statutes is amended to  
16 read:

17           101.144 (2) (b) 2. The site of the discharge is not contaminated by a hazardous  
18 substance other than the petroleum product, including any additive, that was  
19 discharged from the petroleum storage tank.

20           **\*b0344/3.14\* SECTION 1997c.** 101.144 (3g) of the statutes is created to read:

21           101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
22 under this section, excluding sites that are contaminated by a hazardous substance  
23 other than a petroleum product or an additive to a petroleum product, are classified  
24 as high-risk sites, the department of commerce and the department of natural  
25 resources shall attempt to reach an agreement that specifies standards for

1 determining whether the site of a discharge of a petroleum product from a petroleum  
2 storage tank is classified as high risk. The standards shall be designed to classify  
3 no more than 35% of those sites as high-risk sites and may not classify all sites at  
4 which an enforcement standard is exceeded as high-risk sites. If the department of  
5 commerce and the department of natural resources are unable to reach an  
6 agreement, they shall refer the matters on which they are unable to agree to the  
7 secretary of administration for resolution. The secretary of administration shall  
8 resolve any matters on which the departments disagree in a manner that is  
9 consistent with this paragraph. The department of commerce shall promulgate rules  
10 incorporating any agreement between the department of commerce and the  
11 department of natural resources under this paragraph and any resolution of  
12 disagreements between the departments by the secretary of administration under  
13 this paragraph.

14 (b) If, 6 months after rules under par. (a) are in effect, more than 35% of the sites  
15 classified under this section, excluding sites that are contaminated by a hazardous  
16 substance other than a petroleum product or an additive to a petroleum product, are  
17 classified as high-risk sites, the department of commerce shall revise the rules using  
18 the procedure for promulgating the rules in par. (a).

19 **\*b0344/3.14\* SECTION 1998c.** 101.144 (3m) (a) 3. of the statutes is amended  
20 to read:

21 101.144 (3m) (a) 3. Establishes ~~procedures, standards and schedules~~ for  
22 determining whether the site of a discharge of a petroleum product from a petroleum  
23 storage tank is classified as ~~high priority, medium priority risk~~ or ~~low priority risk~~  
24 and establishes procedures and schedules for classifying sites of discharges of  
25 petroleum products from petroleum storage tanks.”

1           **\*b0222/3.1\* 224.** Page 970, line 12: after that line insert:

2           **\*b0222/3.1\* SECTION 1998k.** 101.63 (3m) of the statutes is created to read:

3           101.63 (3m) Contract with a private organization to provide education  
4           regarding construction standards and inspection requirements under this  
5           subchapter and under rules promulgated under this subchapter to builders of  
6           dwellings in this state. The department may only contract with an organization  
7           under this subsection if the organization is described in section 501 (c) (3) of the  
8           Internal Revenue Code and is exempt from federal income tax under section 501 (a)  
9           of the Internal Revenue Code.

10           **\*b0222/3.1\* SECTION 1998m.** 101.651 (title) of the statutes is amended to read:

11           **101.651 (title) Certain municipalities ~~excepted~~ exempted.**

12           **\*b0222/3.1\* SECTION 1998mc.** 101.651 (1) (title) of the statutes is created to  
13           read:

14           101.651 (1) (title) DEFINITION.

15           **\*b0222/3.1\* SECTION 1998me.** 101.651 (2) of the statutes is repealed.

16           **\*b0222/3.1\* SECTION 1998mg.** 101.651 (2m) of the statutes is created to read:

17           101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise  
18           jurisdiction over the construction and inspection of new one– and 2–family dwellings  
19           by enacting ordinances under s. 101.65 (1) (a) or shall exercise the jurisdiction  
20           granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless the municipality  
21           does any of the following by resolution:

22           (a) Requests under sub. (3) that the department or a county enforce this  
23           subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the  
24           municipality and that the department or a county provide inspection services in the

1 municipality to administer and enforce this subchapter or an ordinance enacted  
2 under s. 101.65 (1) (a).

3 (b) Determines not to exercise jurisdiction over the construction and inspection  
4 of new one- and 2-family dwellings under s. 101.65 (1) (a), not to exercise jurisdiction  
5 jointly under s. 101.65 (1) (b), not to request under sub. (3) that the department or  
6 a county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a)  
7 throughout the municipality and not to request under sub. (3) that the department  
8 or a county provide inspection services in the municipality to administer and enforce  
9 this subchapter or an ordinance enacted under s. 101.65 (1) (a).

10 \*b0222/3.1\* SECTION 1998mi. 101.651 (3) of the statutes is amended to read:

11 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY.

12 Except as provided in sub. (3m) ~~or (3s)~~, the department or a county may not enforce  
13 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection  
14 services in a municipality unless requested to do so by a person with respect to a  
15 particular dwelling or by the municipality. A request by a person or a municipality  
16 with respect to a particular dwelling does not give the department or a county  
17 authority with respect to any other dwelling. Costs shall be collected under s. 101.65  
18 (1) (c) or ss. 101.63 (9) and 101.65 (2) from ~~the a~~ person or municipality making ~~the~~  
19 a request under this subsection.

20 \*b0222/3.1\* SECTION 1998mk. 101.651 (3m) (title) of the statutes is created  
21 to read:

22 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,  
23 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

24 \*b0222/3.1\* SECTION 1998mm. 101.651 (3m) of the statutes is renumbered  
25 101.651 (3m) (a) and amended to read:

1           101.651 **(3m)** (a) The department may enforce s. 101.653 in a municipality that  
2 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~  
3 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an  
4 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any  
5 city or village that ~~does not perform or contract for inspection services under s. 101.65~~  
6 ~~(1) (a) or (b)~~ adopts a resolution under sub. (2m) (b). The department or the county  
7 shall collect a fee for the inspection services under this subsection.

8           **\*b0222/3.1\* SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered  
9 101.651 (3m) (b).

10           **\*b0222/3.1\* SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to  
11 read:

12           101.651 **(4)** (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

13           **\*b0222/3.1\* SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to  
14 read:

15           101.651 **(5)** (title) EFFECT OF SECTION ON CERTAIN LAWS.

16           **\*b0222/3.1\* SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to  
17 read:

18           101.651 **(6)** (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.”.

19           **\*b0238/4.6\* 225.** Page 970, line 12: after that line insert:

20           **\*b0238/4.6\* “SECTION 1998cc.** 101.91 (1) of the statutes is renumbered 101.91  
21 (2e).

22           **\*b0238/4.6\* SECTION 1998cg.** 101.91 (1g), (1m), (2g) and (2m) of the statutes  
23 are created to read:

1           101.91 (1g) “Delivery date” means the date on which a mobile home is  
2 physically delivered to the site chosen by the mobile home owner.

3           (1m) “License period” means the period during which a license issued under  
4 s. 101.951 or 101.952 is effective, as established by the department under s. 101.951  
5 (2) (b) 1. or 101.952 (2) (b) 1.

6           (2g) “Mobile home dealer” means a person who, for a commission or other thing  
7 of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or  
8 exchange of an interest in, mobile homes or who is engaged wholly or partially in the  
9 business of selling mobile homes, whether or not the mobile homes are owned by the  
10 person, but does not include:

11           (a) A receiver, trustee, administrator, executor, guardian or other person  
12 appointed by or acting under the judgment or order of any court.

13           (b) Any public officer while performing that officer’s official duty.

14           (c) Any employe of a person enumerated in par. (a) or (b).

15           (d) Any lender, as defined in s. 421.301 (22).

16           (e) A person transferring a mobile home registered in that person’s name and  
17 used for that person’s personal, family or household purposes, if the transfer is an  
18 occasional sale and is not part of the business of the transferor.

19           (2m) “Mobile home owner” means any person who purchases, or leases from  
20 another, a mobile home primarily for use for personal, family or household purposes.

21           **\*b0238/4.6\* SECTION 1998cL.** 101.91 (3) of the statutes is amended to read:

22           101.91 (3) “Mobile home park” ~~has the meaning given in s. 66.058 (1) (e)~~ means  
23 any plot or plots of ground upon which 3 or more mobile homes or manufactured  
24 homes that are occupied for dwelling or sleeping purposes are located. “Mobile home  
25 park” does not include a farm where the occupants of the mobile homes or

1 manufactured homes are the father, mother, son, daughter, brother or sister of the  
2 farm owner or operator or where the occupants of the mobile homes or manufactured  
3 homes work on the farm.

4 \*b0238/4.6\* SECTION 1998cp. 101.91 (4), (5) and (6) of the statutes are created  
5 to read:

6 101.91 (4) "Mobile home salesperson" means any person who is employed by  
7 a mobile home manufacturer or mobile home dealer to sell or lease mobile homes.

8 (5) "New mobile home" means a mobile home that has never been occupied,  
9 used or sold for personal or business use.

10 (6) "Used mobile home" means a mobile home that has previously been  
11 occupied, used or sold for personal or business use.

12 \*b0238/4.6\* SECTION 1998ct. 101.92 (9) of the statutes is created to read:

13 101.92 (9) Shall promulgate rules and establish standards necessary to carry  
14 out the purposes of ss. 101.953 and 101.954.

15 \*b0238/4.6\* SECTION 1998cx. 101.9202 of the statutes is created to read:

16 **101.9202 Excepted liens and security interests.** Sections 101.9203 to  
17 101.9218 do not apply to or affect:

18 (1) A lien given by statute or rule of law to a supplier of services or materials  
19 for the mobile home.

20 (2) A lien given by statute to the United States, this state or any political  
21 subdivision of this state.

22 (3) A security interest in a mobile home created by a mobile home dealer or  
23 manufacturer who holds the mobile home for sale, which shall be governed by the  
24 applicable provisions of ch. 409.

25 \*b0238/4.6\* SECTION 1998gc. 101.9203 of the statutes is created to read:

1           **101.9203 When certificate of title required.** (1) The owner of a mobile  
2 home situated in this state or intended to be situated in this state shall make  
3 application for certificate of title under s. 101.9209 for the mobile home if the owner  
4 has newly acquired the mobile home.

5           (2) Any owner who situates in this state a mobile home for which a certificate  
6 of title is required without such certificate having been issued or applied for, knowing  
7 that the certificate of title has not been issued or applied for, may be required to  
8 forfeit not more than \$200. A certificate is considered to have been applied for when  
9 the application accompanied by the required fee has been delivered to the  
10 department or deposited in the mail properly addressed and with postage prepaid.

11           (3) Unless otherwise authorized by rule of the department, a nonresident  
12 owner of a mobile home situated in this state may not apply for a certificate of title  
13 under this subchapter unless the mobile home is subject to a security interest or  
14 except as provided in s. 101.9209 (1) (a).

15           **\*b0238/4.6\* SECTION 1998gg.** 101.9204 of the statutes is created to read:

16           **101.9204 Application for certificate of title.** (1) An application for a  
17 certificate of title shall be made to the department upon a form or in an automated  
18 format prescribed by it and shall be accompanied by the required fee. Each  
19 application for certificate of title shall include the following information:

20           (a) The name and address of the owner.

21           (b) A description of the mobile home, including make, model, identification  
22 number and any other information or documentation that the department may  
23 reasonably require for proper identification of the mobile home.



1 (c) The date of purchase by the applicant, the name and address of the person  
2 from whom the mobile home was acquired and the names and addresses of any  
3 secured parties in the order of their priority.

4 (d) If the mobile home is a new mobile home being titled for the first time, the  
5 signature of the mobile home dealer. The document of origin shall contain the  
6 information specified by the department.

7 (e) Any further evidence of ownership which the department may reasonably  
8 require to enable it to determine whether the owner is entitled to a certificate of title  
9 and the existence or nonexistence of security interests in the mobile home.

10 (f) If the identification number of the mobile home has been removed,  
11 obliterated or altered, or if the original casting has been replaced, or if the mobile  
12 home has not been numbered by the manufacturer, the application for certificate of  
13 title shall so state.

14 (g) If the mobile home is a used mobile home which was last previously titled  
15 in another jurisdiction, the applicant shall furnish any certificate of ownership  
16 issued by the other jurisdiction and a statement pertaining to the title history and  
17 ownership of the mobile home, such statement to be in the form that the department  
18 prescribes.

19 (2) Any person who knowingly makes a false statement in an application for  
20 a certificate of title may be fined not more than \$5,000 or imprisoned for not more  
21 than 5 years or both.

22 \*b0238/4.6\* SECTION 1998gL. 101.9205 of the statutes is created to read:

23 **101.9205 When department to issue certificate and to whom;**  
24 **maintenance of records.** (1) The department shall maintain a record of each  
25 application for certificate of title received by it and, when satisfied as to its

1 genuineness and regularity and that the applicant is entitled to the issuance of a  
2 certificate of title, shall issue and deliver a certificate to the owner of the mobile  
3 home.

4 (2) The department shall maintain a record of all applications, and all  
5 certificates of title issued by the department, indexed in the following manners:

6 (a) According to title number.

7 (b) Alphabetically, according to the name of the owner.

8 (c) In any other manner which the department determines to be desirable.

9 (3) The department shall charge a fee of not less than \$2 for conducting a file  
10 search of mobile home title records.

11 **\*b0238/4.6\* SECTION 1998gp.** 101.9206 of the statutes is created to read:

12 **101.9206 Contents of certificate of title.** (1) Each certificate of title issued  
13 by the department shall contain all of the following:

14 (a) The name and address of the owner.

15 (b) The names of any secured parties in the order of priority as shown on the  
16 application or, if the application is based on another certificate of title, as shown on  
17 that certificate.

18 (c) The title number assigned to the mobile home.

19 (d) A description of the mobile home, including make, model and identification  
20 number.

21 (e) Any other data which the department considers pertinent and desirable.

22 (2) (a) The certificate of title shall contain spaces for all of the following:

23 1. Assignment and warranty of title by the owner.

24 2. Reassignment and warranty of title by a mobile home dealer.

1 (b) The certificate of title may contain spaces for application for a certificate of  
2 title by a transferee and for the naming of a secured party and the assignment or  
3 release of a security interest.

4 (3) (a) Unless the applicant fulfills the requirements of par. (b), the department  
5 shall issue a distinctive certificate of title for a mobile home last previously registered  
6 in another jurisdiction if the laws of the other jurisdiction do not require that secured  
7 parties be named on a certificate of title to perfect their security interests. The  
8 certificate shall contain the legend “This mobile home may be subject to an  
9 undisclosed security interest” and may contain any other information that the  
10 department prescribes. If the department receives no notice of a security interest in  
11 the mobile home within 4 months from the issuance of the distinctive certificate of  
12 title, the department shall, upon application and surrender of the distinctive  
13 certificate, issue a certificate of title in ordinary form.

14 (b) The department may issue a nondistinctive certificate of title if the  
15 applicant fulfills either of the following requirements:

16 1. The applicant is a mobile home dealer and is financially responsible as  
17 substantiated by the last financial statement on file with the department, a finance  
18 company licensed under s. 138.09, a bank organized under the laws of this state, or  
19 a national bank located in this state.

20 2. The applicant has filed with the department a bond in the form prescribed  
21 by the department and executed by the applicant, and either accompanied by the  
22 deposit of cash with the department or also executed by a person authorized to  
23 conduct a surety business in this state. The bond shall be in an amount equal to 1.5  
24 times the value of the mobile home as determined by the department and conditioned  
25 to indemnify any prior owner and secured party and any subsequent purchaser of the

1 mobile home or person acquiring any security interest in it, and their respective  
2 successors in interest, against any expense, loss or damage, including reasonable  
3 attorney fees, by reason of the issuance of the certificate of title of the mobile home  
4 or on account of any defect in or undisclosed security interest upon the right, title and  
5 interest of the applicant in and to the mobile home. Any such interested person has  
6 a right of action to recover on the bond for any breach of its conditions, but the  
7 aggregate liability of the surety to all persons shall not exceed the amount of the  
8 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
9 years or prior thereto if, apart from this section, a nondistinctive certificate of title  
10 could then be issued for the mobile home.

11 (4) A certificate of title issued by the department is prima facie evidence of the  
12 facts appearing on it.

13 (5) The department may issue a certificate of title in an automated format.

14 \*b0238/4.6\* SECTION 1998gt. 101.9207 of the statutes is created to read:

15 **101.9207 Lost, stolen or mutilated certificates.** (1) If a certificate of title  
16 is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal  
17 representative of the owner named in the certificate, as shown by the records of the  
18 department, shall promptly make application for and may obtain a replacement  
19 upon furnishing information satisfactory to the department. The replacement  
20 certificate of title shall contain the legend "This is a replacement certificate and may  
21 be subject to the rights of a person under the original certificate".

22 (2) A person recovering an original certificate of title for which a replacement  
23 has been issued shall promptly surrender the original certificate to the department.

24 \*b0238/4.6\* SECTION 1998gx. 101.9208 of the statutes is created to read:

25 **101.9208 Fees.** The department shall be paid the following fees:

1           (1) For filing an application for the first certificate of title, \$8.50, by the owner  
2 of the mobile home.

3           (2) Upon filing an application under sub. (1) or (4) before the first day of the  
4 2nd month beginning after the effective date of this subsection ... [revisor inserts  
5 date], an environmental impact fee of \$5, by the person filing the application. Upon  
6 filing an application under sub. (1) or (4) on or after the first day of the 2nd month  
7 beginning after the effective date of this subsection ... [revisor inserts date], an  
8 environmental impact fee of \$6, by the person filing the application. All moneys  
9 collected under this subsection shall be credited to the environmental fund for  
10 environmental management.

11           (3) For the original notation and subsequent release of each security interest  
12 noted upon a certificate of title, a single fee of \$4 by the owner of the mobile home.

13           (4) For a certificate of title after a transfer, \$8.50, by the owner of the mobile  
14 home.

15           (6) For each assignment of a security interest noted upon a certificate of title,  
16 \$1 by the assignee.

17           (7) For a replacement certificate of title, \$8, by the owner of the mobile home.

18           (8) For processing applications for certificates of title which have a special  
19 handling request for fast service, a fee established by the department by rule, which  
20 fee shall approximate the cost to the department for providing this special handling  
21 service to persons so requesting.

22           (9) For the reinstatement of a certificate of title previously suspended or  
23 revoked, \$25.

24           (10) For transfer of registration or credits for registration to a mobile home  
25 currently titled in the name of the applicant, \$4, by the owner of the mobile home.